

Nigdy Więcej and Opferperspektive (eds.)

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# **HATE CRIME MONITORING AND VICTIM ASSISTANCE**

**IN POLAND AND GERMANY**



# **Hate Crime Monitoring and Victim Assistance in Poland and Germany**

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## Foreword

The Foundation “Remembrance, Responsibility and Future” is pleased to be able to present this explorative study on hate crimes in Germany and in Poland to the public. The study is an intermediate result of a work process initiated by the Foundation to develop its specific commitment to international protection of human rights in cooperation with actors from civil society.

The Foundation’s focus on human rights makes an emphatic start with the victims of hate crimes, analysing their situation, their interests and their need for empowerment and practical solidarity. After all, the Foundation itself is a result of an international political process benefiting victims of human rights violations, especially victims of forced labour under National Socialism who were bereft not only of effective resources to defend themselves, but also of social commitment from their fellow men. Moral, human, financial and legal gestures of recognition of this injustice were withheld for a shamefully long period after the end of World War II and wounded the respect due to the victims, as well as the principles of an indivisible legal culture.

In remembrance of this injustice and the subsequent omissions, the Foundation aims to promote capacity building among civil society actors in future that will benefit vulnerable groups directly and complement existing preventive instruments. Not only does this study substantiate the existence of hate crimes in Germany and in Poland—two of the societies with which the Foundation plans to cooperate. The distinct gaps in systematic and critical monitoring and reliable data documented here lead us to fear that even today, in the heart of Europe, violations of the rights of for instance refugees, Roma or homosexuals continue to encounter a certain degree of social acceptance or indifference, instead of resolute advocacy of the same protection of rights, freedoms and dignities for all.

The international commitment of the Foundation “Remembrance, Responsibility and Future” will aim to ensure availability of direct offers of legal and personal assistance to victims of hate crimes. The project is expected to run in Germany, Poland, the Czech Republic and Ukraine. The necessary training of appropriate NGOs and the cross-frontier sharing of experience should trigger sustainable impulses for improving the situation and legal position of victims of hate crimes and for sensitising the relevant groups in society. This is to be done in close partnership cooperation between actors in the countries involved.

The present study documents the first intensive and practical German-Polish cooperation in the area of hate crimes.

We wish to thank the staff of the two partners in cooperation, the Nigdy Więcej association from Warsaw and the registered association for victims Opferperspektive from Potsdam, above all for their committed response to our initiative, for developing a comparative analytical and conceptual framework for the study and

implementing this effectively up and down the country, as well as for contributing their valuable networks and their expertise, and last but not least for the careful preparation of this publication. Our thanks are due to the some 60 Polish and German interviewees from self-help initiatives and a wide range of associations for their trust and confidence in allowing us an insight into their work and for sharing their experience and their perspectives with us. This helped us to quantify the need for capacity building to assist the victims of hate crimes, whether this comprise legal, personal or psychological assistance.

We would be grateful to receive any suggestions for development of the human rights commitment of our Foundation for the benefit of victims of hate crimes.

We hope that this two-country study will itself grant readers new insights into the situation and interests of hate crime victims, or sensitise them for tasks in connection with human rights to which we cannot remain indifferent.

**Dr. Martin Salm**

Chairman of the Board of Directors of the Foundation  
“Remembrance, Responsibility and Future”

## Acknowledgements

The following report is the result of a Polish-German joint project, coordinated and carried out by the Potsdam-based association *Opferperspektive* (Victims' Perspective) and the Warsaw-based organization *Nigdy Więcej* (Never Again) between January and July 2008. It was made possible by funding from the Foundation "Remembrance, Responsibility and Future" (Stiftung "Erinnerung, Verantwortung und Zukunft"), a German foundation dedicated to fostering projects that promote: a better understanding among cultures, 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.

The research project entitled *Hate Crime Monitoring and Victim Assistance in Poland and Germany* touches on various aspects of the foundation's program. First, it has brought together a mixed group of political activists and academics from both countries involved in the struggle against contemporary manifestations of racism, xenophobia, anti-Semitism and right-wing extremism. This has facilitated an intensive exchange of information and practical experiences. Secondly, the project focuses on the problem of hate crimes, which should be considered one of the most severe and yet common forms of human rights violations in Europe today. These crimes undermine and threaten not only an individual's right to dignity and physical inviolability, but also the ability of many minority groups and communities to participate in our democracies. And finally, it furthers future transnational cooperation between participants in Polish and German civil society in order to improve monitoring systems of right-wing violence and support services for hate crime victims.

The report was compiled and prepared by Britta Grell (Berlin), Timm Köhler (Berlin), Rafal Pankowski (Warsaw), Natalia Sineaeva (Warsaw) and Marcin Starnawski (Wrocław). Jacek Zinkiewicz (Kraków) and Alicja Kowalska (Warsaw) conducted some of the interviews, on which the report is mainly based. Dominique John (Berlin) was the project coordinator.

The results of the research were presented to the public during the conference "Intolerance Kills: Hate Crimes Monitoring and Victim Assistance in Poland and Germany," hosted by the University Collegium Civitas in Warsaw, 12–13 September 2008. The event opened with keynote speeches by the well-known Polish journalist Konstanty Gebert and Ulla Kux from the German Foundation "Remembrance, Responsibility and Future." The conference consisted of presentations by members of the research team on hate crime monitoring: Timm Köhler discussed the legal aspects of hate crime prosecution and victim assistance in Poland and Germany; Britta

Grell analyzed the dynamics, challenges and future perspectives of NGO activities in the field in Germany; and Marcin Starnawski explored the same issues in Poland. The discussion that followed highlighted critical points of the research report. After the plenary session, participants had a chance to raise further questions in a general discussion about the proposals concerning future Polish-German cooperation in hate crime monitoring and victim assistance, as well as the development of NGO and research projects dealing with these issues in Poland. These proposals were then discussed at greater length in workshops. On the second day of the conference, a series of workshops were held specializing in subjects of hate crime victim support, homophobia and hate crimes on the Internet. The conference brought together about 70 researchers, activists and journalists from Poland, Germany, Ukraine, Romania, Moldova, Slovakia, the Czech Republic, Russia and Belarus.

We would like to thank the Foundation “Remembrance, Responsibility and Future” for their generous financial support and commitment. Furthermore, we wish to thank all the other contributors, especially the more than 60 interview partners from NGOs and the experts in both countries, who dedicated their time and efforts to support our inquiries. We very much appreciate the views and experiences shared with us by so many people and hope that our representation of their experiences and activities are accurate.

The opinions expressed in the following report are those of the authors only and do not necessarily reflect the positions of the foundation or the project partner organizations Opferperspektive and Nigdy Więcej.

Berlin, October 2008

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# Introduction

The dramatic rise in homophobic, racist and anti-Semitic violence in many European countries over the past decades lends new urgency to the issue of combating discrimination and hate crimes. Poland and Germany, two neighboring countries with a particularly difficult historical relationship are no exception in this respect. Both have seen extreme nationalistic movements and right-wing organizations and parties gain influence inside and outside the parliaments over the past few years. Furthermore, various studies and public-opinion polls indicate that both are challenged by a wide range of intolerance and ethnic and religious biases within the population.<sup>1</sup>

Some of the hate crimes that accompany these troubling developments will be documented in this report to illustrate they are not isolated cases. We will also present official and unofficial aggregated figures on recorded incidents of right-wing violence and hate speech in both countries for the past three years; however, the main focus of the report will be on the strategies and activities of those organizations and projects that give marginalized groups a platform where they can be heard and represented. While there has been mounting public and academic interest in comparing organized forms of far-right activities with xenophobic tendencies across Europe, less common has been the transnational study of policies and projects that counteract right-wing movements and related violence. This is particularly true regarding the dynamic role played by non-governmental actors and organizations that represent the interests of groups most affected by hate crimes, such as Roma, migrant and LGBT communities, religious minorities, anti-Fascist and anti-racist activists, as well as young people involved in alternative cultural scenes. Furthermore, despite various formal and informal NGO networks dedicated to counteracting homophobia, racism and anti-Semitism on the European level, programs that could foster transnational cooperation on practical issues are difficult to implement. This is often due to several factors, including lack of resources, dissimilar working and operational conditions between the countries, and structural differences within civil society that create political opportunities.

The funding of the Foundation “Remembrance, Responsibility and Future” (Stiftung “Erinnerung, Verantwortung und Zukunft”) provided us with a rare opportunity to take a closer look at potential forms of cooperation and mutual support between German and Polish NGOs in the field of human rights activities, specifically monitoring right-wing assaults and providing assistance to victims of hate crimes. The idea for this research project is based on the shared conviction of all project partners that these two elements are crucial if broader national and

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<sup>1</sup> Heitmeyer, Wilhelm (ed.) 2006. *Deutsche Zustände (Folge 4)*, Frankfurt/Main; Decker, Oliver; Brähler, Elmar 2006. *Vom Rand zur Mitte: Rechtsextreme Einstellungen und ihre Einflussfaktoren in Deutschland*, Friedrich Ebert Stiftung, Berlin; Stosunek Polaków do innych narodów 2008. *Komunikat z badań CBOS Nr. 193*, Warsaw; Prawa gejów i lesbijek 2008. *Komunikat z badań CBOS Nr. 88*, Warsaw.

international strategies to counter right-wing extremism, homophobia, racism and anti-Semitism are to be effective. All efforts and public policies that seek to address the problem of bias-motivated violence and hate speech require detailed information on the frequency of these incidents and their circumstances, including the perpetrators and the victim groups affected. Unfortunately, the national governments and related institutions do not sufficiently provide this information, as will be illustrated in the following chapters. Outreach and support services to the victims are not only a matter of humanitarian commitment, solidarity and social justice, but they can also be utilized for further networking and empowerment of otherwise marginalized individuals, minority groups and communities. But the question remains of how to provide them with help given the limited resources and lack of government support, not only in the Polish context, but also for many German NGOs, especially those based in former West Germany, which receive less support than their eastern German counterparts.

Nigdy Więcej (Never Again) and Opferperspektive (Victims' Perspective), the organizations that developed the idea for this joint study, have many years of experience in monitoring hate crimes. A brief summary of each organization's work is as follows:

**Nigdy Więcej:** With a wide-ranging network of correspondents and volunteers, the Polish association is one of Poland's most important anti-Fascist and anti-racist initiatives. In its *Brown Book* (Brunatna Księga), a register of racist, xenophobic and homophobic incidents, members have documented a few thousand cases of hate crime and hate speech since the beginning of the 1990s, mostly committed by offenders affiliated with neo-Nazi or skinhead groups.<sup>2</sup> Since 2007 the monitoring program has been run in cooperation with the Collegium Civitas, a Warsaw-based university, and has received some support from the Stefan Batory Foundation (Fundacja im. Stefana Batorego). Hate crimes in Poland are published regularly in the anti-Fascist magazine *Nigdy Więcej* and on the association's website. This information is collected by 150 volunteers and correspondents all over Poland, who regularly monitor the press and the Internet and have well-established contacts to minority organizations and social groups exposed to hate crimes. Correspondents also frequently report incidents that they themselves have witnessed. Many of the offenses documented by *Nigdy Więcej* were not reported to the police. Their publications serve general educational purposes and provide the basis for important investigative reporting that has prompted coverage of the issue of hate crimes in mainstream Polish media.

**Opferperspektive:** This registered association has been offering legal, social and psychological assistance to victims of right-wing violence in the state of

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<sup>2</sup> *Nigdy Więcej. Katalog Wypadków Brunatna Księga.*

Brandenburg since 1998. The organization operates as a proactive outreach and monitoring center. On a daily basis, they monitor incidents of right-wing violence and identify and offer support to victims. When the federal government of Germany set up the CIVITAS program in 2001, it sought to combat the spread of right-wing extremism in East Germany. The approach developed by Opferperspektive served as the model that would later be replicated in other states. Eight regional NGOs with a similar profile have since been established. These NGOs have developed and implemented a set of definitions and standards to improve the quality and comparability of data collected on hate crimes. Each year they publish comprehensive information about the amount and type of hate crimes in the new federal states of Germany based on their research and a common database. These data highlight not only the persisting problem of right-wing violence in East Germany, but also the ongoing problem of underreporting.

Despite shared beliefs, commitments and interests, all project partners are well aware of the fact that specific experiences with far-right activities, hate crimes and subsequent countermeasures can not be easily transferred from one national context to the other. The geographic proximity of both countries and their common challenges with right-wing extremism do not necessarily mean that their counter-strategies and approaches to the problem have to look the same. Poland and Germany are still different in many respects, ranging from specific governance traditions to legal structures. This shapes the relationship between state actors and NGOs, different party systems, and public discourses on matters such as national or religious identities and distinct demographic features (e.g. the size of ethnic/religious minority groups and differing patterns of migration). While litigation strategies have become an integral part of some NGO activities to bring justice to victims affected by hate crimes in the German context, legal approaches and direct cooperation with state authorities are less common among Polish organizations due to a widespread distrust of law enforcement agencies in many sections of Polish society. This is especially the case among members of minority communities and young people. When looking at strategies to raise awareness of the problem of hate crimes, one has also to take into account that Poland has experienced an ultra-conservative backlash on the highest political level during the past few years. Until quite recently, some parties and politicians in power have been openly homophobic and anti-Semitic. When the party Self-Defense (Samobrona) and the League of Polish Families (Liga Polskich Rodzin, LPR) signed a coalition agreement with the Law and Justice (Prawo i Sprawiedliwość, PiS) party in May 2006, this represented the culmination of an ongoing campaign by right-wingers and extreme nationalists to gain government positions. Their objective was to intimidate and persecute their political opponents and minority groups. In light of publicly condoned assaults and the clash of political ideologies, NGOs involved in anti-racist and anti-Fascist activities or groups representing the LGBT community faced different challenges when compared to

their counterparts in Germany, where most intellectuals, all major political parties and other institutions (such as the mass media) generally condemn racism, homophobia and ethnic hatred. Furthermore, one has to keep in mind that various federal and state programs adopted by governments to counteract right-wing extremism in the early 2000s have provided hundreds of German NGOs with considerable resources, especially in the eastern parts of the country. This has increased their professional capabilities, enabling them to more effectively address the public and institutional neglect of hate crimes. In contrast, no comparable funding programs to date have been established in Poland to support the work of NGOs dealing with hate crimes and their victims, even though NGOs have been selected to form part of consultation processes organized by government agencies to fulfill some of the obligations resulting from international treaties and agreements.

## **Note on Research Design and Scope of the Study**

In the following report we will address some of these national differences, but we would also like to acknowledge from the very beginning the limited scope of the study. We did not set out to discuss all the historical, political and social factors and constraints relevant to NGO activities in the respective field. The goals of the study were the following:

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

Simply fulfilling these tasks was a major undertaking given that both teams had only six months to accomplish the following objectives: a) researching primary and secondary sources; b) conducting, summarizing and evaluating interviews; c) discussing the results and compiling this first draft report; and d) organizing five workshops with heated debates on matters such as terminology, the relevance of legal provisions and the assessment of our findings. One also has to take into

account that the current status of research and official data on hate crimes and hate crime policies is still very limited in Poland. Furthermore, other Polish organizations and supranational bodies carried out few legal studies and current reports. At the same time, we can assure that contacts to NGOs and other interview partners were facilitated by both project partners' knowledge, favorable reputation, and many years of extended activities and experiences in their respective fields.

The most important empirical source for our report are qualitative face-to-face interviews with NGOs and some selected experts, which were (with a few exceptions) recorded and summarized. A complete list of organizations and their representatives interviewed are listed in the Appendix on page 197, along with the date of the interview. Altogether, about 60 interviews were conducted, most of them between February and April 2008. Each research team was responsible for selecting the interview partners in their respective countries. However, given the lack of victim assistance structures with widespread governmental and community support in Poland, we agreed that it was reasonable to broaden the scope of the research by contacting and interviewing organizations and groups that have not been directly involved in monitoring and victim assistance. Nevertheless, we expected that these organizations would have an interest in these issues, because they either represent the interests of particular minority communities, or they have regular contact to potential victim groups such as refugees or the Roma community as welfare or human rights organizations. In the German part of the study, we concentrated more from the very beginning on organizations already active in the respective fields, paying less attention to informal groups, self-help groups, general welfare associations and human rights associations; this was mainly due to time restrictions. It would nonetheless be useful to incorporate the latter in subsequent studies and projects to find out about their views and experiences with victims of hate crimes. For the Polish part of the study, 28 organizations were selected for interviews. Most of them are officially registered associations, while others are foundations, religious organizations or informal groups. We mainly focused on organizations operating in larger urban areas. Almost half of the NGOs included in the survey are based in Warsaw, while others are primarily active in the eastern or southern parts of Poland (in cities such as Kraków and Oświęcim, as well as in the Lower Silesia and Opole region). In Germany 24 longer face-to-face interviews and about 20 shorter telephone inquiries were conducted. The main geographic focus of the study was East Germany, due to its better established structures for victim assistance and monitoring (with regard to right-wing violence). About 70 percent of our interview partners represent NGOs located either in Berlin or in 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. Names of organizations and projects are first supplied in English and then followed by Polish or German. Subsequent references are in English only, but a table can be found in the Appendix on page 197 with most organizations listed in both English and the original language.

The scope of our study sample is, of course, limited. Many other organizations could have been included in our research. We also realize that further interviews with academics, experts, and representatives of police or other government institutions might have been helpful for a broader assessment of hate crime policies in both countries. Unfortunately, there was not enough time to include their perspectives in this report. As highlighted in various chapters of this report, more comprehensive research on many issues is certainly needed.

## Note on Terminology

On a mixed team of Polish and German researchers and activists with different languages, backgrounds and educations, a general discussion on terminology at the beginning of our research was inevitable. What do we mean when we write and talk about right-wing violence and hate crimes? Are these terms understandable in our respective national, linguistic and political contexts? How do we differentiate between hate crimes and hate speech?

Throughout the report, terms such as “right-wing,” “far-right,” “extreme right” and “right-wing extremist” are frequently used, serving as umbrella terms for nationalistic, xenophobic, ultra-conservative; anti-liberal and anti-democratic positions, tendencies, organizations and manifestations in both countries. This pragmatic decision to abstain from academic distinctions and to use these terms rather interchangeably is due to the difficulty of a comparative study, in which we look at the two countries with different political constellations, academic and public discourses; and points of references. It is worth mentioning that, in the context of Eastern Europe and Poland, categories such as right-wing or left-wing have different connotations. Especially in the case of Poland, the term “right-wing” has often been associated with the democratic opposition during the post-Communist years. It should be also noted that even today some parties and organizations, which are usually called conservative or “center” in the Polish context, would be labeled right-wing or far-right in the West.

We are also aware of the fact that the terms “extremism” or “extremist” are rather controversial in both national contexts. In Poland the term “extremism” is often applied to fundamentalist groups and movements outside the country, for example, openly terrorist organizations. In Germany, many scholars and public discussions have applied the term “extremism” to ideologies and movements that undermine “the existing democratic order.” In the context of hate speech and crimes this concept of extremism is misleading, because hate crimes should be condemned and persecuted regardless of whether they pose a threat to national security or not. Since many of the attacks referred to in this report are not committed by people affiliated with organized groups that have a clear-cut right-wing world view or sympathies

to historical forms of Fascism such as German National Socialism, we were rather cautious with the application of the terms “Fascist” or “neo-Nazis.” If used in the report, they refer to groups which openly display Fascist ideologies.

The term “hate crime,” the central concept this study is based on, is not commonly used in Poland and Germany, but it has the advantage of incorporating or circumscribing a range of different ideologically motivated offenses—offenses that are usually addressed as racist, homophobic, anti-Semitic, social Darwinist, anti-Roma, anti-Muslim etc., or sometimes right-wing (extremist). The term, thus, emphasizes the common characteristic of all these ideological dimensions; namely, the assumption of inequality or inferiority of the victims targeted. On the other hand, by focusing on hatred or the perpetrators’ biases, the deep-rooted prevalence of racism, anti-Semitism, homophobia etc. in society might be downplayed or neglected within the framework of this concept. We nevertheless decided to adopt the term “hate crime” not only because it is the term most frequently used in English, but because it best reflects the variety of ideologically motivated attacks against minority groups in both countries.

We agreed to follow a definition to which a number of supranational bodies and international human rights organizations adhere. This definition was first developed by the Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR), the principal institution of the OSCE responsible for the human dimension (elections, human rights, and democratization).

- A) Any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership with a group as defined in Part B.
- B) A group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.<sup>3</sup>

In contrast to the ODIHR definition, however, we also consider attacks on left-wing activists, human rights activists or members of alternative youth cultures to be hate crimes, providing the motivation of the offender is ideological. That is, the offender views the victim/s as “anti-national” or a political enemy. We are also aware of the fact that hate crimes can take a variety of forms, from verbal abuses, graffiti, vandalism, harassment, to physical assaults, arson attacks or even murder, and that not all of these forms might be *litigable*. The degree to which the police, government institutions and NGOs in both countries apply and understand the term “hate crime” will be discussed in more detail in the following chapters.

<sup>3</sup> OSCE Office for Democratic Institutions and Human Rights 2006. Challenges and Responses to Hate-Motivated Incidents in the OSCE Region for the period January-June 2006, Warsaw, p. 7.

## Outline of the Report

The report is divided into five parts. Chapter 1 examines recent incidents of intolerance and violence towards minority groups in Germany and Poland. It describes how national authorities, supranational bodies and human rights organizations represent data concerning right-wing violence and related legislation. We also evaluate reports on the effectiveness of legislation against hate crime in both countries by organizations such as the European Commission against Racism and Intolerance (ECRI), the anti-racism body of the Council of Europe and the Fundamental Rights Agency (FRA) of the European Union. In the third part of the chapter, we briefly focus on the hate crime policies adopted by the most important national government programs to counteract right-wing extremism in both countries.

Chapter 2 gives an overview of relevant national legal provisions for combating and prosecuting hate crimes. We concentrate on the question of how the criminal justice system in both countries treats bias-motivated attacks in contrast to other crimes. Which potential victims groups receive more protection and why? This chapter on legal framework also provides information about the rights of crime victims in court proceedings and available restitution and legal funds, which are sometimes pertinent to litigation strategies.

Chapter 3 deals with the official monitoring systems in both countries. We look at the most important official data sources in Germany and Poland and present the figures provided by government and law enforcement institutions on recorded incidents of hate crimes and related legal proceedings. We also summarize the discussions surrounding official monitoring and registration systems, including the main concerns and complaints expressed by legal experts, NGOs and activists.

Chapter 4 is the research teams' most unique contribution. This chapter details the results of our study about NGOs that monitor right-wing violence and assist victims of hate crimes. We describe different approaches to the problem of hate crimes in Poland and Germany and how the groups and organizations in both countries understand and apply the term. The section on Polish NGOs discusses the demand and need for monitoring and support activities at length. Furthermore, it tries to identify the main reasons why hate crimes in Poland have not yet been addressed more openly. It explores obstacles and barriers within Polish society as well as limited resources and capacities of many NGOs. Each country chapter provides a tabular overview of the interviewed organizations' main activities, as well as their perspective on transnational cooperation. In the chapter conclusion, the most important research results are summarized.

In Chapter 5 we make recommendations for further research and projects, where German-Polish cooperation could be beneficial to NGOs that focus on human rights, especially NGOs in Poland. Based on our findings, these recommendations should be considered a basis for further discussion.

# 1 Hate Crimes in Poland and Germany

*A first step in dealing with the larger phenomenon of violent hate crimes is to fill the information deficit about its full extent, the gaps in states' responses, and the protection required for those under threat.*

(Michael McClintock, Humans Rights First)

## 1.1 Latest Incidents and Developments

### 1.1.1 Germany

In May 2008 German Interior Minister Wolfgang Schäuble participated in a memorial service for five members of a Turkish family murdered in the West German town of Solingen. They were victims of an arsonist motivated by xenophobia in 1993. Schäuble called the attack a historical turning-point for Germany and stressed that this event should serve as a constant reminder not to neglect efforts to promote a tolerant and diverse society.<sup>1</sup> The Solingen tragedy was part of a broader wave of racist and right-wing violence sweeping Germany in the wake of unification.<sup>2</sup> It has not abated to this day.

In 2000 the *Frankfurter Rundschau* and *Der Tagesspiegel* were the first mainstream publications to research and publish all known accounts of homicides motivated by racism and xenophobia in Germany. They republished the report in 2003, exposing 99 brutal deaths that resulted directly from right-wing crimes between 1990 and 2003, and 21 additional cases in which a right-wing motivation was considered likely, but not proven.<sup>3</sup> Victim support organizations in East Germany have recently published their latest figures for the new federal states.<sup>4</sup> In 2007 they registered 861 cases of right-wing attacks that affected 1,869 individuals.<sup>5</sup> By March 2008 German police had already recorded 1,311 right-wing and racially motivated offenses, including 72 acts of violence that left at least 200 people injured. This constitutes the highest number of such incidents accounted for in the first quarter of a year since the introduction of the new data registration system in 2001.<sup>6</sup> (Before 2001 data on bias-motivated crimes were not systematically recorded; this makes data collected

<sup>1</sup> Spiegel Online, 26 May 2008.

<sup>2</sup> Other serious attacks on Turkish migrants, refugee homes and synagogues, which have become markers for the national reassessment of hate crimes in the 1990's, occurred in Hoyerswerda (1991), Rostock (1992), Mölln (1993) and Lübeck (1994 and 1997). Following the deaths in Mölln and Solingen, the debate in Germany took a new turn. For the first time since the recruitment of so called "guest workers", the Federal Criminal Police Office began to record data on racist crimes in 1992 and anti-Semitic crimes in 1993. Bundesministerium des Innern; Bundesministerium der Justiz 2006. Zweiter Periodischer Sicherheitsbericht, Berlin, p. 135.

<sup>3</sup> Frankfurter Rundschau, 14 Sep 2000; Der Tagesspiegel, 14 September 2000; Der Tagesspiegel, 6 March 2003.

<sup>4</sup> The new federal states of Germany are Berlin, Brandenburg, Mecklenburg-Pomerania, Saxony-Anhalt, Saxony, and Thuringia.

<sup>5</sup> Opferperspektive e. V. 2008. Statistik rechter Gewalttaten in Ostdeutschland.

<sup>6</sup> Deutscher Bundestag 2008. Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Petra Pau und weiterer Abgeordneter und der Fraktion DIE LINKE: Ausländerfeindliche und rechtsextreme Ausschreitungen in der Bundesrepublik im März 2008, Drucksache 16/9188, Berlin.

prior to this year nearly impossible to compare.)

In most cases the public hears nothing about the specific circumstances of these attacks, the background of the offender/s, or how these violent incidents change the lives of those targeted. Out of the numerous incidents of hate crimes, only a few particularly brutal incidents make national or international headlines. One was the case of a 37-year-old German engineer of Ethiopian descent, who was attacked at 4 am on a street right in the center of Potsdam on Easter Sunday 2006. He was beaten so badly that he nearly died. The federal public prosecutor who was assigned the case said the assailants were motivated by, “hatred of foreigners and extreme right-wing inclinations.”<sup>7</sup> Shortly after the incident in Potsdam, a statement from Uwe-Karsten Heye, a former government spokesperson, caused further heated controversies over the severity of racism and right-wing violence in Germany, when he lamented that people with dark skin “might not make it out alive” if they set foot in certain towns, especially in the Brandenburg region around Berlin.<sup>8</sup> About the same time, only a few days before the opening of the World Cup in Germany, a Berlin-based umbrella organization of African community groups and activists drew international attention to the issue of physical safety for blacks and foreigners in East Germany by announcing that they were going to publish a list of “no-go” areas to warn visitors of the threat of hate crimes.<sup>9</sup> In August 2007 pictures of serious injuries suffered by eight Indian men assaulted at a local fair in Mügeln (Saxony) traveled around the globe, followed by further reports on racist attacks in the southern parts of Germany. This caused the same question from the 1990s to resurface as to whether German authorities were doing enough to protect ethnic minorities and foreigners in the country. German Chancellor Angela Merkel condemned the events in Mügeln as an “extraordinarily distressing and shameful incident,” which had been “noted very carefully” abroad and could damage Germany’s international standing.<sup>10</sup> Even though migrants and non-ethnic Germans belong to the most vulnerable groups in Germany targeted by right-wing groups, openly anti-Semitic manifestations and incidents have also been on the rise since the 1990s. In the beginning of November 2006, the European Jewish Congress issued a report on anti-Semitic incidents and discourses in Europe during the Israel-Hezbollah War. The section on Germany, compiled by the Central Council of German Jews, describes an “extremely difficult atmosphere for the country’s Jews.”<sup>11</sup> Another report by the Stephen Roth Institute for the Study of Anti-Semitism and Racism, based in Tel Aviv, noticed a dramatic surge in anti-Semitic verbal insults, especially involving Jewish students and youth in the German capital Berlin, where the word “Jew” has become a popular insult in many schools.<sup>12</sup> On 25 February 2007, a Jewish kindergarten in Berlin-Charlottenburg was the target of an anti-Semitic assault by Nazi sympathizers. The perpetrators defaced

<sup>7</sup> The Boston Globe, 24 Apr 2006.

<sup>8</sup> Opferperspektive e.V. 2008. Der Fall Ermyas M.: Chronik einer Debatte, Potsdam, p. 9.

<sup>9</sup> Die Zeit, 17 May 2006.

<sup>10</sup> Spiegel Online, 22 Jul 2007.

<sup>11</sup> European Jewish Congress 2006. Anti-Semitic Incidents and Discourse in Europe During the Israel-Hezbollah War, Paris, p. 23.

<sup>12</sup> Stephen Roth Institute for the Study of Anti-Semitism and Racism 2006. Country Report on Germany.

the building with swastikas and slogans recalling the horrors of the Holocaust. They also threw a smoke bomb into the kindergarten.<sup>13</sup> Another anti-Semitic hate crime received much international media coverage when a 42-year-old rabbi was stabbed in an attack near the financial district in Frankfurt/Main in September 2007.<sup>14</sup> As in previous years, desecrations of Jewish cemeteries and Holocaust memorials as well as vandalism of Jewish sites were reported for 2007 throughout Germany, sometimes several times a week.<sup>15</sup>

The contemporary discussion on violent hate crimes in Germany is still very much focused on the situation in the former communist East Germany, where far-right parties such as the National Democratic Party (Nationaldemokratische Partei Deutschlands, NPD) made significant gains in recent local and state elections. Right-wing attitudes and violence have developed into an everyday phenomenon in many regions of the East, posing a constant threat to visible minorities and those openly opposed to far-right ideologies. While certain regions such as Berlin, Brandenburg, Saxony or Saxony-Anhalt do stand out for both the frequency and severity of racist attacks and other related attacks, the problem of hate crimes is not geographically restricted to the new federal states.<sup>16</sup> According to the last annual report from the Federal Office for the Protection of the Constitution, North Rhine-Westphalia and Lower-Saxony (two western states) are leading in the statistics for right-wing hate crimes with regard to absolute numbers. In all, 122 cases of violent assaults with a right-wing political motivation were registered by the police in North Rhine-Westphalia for 2007, and 110 in Lower-Saxony for the same year.<sup>17</sup>

Furthermore, a closer look at the figures reveals that the targets of right-wing assault are not limited to religious or ethnic minorities. In many cities throughout the country, political activists and members of alternative youth cultures are the largest victim group of right-wing violence.<sup>18</sup> In some places, left-leaning youth clubs, contact locations for the LGBT community or other institutions known for the anti-racist and anti-Fascist activities have been repeatedly attacked and damaged. Bremen, a town in the north of Germany, for example, experienced a wave of violent attacks in February 2008 directed against educational institutions that are known for their anti-Fascist and “multicultural” commitment.<sup>19</sup> Referring to incidents of brutal assaults on journalists during a neo-Nazi demonstration in Hamburg on 1 May 2008, the spokesperson of the German Association of Journalists (Deutscher Journalisten-Verband) also warned of a “new quality of right-wing violence and

<sup>13</sup> Die Tageszeitung, 26 Feb 2007.

<sup>14</sup> Frankfurter Rundschau, 10 Sep 2007.

<sup>15</sup> Amadeu Antonio Stiftung. *Chronik antisemitischer Vorfälle 2007*.

<sup>16</sup> For a discussion of the differences between East and West Germany with respect to right-wing extremism, see: Rommelspacher, Birgit 2006. *Rechtsextremismus in Ost- und Westdeutschland im Vergleich*. In: Friedrich Ebert Stiftung (ed.). *Gegen Rechtsextremismus in Ost und West: Andere Ursachen—Andere Gegenstrategien*, Konferenzdokumentation, Berlin, p. 6-21.

<sup>17</sup> Bundesministerium des Innern 2008. *Verfassungsschutzbericht 2007*, Berlin, p. 27.

<sup>18</sup> All interviewed victim support organizations in East Germany as well as some NGOs in Lower-Saxony state that alternative and left-wing youth are a prime target group of right-wing violence, besides refugees and migrants.

<sup>19</sup> Groh, Leon; Kulick, Holger (eds.) 2008. *Chronik rechtsextremer und rassistischer Gewalt 2007/8*.

threats” targeting critical representatives of the press.<sup>20</sup> Intelligence agents stated that they have identified a new phenomenon in the German far-right scene: so-called autonomous nationalists who are “significantly more likely to commit acts of violence against political opponents and the police”.<sup>21</sup> Journalisten-Verband also warned of a “new quality of right-wing violence and threats” targeting critical representatives of the press.<sup>20</sup> Intelligence agents stated that they have identified a new phenomenon in the German far-right scene: so-called autonomous nationalists who are “significantly more likely to commit acts of violence against political opponents and the police”.<sup>21</sup>

### 1.1.2 Poland

While hate crimes are an issue of sometimes broader media coverage and political discussions in Germany, the subject is still rarely publicly debated in Poland. The voices of the targeted groups remain weak and are almost never heard by politicians. Ethnic minorities constitute only two percent of the Polish population, and they are hardly visible in the media. Other victimized groups are socially marginalized as well; they often belong to religious minorities or dissident youth subcultures with little or no access to channels of mass communication. In fact, the overwhelming silence surrounding the issue of right-wing crimes or related violence can be attributed to Polish society’s extreme sensitivity to the topic. Hate crime—as an element of the wider problem of racism, xenophobia and discrimination—clashes with the dominant (internal and external) image of Polish society.

There are no up-to-date official statistics on hate crimes available for Poland aside from some incomplete data published by the Police Headquarters Office, which do not allow for an accurate assessment of the problem.<sup>1</sup> The most important source that can fill the information gap to some extent remains publications and surveys of non-governmental organizations, which highlight regular patterns of discrimination and violent manifestations of homophobia, anti-Semitism and racism throughout the country. In 2007, for example, the association *Nigdy Więcej* registered approximately 130 cases of hate crime and hate speech in their *Brown Book* (*Brunatna Księga*), including incidents of bodily injuries, desecrations of sites connected to religious minority groups like cemeteries and synagogues, and a long list of cases ranging from verbal incitement to ethnic, national or religious hatred, mainly made in public gatherings, chauvinist propaganda materials or the press.<sup>2</sup>

<sup>20</sup> Die Tageszeitung, 16 May 2008.

<sup>21</sup> Spiegel Online, 3 Jun 2008.

<sup>1</sup> Twelve cases of physical assaults were registered for 2006; no data is available for 2007 (see Chapter 3).

<sup>2</sup> *Nigdy Więcej*. Katalog Wypadków Brunatna Księga. See also: *Nigdy Więcej*, Nr. 16, zima-wiosna 2008, p. 91-98; *Nigdy Więcej*, Nr. 17, zima-wiosna 2009, p. 91-93. A separate register includes incidents at sport and football stadiums. *Nigdy Więcej* recorded 17 cases of chauvinist (i.e. racist, anti-Semitic, neo-Fascist, xenophobic) incidents in sport stadiums in 2007. *Nigdy Więcej*. Katalog Wypadków Brunatna Księga. See also: *Nigdy Więcej*, Nr. 16, zima-wiosna 2008, p. 54-55; *Nigdy Więcej*, Nr. 17, zima-wiosna 2009, p. 57-59.

Most of the time, the perpetrators of violent attacks belong to far-right organizations and skinhead groups. In January 2007, in the town of Pila in the Wielkopolska region, three teenagers were attacked and severely beaten by a neo-Nazi, who shouted “Sieg Heil” stretched his arm in a the characteristic (Fascist) way. The offender fled from the site of the crime, where he left one of the victims unconscious. The cause of the attack was his ideologically grounded hatred towards people of an “alternative appearance.” Another violent incident happened in Kraków in April 2007, when a group of skinheads openly identifying themselves as neo-Nazis, accosted and attacked a man on the campus of the Mining-Metallurgic Academy whose appearance did not fit their ideal of a “true Pole.” The victim, who belonged to the alternative culture scene, was severely beaten, but fortunately he managed to escape. The incident was not reported to the police. In other registered cases of hate crime, private security guards were involved, as for example in Białystok, where in November 2007 a man of Chechen origin was severely beaten outside a tavern by a group of Polish men who were working as bouncers and security guards in nearby clubs. Only when the offenders dragged the semi-conscious and bleeding victim behind the building did the police—present at the scene of the crime—feel compelled to intervene. According to some witnesses of the incident, the victim’s ethnic/national background influenced why the police officers did not intervene earlier and arrest the perpetrators.<sup>3</sup>

Some public leaders, including high-ranking politicians and Catholic priests, also add to the problem by openly inciting intolerance and hatred against minority groups. Particularly troubling incidents of this kind has caught broader international attention when, for example, the mayor of Warsaw, President Kaczynski and authorities in Poznań banned gay pride parades planned in both cities in 2005. Other far-right politicians have also openly opposed the right to basic freedoms and equal respect for lesbian and gay people.<sup>4</sup> As a result of the escalation of anti-gay rhetoric, the number of attacks on members of the LGBT communities and their clubs increased enormously, even death threats were sent.<sup>5</sup> In April 2007 the European Parliament expressed outrage at growing intolerance towards lesbian and gay people across Europe, singling out Poland in particular. It passed a resolution calling for worldwide decriminalization of homosexuality. Polish authorities were particularly urged “to publicly condemn and take measures against declarations by public leaders inciting discrimination and hatred based on sexual orientation.”<sup>6</sup>

In 2007 the Anti-Defamation League asked the Pope to publicly denounce the anti-Semitism of Father Tadeusz Rydzik, a Polish Catholic priest who, “[a]s the founder and director of Radio Maryja, [...] is responsible for the anti-Semitic comments and

<sup>3</sup> All incidents referred to are documented in *Nigdy Więcej. Katalog Wypadków Brunatna Księga*.

<sup>4</sup> Globalgayz.com. *Gay Poland News and Reports 2005*.

<sup>5</sup> According to a survey carried out by the Campaign Against Homophobia and the NGO Lambda Warsaw, 17.6 percent of all respondents reported that they had been subject to physical violence in 2005 and 2006, and 51 percent stated some experience with hate speech on homophobic grounds. See: Abramowicz, Marta 2007 (ed.). *Sytuacja społeczna osób biseksualnych i homoseksualnych w Polsce: Raport za lata 2005 i 2006*, Warsaw, p. 15 and 28.

<sup>6</sup> Amnesty International 2007. *Europe and Central Asia Summary of Amnesty International’s Concerns in the Region: Jan–Jun 2007*.

concepts the station regularly broadcasts to millions of Polish Catholic faithful.”<sup>7</sup> One year before, the organization had published a report titled “Poland: Democracy and the Challenge of Extremism.” It stated: “Poland has emerged from the repressive years of communist rule as a pluralist democracy. Its accession to membership of the European Union in 2004 confirmed that a robust democratic system is in place, which includes important legislative instruments to protect minorities from hate speech and hate crimes perpetrated by extremist groups.”<sup>8</sup> Nevertheless, the report warned: “In Poland today, the influence of xenophobic political currents has grown to worrying proportions.”<sup>9</sup> It also detailed several cases of violent attacks and other activities by the most predominant hate groups. With regard to the situation in Poland, the Stephen Roth Institute stated: “While no official data is available for 2006 alone, the magazine *Never Again* (Nigdy Więcej) identified 227 hate incidents in the latter half of 2005 and first half of 2006, most of them anti-Semitic, including an assault, desecrations, and violent behavior and anti-Semitic slogans at football stadiums.”<sup>10</sup>

Nevertheless, only a few hate crime incidents in the past few years aroused interest and action at the highest political level. These were primarily offenses that risked having a negative impact on Poland’s international reputation. One example was the attack on Poland’s chief rabbi Michael Schudrich on 27 May 2006. The American-born rabbi was punched and attacked with pepper spray in a Warsaw street by a man shouting “Poland for the Polish!” This was the first widely publicized case of a physical anti-Semitic assault against a person in many years. The police arrested Karol G., a 33-year-old far-right activist and former parliamentary candidate of the Polish National Party (PPN), who admitted to the assault. The attack was condemned by the government and the media, and President Lech Kaczyński apologized personally to Schudrich. Then Prime Minister Kazimierz Marcinkiewicz expressed his regrets and declared that there is no place for anti-Semitism in Poland. Three months later, the assailant was convicted to a two-year suspended prison sentence.<sup>11</sup>

Another case that received broader attention happened on 16 May 2006, when an anti-racist activist was stabbed and almost died from his injuries near his home in Warsaw. The general public and many activists considered this attack to be directly linked to the neo-Nazi website Redwatch, which is operated by the Polish branch of the Blood and Honour network. This white supremacist group had included the activist’s name in its “hit list of enemies.”<sup>12</sup> The infamous Redwatch site is known for publishing photos and names of people allegedly involved in anti-Fascist and anti-racist activities, immigrants, activists of leftist associations, supporters of gay

<sup>7</sup> 2007. ADL Asks Pope To Publicly Denounce Polish Priest’s Anti-Semitism, press release, New York, 8 Aug 2007.

<sup>8</sup> Anti-Defamation League 2006. Poland: Democracy and the Challenge of Extremism, New York, p. 3.

<sup>9</sup> *Ibid.*, p. 1.

<sup>10</sup> Stephen Roth Institute for the Study of Anti-Semitism and Racism 2006. Country Report on Poland.

<sup>11</sup> Nigdy Więcej. Katalog Wypadków Brunatna Księga. See also: Nigdy Więcej, Nr. 16, zima-wiosna 2008, p. 84; Stephen Roth Institute for the Study of Anti-Semitism and Racism 2006. Country Report on Poland.

<sup>12</sup> Nigdy Więcej. Katalog Wypadków Brunatna Księga, p. 83.

rights and many other people whom the far-right considered political opponents. After an investigation of the attempted murder in Warsaw, the police arrested one of two men who had carried out the attack on the activist and several other individuals linked to Redwatch.<sup>13</sup> Soon after, the then Minister of the Interior, Ludwik Dorn, and the national chief of police, Marek Bienkowski, called a special press conference where they assured the public that the attack had been a result of a personal conflict between people with a purely “hooligan background,” and thus must not be treated as a hate crime. They ridiculed press articles and political statements that expressed alarm.<sup>14</sup>

The relatively high level of public interest in the Redwatch hate crime case may be attributed to the fact that the creators of the “hit list” also included numerous names and addresses of journalists and other public figures labeled enemies of this group. Nigdy Więcej then informed the relevant media and other people affected, which resulted in a broader public debate about questions surrounding neo-Nazism in Poland and limits to the freedom of speech on the Internet. While the Polish authorities claimed to have shut down the website in cooperation with the FBI, a claim repeated in OSCE reports on hate crime, the FBI has denied any involvement in the case.<sup>15</sup> We can affirm that the “hit list” has continued to exist, uploading new data well into 2008.

The discussion about the two high-profile hate crime cases mentioned above happened in the highly charged political context of the right-wing government. Right-wing politicians and media consistently and forcefully deny the existence of problems such as hate crime and xenophobia in Polish society. This approach is frequently reflected in activities (or lack thereof) of the judiciary and other state institutions, including local authorities. One very recent example of the reluctance to address the issue is exemplified by the town of Warka, where in May 2008 a Jewish-American tourist was beaten and intimidated by a group of youths. After the story was published in the press, local authorities and police flatly denied any problem of anti-Semitism in the town, despite overwhelming evidence to the contrary.<sup>16</sup> One can see a parallel here with routine statements by those in positions of power like the President and the Prime Minister, who, on recent official visits to Israel, declared that “there is no tolerance for anti-Semitism in Poland.”<sup>17</sup> In this sense, the subject of hate crime remains strongly politicized and cannot be completely disassociated from the political influence of extreme nationalistic, anti-Semitic and anti-democratic movements in Poland at large.

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<sup>13</sup> The culprit in the above mentioned attack, a vocalist of the hate-rock skinhead band Awantura, was subsequently sentenced to ten years in prison.

<sup>14</sup> *Dziennik Krakow*, 5 Aug 2006.

<sup>15</sup> The Associated Press, 17 Nov 2007; OSCE Office for Democratic Institutions and Human Rights 2006. *Challenges and Responses to Hate-Motivated Incidents in the OSCE Region for the Period January-June 2006* (document issued at the Human Dimension Implementation Meeting), Warsaw, 12 Oct 2006, p. 11.

<sup>16</sup> *Gazeta Wyborcza*, 27 May 2008.

<sup>17</sup> *Tygodnik Powszechny*, 27 Apr 2008.

## 1.2 Concerns Raised by International Organizations

Right-wing and xenophobic attacks are not a merely national matter, given that they violate the basic civil and human rights of individuals and sometimes of whole communities. There are a number of supranational bodies and international networks of NGOs that monitor hate crimes and related public policies in European countries. These policies are mainly based on international human rights conventions, guidelines and standards set by the Council of Europe and the European Union that provide a framework for protecting all people, including non-EU citizens, against discrimination. In addition to these standards, declarations and resolutions also require that EU member states actively engage in the fight against violence motivated by bias and intolerance. The most important hate crime policies adopted by Poland and Germany are the International Covenant on Civil and Political Rights, the International Covenant on the Elimination of All Forms of Racial Discrimination and the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>1</sup>

The Council of Europe was the first supranational body to monitor how its member states responded to the increase in hate crimes. In 1993 it created the European Commission against Racism and Intolerance (ECRI), which stated in its general policy recommendation that its member states should “ensure that accurate data and statistics are collected and published on the number of racist and xenophobic offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted.”<sup>2</sup> The ECRI’s main tasks are:

- to review the member’s states legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance
- to propose further action at the local, national and European levels to formulate general policy recommendations to member states.

Since 1994 the ECRI has completed three rounds of country reports based on both governmental and non-governmental sources (the first from 1994-1998, the second from 1999-2002 and the third from 2003-2007).

The European Union followed the Council of Europe’s example in 2002, when it installed the European Monitoring Center on Racism and Xenophobia (EUMC).<sup>3</sup>

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<sup>1</sup> See: Office for Democratic Institutions and Human Rights (ODIHR) 2004. *International Action Against Racism, Xenophobia, Anti-Semitism and Intolerance in the OSCE Region: A Comparative Study*, Warsaw; Addy, David Nii 2005. *Rassistische Diskriminierung: Internationale Verpflichtungen und nationale Herausforderungen für die Menschenrechtsarbeit in Deutschland*, Berlin.

<sup>2</sup> European Commission Against Racism and Intolerance (ECRI) 1996. *ECRI General Policy Recommendation Nr. 1 on Combating Racism, Xenophobia, Anti-Semitism, and Intolerance*, Strasbourg, p. 5.

<sup>3</sup> European Monitoring Center on Racism and Xenophobia (EUMC) 2002. *Racism and Xenophobia in the EU Member States: Trends, Developments and Good Practice in 2002: Annual Report*, Vienna, p. 89.

In 2007 the EUMC was replaced by the Agency for Fundamental Rights (FRA). Its primary objective is to collect reliable and comparable data about racism and xenophobia in the European Union, which is provided by the European Information Network on Racism and Xenophobia (RAXEN) and its National Focal Points.<sup>4</sup> The German RAXEN reports are compiled annually at the European Forum for Migration Studies (efms), which has been the National Focal Point for Germany since 2001 at the University of Bamberg. In Poland the Helsinki Foundation for Human Rights, based in Warsaw, carries out the function of the National Focal Point, and it has compiled the RAXEN reports since the fall of 2003.

In 2003 the Maastricht Ministerial Council's Decision on Tolerance and Non-Discrimination also strengthened the OSCE's role in combating racism and intolerance. The Council commissioned the Office for Democratic Institutions and Human Rights (ODIHR), its human rights body, to serve as a collection point for information and statistics gathered by participating states on hate crimes. This encompasses violent manifestations of racism, xenophobia, discrimination and anti-Semitism.<sup>5</sup> Besides offering practical support such as law enforcement training and legislative assistance, one of ODIHR's most important contributions has been its ability to advance the debate on the concept of hate crimes. It is the only international body mentioned so far to offer a common working definition on hate crimes "that can be used across the OSCE region to reflect the diversity of victims targeted."<sup>6</sup>

All of the afore-mentioned watchdog institutions have a limited role in the enforcement of hate crime policy standards; therefore, it is difficult to assess how much attention national governments have paid to their recommendations. Nevertheless, like other areas of policy-making, it can be assumed that they are able to put member states and their authorities under some public scrutiny if state representatives make no effort to respond to standards established by international conventions and politically binding agreements. Especially in the case of Poland, monitoring activities by supranational bodies have also provided associations representing minority communities and other NGOs committed to the fight against discrimination with a platform to discuss their views with a broader audience, thus strengthening their position in consultation processes and their lobbying efforts for a broader recognition of their concerns.

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<sup>4</sup> According to the FRA, the primary objectives of the National Focus Points are "to set up a national information network, which includes cooperation with the main actors in the field of racism, xenophobia and anti-Semitism, being either governmental institutions, NGOs, research bodies, specialised bodies or social partners," and to "coordinate and structure the national data collection and transmit the information to the FRA according to specific guidelines." European Union Agency for Fundamental Rights 2007. Report on Racism and Xenophobia in the Member States of the EU, Vienna, p. 4.

<sup>5</sup> OSCE 2005. OSCE Human Dimension Commitments, Vol. 1, Warsaw.

<sup>6</sup> See the introduction of this report (p. 9).

### 1.2.1 Lack of Comparable and Reliable Data

Lack of comparable data constitutes a challenge for most reports compiled by international institutions and NGOs. Countries vary not only in their definition of what hate crimes are, but also in what kinds of data and information they collect and publish about hate-motivated incidents and offenses. This makes it almost impossible to compare hate crime rates between different states.<sup>7</sup>

According to an assessment by the Agency for Fundamental Rights (FRA) of the European Union, only two EU member states—Finland and the United Kingdom—have developed comprehensive criminal justice data collection systems on racist and other hate crimes. Data collection in these countries often includes information on victim characteristics or places of victimization. In Poland and Germany, official national hate crime registrations and data collection systems are described as “sufficient” or “good.” The FRA defines a “good” system as one that systematically registers incidents/crimes and/or focuses on right-wing extremism/hate crimes.<sup>8</sup> However, this ranking is based on comparisons with other countries, including those where no data has been collected and published on hate crimes at all; consequently, it fails to take into account significant differences between countries with the same ranking as the country-specific situations below exemplify. After evaluating recent policies and developments in the field of monitoring of racially motivated or right-wing violence, the FRA considers Germany to be one of the member states with noticeable improvements over the last couple of years, observing that “state and non-governmental initiatives can complement each other to produce a fuller account of the situation.”<sup>9</sup> However, it is also highlighted “that the number of registered crimes might increase if existing laws, which are well placed to prosecute a range of ‘racist’ crimes, were applied more broadly to ‘everyday’ racism that is not affiliated to (sic) the activities of extremist groups.”<sup>10</sup> Throughout the reports, positive references are made to the activities of victim support organizations in East Germany, complimenting them for both providing a useful alternative data source and for addressing the needs by those who have been victimized by racist violence, an approach that is considered “relatively rare” throughout the EU.<sup>11</sup>

Despite the categorization of the Polish registration system as “good,” Poland’s current system displays obvious weaknesses. According to the Polish RAXEN reports (2004 and 2005), the information provided by the Police Headquarters Press Office, the Ministry of Justice, and the Ministry of the Interior offer only a

<sup>7</sup> International Centre for the Prevention of Crime 2002. *Preventing Hate Crimes: International Strategies and Practices*, Montreal.

<sup>8</sup> According to the FRA eight other EU member states fall under the “good” category: Austria, Czech Republic, Denmark, France, Ireland, Poland, Slovakia and Sweden. Nine states are said to have only a “limited system” (Belgium, Estonia, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Portugal and Slovenia), while five (Cyprus, Greece, Italy, Malta and Spain) do not provide any official data on hate crimes. European Union Agency for Fundamental Rights 2007. *Report on Racism*, p. 121.

<sup>9</sup> *Ibid.*, p. 145.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*, p. 132.

fragmentary view of the situation in Poland.<sup>12</sup> They do not precisely indicate what types of crimes the authorities have registered, against whom the registered crimes were committed, or what legal steps were taken (if any). The 2004 report states that there is no government institution in Poland that systematically collects data on anti-Semitic incidents. In the 2005 report the authors point out that there is also no official or unofficial data available on Islamophobic incidents and that the available data regarding anti-Semitic hate crimes is still very incomplete. With respect to attacks on the Roma community, it criticized that the Ministry of the Interior and Administration for “possess[ing] information about racist violence against Roma,” but it refuses to make this information public, not even by individual requests.<sup>13</sup> Three national NGOs are mentioned as important alternative data sources with respect to incidents of hate crimes and hate speech in Poland: Nigdy Więcej, the Association for Crisis Intervention (Towarzystwo Interwencji Kryzysowej), and the Open Republic Association Against Anti-Semitism and Xenophobia (“Otwarta Rzeczpospolita” Stowarzyszenie Przeciw Antysemityzmowi i Ksenofobii). In summary, the Polish government collects extremely limited information about hate crimes and does not make this information public, whereas in Germany, the government’s data registration system and understanding of hate crimes has been improving over the past few years. Despite pronounced disparities between both countries’ legal frameworks and law enforcement practices, the FRA’s ranking of “good” for both countries obscures such differences. This topic will be further explored in Chapters 2 and 3.

### **1.2.2 Legislation and Law Enforcement**

Besides the need for more sophisticated data collection systems and mechanisms of monitoring, the ECRI as well as the FRA and the OSCE have pointed to the importance of appropriate hate crime legislation to protect individuals against bias-motivated offenses. According to these organizations, law enforcement agencies’ inability to adequately implement laws to protect an individual’s basic rights represents one of the biggest challenges for the national governments.

Since 1998 the ECRI has published three reports on Germany.<sup>1</sup> In its first report (1998), the ECRI noted that the authorities had adopted firmer measures to combat racial violence in the wake of the arsons in Mölln and Solingen. These measures

<sup>12</sup> Only two of the Polish RAXEN reports produced since 2003 by the Helsinki Foundation for Human Rights are available to the public; the most recent one covers the year 2005 and devotes only a few pages to the topic “racist violence and crimes.” Helsinki Foundation for Human Rights 2004 and 2005. Data Collection: RAXEN National Report: Poland, European Racism and Xenophobia Information Network, Warsaw.

<sup>13</sup> Helsinki Foundation for Human Rights 2004. Data Collection, p. 33.

<sup>1</sup> All information is based on the following reports: European Commission Against Racism and Intolerance (ECRI) 1998. First Report on Germany, CRI (98) 22, Strasbourg; European Commission Against Racism and Intolerance (ECRI) 2001. Second Report on Germany, CRI (2001) 36, Strasbourg; European Commission Against Racism and Intolerance (ECRI) 2004. Third Report on Germany, CRI (2004) 23, Strasbourg.

included: improvement of police methods for monitoring and combating violent right-wing extremists, police surveillance of right-wing groups, the ban of several neo-Nazi organizations and the federal prosecutor's investigation of attacks against members of minority groups. In the second report (2000), the existing legal framework and policy measures were criticized for their insufficiencies in effectively dealing with the ongoing challenge of violent attacks. The report expressed particular concern about the increase in anti-Semitism in general and violent assaults on the Jewish community. It also mentioned reports of ill-treatment and misconduct by law enforcement officials, particularly involving individuals of foreign origin. The authors also observed a tendency among German authorities and the media to portray racist violence and harassment as an issue limited to the new federal states rather than viewing it as a national problem. In the third follow-up report (2003), the ECRI showed concern that, even though various initiatives had been taken, racist, xenophobic and anti-Semitic violence continued to constitute a major problem in Germany, particularly affecting asylum seekers, members of the Jewish community and Roma and Sinti. German NGOs were also cited in the report as criticizing current systems of legislation and registration for not disclosing the racist motivation behind the offenses despite the fact that German legislation contains comprehensive provisions to counter organized forms of right-wing extremism. It also expressed concern that German criminal law does not explicitly allow the courts take racist motives into account as a specific aggravating circumstance in sentencing. Because of this, the ECRI has repeatedly urged German authorities to define racially motivated crimes and other hate crimes as a specific offense in the Criminal Code. Furthermore, it has recommended that the German government passes legal provisions that demand harsher punitive action for bias-motivated offenses.

The latest German RAXEN reports have raised concerns about the lack of proactive measures taken by police authorities, specifically for right-wing offenses. With regard to the victims of hate crimes in Germany, the authors emphasize the commitment of civil society groups, but note that "measures aiming at providing assistance to victims of racist violence appear significantly less common than in the past."<sup>2</sup> In a recent interview with the German news magazine *Der Spiegel*, one of the authors stated: "In order to ensure the sustainability of the struggle against xenophobia and anti-Semitism [in Germany], respective good practice initiatives and projects (e.g. victims' support organization) must be supported on a long-term basis and continuously institutionalized."<sup>3</sup>

In first report on Poland (1997), the ECRI excused many flaws in the legal system and in policy makers' approaches to tackling discrimination and hate crimes on the basis of social, economic and cultural upheavals and transitions in Poland, which were similar to most other central and eastern European countries. By that time, Poland was still in the process of elaborating a new Constitution and Criminal Code. Outright manifestations of discrimination or intolerance were said to be

<sup>2</sup> Bosch, Nicole; Peucker, Mario 2007. Ethnic Discrimination and Xenophobia in Germany: Annual Report 2006, Europäisches Forum für Migrationsstudien, Bamberg, p. 6.

<sup>3</sup> Spiegel Online, 29 Aug 2007.

rare. In its second report on Poland (1999), the ECRI stressed the fact that the Polish government had taken some steps to address the problem of racism and discrimination by introducing relevant legislation, as well as by gradually recognizing the existence of national and ethnic minorities due to changing patterns of migration.<sup>4</sup> Despite this progress, Poland was criticized for continuing to marginalize and largely ignore problems of hate crimes and hate speech. Also, the report pointed out that deeply ingrained anti-Semitic attitudes and insensitivity to diversity still persisted among large segments of the population. The ECRI advised the Polish authorities to: (1) implement or strengthen programs to counter xenophobia and intolerance, especially legislative and judicial instruments; (2) institute the training of public officers; and (3) begin monitoring levels of discrimination and the living conditions of minority groups, especially those, like the Roma, who are most often the victims of intolerance. The ECRI also called for a large-scale campaign to increase public awareness of these problems. In its third report on Poland (2005), the ECRI expressed concern that the authorities rarely investigated and prosecuted cases of racial hatred and they also allowed anti-Semitic material to freely circulate on the market. The ECRI rebuked the police, because, in investigating violent attacks against certain ethnic minorities, such as Roma or migrants, they often did not take into account the racist motivation behind the crimes, which resulted in a lighter sentence for the perpetrator if convicted. Moreover, the commission criticized the fact that there was still no comprehensive body of legislation prohibiting racial discrimination in basic necessities, defined as: employment, education, social security, housing, healthcare, and access to goods and services. Furthermore, the report drew attention to allegations of: a) police violence and abuse directed particularly at ethnic minority groups; b) to pervasive feelings and manifestations of anti-Semitism; and c) to a general lack of public awareness of racism and xenophobia.<sup>5</sup>

On 20 June 2007 the Council of Europe's Human Rights Commissioner expressed strong concerns about the Polish government's approach to LGBT people, including the Ministry of Education's withdrawal of the Polish version of *Compass—Human Rights Education with Young People* from circulation in early 2006. This anti-discrimination training handbook was endorsed by the Council of Europe. When shown the replacement materials, the Commissioner found "the portrayal and depiction of homosexuality [...] offensive, out of tune with principles on equality, diversity and respect for the human rights of all."<sup>6</sup> The Commissioner also expressed concerns about proposed measures to penalize the alleged promotion of homosexuality in schools, deplored any instances of hate speech towards homosexuals and called on the Polish authorities not to tolerate such speech.

<sup>4</sup> Ethnic and national minorities are essentially recognized by the the same criteria, but to be classified as a national minority, the group must also "identify with a nation organized within its own state." Ustawa o mniejszościach narodowych i etnicznych oraz o języku regionalnym, 6 Jan 2005, Warsaw, Article 2.

<sup>5</sup> All information is based on the following reports: European Commission Against Racism and Intolerance (ECRI) 1997. Report on Poland, CRI (97) 59, Strasbourg; European Commission Against Racism and Intolerance (ECRI) 1999. Second Report on Poland, CRI (1999) 36, Strasbourg; European Commission Against Racism and Intolerance (ECRI) 2005. Third Report on Poland, CRI (2005) 25, Strasbourg.

<sup>6</sup> Amnesty International 2007. Poland: Submission to the UN Universal Periodic Review, London, p. 3.

### 1.2.3 Concerns Raised by European NGO-Networks and International Human Rights Organizations

There are various NGO networks on the European level devoted to fighting racism and right-wing extremism, the largest ones being UNITED for Intercultural Action (European Network Against Nationalism, Racism, Fascism and in Support of Migrants and Refugees), and the European Network Against Racism (ENAR). ENAR was founded in 1998, and in its informational brochure “The Voice of the Anti-Racist Movement in Europe,” the organization defines itself as the “voice of the anti-racist movement in Europe,” representing 600 NGOs from all EU member states.<sup>7</sup> At the European level, ENAR tries to influence EU legislation and policies related to anti-racism and anti-discrimination by developing policy papers and recommendations and by undertaking collective lobbying actions. The network has been publishing country-specific Shadow Reports since 2001, including annual EU-wide *Shadow Reports* that identify general trends of racism in the EU. These reports deal with a variety of aspects and manifestations of racism and discrimination, ranging from discrimination in the employment, housing, education and health system to policing and racial profiling. One chapter in each report is reserved to the issue of racist violence and crime.

The five *Shadow Reports* on Germany published since 2002 were all produced by authors associated with the Institute of Research about Migration and Racism (Institut für Migrations- und Rassismuskforschung) in Hamburg, with some support from other German NGOs. In ENAR’s latest country reports on Germany (2004, 2005 and 2006), the authors highlight instances of racism and discrimination against minority groups, which other organizations tend to neglect. They mention, for example, special laws for asylum seekers that restrict their right to free movement and choice of residency, and “anti-terror” measures that allow for “racial profiling.” They also point to the particularly difficult and vulnerable situation of undocumented migrants, living without any legal protection.

With regard to public policies that combat racist violence and hate crimes, the authors are critical about the official approach, which they perceive as much too narrow insofar as discourses and law enforcement activities focus only on right-wing extremism and attribute racism to the fringes of society. Since institutional and structural forms of racism and discrimination are considered an integral part of the problem, the latest *Shadow Report* on Germany concludes that “there is a need for the establishment of an independent center to monitor right-wing extremism, racism and anti-Semitism in Germany, thereby following EU standards, to override the trivialization of right-wing extremism and xenophobic movements in Germany.”<sup>8</sup> The most recent ENAR *Shadow Report* titled “Racism in Poland 2006” was produced by the NGO Arabia pl., a minority rights organization that supports and gives advice to bi-national families and couples. The reports identify the xenophobic and racist

<sup>7</sup> European Network Against Racism (ENAR) (n.d.). *The Voice of the Anti-Racist Movement in Europe*, Brussels.

<sup>8</sup> Hieronymus, Andreas; Schröder, Lena 2007. *ENAR Shadow Report 2006: Racism in Germany*, Brussels, p. 38.

views of people and activists associated with the party League of Polish Families as one of the greatest threats to tolerance in Poland; some of these individuals were also members of the previous national government. Furthermore, it points to the deteriorating situation of religious (specifically, Jews and Muslims) and sexual minorities, whom the report considers to be the main target groups for discrimination and harassment in Poland. Similar to the German ENAR report, the author is very critical about police control and surveillance measures especially targeting Muslims in the context of the “war on terrorism.” The report also includes a short section titled “Racist Violence and Crime” that states: “There are no detailed statistics on attacks and racist violence in Poland. However, the anti-racist association Nigdy Więcej mentions more than ten cases a month in the first quarter of 2006 in its catalogue of incidents entitled the *Brown Book*. Since few foreigners live in Poland and not all racist crimes are reported (except for the most serious ones), we can ascertain that the real numbers remain unknown.”<sup>9</sup>

As one of the leading international human rights organizations, Amnesty International (AI) has also been active to some extent in the monitoring of hate crimes in Germany and Poland. Given the hostile climate against the LGBT community in Poland, AI showed particular concern about the abolition of the Office of the Government Plenipotentiary for the Equality of Men and Women in 2005. This office was responsible for promoting equal treatment of individuals belonging to the LGBT community (see Chapter 1.3.2).

AI also investigates cases of police violence and mistreatment in both countries, which must be considered as a crucial obstacle for a broader reporting of hate crimes. In 1995 the first respective report on Germany listed more than 70 cases of alleged police brutality and the use of excessive force by police officers in restraining or arresting people, especially asylum-seekers and members of ethnic minorities.<sup>10</sup> In this and follow-up reports (1997 and 2004), AI has identified a “worrying pattern” of brutality that is often driven by racism and resentment, as well as the systematic failure of German authorities to properly investigate and bring to justice officers responsible for violence and mistreatment.<sup>11</sup> Both AI and the ECRI have repeatedly expressed concern about the length of time it takes to investigate allegations of police abuse in Germany, the reluctance of prosecutors to press charges against the police, and the practice of filing counter-charges against victims.

In a recent AI report submitted to the United Nations, the organization also expressed concern over police ill-treatment and racism in Poland.<sup>12</sup> According to AI, there were continuing accusations of ill-treatment by law enforcement officials and allegations about incidents of police violence that had gone unreported due to victims’ fear of being prosecuted themselves. It appears that prostitutes, Roma and trafficked people are most frequently the victims. There are also concerns that incidents of police

<sup>9</sup> Kubicki, Marek 2007. ENAR Shadow Report 2006: Racism in Poland, Warsaw, p. 12.

<sup>10</sup> Amnesty International 1995. *Ausländer als Opfer: Polizeiliche Mißhandlungen in der Bundesrepublik Deutschland*, Bonn, p. 1.

<sup>11</sup> Amnesty International 2004. *Back in the Spotlight: Allegations of Police Ill-Treatment and Excessive Use of Force in Germany*, London, p. 2 ff.

<sup>12</sup> Amnesty International 2007. *Poland: Submission to the UN Universal Periodic Review*, London.

violence are not always impartially investigated and rarely reach the courts. AI has urged authorities to intensify efforts to eradicate cases of police brutality through training, effective investigation and prosecution of those responsible. According to government information, there were 3,646 reports of police offenses filed with the prosecutor, including bodily injury, cruelty with an aim of extracting a statement, and infringement of bodily integrity in the period from January 2003 to September 2006. However, there was not one single conviction by the courts.<sup>13</sup>

Other international human rights organizations such as Human Rights Watch, which conducted two fact-finding missions and investigations into right-wing attacks against migrants and refugees in Germany in the 1990s, have also urged European states “to redouble their efforts to combat racism in all its forms and to bring suspected perpetrators of hate crimes to justice.”<sup>14</sup> The authors of the Human Rights Watch report contribute the recent increase in anti-Semitic and Islamophobic hate crimes to the ongoing crisis in the Middle East and mention the rising number of attacks on synagogues as a disconcerting development for Germany.

Poland has received particular attention in past few years from the European Roma Rights Center (ERRC). In various reports, the ERRC has established that members of the Roma community in Poland are frequent targets of racially motivated violence, police abuse and systematic racial discrimination. According to the ERRC, “many Roma live in a climate of fear that pervades all aspects of their lives, from their interaction with authorities to their ability to access public spaces and services, and to participate fully in the lives of the communities in which they live.”<sup>15</sup> The organization has also repeatedly highlighted the failure of public institutions in Poland to protect Roma people, up to the point of institutional denial of justice for Romani victims of racist crimes. “Investigations into racially motivated crimes [...] have frequently been stalled or discontinued altogether, often with the justification that the authorities did not find sufficient evidence to issue arrest warrants, indictments, or judicial sentences—even in cases in which the alleged perpetrators had been identified by victims and/or witnesses.”<sup>16</sup>

The main concerns addressed by supranational bodies and international NGOs can be separated into two categories: those referring to weaknesses of the official monitoring systems and the unsatisfactory implementation of hate crime legislation already in place. In their recommendations to improve public policies with respect to hate crimes, some have highlighted the need for more proactive governmental measures, including programs aimed at raising public awareness about the prevalence of anti-Semitism and xenophobic violence; while others have drawn attention to racist attitudes within the law enforcement institutions themselves. In subsequent

<sup>13</sup> Council of Europe Commissioner for Human Rights 2007. Memorandum to the Polish Government, CommDH(2007)13, Strasbourg.

<sup>14</sup> Human Rights Watch; Amnesty International 2003. Joint Statement at the OSCE Meeting on Racism, Xenophobia and Discrimination, Vienna, 4-5 Sep 2003.

<sup>15</sup> European Roma Rights Center 2002. *The Limits of Solidarity: Roma in Poland after 1989*, Country Reports Series, Nr. 11, Budapest/London, p. 8.

<sup>16</sup> *Ibid.*

chapters we will deal with the legal frameworks and problems linked to official monitoring systems in Germany and Poland in greater detail. Now we will briefly turn to existing programs and instruments, which have been introduced to improve government cooperation with civil society to counteract right-wing extremism, anti-Semitism and racism. We will only concentrate on measures relevant to combating hate crimes.

### 1.3 National Programs in Response to Hate Crimes

International organizations have repeatedly drawn attention to the prominent role of specialized bodies and independent non-governmental organizations in the fight against hate crimes. The Office for Democratic Institutions and Human Rights (ODIHR), for example, noted in one of its recent reports “that a small number of NGOs have been instrumental in actively monitoring and recording incidents motivated by hate [...]. While this information does not diminish participating States’ responsibility for monitoring and recording incidents, it does suggest a potential value in state-NGO collaboration.”<sup>17</sup> The Human Rights First report pointed to the need for specialized services to victims of hate crimes, involving community-based associations and other civil society actors.<sup>18</sup>

#### 1.3.1 Germany

Various studies have characterized public policy responses to the rise of right-wing violence and related hate crimes in Germany since the 1990s as a mix of repressive and preventive measures. Since the early 2000s a large emphasis has been placed on funding civic engagement and local initiatives.<sup>19</sup> The fight against right-wing extremism and racism is supported—with varying intensity and efforts—by all parties represented in the National Parliament. In the period following reunification and the surge of far-right activities and racist incidents, the federal government adopted four major action and funding programs with different philosophies and approaches to the problem of right-wing violence: the Action Program Against Aggression and Violence, launched in 1992 under the conservative Kohl government; the action program Youth for Tolerance and Democracy—Against Right-wing Extremism,

<sup>17</sup> Office for Democratic Institutions and Human Rights (ODIHR) 2005. *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation and National Initiatives*, Warsaw, p. 101.

<sup>18</sup> Human Rights First 2007. *Hate Crimes: 2007 Survey*, New York, p. 12.

<sup>19</sup> Shortly after reunification, the initial reaction of the ruling Christian Democratic Party (Christlich Demokratische Union) was to tighten Germany’s asylum laws in order to lower the number of refugees and immigrants in the country. For a short overview on public hate crime policies in Germany, see: Bleich, Erik 2007. *Hate Crime Policy in Western Europe: Responding to Racist Violence in Britain, Germany, and France*. In: *American Behavioral Scientist*, Vol. 51, Nr. 2, p. 149-165.

Xenophobia and Anti-Semitism (Jugend für Toleranz und Demokratie—gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus), which was adopted by the German Parliament in 2001 and ended in 2006; and, finally, the programs Diversity Does Us Good—Youth for Diversity, Tolerance and Democracy (VIELFALT TUT GUT: Jugend für Vielfalt, Toleranz und Demokratie) and Consultation Networks and Mobile Intervention against Right-wing Extremism, which both started in 2007.

Throughout the 1990s, the federal government focused on projects and local initiatives, which were mainly aimed at counteracting the growing trend among adolescents to join far-right parties, militant neo-Nazi organizations or right-wing skinhead subcultures. Pedagogical initiatives targeting potential juvenile perpetrators implemented various forms of social work including sports-related programs and action and adventure-centered activities. These concepts followed the logic that many youth, especially in East Germany, sympathized with right-wing and xenophobic ideologies because of grim employment perspectives and deteriorating social conditions.<sup>20</sup> However, this particular approach, which was supported by the Federal Action Program against Aggression and Violence (Aktionsprogramm gegen Aggression und Gewalt), soon came under public scrutiny after evidence emerged that some of these projects were not effective in fostering democratic values, but rather provided right-wing groups with locales for recruiting additional members to right-wing extremist causes.<sup>21</sup>

Following a wave of severe racist and anti-Semitic hate crimes in 2000 and 2001, a joint motion by almost all parties represented in the National Parliament formed the basis for new government initiatives and programs.<sup>22</sup> In April 2001 the Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz) launched a program to encourage right-wing extremists to leave the movement.<sup>23</sup> The most important initiative, however, was the program Youth for Tolerance and Democracy—Against Right-wing Extremism, Xenophobia and Anti-Semitism. This program incorporated a new political approach by maintaining that extremism presents a significant problem for German society.<sup>24</sup> Thus, there was a shift from a focus on right-wing perpetrators to the additional support of human rights policies, with attention also given to those in civil society committed to opposing right-wing extremism and intolerance. One primary goal of the program was to empower and strengthen the marginalized groups that are most affected by discrimination and

<sup>20</sup> Rieker, Peter 2006. Juvenile Right-wing-Extremism and Xenophobia in Germany: Research and Prevention. In: Rieker, Peter; Glaser, Michaela; Schuster, Silke (eds.). *Prevention of Right-wing Extremism, Xenophobia and Racism in European Perspective*, Halle, p. 67–79.

<sup>21</sup> Scherr, Albert 2000. Gefährliche Nazis, überforderte Sozialarbeiter? Die Bekämpfung des Rechtsextremismus und der Auftrag der Jugendhilfe. In: *Jugendhilfe* 38, p. 307–314.

<sup>22</sup> Parties supporting the joint motion include: the Social Democratic Party of Germany (Sozialdemokratische Partei Deutschlands), the Free Democratic Party (Freie Demokratische Partei), the Party of Democratic Socialism (Partei des demokratischen Sozialismus), Alliance 90/The Greens (Bündnis 90/Die Grünen).

<sup>23</sup> A similar program, EXIT, had already been started in 2000, as a "private initiative" by foundations and the German magazine stern. See: <http://www.exit-deutschland.de>.

<sup>24</sup> Frindte, Wolfgang; Preiser, Siegfried 2007. Präventionsansätze gegen Rechtsextremismus. In: *Aus Politik und Zeitgeschichte (ApuZ)*, Nr. 11, March 2007, p. 32–38.

hate crimes.<sup>25</sup> For the first time, the improved protection and support for victims of xenophobic violence was acknowledged as an important contribution in the combat against racism and right-wing extremism in Germany. The program was comprised of three sub-programs: XENOS, dedicated to countering ethnic and religious discrimination in vocational training and the work place; ENTIMON, committed to promoting projects of civic education, inter-cultural learning and NGO networks against right-wing extremist tendencies in all parts of Germany; and, finally, the CIVITAS program, which was created to tackle the specific challenges of right-wing activities and hate crimes in the new federal states.

The CIVITAS program allowed for the creation of outreach and counseling programs—all run by NGOs that have received funding since 2001 to support these kinds of projects from the federal government: Mobile Counseling Teams (MBTs), Networking Institutions and eight specialized victim support and counseling centers.<sup>26</sup> Opferperspektive was one of the support centers in the state of Brandenburg to receive CIVITAS funding. These projects are regarded as the basic pillars of a civil society approach to counter right-wing extremism in East Germany.<sup>27</sup> MBTs provide support to individuals or organizations that seek expert advice in developing strategies against right-wing extremist manifestations. Their clients include municipal participants, NGOs, associations, voluntary groups, local alliances, politicians and administrations. Networking Institutions are initiatives that offer programs and services to particular towns and regions, especially to local alliances devoted to fostering democratic values and tolerance. They focus on establishing sustainable relationships between local actors and institutions, such as schools, youth welfare services, church groups and other community organizations. The victim support organizations were created to account for the difficult situation in which many victims of right-wing hate crimes find themselves in East Germany. “[Their situation] is characterized by a lack of mobility, much legal uncertainty, communication difficulties due to language restrictions, and profound distrust of state authorities and institutions.”<sup>28</sup> These organizations have adopted a human rights approach. This means they use the victims’ perspective and interests as the basis for all of their activities. Central to their work are low-threshold services and an outreach concept that embraces the victims, their professional and personal contacts, and the community in which they live (see detailed account of victim support organizations’ work in Chapter 4).

At the beginning of 2007, the program Youth for Tolerance and Democracy was replaced by the two programs Diversity Does Us Good—Youth for Diversity, Tolerance and Democracy and Consultation Networks and Mobile Intervention

<sup>25</sup> Roth, Roland; Klein, Ludger 2005. Bürgernetzwerke gegen Rechts: Perspektiven des Aktionsprogramms gegen Fremdenfeindlichkeit und Rechtsextremismus, Berlin, p. 2.

<sup>26</sup> CIVITAS provided a total of 192 million euros between 2001 and 2006 to support and promote some 4,500 NGO projects and initiatives. See: Frindte; Preiser 2007. Präventionsansätze, p. 33.

<sup>27</sup> Bundesministerium für Familie, Senioren, Frauen und Jugend 2006. Leitlinien zur Umsetzung des Programms CIVITAS, Berlin.

<sup>28</sup> Bundesministerium für Familie, Senioren, Frauen und Jugend 2003. Leitlinien zur Umsetzung des Programms CIVITAS, Berlin, p. 3.

Against Right-wing Extremism (Förderung von Beratungsnetzwerken—Mobile Intervention gegen Rechtsextremismus). Despite the fact that most official documents state that both programs are built upon the experiences gained from previous action programs, the new approach and funding structures indicate a notable shift. Attention is now focused on the strengthening of joint initiatives and close cooperation between the federal, state and local governments.<sup>29</sup> The first program Diversity Does Us Good—Youth for Diversity, Tolerance and Democracy currently funds local action plans against right-wing extremism. These constitute projects and programs that are primarily run by municipalities with the support of local NGOs. It also provides funding for pilot projects in the fields of youth, education and prevention. Under the auspices of Consultation Networks, representatives from state institutions, law enforcement agencies, social workers, academics and NGOs were asked to set up teams of professionals that can provide crisis intervention to oppose right-wing manifestations when needed (see Chapter 4). Only after a concerted lobbying effort led by a coalition of academic experts, NGOs and politicians did the federal government provide long-term funding to the tried-and-tested structural projects in East Germany, namely the Mobile Counseling Teams and the victim support organizations. States and cities, however, must increasingly allocate their own funds to prolong support for these initiatives, raising questions about the longevity of some of these projects.

### **1.3.2 Poland**

In Poland the government does not currently provide regular funding to NGOs or programs involved in supporting victims of hate crimes or confronting right-wing extremism, anti-Semitism and xenophobia. However, some financial support by state institutions is available for general human rights activities, associations of national, ethnic and religious minorities; and their cultural and publishing activities aimed at maintaining and promoting their heritage and identity.

In May 2004 the Polish government issued the National Program for Counteracting Racial Discrimination, Xenophobia and Related Intolerance (2004-2009) to fulfill its obligation as mandated by the World Conference against Racism.<sup>1</sup> The official objective of the program centers on activities to combat xenophobia, racism and anti-Semitism; and the promotion of a broader culture of tolerance within Polish society. After conferring with numerous public bodies and NGOs, the program framework was drafted. Representatives of Nigdy Więcej, who were also consulted, stressed the need for better implementation of existing legal provisions on hate crimes and hate speech. The draft identified the focus of the first year to be the research and analysis of the amount of discrimination in the fields of employment, housing, culture, education etc.; in the second and third year, the focus was

<sup>29</sup> Kompetent für Demokratie (n.d.). Inhalte und Aufbau, Berlin.

<sup>1</sup> Krajowy Program Przeciwdziałania Dyskryminacji Rasowej, Ksenofobii i Związanej z Nimi Nietolerancji 2004-2009, Warsaw.

supposed to be on educational activities (training, publications and campaigns) that raise public awareness on racism and related intolerance on all levels of society, including law enforcement institutions; in the fourth year, proposals for changes in the legal framework were to be developed and investigated. In spite of the Polish government's announcement that the results of the program would be assessed regularly in order to adapt the program to the real needs and problems in the country, no evaluation or progress report has been made available to the public with regard to its actual implementation. Most activities carried out with respect to hate crime policies seem to be related to research and improving information gathering by various government institutions and law enforcement agencies (see Chapter 3).

At the beginning of 2004, the Polish government also launched the Program for the Roma Community in Poland, which was designed to make the education of Roma children a priority. Representatives from Roma organizations helped draft the program, which was, to some extent, inspired by a government pilot program for the Roma community in the Malopolska region (2001-2003). Its primary goals are to improve general living, health and employment conditions of Romani people; and to ensure their security by preventing racist crimes. In addition, it promotes the history, culture and tradition of Roma communities in the general population. The Ministry of the Interior and Administration is in charge of coordinating the program.<sup>2</sup>

Some commissions and bodies that have been established by the Polish Parliament or on the executive level are also worth mentioning because they have served as potential contact points for victims of discrimination and hate crimes and for NGOs representing the interests of minority groups. One such office is the Commissioner for Civil Rights (Office of the Ombudsman), who is elected by the Polish Parliament for a five year term. As a constitutional and independent body, this office has access to relatively strong instruments of intervention in cases of discrimination as well as civil and human rights violations.<sup>3</sup> The commissioner can demand the initiation of disciplinary or administrative proceedings. Everyone has the right to apply to the Office of the Ombudsman for assistance in protecting his/her civil and human rights if they have been infringed upon by representatives of public authority. In 2000 the scope of its influence was further extended by requiring the office to cooperate with associations and foundations active in human rights activities. This means, the ombudsman may also intervene in cases involving non-state actors. In 2001 the Independent Department for Protection of Foreigners' and National Minorities' Rights was established within the office. Complaints with regard to hate crimes and related incidents, however, have represented only a relatively narrow margin of cases examined by the Ombudsman's Office to date.<sup>4</sup> In a rare intervention with regard to hate crime and hate speech, the current ombudsman Dr. Janusz Kochanowski sent a letter to the President of the Polish Football Association

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<sup>2</sup> Ministry for Interior and Administration 2003. Programme for the Roma Community in Poland, Warsaw.

<sup>3</sup> Mazur-Rafal, Monika 2007. Report on Measures to Combat Discrimination: Country Report: Poland, European Network of Legal Experts in the Non-Discrimination Field, Brussels, p. 50.

<sup>4</sup> *Ibid.*, p. 51.

(PZPN). In it the ombudsman expressed concern about incidents of racism in Polish stadiums.<sup>5</sup> In April 2007 representatives from Polish LGBT organizations met with the ombudsman and complained about ongoing homophobic attacks in public spaces. He promised to initiate actions in the future when the office is notified of such incidents.<sup>6</sup>

Another civil rights monitoring body is the Office of the Governmental Plenipotentiary for the Equal Status of Women and Men, founded in 2001 on the basis of an ordinance by the Council of Ministers. This office has the ability to further public policies against discrimination, mainly on the grounds of gender and sexual orientation. In 2002 its powers and tasks were extended in preparation for the establishment of an institution whose role would be have been to counteract discrimination based on race, ethnic origin, religion, belief and age. In addition to its original mandate of working on gender equality, the plenipotentiary began a number of initiatives welcomed by NGOs and international organizations concerned with the issues of racism and homophobia. However, the office and its function were abolished by the new right-wing Polish government in November 2005. According to Amnesty International, this suddenly made Poland “the only European Union country without a statutory equality watchdog and put [...] into question its compliance with the EU legislation on prohibition of discrimination.”<sup>7</sup> In the meantime, the Department for Women, Family and Counteracting Discrimination has taken over a large part of the plenipotentiary’s duties. However, the new department’s emphasis appears to be on fighting discrimination against women and supporting strong family values rather than discrimination on all grounds.<sup>8</sup>

There are further government institutions such as the Team for National Minorities, an advisory board to the Prime Minister, and the Joint Committee of the Government and Ethnic and National Minorities (*Zespół do spraw mniejszości narodowych i etnicznych*), which was established in 2005 on the basis of the Act on National and Ethnic Minorities and on Regional Languages (*Komisja wspólna rządu i mniejszości narodowych*). The latter contains provisions to protect minority groups in Poland from racism and ethnic discrimination.<sup>9</sup> None of the afore-mentioned bodies, with the exception of the ombudsman, are independent monitoring institutions—that is, separate from the government. None of them focuses explicitly on tackling hate crimes either, since the Polish authorities have not given the issue any priority. Even in promoting policies of equality, the Polish system remains weak because the responsibility for adjudicating different types of discrimination are scattered among several authorities. Such practices have prevented the development of an overarching and comprehensive approach.

<sup>5</sup> Polska Agencja Prasowa SA 2008. RPO zwrócił się do PZPN w sprawie rasizmu na stadionach—11 kwietnia 2008 r., Warsaw. Rzepliński, Andrzej 2008. *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation: Poland*, Warsaw, p. 40.

<sup>7</sup> Amnesty International 2005. *Poland: LGBT Rights Under Attack*, public statement, 25 Nov 2005, London.

<sup>8</sup> De Schutter, Oliver 2008. *Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States: Part I: Legal Analysis*, European Union Agency for Fundamental Rights, Vienna, p. 49.

<sup>9</sup> Mazur-Rafal 2007. *Report on Measures*, p. 52.

## 1.4 Summary/Conclusions

The figures on recent incidents of right-wing and related violence provided in the first part of the chapter point to the relevance of the problem of hate crime and hate speech in both countries. According to NGO reports, the groups mostly affected by hate crimes in Poland are ethnic minorities, such as members of the Roma community; gay people, alternative youth, and activists of anti-racist/progressive social movements. Demonstrations of anti-Semitism—such as the desecration of Jewish sites—and incidents of anti-Semitic hate speech are also reported to be quite common. In Germany, refugees, migrants and non-ethnic Germans undoubtedly belong to the most vulnerable groups targeted by racists, skinheads and other right-wingers; openly anti-Semitic manifestations and incidents have been also on the rise since the 1990s. Similar to Poland, political activists and left-leaning young people are also frequently the target of physical attacks carried out by far-right extremists.

International organizations have raised a number of concerns about the weaknesses of hate crime policies in both countries. Their criticism is mainly concentrated on the responses of law enforcement agencies, which are considered a crucial element in the combat of right-wing extremism, homophobia and racism. In Poland open hostility towards the LGBT community and anti-Semitic attitudes could gain ground at the highest political level, as has been highlighted by numerous incidents. Previous Polish governments, under the influence of far-right politicians, have obviously stalled the programs and legislation in place that attempt to counteract hate crimes and protect the rights of minority groups, whereas the German authorities have been credited for having stepped up their efforts for having taken more pro-active measures over the years. However, comparing the amount and severity of hate crimes in different countries is a difficult, if not impossible, task as various supranational bodies have emphasized. This is mainly due to different national monitoring and registration systems and other factors such as differences in public and official recognition of the problem.

Government programs providing financial support for NGOs active in the field of monitoring right-wing violence and assisting victims were first introduced in Germany in 2001 following a new wave of particularly severe anti-Semitic and racist incidents. The federal CIVITAS program (2001-2006) allowed for the creation of specialized hate crime victim support organizations, but only in the eastern parts of the country. To this date, no comparable programs have been launched in Poland, where the precise assessment of public policies is made difficult by the general lack of publicly accessible information concerning government and law enforcement activities against right-wing violence and hate groups.

## 2 The Legal Framework for Monitoring and Fighting Hate Crimes

National legislation can provide a valuable tool to the criminal justice system by passing laws to prosecute offenders and support victims of hate crimes. However, laws should be viewed as one component among others in a broader struggle to combat manifestations of right-wing extremism, anti-Semitism, racism and homophobia. Whether laws can serve as an important tool in this struggle or as a solution for those targeted is linked to a variety of factors. These factors may include but are not limited to: specific national legal and civic cultures such as the competency and attitudes of public servants to address the complexity of the problem, and the social and political standing of the communities and groups most affected by those crimes.

Especially in the post-Communist countries of central and eastern Europe, extensive legal frameworks and provisions are often already in place to formally protect individuals and minority groups from civil and human rights violations. Nevertheless, these mandates do not, in many regards, correspond with dominant political ideologies and the actual implementation of the laws. Different experiences of NGOs with state and law enforcement agencies also seem to have an influence on how these organizations perceive the relevance of legal frameworks. While organizations in Germany commonly assist victims of hate crimes in taking legal steps against their perpetrators and accompanying them through court proceedings, anti-racist groups in Poland have not traditionally been very active in developing litigation strategies.<sup>1</sup> Furthermore, the provisions against hate crimes in the Polish legislation and their implementation have not been the subject of any systematic assessment or research carried out by independent legal aid associations or academics.<sup>2</sup> Government reports dealing with law enforcement activities and the implementation of provisions for anti-Semitic, racist and xenophobic crimes are usually not publicly available.

In the following chapter we will look at the national legislation in both countries and how it deals with bias-motivated attacks. Each section, separated by country, starts with a brief account of the most important existing constitutional and criminal law provisions, followed by information on the rights of crime victims in court proceedings, available compensation and legal funds, all of which are relevant for NGOs and hate crime victims' litigation strategies.

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<sup>1</sup> European Network Against Racism (ENAR) 2006. Responding to Racism in Poland, Brussels, p. 6.

<sup>2</sup> One rare example is: Rzepliński, Andrzej 2008. Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation: Poland, Warsaw. The study was prepared for the European Union Agency for Fundamental Rights.

## 2.1 Germany

### 2.1.1 Relevant Laws for the Prosecution of Hate Crimes

#### Constitutional Provisions

The German Basic Law (Grundgesetz), which became the de facto German constitution after reunification on 3 October 1990, defines some basic rights that are relevant to the legal prosecution of hate crimes. According to Article 1 (1), the human dignity of all people shall be inviolable. In Article 2 (1) the right to freely develop one's personality is protected provided s/he does not violate the rights of others. The right to life and physical integrity are also guaranteed in Article 2 (2), and Article 3 (3) prohibits any discrimination on the grounds of sex, parentage, race, language, homeland and origin; faith, religious or political opinions and disability. Hence relevant markers for hate-sponsored ideologies are defined by the constitution. According to Article 1 (3), all branches of government are bound to directly enforce these articles as law.<sup>3</sup> The prohibition of discrimination beyond public law—such as in private or criminal law—requires specific legislation.

In 2006 another law was passed that applies directly to cases of material disadvantages on the grounds of race, age, gender, politics, sexual orientation, religion or handicap. This new law, the General Equality Act (Allgemeines Gleichbehandlungsgesetz), allows an individual to file a claim against private persons or private and state institutions if they are discriminated against in either private or public life. This includes discrimination in their ability to access to education, work, social services or goods and services.<sup>4</sup> The General Equality Act, however, does not relate to criminal offenses and, thus, not to hate crimes.

#### Provisions of the Criminal Code

The German Criminal Code (Strafgesetzbuch) reflects this reluctance to define behavior as detrimental to social interaction.<sup>5</sup> Even though the general protection of basic rights of all individuals is described in the German Criminal Code, there is no specific legislation referring to “politically motivated,” “hate” or “biased” crimes.<sup>6</sup>

<sup>3</sup> German Bundestag 2008. Basic Law for the Federal Republic of Germany, Berlin.

<sup>4</sup> Bundesministerium der Justiz 2006. Allgemeines Gleichbehandlungsgesetz. In: Bundesgesetzblatt, Jahrgang 2006, Teil 1, Nr. 39 (2006), Berlin.

<sup>5</sup> Bundesministerium der Justiz 2008. Strafgesetzbuch, Berlin.

<sup>6</sup> The reluctance of German law to specifically address “hate crimes” is a controversial issue in criminology and legal debates. The German Criminal Code, according to Silvia Seehafer, puts the offense, not the offender, at the center of examination. Seehafer, Silvia 2003. *Strafrechtliche Reaktionen auf rechtsextremistisch/fremdenfeindlich motivierte Gewalttaten: Das amerikanische “hate crime” Konzept und seine Übertragbarkeit auf das deutsche Rechtssystem*, Dissertation, Humboldt-Universität zu Berlin, Berlin, p. 72. This is to avoid politicized legislation and judiciary and represents a “lesson learned” from German history. Proponents of this position argue that political motivations of an offender are difficult to determine and might open doors for the persecution of political thought. *Ibid.*, p. 77. Oliver Tolmein argues, however, that the offense-based Criminal Code is a mere model towards which laws should be orientated. Numerous examples illustrate that the perpetrator's intention can not be clearly separated from the act itself. Tolmein, Oliver 2001. *Neue strafrechtliche Reaktionsmöglichkeiten auf rassistisch motivierte Gewaltdelikte*. In: *Zeitschrift für Rechtspolitik*, 2001, p. 315-319: p. 319.

There are also no laws in force under which a criminal offense is explicitly recognized as racist, xenophobic, anti-Semitic or homophobic.<sup>7</sup> The only relevant provision in German criminal law that directly refers to crimes on grounds of nationality, ethnicity or religion is Section 130 of the Criminal Code. It bans incitement to hatred or violence against “parts of the population or a national, racial or religious group” and prohibits assaults on “the human dignity of others by insulting, maliciously maligning or defaming segments of the population” (incitement of the people). Holocaust denial, anti-Semitic insults and the justification of hatred against Jews, or calling all migrants “asylum cheaters” are typical cases of incitement of the people and a violation of Section 130 of the Criminal Code. The maximum penalty is three years imprisonment. In legal practice the section is being applied rather cautiously to avoid conflict with the basic right to freedom of expression.

Furthermore, Section 86 and 86a of the Criminal Code prohibit dissemination of propaganda material from unconstitutional organizations (Sect. 86) and forbid of the use of their symbols (Sect. 86a). Nevertheless, the list of prohibited symbols is limited to organizations of the Third Reich and a few associations deemed illegal after 1945. Hence, the paragraph does not apply to most symbols used by right-wing extremist today and is not sufficiently applicable to combat all expressions of right-wing extremism. Because right-wingers use codes, modernized symbols, trade marks and brands to conceal political messages or membership, they can easily avoid legal prosecution.<sup>8</sup> Nevertheless, an offender’s right-wing insignia—whether illegal or not—can provide an indication of his or her ideological orientation and may be considered permissible evidence for establishing a right-wing motivation. If the relation between the offender’s political opinion and his or her offense is proven in court, the penalty may be enhanced.

Section 46 of the Criminal Code does not define the racist, xenophobic or homophobic motivation of the perpetrators as an aggravating factor for sentencing in court.<sup>9</sup> Nevertheless, it provides the legal basis for taking into account the perpetrator’s motivation, aims and attitudes for determining the punishment. In addition to the law’s provision that “expected effects of the sentence on the life of the perpetrator have to be taken into account” (Sect. 1), it identifies additional factors that must be used in favor of or against the perpetrator, such as his/her attitudes as symbolized by the offense, the manner in which offense was executed, the inflicted damage, the life of the perpetrator preceding the incident, his/her personal and economic situation, and his/her behavior after the incident, especially in terms of his/her effort to compensate for damages and to reach a retribution settlement with the victim. The judge, therefore, has to decide on a case-by-case

<sup>7</sup> Tolmein 2001. *Neue Reaktionsmöglichkeiten*, p. 321.

<sup>8</sup> Examples are digit-codes (88 for “Heil Hitler”) and clothing brands like “masterrace” and “consdaple” (encoding the abbreviation of the NSDAP). For years the German brand “Thor Steinar” has been popular in the right-wing scene (not only in Germany) without any serious legal responses to date.

<sup>9</sup> In cases of bodily harm with fatal consequences or (attempted) homicide, “hate against foreigners” is regarded as a “base motive” and, as such, is considered an aggravating circumstance, according to the ruling by the Federal Court of Justice in 1999. Seehafer 2003. *Strafrechtliche Reaktionen*, p. 34.

basis whether the motivation of the perpetrator is permissible in the procedure and whether it should be taken into consideration as an aggravating factor. Public prosecutors are also important for the evaluation of the offender's motivation, as they head investigations that have to provide evidence for the perpetrator's intentions, innocence or limited criminal responsibility. In so doing, the existing legislation allows for the perpetrator's motivation to be considered and investigated, thus complying with directives of the European Union.<sup>10</sup>

In 2007 the federal states of Brandenburg and Saxony-Anhalt, which hold the highest numbers of right-wing offenses per capita, proposed legal modifications to Section 46 of the Criminal Code that would add an explicit reference to political motivations or biases.<sup>11</sup> This would require an amendment to the existing catalogue of criteria that the legal system must consider when evaluating the perpetrator's motivation.<sup>12</sup> According to the draft of the bill, enhanced penalties should guarantee "that discriminating and dehumanizing motives will be sufficiently investigated and examined by the judiciary in *every respective case* and, if detected, considered as an aggravating factor for the sentence."<sup>13</sup> By doing so, hate crime legislation would be introduced into the German Criminal Code for the first time.

Critics, including victim support organizations, have raised doubts as to whether the proposed amendment would lead to the desired results, given that judges and public prosecutors can already apply provisions to extend the penalty.<sup>14</sup> Nevertheless, victim support organizations and other human rights activists recommend requiring investigating authorities in Germany to examine the background of an offense in any case, where the victim perceives a bias motive (similar to regulations in Great Britain). NGOs have also demanded that in all of these legal proceedings, the crime victim should be admitted as a "joint plaintiff," as determined by the legal instrument of "joint action." This concept will be explained next.

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<sup>10</sup> According to Article 8 of the Proposal for a Council Framework Decision on Combating Racism and Xenophobia from 2001, all EU member states must provide for the effective, proportionate and dissuasive punishment of offenses involving racism and xenophobia. European Union 2001. Proposal for a Council Framework Decision on Combating Racism and Xenophobia: Framework Decision on Combating Racism, Brussels.

<sup>11</sup> The bill was passed by the Federal Council; its adoption by the Lower House of the German Parliament is uncertain.

<sup>12</sup> German Bundesrat 2007. Gesetzesantrag der Länder Brandenburg und Sachsen-Anhalt: Entwurf eines Gesetzes zur Änderung des Strafgesetzbuches—Strafrechtsänderungsgesetz, Drucksache 572/07, Berlin. The list of criteria included in this bill refer to political attitudes, nationality, ethnicity, race, skin color, religion, world view, origin, outward appearance, disability or sexual orientation of the crime victim. In this regard, the bill goes even further than the Hate Crimes Sentencing Enhancement Act, adopted in the US in 1994, which does not consider disability, gender or sexual orientation. US Congress 1994. Hate Crimes Sentencing Enhancement Act, 28 U.S.C. 994, Washington.

<sup>13</sup> *Ibid.*, p. 3.

<sup>14</sup> Opferperspektive e.V. 2007. Standortbestimmung der OPP zum Vorschlag der Strafschärfung bei rechtsextremen Gewalttaten, Potsdam.

## 2.1.2 Options for Victim Support within the Legal System

### Joint Action

If a case goes to trial, charges are pressed by the state, not the victim. For this reason, the victim's interests and the interests of the state are not always the same. "Joint action" (Sect. 395-402 of the Criminal Code) permits crime victims to take an active part in court proceedings.<sup>15</sup> It provides the joint plaintiff and his/her lawyer with certain rights, such as accessing case files, filing petitions concerning the investigation, directly questioning the defendant, submitting evidence and objecting to expert testimonies and judges assigned to the trial. The plaintiff's lawyer supports his/her client when giving statements in court and protects him/her from impermissible or aggressive questions from the defense lawyer. Joint action is only allowed when individuals have suffered from attempted murder or homicide, assault and battery, offenses against sexual identity and the like.<sup>16</sup> Joint action is applicable in the majority of hate crime offenses that victim support organizations deal with. Since witnesses often find themselves in the unpleasant role of witnesses without a pro-active role in lawsuits, joint action should be considered a cornerstone for the development of litigation strategies, in that it enables hate crime victims to take a pro-active role. Furthermore, access to case files provides the victim with the ability to learn about the offender's background and attitudes, even if the offender has the right to refuse to testify to his/her motives in the courtroom.<sup>17</sup> "Without joint action, many lawsuits would have been discontinued or the right-wing background would not have been brought up. Especially in a difficult political environment, like in the 1990s, the instrument of joint action is indispensable."<sup>18</sup>

### Benefits and compensation for victims

All crime victims in Germany have the opportunity to apply for an "adhesive procedure" (Sect. 403-406c of the Code of Criminal Procedure). In this procedure, the victim's civil rights claims, like for instance, the redress of material damages inflicted by the perpetrator, can be brought forth during criminal proceedings. The preconditions are less demanding than in civil actions; economic risks are low; no lawyer is required. Furthermore, the accused is more likely to settle the claims in an adhesive procedure than during a civil law proceeding.<sup>19</sup> However, the adhesive procedure has to be accepted by the court and is dependent on the actual outcome of the criminal lawsuit.

<sup>15</sup> The instrument "joint action" is similar to the legal provision of "subsidiary prosecution" in Poland (see Chapter 2.2.2).

<sup>16</sup> A joint action is not an option if the offender is under 18 years old and is tried under juvenile law. In proceedings for older youth (between 18 and 21), a joint action is still possible, even though they are being tried under juvenile law. This also applies to proceedings where youth and older youth are being tried concurrently. However, a joint action against an older youth is only valid during the trial portion of the proceedings.

<sup>17</sup> Opferperspektive e.V. 2007. Perspektiven nach einem rechten Angriff: Ihre Rechte und Möglichkeiten, Potsdam. p. 15.

<sup>18</sup> Interview with Together.

<sup>19</sup> Herbst, Kai-Uwe; Plüür, Georg 2008. Das Adhäsionsverfahren, Berlin, p. 1-2.

Victims of violent crimes can also try to receive compensatory damages in a civil action. Civil lawsuits usually follow criminal proceedings and provide an additional opportunity to lodge financial claims against the perpetrators. These civil lawsuits are subject to different procedural rules than those applicable to criminal proceedings. In the meantime, a third option allows victims of right-wing assaults to apply for compensation. The National Parliament decided to establish a special fund under the auspices of the Federal Office of Justice to support the hardships of victims of right-wing violence in a fast and uncomplicated manner.<sup>20</sup> Anyone who has suffered physical or emotional damages as a result of a right-wing attack can apply. This includes family members of people killed by right-wing perpetrators and people injured while trying to assist victims of right-wing violence. The only precondition is that the crime had an obvious right-wing background. It is not necessary for the police to have identified the perpetrators. The individual receiving this compensation from the state is required to cede to the state any civil remedies they might have against the person or persons responsible. The state, then, in its discretion, may choose whether or not to pursue those remedies against an identified offender.<sup>21</sup>

According to the Victim Compensation Act, all victims of a violent act can claim compensation for medical treatment and related services like replacement of glasses, but no compensation for damages to property. Filing a criminal complaint against the perpetrators is a precondition for compensation. Moreover, people who suffered injuries while assisting the victim are eligible for compensation. The claim is restricted to citizens and other persons who have a residence permit. This excludes many refugees and undocumented migrants, who belong to the group most frequently affected by hate crimes and who usually have limited access to the health system. Finally, there are also private initiatives that financially support victims of right-wing or racist attacks. The CURA Fund for Victims (Opferfonds CURA), coordinated by the Amadeu Antonio Foundation (Amadeu-Antonio-Stiftung), is one example. Dependent on private donations, the fund pays for medical treatment that is not covered by health insurance (particularly for refugees), rehabilitation following an assault (i.e. psychological counseling), legal costs and other expenses linked to the assault. It also assists in cases of financial emergencies and the repair of property damaged by physical attacks.

## Other Forms of Legal Aid

The White Circle (Der Weiße Ring), a nation-wide NGO, provides a voucher covering initial legal counseling for crime victims. The Foundation against Right-wing Extremism and Violence, (Stiftung contra Rechtsextremismus und Gewalt, DAV) founded in 2000 by the German Bar Association, seeks to support victims of right-wing extremist or politically motivated violence by giving them access to legal representation to claim

<sup>20</sup> Kompetent für Demokratie (n.d.). Inhalte und Aufbau, Berlin.

<sup>21</sup> Bundesamt für Justiz 2007. Härteleistungen für Opfer rechtsextremistischer Übergriffe, Berlin.

<sup>21</sup> Bundesamt für Justiz 2007. Merkblatt Entschädigungsleistung aufgrund rechtsextremistischer Übergriffe, Berlin, p. 3.

their legal rights. The victim's lawyer can turn to the foundation in order to receive a cash advance of 300 euros. After the legal proceedings end, the foundation covers the lawyer's remaining fee, minus any fees available from state funds or private legal defense insurances, and reasonable contributions by the victim. Alternatively, crime victims with a low income can claim "counseling benefits" from state institutions. Victims, defendants and other parties involved in lawsuits, regardless of their citizenship status, can claim "assistance for legal fees." It will be granted at discretion of the respective local court, provided the applicant can prove economic hardship and that he/she has a reasonable chance of winning the lawsuit.<sup>22</sup>

## 2.2 Poland

### 2.2.1 Laws Relevant for the Prosecution of Hate Crimes

#### Constitutional Provisions

The current Constitution of the Republic of Poland was passed by the National Assembly on 2 April 1997 and accepted in a national referendum on 25 May 1997. It was a key element in the consolidation process of the democratic system in Poland, establishing the nation as "a democratic state ruled by law and implementing the principles of social justice."<sup>21</sup> It contains a general anti-discrimination clause, according to which all people shall be equal before the law and have the right to equal treatment by public authorities. It also affirms that no one shall be discriminated against in political, social or economic life for any reason whatsoever (Art. 32). This principle, however, does not specify the criteria for prohibited forms and grounds of discrimination.<sup>2</sup> In addition to this general anti-discrimination clause, the Polish constitution contains additional equal-treatment provisions specifically for women, children, consumers, war veterans and invalids, religious associations, and national and ethnic minorities. It should be mentioned that sexual minorities are not listed among the protected groups.<sup>3</sup> Article 79 provides the right to lodge a constitutional complaint. This, however, remains a theoretical right to a large extent because the tradition of directly invoking constitutional provisions is not frequently exercised in

<sup>22</sup> All information is based on Opferperspektive's legal aid manual: Opferperspektive e.V. 2007. Perspektiven nach einem rechten Angriff, p. 17.

<sup>1</sup> Mazurkiewicz, Marek 2004. The Role of the Constitutional Tribunal in Creating the Principles of a Democratic State, Ruled by Law, in the Transition Process, Strasbourg.

<sup>2</sup> CRI, for example, has recommended several times that the Polish government amend this part of the constitution by including a list of grounds for discrimination such as, inter alia, race, religion, ethnic or national origin and skin color. European Commission Against Racism and Intolerance (ECRI) 2005. Third Report on Poland, CRI (2005) 25, Strasbourg, p. 8.

<sup>3</sup> According to organizations representing the LGBT community, the rejection of a founding draft bill that clearly contained a prohibition of discrimination based on sexual orientation indicates that there is a strong tendency in Poland to deny the principle of equality for gay people before the law. Stowarzyszenie Lambda 2001. Report on Discrimination Based on Sexual Orientation in Poland, Warsaw, p. 32.

Poland.<sup>4</sup> However, Article 80 of the constitution guarantees every person the right to appeal to the Commissioner for Civil Rights Protection (Ombudsman) for assistance in the protection of his/her freedoms or rights infringed upon by representatives of public authority (see Chapter 1).

The introduction of Article 13 into the constitution was the result of a joint campaign, initiated by Nigdy Więcej and the Polish Union of Jewish Students (Polska Unia Studentów Żydowskich), for a constitutional ban on racist and neo-Nazi activities. This article would allow for the prohibition of political parties and other organizations that refer “to totalitarian methods and procedures, such as Nazism, Fascism and Communism,” and/or promote or allow racial or national hatred.<sup>5</sup> Article 13, however, has never been used in practice.<sup>6</sup> Under the framework of the National Program for Combating Racial Discrimination, Xenophobia and Related Intolerance, the National Prosecutor’s Office “undertook activities aimed at establishing whether there were any organizations based on anti-Semitic or racist ideology operating in Poland.” The conclusion of this search “proved that there were no such organizations on the territory of Poland” despite enough evidence to the contrary.<sup>7</sup> This shows yet again the reluctance of Polish governmental institutions to acknowledge the threat posed by various far-right organizations and hate groups.<sup>8</sup>

## Provisions of the Criminal Code

Although no chapter in the Polish Criminal Code explicitly refers to hate crimes, a few articles in Chapter 16, “Offenses against Peace, Humanity and War Crimes,” are relevant for the prosecution of right-wing violence and related hate crimes. Article 118 promulgates particular penalties for genocide aimed at annihilating a group, or for murder or physical injury on the grounds of ethnic, racial, political or religious affiliation. Section 1 states that whoever, acting with the intent to destroy in full or in part any ethnic, racial, political or religious group, or a group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such a group, shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life. According to Section 2, whoever creates living conditions threatening the existence of individuals belonging to such a group with the intent specified under Section 1 shall be subject to the

<sup>4</sup> Mazur-Rafal, Monika 2007. Report on Measures to Combat Discrimination: Country Report Poland: European Network of Legal Experts in the Non-Discrimination Field, Brussels, p. 7.

<sup>5</sup> The formulation in the original proposal was different and referred only to racist and Fascist parties/organizations.

<sup>6</sup> Article 13 of the constitution has been invoked, however, by right-wing politicians and journalists attacking some organizations of the far left in Poland, especially those using names or symbols referring to Communism.

<sup>7</sup> UN Committee on the Elimination of Racial Discrimination 2008. Reports Submitted by States Parties under Article 9 of the Convention: Poland, CERD/C/POL/19, Geneva, p. 27.

<sup>8</sup> Attempts to label right-wing nationalist, extremist organizations as “Fascist” or “neo-Fascist” are often received with reluctance even by some moderate commentators.

penalty of the deprivation of liberty for a minimum term of five years or the penalty of deprivation of liberty for 25 years. Section 3 states that anyone who premeditates these crimes (Section 1 or 2) shall be subject to the penalty of the deprivation of liberty for a minimum term of three years.

Article 119 establishes penalties for the use of violence or threats against a group or a person on ethnic, racial, political or religious grounds. Section 1 states that whoever uses violence or makes unlawful threats towards a group of people or a particular individual because of their national, ethnic, political or religious affiliation, or their lack of religious beliefs shall be subject to the penalty of the deprivation of liberty for three months to five years. According to Section 2, the same punishment shall be imposed on anyone who incites the execution of the offense specified under Section 1.

Articles 194, 195 and 196 penalize actions against the freedom of thought and religion. Restricting individuals from exercising the right of freedom or from religion (Art. 194) or maliciously interfering with religious ceremonies, funerals, mourning ceremonies or rites (Art. 195) are declared illegal. Article 196 prohibits the “offense of religious sentiments” through public defamation of an object or place of worship.

The introduction of these articles arose from the oppression of religion expression under Communist rule. They can be useful for the protection of religious minorities, e.g. when members of these groups are harassed by the extreme right or when their religious ceremonies are interrupted or prevented. At the same time, they have also been applied by extreme right-wing parties, such as the League of Polish Families, to prosecute feminists or other progressive activists/movements on the grounds of promoting blasphemy.<sup>9</sup>

Articles 256 and 257 of the Polish Criminal Code punish incitement to hatred and the public insult of a group or a person on the basis of their national, ethnic, racial or religious origin. Article 256 penalizes anyone who publicly promotes a Fascist or other totalitarian state system or incites hatred based on national, ethnic, race, religious differences or absence of any religious denomination. The offender is subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to two years. Article 257 penalizes anyone who publicly insults a group within the population or a particular person because of his/her national, ethnic, race, religious affiliation or absence of any religious denomination. If any of these reasons are the cause of one individual breaching the personal inviolability of another individual, the offender is subject to the penalty of deprivation of liberty for up to three years. A recent draft bill to amend Article 256 would also criminalize the

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<sup>9</sup> In July 2003 a Polish court found a feminist artist guilty of “offending religious feelings.” She had been sued by the League of Polish Families for producing and showing a video with the close-up of the face of a bodybuilder, together with a cross on which a photograph of male genitalia had been placed. The artist, who had also been physically attacked by a far-right militia, was sentenced to six months of “restricted freedom,” community service and was required to pay all trial expenses. Her gallery was also closed as a penalty. When the judge read the sentence, members of the League of Polish Families, who were packed into the courtroom, applauded ecstatically. The artist has been appealing to have the sentence overturned on free speech grounds. Leszkowicz, Pawel 2005. *Feminist Revolt: Censorship of Women’s Art in Poland*, Berkeley.

production, acquisition, storage or dissemination of racist and anti-Semitic material. The draft was discussed at the meeting of the UN Committee of the Council of Ministers in March 2007 and then recommended to the Council of Ministers.<sup>10</sup>

Articles 256 and 257 address hate speech—an issue that often precedes and accompanies acts of bias-motivated violence in Poland. The victims and targeted communities feel it is important to determine the ideological background and motivation of the perpetrators. However, as indicated by various supranational bodies, the Polish Criminal Code neither calls for an enhanced penalty for crimes committed on the grounds of bias as an aggravating circumstance, nor does it pursue the investigation of anti-Semitic, xenophobic or homophobic motivations. As has also been highlighted, particularly by representatives of the LGBT community, Articles 256 and 257 do not protect sexual minorities from hate speech. Offenses that are motivated by hatred or intolerance for reasons other than national, ethnic, racial or religious affiliation are treated as common crimes. This includes insults, physical injuries and other punishable threats. Gay people affected by hate speech, however, can try to invoke Article 212 of the Criminal Code, which penalizes acts of defamation.<sup>11</sup> An example in which this article has been applied was during a debate about the Equality Parade in November 2004, where members of the Law and Justice Party compared homosexuality to pedophilia, necrophilia and zoophilia.<sup>12</sup> Four lesbians filed an individual indictment according to the provisions in Article 212. Article 196 has led to criminal defamation measures that can be employed by individuals and parties, including state authorities. These laws have been used to suppress not only criticism (i.e. left-leaning journalists and authors), but also innocuous statements made by ordinary citizens, as highlighted by the Helsinki Foundation in their latest report on human rights violations in Poland.<sup>13</sup>

One of the greatest concerns of NGOs is the fact that most reported incidents of hate crimes and speech are not taken seriously by Polish law enforcement agencies. This concern has been raised by both the European Commission against Racism and Intolerance (ECRI) and the Commissioner for Human Rights of the Council of Europe. According to the latest ECRI report, “crimes that fall within the ambit of articles 256 and 257 are rarely investigated and its perpetrators are rarely prosecuted. The reason most often provided by the prosecuting authorities for this failure is that such crimes [i.e. hate speech] cause little social harm and that punishing them would be an infringement of the right to freedom of speech and expression.”<sup>14</sup> While the latitude that the Polish Criminal Code grants itself in determining whether an illicit act carries significant social detriment does not apply exclusively to the propagation of racial hatred or discrimination, it does seem especially applicable to such cases. Criminal proceedings may be discontinued or not initiated at all on grounds that

<sup>10</sup> UN Committee on the Elimination of Racial Discrimination 2008: Poland, p. 32.

<sup>11</sup> Rzeplinski, Andrzej 2008. *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation: Poland*, Warsaw, p. 35.

<sup>12</sup> In September 2006 the parties entered into settlement in the course of a trial before the District Court in Poznań. The accused had to apologize for their statement. Rzeplinski 2008. *Legal Study*, p. 62.

<sup>13</sup> Helsinki Foundation for Human Rights 2007. *Annual Report on Human Rights Violations (Poland)*, Warsaw, p. 130.

<sup>14</sup> European Commission against Racism and Intolerance (ECRI) 2005. *Third Report on Poland*, p. 10-11.

the social harm of the offense is considered insignificant. “In other words, even though one may feel offended by a particular anti-Semitic comment, society at large has not been affected. Therefore the social consequences of the crime are minimal. According to NGOs, this concept of “an act’s insignificant social harm” is often used by prosecuting authorities as a reason for discontinuing or not bringing forward the prosecution in cases with racist or anti-Semitic elements.<sup>15</sup>

Similarly, the terms “hooliganism” and “vandalism” are often applied to minimize the significance of racist and anti-Semitic crimes. The Polish Criminal Code refers to “acts of vandalism” in Article 115 Section 21. Various forms of hate crimes are often labeled as mere “vandalism,” like for example, in cases where Jewish cemeteries or churches of other religious minorities are desecrated. In the rare instances that the perpetrators of hate crimes do get convicted (see Chapter 3 for the number of convictions), they are usually punished on the basis of “ordinary” criminal code provisions. A recent decision issued by the Supreme Court might also influence the judgments rendered in the future by the courts of lower instances. The former dismissed charges against a man who had allegedly incited anti-Semitic hate by raising a sign that read “We shall liberate Poland from Euro-traitors, Jews, Masons and government mafia” during the celebration of National Independence Day. The Supreme Court justices decided that the defendant had not incited hatred, but merely expressed his own opinion, which he can lawfully do under Article 54 of the Constitution of the Republic of Poland.<sup>16</sup>

### **2.2.2 Options for Victim Support within the Legal System**

The following account briefly describes provisions in the Polish system with respect to the general rights of crime victims in legal proceedings. Polish law also provides social organizations with the opportunity to actively participate in administrative settlements and lawsuits. However, in Poland there are currently no lawyers or NGOs specialized in representing victims of racial discrimination or right-wing hate crimes in court or administrative matters. NGOs with a broader mandate, such as human/civil rights or humanitarian aid, usually offer legal aid programs that provide assistance to victims discriminated against on the basis of their national or ethnic group. Overall, their experiences with assisting victims of right-wing or racist violence in bringing their cases to court are very limited. Many victims are unwilling to press charges against perpetrators, which can be explained in part by a general mistrust in the effectiveness of the existing legislation and law enforcement system.

<sup>15</sup> Council of Europe Commissioner for Human Rights 2007. Memorandum to the Polish Government: Assessment of the progress made in implementing the 2002 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)13, Strasbourg, p. 7.

<sup>16</sup> Ruling of the Supreme Court, 5 Feb 2007, docket Nr. IV KK 406/06.

Many are also afraid of secondary victimization.<sup>1</sup> Furthermore, the Polish legal system is known for the enormous length and clumsiness of judicial proceedings that often hinders human rights protection.<sup>2</sup> There also seems to be a shortage of lawyers and an unmet need for legal services, including legal aid.<sup>3</sup>

### Subsidiary Prosecution

The criminal law and criminal proceedings reform in 1997 significantly changed the status of the victim in criminal and preparatory proceedings. The victim's status used to be limited to a witness. In the event of public prosecution, however, a victim may now also serve as a "subsidiary prosecutor" (Art. 53 of the Criminal Proceedings Code). For this purpose, a "private accusation" must be written and signed by a lawyer. This grants the victim a more active role in the course of the criminal proceedings (e.g. by allowing them to ask questions, helping the prosecutor conduct the legal proceedings). An essential element is also the victim's right to fair and intelligible information on procedural guaranties. In accordance with Polish criminal law, a victim may claim damages in criminal proceedings—that is, they may institute an "adhesion claim."<sup>4</sup> The investigating authority should advise the participants of their duties and rights in the proceedings.

### Victim and Witness Protection

The law calls for the protection of the victim, their family and private life. The judicial and police agencies should treat a victim with special care and gravity. Polish jurisdiction has developed some guidelines for the police and judicial authorities that stipulate the proper treatment of victims. In practice, however, particularly in cases of hate crimes, both victims and witnesses frequently fear that their personal data will be disclosed to the perpetrators or their supporters. For this reason, the police and the public prosecutor have the duty to protect the personal safety of the victim. As a protective measure, a victim can motion to keep his or her personal data secret and testify as an incognito witness. In this matter, the Criminal Proceedings Code stipulates that if the suspicion is justified that the witness or a relative's life, health, freedom or property is in considerable danger, the court or the prosecutor may issue

<sup>1</sup> According to one recent survey by Lambda Warsaw, 85 percent of those respondents who indicated they had been subject to homophobic violence did not report to the police. "Among the most frequently mentioned reasons for not informing the police about the experience of violence, were the following: I do not trust the police's effectiveness in such cases; I was afraid that the police would not treat my case seriously; I feared verbal harassment and maliciousness from the police, concerning my sexual orientation, and I was afraid of the perpetrators' revenge." Abramowicz, Marta 2007 (ed.). *Sytuacja społeczna osób biseksualnych i homoseksualnych w Polsce: Raport za lata 2005 i 2006*, Warsaw, p. 15.

<sup>2</sup> Council of Europe Commissioner for Human Rights 2007. Memorandum, p. 2.

<sup>3</sup> Bojarski, Lukasz 2003. *Access to Legal Aid in Poland: Monitoring Report*, Helsinki Foundation for Human Rights, Warsaw, p. 10.

<sup>4</sup> Banach, Joanna; Gwizdalska, Anna (n.d.). *Victim Protection in Criminal Proceedings Legislation: A Pan-European Comparison, Country Report: Poland*, Warsaw.

an indictment to keep the threatened individual's identity secret, providing these factors are not decisive for issuing the judgment in the case (Art. 184 Sect. 1). With a protected identity indictment, the proceedings continue without the participation of the parties and are subject to state secrecy. If the concern for possible violence or an unlawful threat against this individual is justified, the victim or witness may also withhold details about their place of residence from all parties except the state prosecutor or the court. To help protect their safety, the witness can then specify the address at which they want to receive the pleadings, whether it be a place of work or otherwise (Art. 191 Sect. 3). According to the Press Law Act (*Ustawa Prawo prasowe*) of 1984, publishing of the images and personal data of witnesses, victims and offenders is prohibited unless they expressed their consent for such publication (Art. 13 Sect. 2).<sup>5</sup> This especially applies to reporting on ongoing court cases.

### **Social Organizations in Court Proceedings**

Community organizations may also participate in civil actions and criminal procedures in order to defend community or social interests within the statutory purposes of such an organization.<sup>6</sup> According to Article 90 Section 1 of the Criminal Proceedings Code, the participation of an organization's representative has to be petitioned prior to the commencement of the judicial hearings. The court must admit a representative of a non-profit social organization if it finds that their participation in court proceedings is needed "to protect public interest or important individual interest falling within the statutory objectives of the organization, in particular the need to protect human rights and freedoms" (Art. 90 Sect. 3). The representative of a social organization who has been admitted to court proceedings may participate in the trial, make statements and submit motions in writing. This provision could be particularly useful for hate crime victim support organizations in the future, provided they have adequate resources to make appropriate use of it.<sup>7</sup>

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<sup>5</sup> Dziennik Ustaw, 7 Feb 1984.

<sup>6</sup> Mazur-Rafal, Monika 2007. Report on Measures to Combat Discrimination: Country Report: Poland, European Network of Legal Experts in the Non-Discrimination Field, Brussels, p. 46.

<sup>7</sup> The Helsinki Foundation for Human Rights already made use of this provision and engaged in some discrimination cases both as *amicus curiae* and on behalf of the complainant in 2005 and 2006. *Ibid.*, p. 47.

### **2.2.3 Legal Aid and Compensation for Victims**

#### **Legal and Financial Support Available to Victims**

According to the Polish Criminal Code, the hate crime victim can make claims for monetary reparations if they have suffered economic and non-economic damages (pain, suffering, medical expenses etc.). In the case of a conviction for an incident causing death or serious detriment to health, or offenses against property and similar offenses, the court, upon a motion from the injured person, shall pass a sentence obligating the redress of the damage caused, in whole or in part (Art. 46). Compensatory damages can also be imposed on the perpetrator to benefit an institution, association, foundation or social organization. The Minister of Justice keeps a list of institutions or social organizations that are eligible to receive funds from crime compensation and whose primary goal is to provide services directly related to the protection of the given community's general health. Any interested entity can request to be added to the list. The list is published at least once a year by the Minister of Justice (Art. 49a Sect. 2).

According to the Polish Civil Code, it is possible to raise a civil complaint against a person who violated an individual's personal welfare (e.g. freedom, dignity etc.). For a long time, this was the principle means through which victims of discrimination could achieve financial compensation.<sup>8</sup> Secondly, the crime victim may also claim monetary compensation or indemnification for specified purposes with the help of the Commissioner for Civil Rights Protections. The compensatory damages can be adjudicated in the amount of up to PLN 100 000 (Art. 48). Nevertheless, the Helsinki Foundation for Human Rights (Helsinkińska Fundacja Praw Człowieka) reported in 2003 that the current legislative framework in Poland does not provide sufficient protection for the right to legal aid.<sup>9</sup>

#### **Polish Crime Victim Charter**

The Polish Crime Victim Charter was drafted in 1999 with the collaboration of the Ministry of Justice, other governmental agencies, and non-government organizations and institutions. The Polish Crime Victim Charter was drafted and signed in 1999 by the Ministry of Justice in collaboration with other governmental agencies, non-government organizations and institutions, as well as individuals who deal with hate crime victims. It is a compilation of previously existing regulations, and it has little legal significance on its own. Its importance is symbolic rather than legal. The idea was summarized by Hanna Suchocka, the Minister of Justice at that time:

<sup>8</sup> Filipek, Pawel; Pamula, Maria 2005. Poland Executive Summary Country Report, European Commission, Brussels, p. 4.

<sup>9</sup> Bojarski, Lukasz 2003. Access to Legal Aid in Poland, p. 8.

“The charter is a set of legally-binding laws that apply to crime victims, as well as instructions regarding for what and against whom the crime victims can make a claim. The Charter is intended to offer support to each victimized person in a situation where his/her rights are not respected, and to remind police officers, prosecutors and judges that they should not overlook the particular situation of the victim in their pursuit of collecting evidence and determining and judging the actual offenders.”<sup>10</sup>

The Charter is general in nature and as such, it does not name hate crimes specifically. However, by emphasizing victim’s perspective, rights and dignity, it may constitute not only a crucial point of reference for victims themselves and organizations/institutions representing victims of hate crimes, but also as an instrument of prevention against denial of proper assistance by law enforcement agencies and officers. In the context of victim blaming or the secondary victimization tactic of justifying ideologically motivated crimes (e.g. as in the cases of anti-Roma crimes reported by the European Roma Rights Center), the following passage in Section II.5 of the Polish Crime Victim Charter might be especially useful: “One cannot justify a crime with tradition, culture, [or] stereotypes minimizing the perpetrator’s guilt.”

### **The National Program for Crime Victims**

In July 2004 the Commissioner for Civil Rights Protection (Ombudsman) submitted the “National Program for Crime Victims” to the Minister of Justice.<sup>11</sup> It was drafted with the help of NGOs that stressed the need for better information on services available to crime victims and improved practical support by government institutions. Information about contact points and different forms of support offered to crime victims was already collected in 2003 from the voivodships (the provinces in Poland); it was updated in 2005 and subsequently published on the ombudsman’s website. The information was supplemented with data from certain victim support and legal aid organizations, including government centers providing support to the crime victims (Local Support Centers).<sup>12</sup> Nigdy Więcej participated in the consultation process and provided a draft for Chapter XII of the program, titled “Victims of Crimes Related to Difference—Victims of Chauvinist Crimes.” Nigdy Więcej’s strategic objectives and demands included:

<sup>10</sup> Ministry of Justice 1999. *Polska karta praw ofiary*, Warsaw.

<sup>11</sup> Krajowy Program na Rzecz Ofiar Przestępstw na lata 2009-2013, Warsaw 2004.

<sup>12</sup> *Ibid.*

- special support for victims of hate crimes
- access to free legal aid
- legal aid and representation for victims who appear in legal proceeding as parties in a trial
- reimbursement of the victims' expenses (or of witnesses or parties) incurred in connection with their participation in the penal proceedings
- the right to protection
- personal and privacy protection for the victims, their families and relatives
- indemnification from the perpetrator; immediate return of victim's property
- protection of non-Polish nationals: support and counseling
- international cooperation to help hate crime victims
- support for NGOs providing assistance to crime victims
- training of the individuals participating in legal and other proceedings or otherwise maintaining contact with the victims
- measures to counteract re-victimization and pressures on the victim.

The specific program objectives were the following: social campaigns and lobbying for the interests of the crime victims, crime prevention and an in-depth analysis of chauvinism in Poland. The following measures were determined to be the first priorities: social campaigns, “court watch” (legal monitoring), the establishment of a court information system, a new police work catalogue (to be developed) and improved cooperation between police departments and NGOs. According to the ombudsman's website “the National Program for Crime Victims is one of the most important legislative measures undertaken by the Ministry of Justice in 2008.” However, Nigdy Więcej's main demands listed above were not fulfilled. Moreover, the National Program initiated in 2008 is hardly comparable to the draft, and it remains unclear which organizations and institutions should be responsible for its implementation. Nevertheless, this program has laid the foundation for a general framework of victim assistance in Poland, which is a step in the right direction.

## 2.3 Summary/Conclusions

In both countries, constitutional, criminal and civil law provisions do—to a varying extent—permit the persecution of crimes related to discrimination and hate crimes based on either alleged or real characteristics that the victims may have. In both countries the 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) that treat bias-motivated violence as separate offenses. Two other 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 offenses, but it also prohibits incitement of violence, incitement of arbitrary discrimination and the violation of people's human dignity on grounds of nationality, race, religion or ethnicity (Sect. 130). Both states have been repeatedly criticized by supranational bodies for not having passed legal provisions that enhance penalties for bias-motivated offenses.

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 Germany the instrument of joint action grants victims certain legal rights as joint plaintiff. With access to case files, the right to file petitions concerning the investigation, the right to question the defendant, to submit evidence etc.), this has proven to be a vital tool that can safeguard the interests of hate crime victims in court procedures, prevent the premature discontinuation of investigations or ensure that the ideological background of the offense is considered and addressed. In Poland, where representatives of non-profit and social organization are also allowed to actively participate in court cases under specific circumstances, the full potential of these procedural instruments still needs to be further explored and developed.

In general, litigation and advocacy strategies of NGOs have to take into account the ambivalence of legal provisions and law enforcement systems in their respective countries. On the one hand, the legal framework defines how right-wing, racist or homophobic attacks should be treated by the state and its law enforcement agencies, and what kind of protection should be provided to marginalized groups. Legal systems can either affirm a society's opposition to right-wing extremism and xenophobia by sending a clear message to potential perpetrators, or contribute to the neglect and minimization of ideologically motivated attacks by poorly implementing the laws. On the other hand, not all hate crime victims are interested in pressing charges against their perpetrators. However, for many victims, legal procedures can constitute a crucial step in moving towards closure to the extent they can provide financial compensation in addition to public recognition of their suffering and the ideological motives of the perpetrators. In cases where the legal system allows the broader political and social dimension of hate crimes to be addressed, lawsuits can be also used as advocacy and educational platforms, and they might contribute to public rehabilitation and strengthen the victim both as an individual and within the community they represent. Victim support organizations in Germany have been instrumental in promoting changes within the legal system that defend the victims' well-being and legal rights. The extent to which German NGO experiences with litigation policies can be meaningful for victim assistance in the Polish context should be further explored and discussed.

### 3 Official Monitoring of Hate Crimes

After having described the existing national legislation in both countries for prosecuting and convicting hate crime offenders as well as for ensuring the legal rights of victims, we will now turn to the official national monitoring and registration systems. As the European Network Against Racism has emphasized, “under-reporting and lack of data remain two of the critical impediments to the effectiveness of the law [addressing hate crimes].”<sup>1</sup> In general, it can be assumed that the extent of right-wing and related violence in Germany and Poland is, to varying degrees, underestimated.

Research in Canada and the United States, both leaders in this field, has recognized the following reasons for the high rate of underreporting by hate crime victims:

- fear of reprisal by perpetrators
- fear and mistrust of law enforcement employees
- belief that victimization will not be taken seriously or fear of further victimization by the police
- fear of secondary victimization by others (e.g. members of the gay community might fear that their sexual orientation will be revealed)
- failure to classify reported incidents as hate crimes because of insufficient evidence concerning perpetrator’s motivation failure to investigate the context of an incident.<sup>2</sup>

Some authors have claimed that the “dark figures” of hate crimes vary from offense to offense, but may run as high as 95 percent for certain crimes.<sup>3</sup> “Dark figures” refer to the number of crimes that go unreported.

Beyond underreporting, shortcomings exist concerning the quality of data collection and the registration and monitoring systems that governments and law enforcement agencies use. The reasons for these shortcomings are complex; however as a whole, they call attention to the fact that these institutions are still unprepared and/or unwilling to address the problem appropriately. Human Rights First and the European Network Against Racism (ENAR) have raised particular concern over the huge information deficit on hate crimes in Europe. Their main point of criticism is that there has not been sufficient emphasis placed on establishing official monitoring mechanisms and channels for public reporting on hate crimes and right-wing violence. They also observe a stark contrast between non-governmental registration and reporting, media coverage and reports available from governmental bodies; the government sources are often

<sup>1</sup> European Network Against Racism (ENAR) 2007. Racism in Europe: ENAR Shadow Report, Brussels, p. 25.

<sup>2</sup> Janhevich, Derek 2001. Hate Crimes in Canada: An Overview of Issues and Data Sources, Canadian Centre for Justice Statistics, Ottawa; Shiveley, Michael 2005. Study of Literature and Legislation on Hate Crime in America, National Institute of Justice, Washington D.C.

<sup>3</sup> Roberts, Julian V. 1995. Disproportionate Harm: Hate Crime in Canada: An Analysis of Recent Statistics, Executive Summary, University of Ottawa, Ottawa, p. 1.

either unavailable, highly misleading or years out-of-date.<sup>4</sup> The ODIHR cautions that flawed official data on most affected victim groups limit the potential of governments and NGOs in developing policies that provide support and protection to vulnerable communities.<sup>5</sup>

In the following section, we will discuss the pertinence of these criticisms in the specific context of Germany and Poland after we evaluate relevant data sources from government institutions and their official figures for registered incidents and related legal proceedings. We will also summarize the discussions surrounding the official monitoring systems, including the main concerns expressed by legal experts, NGOs and activists.

## 3.1 Registration Systems and Relevant Official Data Sources

### 3.1.1 Germany

#### 3.1.1.1 Police Classification and Registration System

The police classification and registration system of right-wing offenses and related hate crimes has been the subject of intensive discussion for almost a decade now in Germany. In the following we will present a brief account of its transformation since 2001 and problems with its current implementation.

Though criminal law does not explicitly refer to bias-motivated crimes, the Criminal Police Recording System has contained basic registration rules for racially motivated assaults since 1992 and for anti-Semitic offenses since 1993.<sup>6</sup> Given the transition of the nature and quantity of right-wing attacks in the aftermath of reunification, the previous police classification and recording system proved inadequate; it had major flaws that needed to be addressed. The reportage on victims of right-wing hate crimes in Germany had already made a significant impact when the *Frankfurter Rundschau* and *Der Tagesspiegel* first published them in 2000 (See Sect. 1.1.1). These numbers disclosed a much higher death toll by right-wing and racist violence than the criminal police records.<sup>7</sup> The enormous discrepancy between this chronology and police figures sparked a public uproar. Even high-ranking police officers, such as Bernhard Falk, the then-Vice President of the Federal Criminal Investigation Office, concluded that “the real number of right-wing extremist, anti-Semitic and

<sup>4</sup> McClintock, Michael 2004. *Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America: A Human Rights First Report*, New York, p. 29.

<sup>5</sup> Office for Democratic Institutions and Human Rights (ODIHR) 2007. *Hate Crimes in the OSCE Region: Incidents and Challenges: Annual Report for 2006*, Warsaw, p. 77.

<sup>6</sup> Bundesministerium des Innern; Bundesministerium der Justiz 2001. *Erster Periodischer Sicherheitsbericht 2001*, Berlin, p. 269. Also note that the Criminal Police Recording System (Kriminalpolizeilicher Meldedienst, KPMD) is a database of ongoing police investigations and in contrast to the Police Criminal Statistics (Polizeiliche Kriminalstatistik, PKS), does not consider the outcomes of investigations.

<sup>7</sup> By that time, the newspapers listed 93 cases of violent deaths for the years 1990 to 2000, in contrast to 25 casualties registered by the police for the same time period.

xenophobic offenses [in Germany] must be higher than those displayed by police statistics.”<sup>8</sup> Public criticism focused on the layout of the official registration system, i.e. its criteria and definitions, as well as on the actual implementation of these criteria by local police officers. Apparently, it was common “that a xenophobic background was not registered although the perpetrator was clearly affiliated to the skinhead milieu or neo-Nazi groups—just because the offenders refused to admit his [racist] motives.”<sup>9</sup> Furthermore, the Criminal Police System, where xenophobic and anti-Semitic offenses were registered, was primarily focused on state security-related “extremist crimes,” which are defined as offenses aimed at threatening or overthrowing Germany’s democratic constitutional system.<sup>10</sup>

### The Revised Criminal Police Registration System

Following internal and external inquiries, a new criminal police registration system was introduced in 2001 based on an agreement between the Federal Ministry of the Interior and the state governments. “Politically motivated crimes” has become the foundation of the new classification system. These crimes have been separated into three main types, of which only the first will concern us for the purpose of this study: right-wing, left-wing and foreign. Hate crimes, a sub-category of politically motivated crimes of the right, have been divided into two types: xenophobic and anti-Semitic offenses. “Politically motivated criminal acts are considered hate crimes if (1) taking into consideration the circumstances of the act and the attitude of the perpetrator(s), indicators occur which imply that the crime was directed against a person because of his or her nationality, ethnicity, race, skin colour, religion, origin, sexual orientation, disability or because of his or her outward appearance or social status and that (2) the act is in causal relationship to this.”<sup>11</sup> Furthermore, definitions for xenophobic, anti-Semitic and politically motivated violence were established.<sup>12</sup> The new police registration system was to ensure “that, as a result of nation-wide standardized and comprehensive criteria, all relevant facts of the case are registered, assessed and reported by local police units to the Federal Office of Criminal Investigation according to the procedure agreed upon nationwide.”<sup>13</sup> According to the German RAXEN report, “the strong emphasis on the xenophobic or anti-

<sup>8</sup> Bundesministerium des Innern; Bundesministerium der Justiz 2001. Erster Periodischer Sicherheitsbericht 2001, p. 272.

<sup>9</sup> *Ibid.*, p. 262.

<sup>10</sup> *Ibid.*

<sup>11</sup> Peucker, Mario 2006. The Hate Crime Concept in Germany and How to Improve the Knowledge on the Extent of Hate Crimes, Bamberg, p. 1.

<sup>12</sup> Xenophobic acts are defined as hate crimes “which were committed due to the victim’s actual or alleged nationality, ethnicity, race, colour of skin, religion or origin.” Anti-Semitic offenses are understood as offenses “which were committed because of an anti-Jewish sentiment.” *Ibid.* “Politically motivated violence,” a further sub-category for the classification of hate crimes, refers to homicides, assaults and battery, deprivation of personal freedom, blackmailing, resistance to law enforcement officers and sexual offenses. Ohms, Constance 2003. Hasskriminalität gegen Lesben und Schwule. In: Forum Kriminalprävention, Vol. 3, Nr. 4, May 2003, p. 44-45: p. 44.

<sup>13</sup> Bundesministerium des Innern; Bundesministerium der Justiz 2001. Erster Periodischer Sicherheitsbericht 2001, p. 268.

Semitic motivation of the perpetrator was reduced” by including more indicators of intent and circumstances of the offense. This made it easier to register a criminal offense as a hate crime, even if the perpetrators refuse to admit their motives and the background of the offense was not considered to be “extremist.”<sup>14</sup> Generally, the reform is acknowledged to be a major improvement that has led to some considerable changes in police practice. Many victim support organizations are also attesting to progress, especially with regard to the categorization of racist attacks that target migrants and non-ethnic Germans.<sup>15</sup>

Although the revised system considered many of the concerns raised by NGOs and legal experts before 2001, it still displays clear weaknesses. The detailed criteria for the local police officers’ assessment and categorization of offenses as well as their “detailed instructions for action,” mandated by the Federal Office for the Protection of the Constitution, are not available to the public.<sup>16</sup> Five years after the introduction of the new registration system, the Federal Ministry of the Interior and the Ministry of Justice acknowledged the continued discrepancy between police figures and the number of hate crime incidents reported by unofficial sources: “Due to an unknown number of criminal offenses that go unreported to the police and different classification criteria, the data from legal authorities and victim support organizations vary considerably at times.”<sup>17</sup> Furthermore, shortfalls in the implementation of the new regulations by local police departments and underreporting by hate crime victims obviously detract from the accuracy of official data.

## Reasons for Non-reporting by Victims

Victims are sometimes afraid to reveal their personal data required in a report, as the legal defense can usually access these data.<sup>18</sup> Victims who are already known to the offender are sometimes afraid of revenge or the escalation of conflicts as a consequence of filing a criminal complaint. Individuals who have reported to the police before without tangible consequences are likely to be either frustrated or at least cautious given the considerable time and effort involved in filing a lawsuit. Others, especially adherents of left-wing groups, are concerned that they will not be treated as crime victims claiming their legal rights, but might become the object of police inquiries themselves. Lastly, some people simply seek to avoid any further experiences of victimization.<sup>19</sup>

<sup>14</sup> Peucker 2006. *The Hate Crime Concept*, p. 2.

<sup>15</sup> Interviews with Together, ReachOut and Opferperspektive.

<sup>16</sup> Peucker 2006. *The Hate Crime Concept*, p. 2.

<sup>17</sup> Bundesministerium des Innern; Bundesministerium der Justiz 2006. *Zweiter Periodischer Sicherheitsbericht 2006*, Berlin, p. 151.

<sup>18</sup> *Ibid.*, p. 157.

<sup>19</sup> Interviews with ReachOut and Amal.

## Categorization Practice

Alternative and anti-Fascist left-wing youth, one of the biggest target groups of right-wing offenses in Germany, report to the police less frequently than victims of racist attacks.<sup>20</sup> As highlighted by NGOs and researchers, one reason for this is related to the fact that police officers often categorize right-wing motivated attacks on adolescents as acts of “youth delinquency” or “rivalries between youth gangs.”<sup>21</sup> In cases where the ethnic origin of a perpetrator is not German, police tend to classify the attack in the third category of politically motivated criminality—criminality by foreigners—but not as an anti-Semitic or racist assault, which would be categorized as politically motivated crimes of the right.<sup>22</sup> Criminal offenses that were not anticipated in the classification of politically motivated violence are often not even considered hate crimes, even if the attacker’s bias evidently played a role in the motive. According to victim counselors, cases without injuries (stalking, threatening graffiti and other) are often not even registered or are not reported to the Criminal Investigation Department.<sup>23</sup> By failing to more systematically take into account the perception of victims and witnesses, as done in some other countries such as the United Kingdom or the United States, the German system is still significantly under-recording the extent of hate crime incidents.<sup>24</sup>

## Police Officers’ Awareness and Knowledge

Not all police officers seem to be familiar with the official definition of a hate crime. Many consider a case to be “right-wing motivated” only under the condition that the perpetrator is directly affiliated with a far-right organization.<sup>25</sup> Many officers are not trained or aware and lack information on activities and symbols of right-wing extremism.<sup>26</sup> Furthermore, constant allegations of police abuse and mistreatment of migrants and refugees reveal xenophobic attitudes within the law enforcement agencies themselves. This has been registered and published by local NGOs and human rights organizations such as ReachOut and Amnesty International (see Chapter 1). According to an interview with one police officer who is also a gay activist, prevailing prejudices with regard to the LGBT community are also a considerable problem: “Homosexuality has been illegal for most of the time,

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<sup>20</sup> Ibid.

<sup>21</sup> Bundesministerium des Innern; Bundesministerium der Justiz 2006. Zweiter Periodischer Sicherheitsbericht, p. 157; interviews with Opferperspektive, AMAL and Together.

<sup>22</sup> By definition, the category “politically motivated criminality by foreigners” (politisch motivierte Ausländerkriminalität, PMAK) cannot be applied to German citizens regardless of their ethnic background. According to ReachOut, police have categorized some hate crimes as PMAK that were committed by migrants holding a German passport. Interview with ReachOut.

<sup>23</sup> Ibid.

<sup>24</sup> Peucker 2006. *The Hate Crime Concept*, p. 5.

<sup>25</sup> Interview with Opferperspektive.

<sup>26</sup> Peucker 2006. *The Hate Crime Concept*, p. 2.

including in the [former] GDR. Especially elder colleagues have difficulties accepting homosexuality as normal for this reason.”<sup>27</sup> One victim counselor summarized the difficult relationship between police officers and their “clients”: “Since victims of right-wing attacks are often marginalized and seen as problem-laden, they often do not get treated with much understanding by police officers.”<sup>28</sup>

## Institutional and Political Influences

Attitudes of individual police officers are, however, only one obstacle for a more appropriate treatment of hate crime incidents and victims. Numerous studies and authors have identified structural and political factors that undermined an adequate response to hate crimes by law enforcement institutions. They have pointed to the lack of available staff and resources, as well as bureaucratic and political pressures.<sup>29</sup> Every offense categorized as “politically motivated” results in considerably more work for the respective police officer, constituting a strong disincentive for the correct classification. In contrast to other countries, special training programs for police and other law enforcement officials that help raise general awareness about different forms of hate crimes and victim groups are still not a top priority in many federal states of Germany.<sup>30</sup> Furthermore, dealing with such a highly politicized matter as right-wing violence can also create pressures on local police departments to underreport the amount of hate crimes due to concerns regarding the reputation of a particular region, town or police district. A recent scandal in Saxony-Anhalt, which was also covered by international media reports, highlighted that German police in some regions are still routinely ignoring racially motivated attacks.<sup>31</sup> The chief of police in Saxony-Anhalt was forced to resign in June 2007 after it had emerged that he was responsible for manipulating statistics in order to hide the soaring number of racist and right-wing incidents in the region. He went so far as to instruct police officers not to classify offenses as hate crimes unless the perpetrators were caught. About two hundred “unreported” offenses, mainly propaganda offenses, were omitted.<sup>32</sup> Similar accusations with regard to the adjustment of police statistics were

<sup>27</sup> Interview with Of a Different Kind.

<sup>28</sup> Interview with Opferperspektive.

<sup>29</sup> Bleich, Erik; Hart, Ryan K. 2008. Quantifying Hate: The Evolution of German Approaches to Measuring ‘Hate Crime.’ In: German Politics, Vol. 17, Nr. 1, p. 63-80; Schellenberg, Britta 2008. Strategien gegen Rechtsextremismus in Deutschland: Analyse der Gesetzgebung und Umsetzung des Rechts, Centrum für angewandte Politikforschung, München, p. 12-14; MANEO 2007. Gewalterfahrungen von schwulen und bisexuellen Jugendlichen und Männern in Deutschland: Ergebnisse der MANEO-Umfrage 2006/2007, Berlin, p. 12.

<sup>30</sup> Schellenberg 2008. Strategien gegen Rechtsextremismus, p. 13.

<sup>31</sup> The Telegraph, 12 Jun 2007.

<sup>32</sup> Der Tagesspiegel, 28 Nov 2007. On another occasion, a local police chief in Saxony-Anhalt actively encouraged his subordinates to slow down investigations of right-wing offenses. Die Welt, 1 Nov 2007. Furthermore, individual local police units reacted inadequately to right-wing offenses, partly hindering effective legal prosecution. See: Anonymous 2007. Sachsen-Anhalt: LKA-Chef Zurückgetreten, NPD-BLOG, 28 Nov 2007, Berlin. Another example was the failure of local police in Halberstadt (Saxony-Anhalt) to secure evidence and round up the obvious perpetrators of a brutal attack on a group of actors from a theater. As a result, the state prosecutor experienced serious problems proving the defendants’ guilt. Die Tageszeitung, 14 Mar 2008.

made in the state of Thuringia, where the police are also known for not taking the problem of right-wing extremism seriously.<sup>33</sup> Several interview partners observed similar problems in other federal states in both East and West Germany, where leading police officers and politicians have been also accused of trying “to keep official figures of right-wing offenses low.”<sup>34</sup>

### 3.1.1.2 Demands and Recommendations by Legal Experts and NGOs

Legal experts and NGOs have made various demands that could improve the existing provisions for police registration and classification of hate crimes in Germany. First and foremost, victim support organizations recommend a general shift in focus: Given the nature of hate crimes, it is essential that the criteria for the police assessment of a hate crime be less (right-wing) perpetrator-oriented and more victim-oriented. Such a shift would diminish the problematic concentration on the perpetrator’s affiliation with the extreme right-wing or neo-Nazi milieu and enable the police to register anti-Semitic or xenophobic hate crimes irrespective of the perpetrator’s political background. This proposal would emulate a system utilized in Great Britain, in which the perception of victims or a third person determines the initial police assessment.<sup>35</sup>

Other experts have pointed to the need of further training programs for all police units—not only specialized task forces—in order to improve the initial assessment of hate crimes. These programs should also “impart information on [...] the registration system and how to apply it in practice, about the potential perpetrator groups (e.g. meaning of neo-Nazi symbols), and typical patterns of offences, [as well as] about the potential victim and their perception.”<sup>36</sup> Police commissioners specialized explicitly in dealing with victims of hate crimes are also seen as a means of improving the trust in law enforcement institutions. Representatives of LGBT organizations are in favor of establishing contact persons/points (both within and outside the police departments) focused on the concerns and needs of homosexual crime victims.<sup>37</sup>

Another issue of concern is the process of information exchange between NGOs, police authorities and other law enforcement agencies (public prosecutors, judges etc.). The LGBT association Of a Different Kind (AndersARTiG e.V.) recommends improving and standardizing the communication procedures between these groups, so that this process becomes more institutionalized.<sup>38</sup> Monitoring activities by

<sup>33</sup> Schellenberg, 2008. Strategien gegen Rechtsextremismus in Deutschland, p. 13; Anonymous 2008. Aktion wegschauen geht weiter: Auch Thüringen schön offenbar Statistiken, NPD-Blog, 7 Feb 2008, Berlin.

<sup>34</sup> Interviews with Together and Of a Different Kind.

<sup>35</sup> Ibid.; Peucker 2006. The Hate Crime Concept, p. 4. See also: Oakley, Robin 2005. Policing Racist Crime and Violence: A Comparative Analysis, European Monitoring Centre on Racism and Xenophobia, Vienna, p. 6.

<sup>36</sup> Peucker 2006. The Hate Crime Concept, p. 4. Police expert Mark Holzberger and independent journalist Heike Kleffner demand a “systematic training and awareness program by victim counseling associations” for police officers. Holzberger, Mark; Kleffner, Heike 2004. War da was? Reform der polizeilichen Erfassung rechter Straftaten. In: CILIP, Nr. 77/2004, p. 56-64.

<sup>37</sup> Interview with Of a Different Kind.

<sup>38</sup> Peucker 2006. The Hate Crime Concept, p. 4.

non-governmental actors are also considered crucial by many legal experts and supranational bodies. The Left party (Die Linke) has repeatedly raised the issue about the need for the creation of a nation-wide independent monitoring body on right-wing extremism, xenophobia and anti-Semitism that could coordinate and support the activities of regional/local organizations, in order to get a more comprehensive picture of the amount and severity of hate crime incidents throughout Germany.

### 3.1.1.3 Official Data on Hate Crimes

The most frequently cited source for hate crimes in Germany are the annual reports of the Offices for the Protection of the Constitution at the federal and state levels (Verfassungsschutzberichte des Bundes und der Länder) published by the Ministries of the Interior.<sup>1</sup> Based on data provided by the Regional and Federal Criminal Police Offices, these reports describe crime trends and statistics for both the nation and the states. The Ministers of Justice of the 16 federal states determine which statistics will be released. These annual reports only provide limited data on the victim groups, even though they offer useful information on right-wing extremist organizations, parties and their main activities and strategies. While regional and local police departments in Germany have, in the meantime, begun to collect data on crime victims based on their sexual orientation, disability, social status, ethnicity and religion, this information is not usually made public.<sup>2</sup> The Federal Minister of the Interior publishes comprehensive press releases based on police statistics for politically motivated criminality of the right-wing at least once a year.

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<sup>1</sup> The main function of these offices is the surveillance of anti-constitutional activities in Germany and the monitoring of organizations that are considered a threat to the "free and democratic basic order."

<sup>2</sup> In response to criticism raised by international bodies on this information gap, the German government has cited privacy and data protection concerns for not reporting on the nationality, ethnic background, religious or sexual orientation of the victims of an attack. European Commission Against Racism and Intolerance (ECRI) 2001. Second Report on Germany, CRI (2001) 36, Strasbourg, p. 30.

**Table 1: Politically motivated criminality – right-wing:***Violent acts and other offences with an extremist background 2005-2007*

Type of crime	2005	2006	2007
Violent offences (total)	958	1.047	980
Attempted murder/manslaughter	0	0	1
Bodily harm	816	919	845
Arson attacks	14	18	24
Causing an explosion	3	1	1
Other violent crimes	123	109	109
<b>Other (non-violent) offences (total)</b>	<b>14.403</b>	<b>16.550</b>	<b>16.196</b>
Damage of property	445	391	821
Threat/coercion	90	150	146
Propaganda offences	10.881	12.627	11.935
Disturbing the peace of the dead	30	14	18
Other crimes, mainly incitement of the people	2.957	3.368	3.276

Source: Annual Reports of the German Federal Office for the Protection of the Constitution (2005, 2006 and 2007); numbers based on statistics of the Federal Criminal Police Office.

**Table 2: Crimes with anti-Semitic and xenophobic background 2005-2007**

Background of crime	2005	2006	2007
Xenophobic (total)	2.493	3.294	2.866
Xenophobic: violent offences	373	511	440
Anti-Semitic: violent offences	50	44	61

Source: German Federal Ministry of the Interior: press releases on politically motivated crimes for the years 2005, 2006 and 2007.<sup>3</sup>

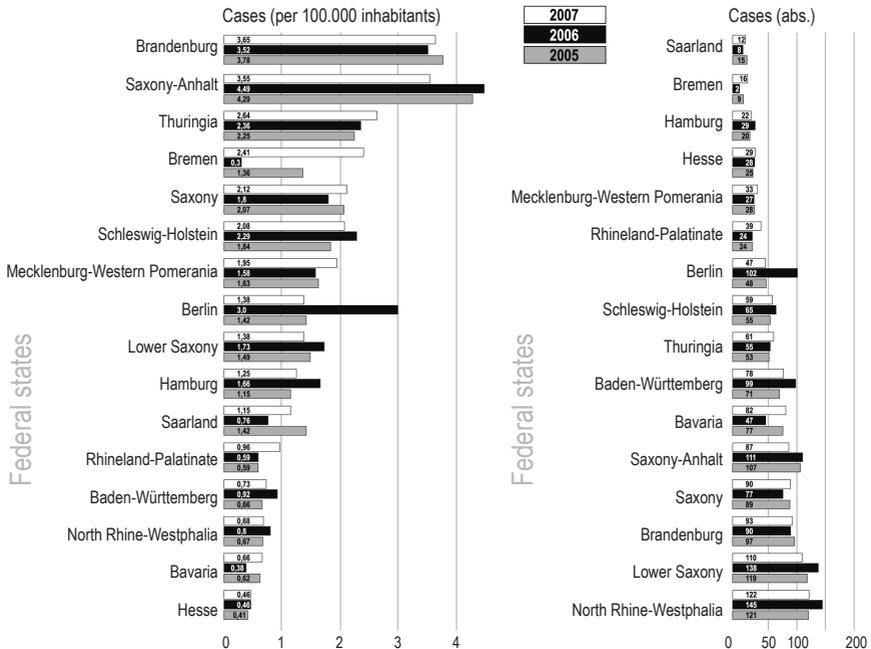
**Table 3: Politically motivated violent offenses (right-wing) 2005-2007**

absolute figures			relative (per 100.000 inhabitants)				
Federal state	2005	2006	2007	Federal state	2005	2006	2007
North Rhine-Westphalia	121	145	122	Hesse	0,41	0,46	0,48
Lower-Saxony	119	138	110	Bavaria	0,62	0,38	0,66
Brandenburg	97	90	93	North Rhine-Westphalia	0,67	0,8	0,68
Saxony	89	77	90	Baden-Württemberg	0,66	0,92	0,73
Saxony-Anhalt	107	111	87	Rhineland-Palatinate	0,59	0,59	0,96
Bavaria	77	47	82	Saarland	1,42	0,76	1,15
Baden-Württemberg	71	99	78	Hamburg	1,15	1,66	1,25
Thuringia	53	55	61	Lower-Saxony	1,49	1,73	1,38
Schleswig-Holstein	55	65	59	Berlin	1,42	3,00	1,38
Berlin	48	102	47	Mecklenburg-W. Pomerania	1,63	1,58	1,95
Rhineland-Palatinate	24	24	39	Schleswig-Holstein	1,94	2,29	2,08
Mecklenburg-W. Pomerania	28	27	33	Saxony	2,07	1,8	2,12
Hesse	25	28	29	Bremen	1,36	0,3	2,41
Hamburg	20	29	22	Thuringia	2,25	2,36	2,64
Bremen	9	2	16	Saxony-Anhalt	4,29	4,49	3,56
Saarland	15	8	12	Brandenburg	3,78	3,52	3,65

Source: *Ibid.*

<sup>3</sup> Bundesministerium des Innern 2007. Entwicklung der politisch motivierten Kriminalität im Jahr 2007, press release, 10 Apr 2007, Berlin; Bundesministerium des Innern 2007. Bundesinnenministerium legt Zahlen zur politisch motivierten Kriminalität im Jahr 2006 vor, press release, 30 Mar 2007, Berlin; Bundesministerium des Innern 2006. Bundesinnenminister Schäuble zur Entwicklung der politisch motivierten Kriminalität im Jahr 2005, press release, 10 May 2006, Berlin.

Figure 1: Politically motivated violence (right wing) 2005-2007



Source: *Ibid.*

### 3.1.2 Poland

#### 3.1.2.1 Official Data on Hate Crimes

Unlike Germany, there has been no general discussion in Poland concerning police registration systems focused on hate crimes. Relevant data and figures are collected by government and law enforcement institutions in a non-systematic way. There is no centralized system of data collection and evaluation, which makes it difficult to research and compile the dispersed information. The police do not issue any regular reports or press releases that would constitute an attempt to give an overview of recent trends and could serve as a base for a critical public discussion. Nor do the special services responsible for state security—the Agency for Internal Security and its predecessor, the Office for the Protection of the State—publish annual public reports on political extremism and hate crimes. The Police Headquarters Office and the Police System of Crime Statistics Temida (Policyjny System Statystyki Przestępczości “Temida”) remain the main official sources for data concerning incidents of racist violence and hate speech. Some of the data is published on the police headquarters’ website. No information is collected and published that focuses on bias motivations (xenophobia, anti-Semitism etc.) or the victim groups affected.

**Table 4: Police data on racist or xenophobic crimes (including hate speech) reported under legal articles for the years 2005-2007**

	2005	2006	2007
Crimes against freedom of conscience and religion (Art. 194, 195 and 196 Criminal Code)	104	61	74
Hate speech/incitement of people (Art. 256 and 257 Criminal Code)	52	82	115
Hate crimes against individuals/groups based on national, ethnic, political, or religious affiliation (Art. 118 and 119 Criminal Code)	16	12	no official data  (86 incidents, according to the Plenipotentiary of the High Police Commissioner for Human Rights Protection, between January and September 2007) <sup>4</sup>
<b>Total</b>	<b>172</b>	<b>155</b>	<b>189</b>

*Source: Mikulska, Agnieszka 2008: Xenophobia and Ethnic Discrimination in Poland—Outline of the Situation, Helsinki Foundation for Human Rights, Warsaw, p. 12 (based on data from the “Temida” police and the public prosecutor statistical system).*

A relatively new source of data and information concerning racist violence and hate crimes in Poland is the Team for Monitoring Racism and Xenophobia (Zespół do Spraw Monitorowania Rasizmu i Ksenofobii), established in November 2004 within the Department of Denominations and National and Ethnic Minorities (Departament Wyznań Religijnych oraz Mniejszości Narodowych i Etnicznych) at the Ministry of the Interior and Administration (Ministerstwo Spraw Wewnętrznych i Administracji). Since December 2007 the team has functioned within the Ministry’s Department of Control, Complaints and Petitions (Ministerstwo Spraw Wewnętrznych i Administracji, Departament Kontroli, Skarg i Wniosków). The team was formed in order to ensure “the most effective realization of tasks imposed on the Ministry of Interior and Administration by the National Program for Counteracting Racial Discrimination, Xenophobia and Related Intolerance.”<sup>5</sup> Some of the team’s tasks are:

- to develop a database on ethnic discrimination, racism and xenophobia
- to develop and implement a system of collection and analysis of socio-demographic data in cooperation with other government administration units in order to monitor incidents of racism, xenophobia and discrimination
- to develop and update educational materials for the police, border guards and government units operating at the voivodship (provincial) level, raising anti-racist awareness and preventing xenophobia and intolerance
- to analyze and prepare public reports on racism, racial discrimination and xenophobia in Poland
- to initiate and implement programs and strategies to prevent and combat racism, ethnic discrimination and xenophobia.<sup>6</sup>

<sup>4</sup> European Union Agency for Fundamental Rights 2008. Anti-Semitism: Summary Overview of the Situation in the European Union 2001-2007, Vienna, p. 16.

<sup>5</sup> Helsinki Foundation for Human Rights 2005. Data Collection: RAXEN National Report: Poland, European Racism and Xenophobia Information Network, Warsaw, p. 47.

<sup>6</sup> Helsinki Foundation for Human Rights 2005. Data Collection: RAXEN National Report: Poland, European Racism and Xenophobia Information Network, Warsaw, p. 47.

The team's tasks are carried out in close cooperation with non-governmental organizations that are active in preventing and fighting racism, anti-Semitism, racial discrimination and xenophobia. They are also working on building a database for cases of racial discrimination and violence, which should provide some information to the public. To our knowledge, the database has not yet been created. Some information, however, has been made available by request of the Helsinki Foundation for Human Rights: In the period between January and October 2005, the team received 23 notifications, nine of which concerned incidents of battery and eight related to cases of hate speech. The remaining six cases concerned complaints of mistreatment by public officials. The Ministry of Interior and Administration referred the latter cases to administrative institutions for resolution. Eight out of the nine cases of battery were reported to the police. In one case a victim did not want to report the incident to the police. Charges were filed in two cases, and the police were still investigating the remaining cases at the time of the report. Three of these reported violent attacks targeted Roma; the other victims were foreigners, including one Israeli citizen. Of the eight reported cases of hate speech, most of which were anti-Semitic in nature, five were submitted to the prosecutor's office and three were discontinued. Notifications addressed to the team take various forms; at times they are only e-mails informing the team about an incident without further details of the circumstances. The team itself does not try to verify the validity of the reports made, nor does it judge the xenophobic character of the incidents.<sup>7</sup>

Two further bodies established within the police structures constitute new potential sources of information with regard to hate crimes: the Plenipotentiaries for Human Rights Protection Issues, active in all voivodship (provincial) police headquarters and police academies since December 2004, as well as the Plenipotentiary of the High Police Commissioner for Human Rights Protection. As described in the police action list for human rights in 2005, their responsibilities include collecting information on cases of racial and ethnic discrimination, anti-Semitism and xenophobia, instances of hate speech as well as activities of far-right and neo-Fascist groups. In 2005 the plenipotentiaries identified 15 hate crimes with a xenophobic background; two were cases of anti-Semitic hate speech.<sup>8</sup> Investigations were closed in two other cases because the perpetrators could not be identified. In another case, the perpetrator was charged, but no racist basis for the attack was identified by the court. The preliminary proceedings were not completed for the other cases. The victims of these cases were mostly dark skinned individuals and members of the Roma community. More recent information prepared on request by the Plenipotentiary of the High Police Commissioner for Human Rights Protection Issues from all voivodships' police headquarters in Poland show 86 hate crimes between January and September 2007, of which at least 18 were anti-Semitic in nature.<sup>9</sup>

<sup>7</sup> Ministerstwo Spraw Wewnętrznych i Administracji (n.d.), Zespół Monitorowania Rasizmu i Ksenofobii, Warsaw.

<sup>8</sup> Helsinki Foundation for Human Rights 2005. Data Collection, p. 47.

<sup>9</sup> *Ibid.*, p. 48.

As reported by ODHIR, by June 2006 a special unit had been established at the Polish Police Headquarter to monitor and investigate potential threats to ethnic and religious minorities in Poland.<sup>10</sup> The Polish government also informed this organization of newly assigned officers to support efforts to combat right-wing extremism, but nothing is known about the scope of their activities. Furthermore, Poland has been participating in ODHIR's Law Enforcement Program on Combating Hate Crimes, which was developed in cooperation with police experts from six member states of the OSCE. The implementation of the program in Poland was preceded by a visit from ODIHR experts in November 2006 who analyzed the needs of Polish authorities with respect to the issues covered by the program. The ODIHR experts consulted with representatives of government administrations, police agencies and some NGOs. Their discussions focused on five areas: policies and strategies with respect to counteracting hate crimes, the training of police officers in this field, the collection of information on hate crimes, the legal framework, as well as the consultation and involvement of local communities in the fight against hate crimes.

Even so, it remains unknown how many Polish police officers have received special training within the framework of the program and whether the program has led to changes in the registration system. Despite the fact that some selected NGOs were asked to take part in the consultation process, no follow-up information was provided to them. The Polish police and other law enforcement agencies have not taken any specific proactive measures to respond to the particular needs of communities affected by hate crimes, and no new strategies or programs have been devised.<sup>11</sup>

### *3.1.2.2 Concerns of Supranational Bodies and NGOs*

In addition to the limited informative value provided by official data and statistics, some of our interview partners experience major problems with the way police register crimes and how victims of hate crimes are treated. These interviews suggest that many police officers either do not have any knowledge of what hate crime are or are completely uninformed about far-right organizations and their activities. Officers are often not very helpful, sometimes even to the point of showing hostility towards minority groups (see Chapter 4). According to an ECRI assessment, racist and other bias motives of a crime are generally ignored by the Polish police and other law enforcement agencies, and as a result, the offenses are treated as any other crime. "One of the reasons given for this [by the Polish authorities] is that the police are reluctant to take the racist motive into account as they consider they should be

<sup>10</sup> European Union Agency for Fundamental Rights 2008. *Anti-Semitism*, p. 16.

<sup>11</sup> Office for Democratic Institutions and Human Rights (ODIHR) 2006. *Challenges and Responses to Hate-Motivated Incidents in the OSCE Region (Period: Jan-Jun 2006)*, Warsaw, p. 36.

blind to a person's race."<sup>12</sup> Interviews with NGOs below will highlight that when Polish law enforcement minimizes or ignores bias motivation in violent crimes, it not only makes it difficult to estimate the number of incidents in Poland, but it also discourages minority and other disadvantaged groups from pursuing justice.

In an interview for this study, a representative of the Russian Cultural and Educational Association in Białystok (Rosyjskie Stowarzyszenie Kulturalno Oświatowe w Polsce, RSKO) also highlighted police officers' reluctance to recognize the racist or neo-Fascist background of crimes. The association has come to the conclusion that the authorities do not want to admit the scale of the problem. In such situations, organizations or individuals attempting to intervene are left with the task of investigating and providing the needed evidence:

*“Collecting information is a necessity; it proves that violent attacks are not a rare phenomenon, as claimed by the police officers. [...] It is convenient for the police to show once or twice a year that it was a sub-culture or simply to categorize such crimes as “hooliganism” and not treat them seriously. It is necessary to prove that such cases cannot be simply considered hooliganism, but rather that they have an ethnic, racial or religious bias. In the Polish reality, this is almost impossible.”<sup>13</sup>*

Another NGO spokesperson, representing the Union of Jewish Religious Communities (Związek Gmin Wyznaniowych Żydowskich w RP) in the Republic of Poland, mentioned similar difficulties in the context of anti-Semitism:

*“Unfortunately there were many cases of anti-Semitism that were not considered as such by the police. Thus, for example, there was a case when a person who was Jewish was attacked, but it was impossible for the family to prove that it was anti-Semitism that motivated the perpetrators to commit the crime.”<sup>14</sup>*

Even in very obvious cases, e.g. Nazi-skinhead violence against African people accompanied by racial slurs, the police have reportedly been reluctant to record and investigate the racist motivation behind the attack. In November 2006 following several anti-Semitic and anti-gay incidents in Warsaw and Wrocław, the local non-governmental organization Open Republic Association against Anti-Semitism and Xenophobia (“Otwarta Rzeczpospolita” Stowarzyszenie Przeciw Antysemityzmowi i Ksenofobii) appealed to the Ministry of Interior to provide clearer guidelines to police on how to respond to these types of complaints. The NGO accused the police of being inattentive and helpless in reacting to societal abuse and harassment.<sup>15</sup> Since homophobic attacks are not defined by the Polish Criminal Code as hate crimes, they are not portrayed in the police statistics either. As one member of the Polish Campaign Against Homophobia (Kampania Przeciw Homofobii) explains,

<sup>12</sup> European Commission Against Racism and Intolerance (ECRI) 2005. Third Report on Poland, CRI (2005) 25, Strasbourg, p. 10.

<sup>13</sup> Interview with the Russian Cultural and Educational Association.

<sup>14</sup> Interview with the Union of Jewish Religious Communities in the Republic of Poland.

<sup>15</sup> US Department of State 2007. Country Reports on Human Rights Practices: Poland 2006, Washington D.C., p. 3.

the registration system and how the police handle the cases do not encourage reporting and are flawed in many respects:

*“For example, an incident of a racially motivated rape will be put in the rape statistics and not in the statistics of racial violence. Often the victims of violence, while talking with the police, hide that the reason of the attack was their sexual orientation. For example, when somebody is attacked or robbed, she or he will not say that it happened in a gay club, because she or he will be ashamed of this. I got a letter from Gdańsk that in a gay club, people who were actually heterosexual and only looked homosexual were attacked. The motive was that [the offenders believed] they were dykes. They [the assault victims] wrote that they do not want to report it to the police and want to forget it”<sup>16</sup>*

Moreover, the police do not keep records on ideologically motivated violence targeting other victim groups that the perpetrators consider to be “anti-national,” such as anti-Fascist activists or alternative youth. Information on criminal cases is not even published regularly in a publicly accessible form when the cases are directly relevant to the issue of racist or anti-Semitic hate crimes based on the Criminal Code provisions. Institutions such as the Ministry of Justice or the Police Headquarters Office only occasionally collect and reveal this information, mostly upon special requests by other official bodies or journalists.

As a result of such an inquiry, the daily newspaper POLSKA The Times was recently able to obtain some more current police statistics on far-right activities/offenses according to which there were 82 “Nazi incidents” in 2007, 35 more than recorded for the previous year. In 2005 there were only 18 registered incidents. In addition, the newspaper reported about six cases of right-wing violence handled by the Agency for Internal Security (Agencja Bezpieczeństwa Wewnętrznego, ABW) for the period 2006-2007.<sup>17</sup> Consistent with their previous record, the agency refused to provide any details to journalists.

Like other post-Communist countries, the question of police legitimacy is another decisive issue within Polish society that undermines the efforts of many marginalized groups to access basic civil rights. Law enforcement agencies are still regarded by many with deep suspicion and as a remnant of a repressive past when the police were servants of the state and the Communist Party. At the same time, experiences of regular police abuse, reported by members of the Roma community or other ethnic or sexual minority groups, do not help to strengthen these groups’ confidence in police officers taking incidents of individual assaults seriously. Despite Amnesty International repeatedly urging the Polish authorities to intensify efforts to significantly reduce cases of police brutality through training, effective investigation and prosecution of those responsible (see Chapter 1), NGO representatives and activists still observe that most victims of hate crimes do not report incidents and assaults to police departments, leaving many unregistered and offenders unpunished.

<sup>16</sup> Interview with Campaign Against Homophobia.

<sup>17</sup> POLSKA The Times, 21 Apr 2008.

## 3.2 Data on Legal Proceedings and Convictions

Data on legal proceedings and convictions constitute another important source for the assessment of state responses to right-wing violence and related hate crimes. However, this kind of information is only provided by special requests to members of the parliament in the case of Germany or to supranational bodies or human rights organizations in the case of Poland.

### 3.2.1 Germany

The Federal Ministry of Justice requires all legal authorities in each state to register all case investigations that the state prosecutors launch on the grounds of alleged or actual right-wing extremist, xenophobic or anti-Semitic crimes. The most recent statistics available are from the years 2001-2003.

**Table 5: Investigations launched by the public prosecutor related to (alleged) right-wing extremist and/or xenophobic hate crimes 2001-2003**

	2001	2002	2003
Propaganda offenses (Dissemination of propaganda material; use of symbols of anti-constitutional symbols, Sect. 86, 86a Criminal Code)	19,875	14,171	12,554
Propaganda offenses (incitement of people and representation of violence, Sect. 130, 131 Criminal Code)	4,746	3,334	3,123
Breach of the peace (Sect. 125, 125a Criminal Code)	480	231	184
(Attempted) murder (Sect. 211, 212 Criminal Code)	19	14	27
Bodily harm (Sect. 223 Criminal Code)	1,070	942	833
Anti-Semitic offenses	656	609	316
Offenses against foreigners	3,553	2,276	1,796
Other offenses	2,470	2,063	1,987
<b>Total</b>	<b>29,362</b>	<b>21,417</b>	<b>19,120</b>

*Source: German Parliament, printed materials 16/1353 (27 April 2006)*

**Table 6: Investigations closed by the public prosecutor related to (alleged) right-wing extremist and/or xenophobic offenses**

	2001	2002	2003
Number of closed proceedings	27,590	21,771	17,832
Total number of convictions	2,623	2,805	2,334
Proportion of all closed proceedings	9.5%	12.9%	13.1%
Number of convictions due to offenses against foreigners	939	644	437
Total numbers of acquittals	365	217	154

*Source: Ibid.*

In contrast to the police registration system, information and research concerning how public prosecutors deal with the issue of hate crimes in Germany is rather rare. The same applies to the performance of courts and judges' decisions. In her doctoral thesis, Sylvia Seehafer summarizes the findings of other researchers concerning arson attacks, incidents of assault and battery, and the legal treatment of organized right-wing extremist groups since the early 1990s. She determined that the rise in right-wing arson attacks, for instance, has led to increased pressures on public prosecutors to press charges for attempted murder. As a result, arson attacks on private homes are now regularly treated as first-degree murder. By definition, this takes into account the political character of the attacks, as perpetrators deny their victims human dignity and the right to life for ideological reasons. This change in jurisdiction, however, did not result in higher penalties, presumably due to the large share of juvenile perpetrators.<sup>1</sup> In the field of juvenile law, sentencing is predominantly orientated towards the education and re-socialization of the offender.

Presumably, the state prosecutors' stance on hate crime has a decisive influence on the police investigation as well as on the court examination. Victim support organizations in different states and their experiences with the legal system corroborate this argument. For the federal state of Brandenburg, Opferperspektive has commended the improvement in the public prosecution's performance in the past years, notably under the guidance of the particularly committed General State Prosecutor Dr. Erardo Rautenberg.<sup>2</sup> In contrast, other victim counselors from Saxony-Anhalt have commented on the lack of knowledge and commitment in their regional justice system: "Sometimes we observe that prosecutors [trained in] economic law are supposed to press charges against neo-Nazis with a long-standing criminal record [because of right-wing motivated offenses]. They have no idea about

<sup>1</sup> Seehafer, Silvia 2003. *Strafrechtliche Reaktionen auf rechtsextremistisch/fremdenfeindlich motivierte Gewalttaten: Das amerikanische "hate crime" Konzept und seine Übertragbarkeit auf das deutsche Rechtssystem*, Dissertation, Humboldt-Universität zu Berlin, Berlin, p. 32.

<sup>2</sup> Interview with Opferperspektive.

right-wing extremism.”<sup>3</sup> This is why some NGOs have lobbied for the appointment of public prosecutors specializing in right-wing extremism, a demand which is also supported by some legal experts.<sup>4</sup>

As illustrated in the previous chapter, the German Criminal Code does not explicitly address or define hate crimes, and thus provides no clear standard for the prosecution. But, even if measures for sentence enhancement in cases of bias-motivated crimes were introduced into the legal system, the question remains of how to go about proving a xenophobic motive. Examining the interrelation of perpetrator’s motives, the offense and the actual effect of the offense on the victim requires an intricate understanding of racist ideologies and manifestations. A concrete case highlights the problem:

In April 2006, shortly before the Football World Cup in Germany, Ermyas M., a German citizen of Ethiopian origin, was attacked and severely injured in a fight that had a clear racist dimension according to the victim. In June 2007, after a highly publicized investigation and criminal procedure that were debated nationally and internationally, the only two suspects were acquitted for want of evidence. In the verdict the court also commented on the racist dimension of the case. The term “nigger,” which had been used by the accused against the victim, was not necessarily motivated by racism, the judge explained: “The intention could also have been limited to attempting to offend the opponent.” The judge also assumed that calling white people a “pig sod” would have a comparable impact.<sup>5</sup> According to victim counselors from Opferperspektive, the case shows that “lack of objective standards leaves [the judges] with a considerable power of definition. [...] Obviously, legal skills are insufficient to assess the problem.” Furthermore, victim counselors observed differences between comparable rulings that show inconsistency in the identification of right-wing motivations.<sup>6</sup>

### **3.2.2 Poland**

In Poland information on legal proceedings and convictions with regard to hate crimes is collected by the Ministry of Justice. The offenders, if convicted at all, are usually punished pursuant to “regular” Criminal Code provisions, for example, “acts of vandalism” under Art. 115 Sect. 21. Only in exceptional or high-publicity incidents (see Chapter 1) do the perpetrators of hate crimes face long prison sentences. As previously noted, the Polish Criminal Code does not contain any penalty enhancement provisions for bias-motivated offenses. One of the few official

<sup>3</sup> Interview with Together.

<sup>4</sup> Ibid. Seehafer has also acknowledged improvement: “Specifically, institutionalized state prosecution departments are a beginning for the support of an adequate judicial examination of the events of the offense.” Seehafer, Silvia 2003. *Strafrechtliche Reaktionen*, p. 36.

<sup>5</sup> A PDF with a detailed account of the case is provided in German by Opferperspektive: Opferperspektive e.V. 2008. *Der Fall Ermyas M.: Chronik einer Debatte*, Potsdam.

<sup>6</sup> Interview with Opferperspektive.

sources currently available on court cases and convictions related to racist hate crimes and hate speech is a report compiled as part of the “National Program for Counteracting Racial Discrimination, Xenophobia and Related Intolerance 2004-2009” (see Chapter 1). It contains information on legal procedures and final court decisions related to xenophobic crimes (Art. 119 Sect. 1, Art. 256 and 257 of the Polish Criminal Code). It was prepared by the Ministry of Justice in cooperation with the Government Plenipotentiary for the Equal Status of Women and Men.<sup>7</sup> The following statistics are based on research done by the Helsinki Foundation for Human Rights, which collected and compiled the following information from the Police Headquarters Office, the public prosecutor and the Ministry of Justice. It was published in their most recent report on “Xenophobic and Ethnic Discrimination in Poland” in February 2008:

**Table 7: Legal proceedings in cases of racist offenses 2004-2006**

Year	Number of offenses (Art. 118, 119, 256 and 257 Criminal Code)	Proportion of requested indictments	Proportion of discontinuation due to failure to identify the perpetrators	Number of convictions
2006	94	47%	34%	35
2005	68	71%	21%	22
2004	42	64%	31%	18

*Source: Mikulska, Agnieszka 2008: Xenophobia and Ethnic Discrimination in Poland—Outline of the Situation, Helsinki Foundation for Human Rights, Warsaw, p. 12. Based on data from the Police System of Crime Statistics Temida (Policyjny System Statystyki Przestępczości “Temida”).*

While the Ministry of Justice declared only recently that the figures of prosecution and jurisprudence once again prove the marginal nature of the hate crime phenomena in Poland, some NGOs have repeatedly pointed to the fact that incidents of violence and hate speech are still downplayed by law enforcement and other governmental agencies by all too frequently applying the principle of “insignificant social harmfulness” of an act (see Chapter 2). Existing legislation is in place to prosecute xenophobic or anti-Semitic hate crimes, but as supranational bodies such as ECRI and the European Roma Rights Center have criticized, police departments and public prosecutors hardly make use of it. Further public attention and research as to why they neglect using it is needed.<sup>8</sup>

<sup>7</sup> Mikulska, Agnieszka 2008. Xenophobia and Ethnic Discrimination in Poland: Outline of the Situation, Helsinki Foundation for Human Rights, Warsaw, p. 12.

<sup>8</sup> European Roma Rights Center 2002. The Limits of Solidarity: Roma in Poland after 1989, European Roma Rights Center, Country Reports Series, Nr. 11, Budapest/London, p. 74-87.

### 3.3 Parliamentary Inquiries

Since the annual publications of law enforcement and intelligence agencies are not able to adequately represent or warn of current developments in far-right activities and hate crimes, parliamentary inquiries have become a very important monitoring instrument in Germany. The political party most active in making such inquiries on the federal level is The Left party, especially the MPs Petra Pau, Ulla Jelpke and other colleagues. The answers from the national government to these representatives' monthly inquiries deliver the most up-to-date figures on politically motivated crimes of the right-wing that the police register in Germany. This information is broken down into where they occur (which state), the number of people injured as a result of these crimes, and the number of alleged offenders and arrests made by the police. The same MPs also make data available on registered anti-Semitic crimes by making regular parliamentary inquiries (every three months).<sup>9</sup>

Members of some regional parliaments, including politicians from The Left party, Alliance 90/The Greens (Bündnis 90/Die Grünen) and the Social Democratic Party (Sozialdemokratische Partei Deutschlands), also use queries on the regional level to force the state governments to make more frequent and detailed reports on incidents of racist, anti-Semitic and right-wing offenses and the prosecution of these crimes.<sup>10</sup> According to information provided by Opferperspektive in an interview with the authors, parliamentary inquiries are much more frequently applied in the new federal states (Berlin, Brandenburg, Saxony-Anhalt, Saxony and Thuringia) than in West Germany. In the old federal states Bremen, Bavaria, Hesse, Rhineland-Palatinate, Saarland and Schleswig-Holstein, inquiries are not used at all by regional MPs, despite the fact that some of these states face severe challenges posed by right-wing extremist activities.

In Poland inquiries have also been utilized, however, without any satisfying results to this date. Over the last decade several formal questions were posed by parliamentarians who have tried to raise awareness on the issues of racism and neo-Fascism in Poland, often on the basis of publications like the magazine *Never Again* (Nigdy Więcej). The figures quoted in official government responses are almost universally considered insufficient in light of the small number of hate crime cases that are actually dealt with by the Polish legal system.<sup>11</sup>

One instance where it was successfully used was when the MP Janusz Krasoń of the Democratic Left Alliance (Sojusz Lewicy Demokratycznej, SLD) submitted a parliamentary query concerning the combat of right-wing hate speech in the Internet. In January 2008 Adam Rapacki, an undersecretary of the Ministry of Interior and Administration, responded with a reference to the data from the Police System of

<sup>9</sup> Pau, Petra 2009. Anfragen im Bundestag zum Thema Rechtsextremismus, [www.petra-pau.de](http://www.petra-pau.de).

<sup>10</sup> According to information provided by interviews with victim support organizations, the NPD's motive for these inquiries is to criticize regional NGOs for overreporting on hate crimes by comparing police and NGO figures.

<sup>11</sup> Examples: Podsekretarz stanu 2008. Odpowiedź podsekretarza stanu w Ministerstwie Spraw Wewnętrznych i Administracji—z upoważnienia ministra—na interpelację nr 205 w sprawie zwalczania faszyzmu i ruchów nazistowskich w Internecie, Warsaw.

Crime Statistics Temida. The response stated that between January–November 2007 the following numbers of preparatory proceedings were launched: 10 preparatory proceedings concerning violation of Article 119 Section 1 and 2 of the Criminal Code (violence, unlawful threat towards a group or individual), three of which were submitted to a court with indictment. Of the remaining seven, one was suspended, two were discontinued due to the inability to determine the perpetrators, two were discontinued due to lack of criminal traits, one was finalized due to a decision not to pursue a charge (based on Art. 308 Sect. 1 of the Criminal Proceedings Code), and two were directed to family court.<sup>12</sup> In all, there were 66 preparatory proceedings concerning Article 256 of the Penal Code (the propagation of a Fascist or other totalitarian state system):

**Table 8: Total number of preparatory proceedings in Poland according to outcome**

Outcome of preparatory proceedings	Number of proceedings
Shifted to another law enforcement agency	1
Submitted to court with indictment	1
Suspended	1
Discontinued due to reasons not involving prosecution	2
Discontinued due to inability to determine the perpetrators	20
Discontinued due to “little social harm”	1
Discontinued due to lack of criminal traits	2
Finalized due to a decision not to pursue a charge (based on Art. 308 Sect. 1 of the Penal Proceedings Code)	3
Directed to a family court	9

*Source: Ministry of the Interior and Administration: “Response of the Undersecretary of State in the Ministry of Interior and Administration—as authorized by the Minister—to interpellation no. 205 concerning combating Fascist and Nazi movements on the Internet.”<sup>13</sup>*

Despite the clear reluctance of the national government bodies in Poland to make more detailed information on incidents of hate crimes available, the instrument of parliamentary inquiries on the national and regional level seems to have untapped potential. NGOs willing to cooperate with (opposition) parties and individual politicians should further examine whether and how this option could be applied

<sup>12</sup> The total number of cases adds up to eleven; however, this reflects the breakdown from the Ministry of the Interior and Administration: Podsekretarz stanu 2008. Odpowiedź podsekretarza stanu w Ministerstwie Spraw Wewnętrznych i Administracji.

<sup>13</sup> *Ibid.* These numbers total 58, while the Ministry cites 66 cases. No information explaining this discrepancy is available.

more effectively to further the public debate on hate crimes and put more pressure on Polish authorities, especially the law enforcement agencies, to improve their registration and monitoring systems.

### 3.4 Summary/Conclusions

Compared to other states, particularly those with a longer tradition of hate crime policies and legislation such as Canada, the United States or the UK, both Germany and Poland have limited monitoring systems in place. In both countries, the authorities provide limited or restricted information 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 (places of victimization etc.).

In Poland the number of convictions with regard to hate crimes is very low (35 convictions in 2006), and many legal procedures are discontinued. The German jurisdiction seems to be inconsistent from state to state, strongly influenced by the public prosecutors' stances and knowledge of right-wing activities. In Germany there are no up-to-date statistics available on convictions with regard to right-wing hate crimes, and minimal research has been carried out on the question of how public prosecutors and jurisdiction in general deal with suspected hate crime in criminal proceedings.

For Germany, the police system of registering and collecting data has been strengthened since 2001 as a result of a combination of internal and external pressures. Criticism raised by legal experts, journalists and a number of civil rights and victim support organizations played a part in this development because of their concern about the low quantity and quality of police data on hate crimes. With the new police registration and classification system in 2001 came the most important improvement: the category "politically motivated right-wing offenses" with its sub-categories xenophobic and anti-Semitic crimes. Before, the previous registration rules stated that ideologically motivated crimes needed only to be recorded by the police as such if the "perpetrator showed intentions of disturbing fundamental democratic principles of the state."

While in Germany the system of data collection has been improved over the years and government agencies regularly report on current figures and trends, there has been no broader discussion in Poland about the police registration and official monitoring system of hate crimes. Authorities provide only inconsistent and insufficient information on right-wing violence and related offenses, often only upon request by supranational bodies, the media or other institutions. Furthermore, the data seems to be collected unsystematically. More comprehensive information on hate crimes in Poland still comes from the media and specialized non-governmental organizations, not from official sources such as police or public prosecutors.

The lack of reliable and up-to-date statistics on hate crimes is a major obstacle not only for research, but also for a general public acknowledgement and awareness of the problem of bias-motivated violence and hate speech in Poland. The fact that the numbers of reported cases are still very low may also be related to many victim groups' general lack of faith in the law enforcement agencies' effectiveness in carrying out justice and addressing their grievances.

Similar mistrust can be still observed in Germany among victim groups. Although the treatment of hate crimes victims by police and legal authorities seems to have improved in some states and the definition of the category "politically motivated crime" has become more comprehensive, hate crimes in Germany are still very much discussed and viewed through the prism of right-wing extremism. Even though the new police system considered much of NGO criticism from before 2001, some experts have noted a persistent reluctance by the law enforcement officers to take bias motives—not to be confused with far-right and openly extremist ones—seriously and to invest more time and energy in the proper registration and investigation of reported cases and alleged perpetrators. Others suspect that officials generally neglect "everyday" bias-motivated harassment and attacks committed by offenders who may not be directly linked to an extremist organization or to specific social environments such as the right-wing skinhead or hooligan scene.

In both countries, victims underreport hate crimes for various reasons. This poses a serious challenge not only for the main groups affected, but also for the legal and justice system and democratic society as a whole. Until law enforcement agencies improve and intensify their efforts to raise awareness within the administrative and law enforcement structures through outreach activities to victim groups and other confidence-building measures, NGOs that represent minority groups or that monitor and support activities remain a crucial actor (sometimes the only actor) in strengthening the position of victims in both countries' democracies.

## 4 Activities of Non-governmental Organizations

In the following we will present the results of our study with respect to activities of NGOs operating in the field of monitoring right-wing violence and offering assistance to victims of hate crimes in Poland and Germany. As will be shown, the approaches of both research teams had to be slightly adjusted to the particular situation of non-governmental organizations in each country. While some parts of the NGO sector in Germany active in countering right-wing extremism, racism, homophobia and discrimination have gone through a process of professionalization and specialization over the past decade, often due to new government and state programs and funding opportunities, the Polish government and other institutions have made little effort to support activities in this field, leaving NGOs in Poland with fewer resources to develop monitoring strategies and specific support programs for victims of hate crimes.

Because of differences in the funding and NGO structures, the researchers agreed that it was reasonable to broaden the scope of the study for the Polish part of the study. The Polish team contacted and interviewed organizations and groups that had not yet been involved in such programs but that would have an interest and expertise in right-wing activities and hate crimes in Poland. They are involved either because they represent the interests of particular minority communities as welfare or human rights organizations, or they have regular contacts with potential victim groups such as refugees or the Roma community. Since one of the objectives of this study was to determine which organizations could benefit from transnational cooperation in the field of hate crime victim support, an important first step consisted of learning about the general perspectives and assessments of various NGOs and the issues at stake for them: did these groups recognize right-wing violence and hate crimes in Poland as a significant social and political problem; have members of their communities been affected by discrimination and attacks; and if so, to what extent and how have the groups and community networks dealt with these incidents and experiences of harassment so far?

In the German part of the study, we primarily concentrated on organizations already active in the field of monitoring and hate crime victims' assistance, paying less attention to informal/self-help groups and general welfare or human rights associations. As described in this chapter in more detail, the biggest challenge for Germany was the identification of NGOs in the old federal states, where, in contrast to East Germany, no specialized support organizations for victims of right-wing violence have been set up so far. Here, we also decided to expand our survey by including groups like anti-discrimination offices. Hate crime monitoring may not be their primary objective, but they can and do already serve in their region as important contact points for potential victims.

Besides the funding and legal framework, there are, of course, further apparent structural differences between the two countries that have to be taken into account

when examining hate crimes and the specific make-up of the national NGO sectors and civic engagement against intolerance in both countries. Each country has its own history and unique pattern of migration. Although a new ethnic diversity can be observed today in Poland as a result of opening borders, forms of international exposure within Poland are still very limited in comparison to Western European countries. This entails the movement of refugees and transit migrants as well as the establishment of international traders' networks, the size of migrant communities and national/ethnic or religious minority groups.<sup>1</sup> Right-wing extremist organizations and activities also differ to some extent in each country. While in Poland far-right and nationalistic groups have also gained influence, violent-prone neo-Nazi and skinhead scenes might nevertheless be smaller and more concentrated in certain regional areas than in Germany. Some of these issues will be briefly addressed in the following sections focusing on each country through interviews with our partners. However, not all issues could—mainly due to time restrictions—be dealt with more systematically. Overall, the study focused on four research questions:

1. What are the perspectives of the selected Polish and German NGOs on right-wing violence/hate crimes and their operational definitions?
2. Which groups are active in monitoring of hate crimes and what approaches/methods are applied?
3. Which NGOs offer assistance to victims of right-wing violence and related crimes? And what kinds of services are offered?
4. What forms of transnational cooperation and support could be useful, based on the needs, experiences and resources of the interviewed NGOs?

The sections focusing on Germany and Poland have a similar structure. We start the accounts with a short introduction, presenting an overview of NGO activities, campaigns and networks devoted to counter discrimination, right-wing extremism, racism, anti-Semitism and homophobia. In a second sub-section we outline the research design. The third part of each country section deals with different perceptions of hate crimes, and if and how the groups and organizations studied in both countries apply and use the term. In the fourth and fifth sub-section, we present our research results with regard to monitoring activities and support services to victims. The section on Polish NGOs also discusses at length the demands and needs for monitoring and support activities, as expressed by the interviewees. Furthermore, it tries to identify the main reasons why hate crimes in Poland have not been addressed more openly so far, including an analysis of obstacles and barriers within Polish society as well as limited resources and capacities of many NGOs. Each country section concludes with an overview of the interviewed organizations' perspectives with respect to transnational cooperation, a typology of studied NGOs, and finally, a summary of the most important research results.

<sup>1</sup> Iglicka, Krystina 2005. Active Civic Participation of Immigrants in Poland: Country Report for the European Research Project POLITIS, Oldenburg.

## 4.1 NGOs in Poland

*There is still a lack of discussion concerning the problem [of hate crime] in Poland. Some institutions claim to research the problem but very often this is only lip service, like the international obligations assumed by Poland. Despite this, a few NGOs run a couple of projects devoted to the hate crime phenomenon. And of course, some media objectively report about the problem. Until now, however, the state administration has officially registered only very few incidents.*

(Marcin Kornak, Nigdy Więcej)

In Poland there is a growing number of NGOs, grassroots social movements and non-institutionalized political groups that are active in the field of countering intolerance, including but not limited to racism and anti-Semitism, homophobia, xenophobia, and discrimination.<sup>1</sup> These organizations and groups have been forming since the 1990s. It seems that in most cases thus far the focus has primarily been on education: examples range from general campaigns for tolerance (such as the “T-shirt for Freedom” campaign); specific action days and action weeks (such as the European Action Week against Racism, the European Day against Fascism and Anti-Semitism, Refugees’ Day etc.); and anti-racist workshops offered by NGOs. This is in addition to numerous other activities that do not necessarily focus on anti-racism or hate crime awareness but provide a space for these subjects nonetheless (e.g. educational activities on multiculturalism, minorities, Polish-Jewish relations and the Holocaust among others).

The situation for LGBT community in Poland has been worsening in recent years. On the one hand, it may be construed as a conservative backlash launched against gay/lesbian and feminist movements and their demands for the emancipation of sexual minorities, and on the other hand as an affront against the broader cultural modernization that stems from transnational exchange and European integration. In light of this, a number of campaigns have been initiated that are of a more overtly political nature: for instance, the Parade of Equality in Warsaw, Equality Marches in Poznań, and the March for Tolerance in Kraków, among others. Relatively wide-reaching political mobilization took place in 2006 against the far-right Minister of Education, Roman Giertych, including middle and high-school pupils who organized a group called the Pupils’ Initiative (Inicjatywa Uczniowska). The campaign Giertych

<sup>1</sup> According to a 2006 research report by the Klon/Jawor Association, there were over 55,000 associations and more than 8,000 foundations registered in Poland. Of those, 12.8 percent of them indicated “culture and art” as their main field of activity, 10.3 percent “education,” 9.9 percent “welfare and social aid” (these fields are most likely to include NGOs dealing with hate crimes, racism, homophobia, discrimination, etc.). Of all NGOs, 34 percent belong to various thematic, regional or national federations, coalitions and unions, while only 16 percent of those unaffiliated groups would like to join broader structures. Only 10 percent of all Polish NGOs belong to international coalitions and networks; among those who are internationally non-affiliated, only 25 percent would like to join. Out of the NGOs surveyed most declared cooperation with local government (85%), public institutions such as schools, hospitals or museums (77%), and local media (50% of NGOs.) Other NGOs are less frequently a partner of cooperation, and one third of all surveyed NGOs declared that they have no contacts with other non-governmental organizations. See: Gumkowska, Marta; Jan Herbst 2006. Basic Facts about NGOs: Report of the 2006 Survey, Klon/Jawor Association, Warsaw.

Must Go (Giertych Musi Odejsć) drew a number of progressive, anti-Fascist, leftist and left-libertarian organizations.

In addition to organizing educational or public-campaigning activities, there are also organizations that focus on public intervention against ideologies of hatred and particular hate crime cases as well as on some forms of assistance to victims of hate crime and discrimination. The latter activity, even if only a minor component, also comprises part of the work of organizations whose primary focus is to provide welfare aid or legal assistance in administrative matters to migrants, refugees and other underprivileged social groups. Such is also the case with organizations focused on crisis intervention or victim assistance in the field of domestic violence.

Some of the more active organizations countering racism, homophobia and other forms of group-based hatred and discrimination are:

- anti-Fascist/anti-racist groups, organizations and networks
- organizations countering intolerance and promoting the idea of multicultural society
- general human rights organizations
- LGBT organizations
- feminist and women's organizations
- crisis intervention and crime victim support organizations
- popular alternative media.

#### **4.1.1 Research Design**

For the Polish part of the study, 28 organizations were selected. Most of them are officially registered associations, while others are foundations, religious organizations or informal groups. Twenty-seven representatives from 25 organizations were interviewed, and 25 interviews (with representatives from 23 organizations) were eventually used for the analysis. Polish research team members knew most organizations prior to the interviews, and in some cases the “snow ball” sampling procedure was used when new respondents were recommended by persons already interviewed. The predominant focus was on organizations operating in larger urban areas. Almost half of all organizations included in the survey are based in Warsaw, while others are active primarily in the eastern (mainly Białystok) or southern parts of Poland (cities such as Białystok, Kraków and Oświęcim, as well as Lower Silesia and the Opole region). The following types of organizations have been selected for the present study:

- 1) NGOs involved in systematic monitoring of hate crimes (Nigdy Więcej)
- 2) general human rights and welfare organizations (Helsinki Foundation for Human Rights, Polish Humanitarian Action, Association for Crisis Intervention)
- 3) organizations of potential biased crime victim/self-help groups:

- organizations of officially recognized and registered ethnic or national minorities (Russian Cultural and Educational Association, German Students Union, Association of Roma in Poland, Lemko Song and Dance Ensemble Kyczera, Union of Jewish Religious Communities in the Republic of Poland, Social and Cultural Society of Jews in Poland, Jewish Cultural Association Beit Warszawa)
  - organizations of immigrant minorities (Rescue Foundation, Ingush Unity, Society for African Affairs at the Jagiellonian University, Solidarity and Friendship Association of the Vietnamese in Poland, Muslim Centre for Education and Culture, Mongolian Student Community, Arabia.pl Association, Kazakh Community)
  - LGBT organizations (Campaign Against Homophobia, Lambda-Warsaw)
- 4) informal groups:
- minority groups (Ingush Unity, Mongolian Student Community)
  - anti-Fascist groups (Anti-Nazi Group from Pila, Nigdy Więcej Group from Oświęcim).

#### **4.1.2 Definitions and Perspectives on Hate Crimes**

The term “hate crime” is not widely used in Poland, although some organizations within Poland have been promoting its use. Generally speaking, the Polish team accepts the definition adopted by the Office for Democratic Institutions and Human Rights, which defines hate crimes as crimes committed against an individual or property because of a real or perceived connection to a group defined by one or more of the following characteristics: race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation or other factors. However, this definition is somewhat limiting insofar as it ignores other discourses of ideological prejudice that affect an individual or group’s emotional well-being and/or their ability to live in their community without fear. Furthermore, it excludes verbal threats, social exclusion, and institutional discrimination (like disadvantaging one group over another for public services). In Poland, private and public discourses often contain outright or thinly veiled stereotypes or attitudes that assume the inferiority of one group or lifestyle over the status quo. For example, political speeches in Poland have even been used as an open incitement against homosexuals (this will be discussed in a later section). Such discourses are called “hate speech” in English-speaking countries, a concept we will borrow for the purpose of this study. We consider hate speech to be socially harmful because it limits the individual or group’s access to certain rights or privileges enjoyed by the mainstream and their overall acceptance in society. In some cases, such discourses may be the precursor to violence that results in bodily harm or even death to the disadvantaged group. When presenting a general interpretative framework for understanding hate crimes in

the Polish context, Marcin Kornak of Nigdy Więcej, the oldest and most significant contemporary anti-racist and anti-Nazi organization in Poland, attempts to group various problems under a single concept:

*“In my opinion, everything [concerning hate crimes] is rooted in the culture. [...] The dark side of Polish culture is the deepest background of prejudices and ideologies that induce crimes of hate. These prejudices and stereotypes concerning certain ethnic, national and social minorities linger on for decades, sometimes even centuries. They are embedded in the way people perceive reality and use the Polish language. It is not only the domain of the poorer and less educated social strata, they often apply to nominal elites.”*

Kornak’s experiences at Nigdy Więcej have given him first-hand knowledge of how this deeply embedded intolerance impacts the lives of socially marginalized groups and how such prejudices often manifest in the form of psychological or physical violence. Kornak suggests that prejudices and stereotypes, no matter how harmless or unreflective they may appear, desensitize the general public, both rich and poor, to the experience of the victim and isolate the victim groups from the community.

All the interviewed NGO representatives and activists recognized the fact that members of minority communities and other groups are often subject to various forms of mistreatment either by members of majority communities, institutions or organized groups in Poland. Although each interviewee had a distinct emphasis and responsiveness to dialogue about intolerance, all the interviewees identified problems such as individual and institutional discrimination, stereotyping of marginalized groups in public discourses, as well as tensions between majority and minority groups. How NGO representatives approach the problem, both in terms of understanding and tackling it, is shaped by: a) the specific historical and current situation of their communities and organizations in Poland; b) their personal experiences; and c) their training (formal or informal) in the field such as anti-racism/anti-Fascism, pro-tolerance activism, human rights education and political involvement.

Most NGO representatives interviewed were convinced that xenophobia, prejudice, intolerance, racism and discrimination of marginalized groups are persistent patterns of Polish social and cultural life. For the most part, this view was expressed by representatives of organizations dealing with “visible” minority groups, such as refugees and migrants occupying marginal or underprivileged positions in the Polish society (due, for example, to lack of linguistic skills, shortage of legal and administrative knowledge etc.), people with visible physical differences (people of color, people wearing religious or ethnic symbols etc.), 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. anti-Fascist activists, punk subcultures).

Malika Abdoulvakhabova, the Vice-President of the Rescue Foundation (Fundacja “Ocalenie”), a group that works with the Chechen diaspora community in Poland, points out that attacks against Chechen migrants and refugees in recent years were motivated by:

*“[S]trong xenophobia, fear of people coming from the North Caucasus, lack of knowledge about Chechen people. [...] Xenophobia exists everywhere. These are widespread slogans: Russia for Russians, Poland for Poles, Germany for Germans. At the same time xenophobia is stronger in Poland than in Western Europe, and it is connected with the unstable economic and social situation. People do not want newcomers. This is my opinion and the opinion of those Chechens whom I have met.”*

In describing xenophobia in the context of economics in Poland, Abdoulvakhabova touches on many Poles' perception that refugees and migrants take away jobs or resources from Poles. Xenophobia ignores the unique political or social situation of why each group is in Poland and creates an identity hierarchy, elevating a preconceived notion of Polish identity above other “non-Polish” identities.

Even groups who have been in Poland for centuries are not immune to xenophobia or various forms of social exclusion. The Roma and Jews suffer from a long history of stigmatization and experience with political disadvantages and cultural hatred. In response to the question concerning the relevance of hate crimes in Poland, Roman Kwiatkowski of the Association of Roma (Stowarzyszenie Romow) in Poland outlines the dramatic situation of the Roma communities in the Silesia province:

*“Perpetrators who assault Roma are people with extremely nationalistic views. [...] There are no skinheads in Oświęcim [where the interviewee lives], but in Chrzanów, Żywiec, Kęty, there are strong groups of skinheads. Those groups are quite well-organized in the Silesia district. The Roma are being constantly attacked there. They have adopted a victim's attitude, which is the worst thing that can happen.”*

Roma remain one of the most victimized minority groups in Poland. Neo-Nazis and groups with a national extremist ideology consider Roma “racially” different and claim they do not fit the “proper” model of Polishness. Perpetrators against Roma families or their property often demand the removal of this ethnic group from Poland and sometimes even incite hatred calling for their extermination. In Roman Kwiatkowski's interview above, he points out that this racism causes substantial fear inside Roma community. Each time a dangerous situation occurs, passivity and withdrawal spreads to more and more members of the community. This creates a vicious circle, which the interviewee labels a “victim's attitude.” Mr. Kwiatkowski, one of the Roma leaders in Poland, is therefore concerned about victimization as a result of hostility from members of the surrounding majority. Such factors deter the Roma's ability to better with the local community.

Among representatives of Jewish organizations, there is great concern about anti-Semitism. Jan Gebert, who is the Public Affairs representative of the Union of Jewish Religious Communities in the Republic of Poland, refers to the results in a recent opinion poll, highlighting that Jews are considered to be the most hated group in Poland followed by Russians. Anna Mazgal representing the Jewish Cultural Association Beit Warszawa (Towarzystwo Kultury Żydowskiej Beit Warszawa) observes:

*“Anti-Semitism has always been a problem in Poland; it is a part of daily life, culture and folklore. It is so deeply embedded that people can look at anti-Semitic images but do not treat them as such. It is anti-Semitism against Jews that are no longer here and can be manifested against those who are not Jewish. Ultra-nationalists and skinheads are attached to the Nazi ideology, and anti-Semitism is a part of it. It can be manifested violently or non-violently, through different gestures and symbols. These are people from small villages who have never seen anyone different. Therefore, anyone who does not fit the ‘normal picture,’ for example, the handicapped or disadvantaged people, can be attacked by the skinheads.”*

Mazgal raises several complex issues about prejudice and how difference plays out in the Poland. Old prejudices about Jewish people, a group to which most Poles especially those in small villages have limited or no exposure, still play a prominent role in Poland. Despite the negligible size of the Jewish population in contemporary Poland, language and visual culture still cast Jews in a negative light. This is commonly described as “anti-Semitism without Jews.” However, this is not quite accurate, as there are still Jews living in Poland, and Jewish communal life has been undergoing a process of revival since the collapse of authoritarian state socialism in 1989. To “look” or “behave Jewish” or “in a Jewish way” means being “other”, “strange” and “bad” in the common language. Even though the situation is gradually changing, especially with the younger generation’s growing interest in Polish-Jewish history, anti-Semitism still seems to be a component ingrained in certain areas of Polish society and culture—a fact that many Poles do not acknowledge. Also important is the reproduction and transformation of anti-Jewish prejudice into general rejection of “otherness,” which Anna Mazgal refers to in the above quote. In such ultra-conservative circles, images of “healthy” or “true Poles” tend to exclude anyone who has any other belief besides Catholicism (especially non-Christians and atheists), who does not have white skin, who has non-conventional haircuts or clothes, who does not follow the traditional heterosexual and patriarchal family model, and in many cases, people who, due to their visible physical or mental disability, cause an inconvenience to the majority. This still exists in spite of the complexity and increasing diversity of social life in present-day Poland.

According to the representative of the Arabia.pl Association (Stowarzyszenie Arabia.pl) Marek Kubicki, Arabs and Muslims are subjected to group-based prejudice and experience discrimination. In public media discourses, Arabs and Muslims are often portrayed in the context of terrorism. Mr. Kubicki considers the number of Islamophobic hate crimes reported to Arabia.pl Association as comparably small. One possible reason he sees for this fact is the relatively small number of Muslims and Arabs living in Poland. He points out that most incidents have been committed by state functionaries, members of intelligence and military services. In other cases, groups of youngsters were the perpetrators.

Leaders and representatives of LGBT groups and organizations also expressed great concern about hate crimes. The perpetrators of violent attacks on gay persons are usually carried out by individuals, though some of them are organized in formal or

informal groups like the All-Poland Youth or followers of the neo-Nazi website Red Watch; others are “stadium hooligans, who use hate speech to taunt homosexual persons. They sometimes also physically attack them. These are sport fans and members of extreme right-wing parties or youth organizations of these parties.”<sup>3</sup> Robert Biedroń, the President of the Campaign Against Homophobia, argues that “the problem of homophobia in Poland is so general and widespread that many examples can be found in various structures of social life.”

#### *4.1.2.1 Three Types of Operational Approaches to the Problem of Hate Crime*

Most interviewees recognized the extensiveness of problems related to prejudice, xenophobia and discrimination in Poland. In spite of the specificity of each group’s focus, we identified three different perspectives concerning the term “hate crime” that arose during the interviews:

1. Combating hate crimes as an explicit component of an organization’s agenda
2. Hate crime replaced with other terms
3. The term hate crime found problematic, avoided or seen as a relatively insignificant issue

##### *4.1.2.1.1 Combating Hate Crimes as an Explicit Component of an Organization’s Agenda*

Among the organizations and groups included in the study, there are four that consciously and overtly use the terminology and perspective of hate crime as the core component of their agenda: the Association for Crisis Intervention, Nigdy Więcej, the Campaign Against Homophobia and the Polish Humanitarian Action (Polska Akcja Humanitarna).

Anna Lipowska-Teutsch of the Association for Crisis Intervention comments: “Our organization was among the first in Poland, which began employing the term ‘hate crime.’” At first the association used the Polish translation *zbrodnie z nienawiści* (felony motivated by hate) while working on the project Against Hate Crime in 2002. Then the Polish term was slightly changed to *przestępstwa z nienawiści* (crime motivated by hate) in 2006, when implementing another project related to hate crime prevention. Despite the change, the Polish term was still misunderstood and provoked “adverse connotations.” Police officers with whom the association’s staff spoke believed that violence in the family is an example of hate crime. In Lipowska-Teutsch’s opinion, the term “biased crime” and its translation “*przestępstwa motywowane uprzedzeniami*” are much better suited for the Polish context.

<sup>3</sup> Interview with Campaign Against Homophobia (Robert Biedroń).

*“I would say that we are at the starting point. [...] It is important for us, as a society, to negotiate a definition of hate crime that will reflect the actual state of affairs; this means [establishing] what kind of groups are particularly exposed to hate crimes [in Poland]. [...] Everyone uses hate speech with everyone else. There is a strong tendency to use aggressive and vulgar language in social interactions.”*

Marcin Kornak of Nigdy Więcej explains how their organization recognizes hate crime:

*“It depends on the motives of the person who committed the crime. If somebody is attacked because he or she is “different,” we are dealing with an evident hate crime. If the attack is accompanied by racist or chauvinist insults, then there are no doubts.”*

In the interview, Kornak elaborated on various types of hate crimes that occur most frequently in Poland. In general, most are physical violence (but also all types of “symbolic violence” and forms of discrimination) against people who do not match the far-right’s criteria of “true Polishness.” As Marcin Kornak puts it: “Grounds for ideologically motivated assaults include different skin color, looks, non-Polish nationality, culture or a different way of life.” Real and potential target groups are:

- **Alternative youth** expressing their rebelliousness and difference from “mainstream society” by means of, for example, their non-standard appearance. Racists very often use violence against these people. Fascists denounce alternative youth as bad or unworthy Poles or “slobs” and target them with ideologically motivated violence. Examples include attacks on reggae music fans, despised for listening to “black” music.
- **The homeless**, Nigdy Więcej’s *Brown Book* includes reports of vicious assaults and even murders of homeless people, so-called “crimes of contempt.” Sometimes Fascist groups overtly refer to such actions as “cleaning up the city.” According to Marcin Kornak, it is a big problem in Poland, largely ignored and not acknowledged as a hate crime, although it should undoubtedly be qualified as such.
- **Football players of color and of foreign nationality**, foreign football fans or supporters of antagonistic clubs who are subject to racist attacks, often accompanied by the rhetoric of anti-Semitism (being called “a Jew” is the strongest offense for hooligans). This form of bigotry is so widespread because Fascist or far-right organizations—such as National Rebirth of Poland (Narodowe Odrodzenie Polski, NOP), Blood and Honour (B&H) or All-Polish Youth (Młodzież Wszepolska, MW) have infiltrated the environment of football fans. Some racist football fans also committed murders.
- **The Roma** are common targets of hate crimes in some southern regions of Poland. Most recently in Zywiec and Brzeg, this group became victim of assaults and arson attacks.

- **Feminist, liberal, environmentalist, gay and lesbian** movements' demonstrations or alternative music concerts and presentations of modern critical art are attacked by neo-Fascist gangs.

Marcin Kornak added the following offenses to the assortment of frequently occurring hate crimes in Poland: desecrations of graveyards belonging to Jewish or other national and religious minorities (Ukrainian, Russian, German, Greek-Catholic, Orthodox, Muslim), vandalism of gravestones or monuments from Soviet soldiers, and racist, anti-Semitic and neo-Fascist graffiti and acts of vandalism targeting marginalized groups. He also mentioned mistreatment and discrimination against people with disabilities as a serious problem.

In their daily work, various groups and organizations throughout Poland are regularly confronted with the problem of hate speech. Marcin Kornak gives numerous examples of popular publications containing anti-Semitic, nationalistic or racist contents, as well as neo-Nazi Internet sites, such as Redwatch created by the Polish branch of the organization Blood and Honour. On the Polish Redwatch website, one can find pictures, personal descriptions, addresses and other data on a few hundred anti-Fascist, leftist, LGBT and feminist activists and journalists from places all over the country. Marcin Kornak stresses that the reason for creating such a website was to make critics of far-right movements targets of right-wing attacks and harassment.

In the experience of some organizations, hate does not always manifest in physical forms. For their daily activities, the term "hate speech" has greater currency. Katarzyna Nowak, a member of the *Nigdy Więcej* group in Oświęcim, explains: "We speak about hate speech more often than about hate crimes because in Oświęcim, the town where our activity is focused, there have been no crimes [i.e. acts of physical violence] motivated by ethnic hatred [since the group was formed]." *Nigdy Więcej* and other groups also regard the social currency of hate speech as a significant issue since it creates a symbolic and ideological "climate" in which the likelihood of hate crime rises.

The terms "hate crime" and "hate speech" are not well-recognized in Poland, so the Campaign Against Homophobia tries to propagate them. Robert Biedroń of the Campaign Against Homophobia states: "We use this term 'hate crime,' and we are very much active in spreading its use. We organized one of the few conferences in Poland on the subject of hate crimes and hate speech." They use the English version along with the Polish translation of the term (felony motivated by hate—*zbrodnie z nienawiści*, speech motivated by hate—*mowa nienawiści*).

The social conflicts arising from intolerance and hate crimes are also used in the Kraków chapter of Polish Humanitarian Action, as an educational tool. The organization's program Humanitarian Education mainly targets young people, and it offers workshops covering issues such human rights, tolerance, civic engagement and global education (about the South). As the program's coordinator Tadeusz Szczepaniak explains:

*“Within the program we run workshops dedicated to the problem of racism, and we try to explain to young people how stereotypes are conceived, how they are transformed into prejudices, and how prejudices, fear and ignorance can lead to racist attitudes and hate crimes. We try to share our knowledge about hate crimes with the youth.”*

Polish Humanitarian Action’s educational program is an example of how the awareness of hate crimes contributes to a broader understanding of anti-racist initiatives. The PHA educators seem to recognize that to prevent hate crimes and sensitize society about such issues, it is important to critically look at the wider social and cultural mechanism of stereotyping and prejudice that constitute the fertile ground of hatred-based ideologies. Reaching out to the younger generation is a key task in this undertaking.

#### 4.1.2.1.2 Hate Crime Replaced With Other Terms

Many organizations prefer mainstream terms like “discrimination,” “racism,” or “racist incidents” because they are understood by the general public and do not require specialized knowledge. The term “hate crime” is hardly used by grassroots anti-Fascist organizations such as the Anti-Nazi Group (Grupa Antynazistowska, GAN) in Piła, although the activists are well aware of the ideological background of the right-wing skinhead attacks they deal with on a daily basis. The group is involved in activities under the broader concept of promoting tolerance and fighting xenophobia on the local level. Similarly, the representative of the Social and Cultural Society of Jews (Towarzystwo Społeczno-Kulturalne Żydów w Polsce) in Poland stressed that the term “hate crime” may not be clear for many members of the organization who are elderly and thus do not speak English. In this context, the terms “racism” and “anti-Semitism” are used interchangeably. In further conversations about hate crimes with activists from Jewish organizations, it was evident that they were concerned not merely with physical attacks on individuals, but also with acts of vandalism and desecrations of Jewish cemeteries, as well as anti-Jewish and neo-Nazi graffiti in the streets.

Representatives of the Association of Roma in Poland and of the Arabia.pl Association referred to the continuous attacks and vandalism affecting particular ethnic (Roma, Arabs) or religious (Muslims) communities as hate crimes. Bogaudin Bokov of the Ingush Unity (“Edinstvo Ingusheti”) had not heard the term hate crime before. He intuitively associated it with his community’s predominant experience: the war in Chechnya, yet he recognized the general meaning and the context of the term as xenophobic acts against ethnic or religious minorities. In contrast, the Russian Cultural and Educational Association never used or discussed the term “hate crime,” even though anti-discrimination is a component of their work. Instead, the terms “discrimination” and “racist incidents” (*nypadki rasistovskiei*) are used interchangeably. These groups understand term “hate crime” in the broader

context of discrimination. The president of the organization Kazakh Community (Wspólnota Kazachska), Balli Marzec, said that while it is difficult to give an exact definition of hate crime, the term can be “intuitively” defined as discrimination and violence on an ethnic or racial basis. A representative of the Arabia.pl Association has a similar interpretation: Hate crime can be categorized as discrimination, but it is “the most severe form of discrimination, when someone is beaten or killed.”

A representative of the LGBT organization Lambda Warsaw expresses the difficulty with the operational use of the term “hate crime,” while at the same time recognizing its significance: “We sometimes deal with criminal offenses and crimes targeting homosexual persons. We are familiar with the terms ‘hate speech’ and ‘hate crime,’ but on a daily basis we are occupied with something else.” Their focus is not the legal definition of hate crime, per se, but providing psychological and legal help to LGBT community members.

#### 4.1.2.1.3 *The Term Hate Crime Found Problematic, Avoided or Seen as a Relatively Insignificant Issue*

Representatives of the Helsinki Foundation for Human Rights (HFHR) elaborated more extensively on the discussion surrounding the term “hate crime.” The HFHR does not have an operational definition of hate crimes nor does it use the term often. As Zbigniew Holda explains, “it depends on the situation, and I think it makes sense to use it in reference to the Criminal Code.” Agnieszka Mikulska pointed to the difficulties the organization has with the whole concept:

*“We have a kind of intuition-based thinking about the definition of hate crimes, which considers the ethnic, religious or racial bias of an offense. However it is still not very clear to us what ‘hate crime’ really means. And here the victims’ point of view is important. If we compare Poland with other countries in Europe, then according to the official statistics, the number of hate crimes is definitely smaller in Poland. This is a problem of the definition of hate crimes. In fact, only crimes that have been committed on the basis of ethnicity, religion and race are covered by the Criminal Code, and there are official statistics in this regard. But it is more complicated to get statistics on attacks committed against homosexuals, homeless or disabled people, for example.”*

HFHR points to the Penal Code’s narrow definition of these types of crimes. This definition provides a legal basis for institutions to overlook crimes against certain groups that are different from the mainstream, but excluded from this definition. Even though Mikulska claims not to have a clear understanding of the term, Holda recognizes its importance, and the organization values the victims’ experience as central to determining the motive of the offense. Both representatives of the HFHR stress that hate-motivated incidents are rather rare in Poland and affect mainly

Africans, black people and the Roma population. According to Professor Holda, not too many refugees and migrants complain about racist attitudes or violent attacks. Agnieszka Mikulska supports the assertion that physical attacks are not so frequent in Poland, “at least [not] on the basis of ethnic origin.” She adds:

*“Minor incidents such as pushing happen more often, but usually such incidents are not registered cases. Victims do not go to the police station. Also there are attacks against property and cases of hate speech which happen more often, but most of them are not registered and investigated.”*

The major problem discussed here by HFHR’s representative is the limited recognition of hate crime as a distinct problem. This might result from lack of knowledge or awareness of the victim’s perspective as well as the ideological mechanisms (racial prejudice, anti-Semitism, nationalist extremism etc.) that lie behind these incidents. Another important aspect highlighted here is victims’ reluctance to report hatred-motivated incidents (especially the “minor” ones), which might be due to their fear of making themselves “visible” to law enforcement institutions, media and the perpetrators, likely because they are afraid of perpetrators’ vengeance or—in the case of undocumented migrants—are afraid of jeopardizing their residence or work in Poland. Mikulska also acknowledges that Roma organizations and individuals regularly request help from the HFHR in cases of discrimination, while in contrast, Africans and other migrants usually contact them with administrative and legal questions. Many Roma bring attention to the problem of racism (in media, workplace etc.). In these cases “we can only intervene by writing a letter to the authorities or preparing a press release.” At the same time, she pointed out that “the problem of Islamophobia and discrimination of Arab people [...] is very pervasive in Poland.” Anti-Semitism, in her opinion, is less characteristic for Poland than for other countries with a higher number of Jewish inhabitants. In contrast, the Jewish Cultural Association *Beit Warszawa* was quoted earlier in this study as perceiving anti-Semitic sentiment to be deeply engrained in the every day. This organization works directly with the Jewish community, whereas the HFHR, as a general human rights organization, may not have regular contact with the experiences of many Jewish individuals.

For the German Students Union (*Verein Deutscher Hochschul ler in Polen zu Oppeln*), a group focused on promoting German culture, xenophobic violence is not an issue at all. Despite some forms of discrimination experienced on the local level (related mainly to anti-German prejudice among older generation of Poles as well as public institutions), the group’s representative believes the problem of hate crime in the context of the German community is virtually non-existent. However, its chairman, Malgorzata Koszyk, has shown interest in cooperating on issues of discrimination and hate crime monitoring.

Similar to the German Students Union but less expected was the assessment of some representatives of ethnic and religious communities that are actually counted as “visible minorities.” Groups who are theoretically most threatened by hate

crime—Asian migrant communities (Vietnamese and Mongolian), Arabs, Muslims, and African students—do not perceive hate crimes to be a major issue in Poland.<sup>2</sup> Nguyen Van Thai of the Solidarity and Friendship Association of the Vietnamese in Poland (Stowarzyszenie Wietnamczyków w Polsce “Solidarnosc i Przyjan”) stated, for example: “We do not deal with hate crimes. The Poles are good people, and I do not see a problem.” To his knowledge, most offenses that are committed against the Vietnamese community are not motivated by racial hate or right-wing ideology, but rather related to their difficult legal situation which perpetrators take advantage of.<sup>3</sup> At the same time, Mr. Nguyen Van Thai told the interviewer about numerous cases of abuse and mistreatment of the Vietnamese community in Poland, mainly by law enforcement officers, border guards or other private security services on the streets and markets (a large number of Vietnamese migrants are retail merchants). A similar discrepancy exists within the Muslim and Arab community, where some claim the situation is peaceful and stable, and others have a different story. Ali Abi Issa, an imam of the Muslim congregation in Wrocław and director of the Muslim Centre for Culture and Education (Muzułmańskie Centrum Kulturalno-Oświatowe), said in an interview that the promotion of inter-cultural understanding and tolerance constitutes one of the priorities of the center’s activities. While Ali Abi Issa admitted that “activity against discrimination and xenophobia is our daily bread,” he seemed to downplay the issue of hate crime, arguing that Polish Muslims do not talk about hate crime because the problem does not concern them. Furthermore, he added that he had never heard of any anti-Muslim crimes in Wrocław: “What’s more, Muslims say that Wrocław is a very open city and they live well here.” Ali Abi Issa is convinced that Polish people (and Slavic people in general) are more tolerant and open to Muslims than other European countries. This judgment, however, stands in stark contrast to the more critical attitude posed by Marek Kubicki of Arabia.pl Association regarding the hate crime problem in this community. Not only has the state security service imposed harsher treatment of Muslims and Arabs in Poland, according to Kubicki, but there have been instances of arson attacks on Arab restaurants, including two cases in 2001 in Wrocław.<sup>4</sup> This has been reinforced by popularized stereotypes and other anti-Muslim sentiment in the media. Both perspectives demonstrate the complexity in gauging the extent to which discrimination affects the Polish Muslim

<sup>2</sup> One exception in this group of immigrant community organizations is the Belarussian Social and Cultural Society in Białystok, representing a large, established and legally recognized national minority. Leaders of this association refused to give an interview because they “are afraid to talk about discrimination and hate crimes.”

<sup>3</sup> According to Nguyen Van Thai, 70 percent of the Vietnamese in Poland do not have legal documents or the right to live and work in the country. They cross the border illegally and cannot apply for the refugee status because most of them are not victims of political oppression in their country. By remaining undocumented in Poland, they run the risk of deportation to Vietnam and losing their property. In order to avoid this, some Vietnamese enter into marriages of convenience or try to hide their identity when the police arrest them.

<sup>4</sup> The night of the 3 October 2001, a local fire brigade responded to a fire in an Arab restaurant in Bogusławskiego Street. It was the second attempted arson attack against an Arab restaurant within a few days. On 29 September, around 4 am, somebody broke the window of another restaurant in Odrzańska Street, owned by the same man, a Syrian resident of Poland, and threw a bottle filled with petrol. It was revealed that in the October incident somebody poured 20 liters of petrol through the chimney. Nigdy Więcej’s believes these attacks occurred within the context of the 9/11 terrorist attacks in the United States. Nigdy Więcej. Katalog Wypadków Brunatna Księga. See also: Nigdy Więcej, Nr. 13, wiosna 2003, p. 18.

and Arab community.

Less distinct forms of downplaying the problem of hate crime can be noticed in the interviews with representatives of the African and Mongolian student groups. Filip Kitundu of the Society for African Affairs at the Jagiellonian University (Afrykańskie Kolo Naukowe Uniwersytetu Jagiellońskiego) in Kraków recognized the problem of racism, yet he was very moderate when speaking about hate crime incidents experienced by himself and his colleagues: “I cannot be a spokesman of the others but in my case, racist acts were accidental.” He talked about verbal assaults (“niggers stink,” “Poland for Polish”), but also mentioned physical attacks such as pushing. Mr. Kitundu has lived in Poland for five years and remembers “only” two racist acts against him. He explained that this may be because he does not have as dark skin as his colleagues who have had many more problems with racism (mostly verbal assaults). However, Kitundu recognized those incidents as hate crimes.

Nomondalai Erdenechimeg of the Mongolian Student Community admitted that the term “hate crime” is unknown in her social circle, yet she recognized the problem of discrimination towards Mongolians and other Asian groups in Poland. Nomondalai Erdenechimeg does not believe that hate crime is the largest problem in the Mongolian community because cases of aggressive violence against the Mongolians are rather rare. According to her, physical and verbal attacks are not as much of an issue for Mongolian students and doctors as for undocumented workers and retail merchants, e.g. in the Stadium Market in Warsaw. Yet she added: “I do not know if we could consider it [mistreatment of Mongolian workers and merchants] a hate crime; these are internal fights among the traders and sellers.”

#### *4.1.2.2 Possible Structural Causes for the Diversity of Perspectives*

Major differences in the use and the interpretation of the term hate crime have been discussed above. However, in addition to overt declarations by the leaders/representatives of NGOs interviewed, one can assume that a number of “structural” factors affect the specific approaches taken. Many of these factors can be inferred from contradictions in statements from leaders/representatives and the actual situation of the communities they serve, e.g. a pronounced contrast between a firm denial of discrimination or hate crimes and the conflicts that particular communities experience (e.g. undocumented legal status, prevalence of negative stereotypes and prejudice about a group in the society; reality of institutional discrimination etc.).

These factors can roughly be grouped as follows:

**1. Positive factors in the use and acceptance of the term “hate crime”: forms of social and cultural capital (knowledge, professional competence, experience etc.) that allow for or enable groups to address the problem of hate crimes:**

- organization’s profile or professional experience
- international contacts with experienced organizations or institutions dealing with hate crimes
- community’s relatively stable legal situation—it mainly concerns those ethnic or national minorities in Poland that can use their officially recognized and registered legal status as minority groups within the Polish state as a framework for anti-discrimination work or anti-racist campaigns.

**2. Negative factors in the use and the acceptance the term “hate crime”: the ambivalent situation where oppressive social/political conditions are countered within a particular context of recognition, where the latter can be understood as:**

- relatively widespread (or growing) public recognition of suffering experienced by certain minority communities during their long history in Poland
- refugee and migrant aid institutions, organizations or programs that provide a context for tackling the unstable legal and social situation of refugees and migrants in Poland.

**3. Positive factors that create an environment in which a community is not preoccupied with hate crimes but can focus on other issues instead (e.g. the promotion of its own culture):**

- relatively low level of discrimination in Poland
- relatively stable socio-economic situation in Poland
- relatively minor differences in group/community (or its individual members) in comparison to Polish society (especially in terms of physical difference, symbols used in daily life etc.)
- the organization’s scope of work.

**4. “Negative” factors for rejecting or silencing the problem of hate crime:**

- community’s unstable legal situation in Poland (especially the necessity of keeping a “low profile” due to undocumented residence and work status)
- instability of a community’s daily life or cultural situation in Poland, especially with regard to the intensity of racist threats and other harsh forms of discrimination, as well as lack of linguistic skills, cultural competence and relationships with local people (shortage or lack of “legitimate” forms of cultural and social capital)
- difficult and unstable political situation, including broader geopolitical context of stigmatization of certain groups.

### 4.1.3 Monitoring of Hate Crimes by NGOs

Most of the organizations and groups whose representatives were interviewed are not involved in systematic forms of monitoring hate crimes in Poland. However, these organizations have an interest in preventing social antagonism. Many have practical needs related to assisting members of their community who become targets of prejudices or discrimination, and as a result, a better understanding of the actual amount of hate crimes and discrimination supplements their work. In some of the organizations studied, leaders or other committed individuals in a community monitor bias-motivated violence. In several cases, monitoring strictly serves the purpose of intervening on behalf of particular incidents with legal institutions, law enforcement agencies or the media. Because of these differences, we distinguish between individualized/occasional practices of monitoring within particular communities and regular, organized initiatives in the following discussion.

#### 4.1.3.1 Individualized and Occasional Practices of In-community Monitoring

Because most of the organizations studied do not run systematic monitoring activities nor do they record hate crimes in a database, some interviewees understand monitoring to be an attempt to follow and understand the general menaces or violent incidents affecting a community. Normally, community leaders or committed individuals track cases within their community. Malika Abdoulvakhobova from the Rescue Foundation is one such example of a committed individual. She is very well informed about all cases of violence against Chechens and Ingushes in Poland for the past few years, yet her organization does not systematically monitor hate crimes or assist victims. Information about hate crimes comes directly from members of the Chechen diaspora in Poland or from the media.

The Kazakh Community is an organization that the victims frequently notify directly about cases of violence, even though the organization does not systematically document cases of discrimination or hate crimes. For instance, members of their community informed them that several dozens of sellers of different nationalities, including Armenians, Vietnamese, Africans and Chechens, were not allowed to enter the market on 13 February 2007 in Radzyń Podlaski, even though they had all necessary documents.<sup>1</sup> When the Kazakh Community attempted to intervene after a request for assistance from the Armenian community, their representative Balli Marzec said the police officers and representatives of the local authorities were not helpful. Unfortunately, this case was not well publicized in the media and no

<sup>1</sup> The mayor had issued an order banning foreign merchants from entering a local market place. A local court ruled in December 2007 that the mayor's decision was illegal. For more information regarding the incident, see: Nigdy Więcej. Brunatna Księga. See also: Nigdy Więcej, Nr. 16, zima-wiosna 2008. On the court's decision see the website of the Kazakh Community: Stowarzyszenie Wspólnota Kazachska 2007. Prawo burmistrza, 19 Dec 2007, Warsaw.

progress was made. There are many similar cases, but the organization does not have sufficient financial resources or knowledge to deal with them.

Activists from Polish Humanitarian Action, the organization that runs the workshop-based Humanitarian Education Program, are aware of local sites of tensions (that is, strained relations between subcultures or inter-religious conflicts over symbolic space). Such conflicts are especially common in youth environments. At vocational schools in Nowa Huta, a district in Kraków, students have openly expressed negative attitudes towards the local Roma community. The Polish Humanitarian Action itself is not involved in systematic monitoring, but the subject of hate crime is discussed during the organization's educational activities, including themes such as organized far-right and neo-Fascist groups and Internet hate speech (like the Redwatch site). Materials exposing hate crime are also published in the PAH's Internet newsletter *Pomagamy* as well as in paper version of the magazine for grammar schools. The bulk of information that PAH uses comes from the *Brown Book* published by Nigdy Więcej. In fact, Tadeusz Szczepaniak, the coordinator of Humanitarian Education, identified Nigdy Więcej as the only organization that systematically monitors hate crimes in Poland.

The Russian Cultural and Educational Association (RSKO) does not monitor hate crimes nor does it have a program for victims' assistance, but victims of discrimination have repeatedly approached the organization. RSKO attempts to collect information related to acts of discrimination in the region in general (not merely against ethnic Russians). Information mainly comes from articles in the newspapers, but members of the organization, friends and colleagues also contribute to their sources. An example of an incident where the organization took action occurred on 25 November 2000, when two teenagers planted explosives on a recently renovated monument. The monument, which was partially destroyed in the event, commemorated Red Army soldiers who died in the area during World War II. The perpetrators were arrested on 11 December 2000.<sup>2</sup> Yet the police are reluctant to intervene in such cases, and it was only after the organization submitted complaints to the Ministry of Internal Affairs, the Parliamentary Commission on Minority Rights and the provincial administration that an investigation was launched.

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<sup>2</sup> Nigdy Więcej. Katalog Wypadków Brunatna Księga; Nigdy Więcej, Nr. 13, wiosna 2003.

#### 4.1.3.2 *Regular and Organized Monitoring*

Based on the information obtained from the interviews concerning the groups' and organizations' tracking of incidents of discrimination, organized monitoring activities can be categorized into four general types:

- informal local monitoring and public intervention campaigns (led by grassroots anti-Fascist groups)
- community-based monitoring (specifically concerning acts of anti-Semitism and hatred towards the Roma)
- community-oriented research/victimization surveys (led by major LGBT organizations)
- comprehensive nation-wide hate crime monitoring (led by the principal anti-Fascist/anti-racist NGO).

While a wide range of factors determines the way in which these activities manifest within an organization or group, the more common factors can be summarized by the following:

- the group's/organization's specific needs or scope of work
- their time and financial resources
- their network of activists/volunteers involved in the activity
- their skills and experience.

It should be stressed that in some of the examples, monitoring is not the major objective or specialization of the organizations, but rather results from the immediate need for intervention in incidents of discrimination or when there is a heightened state of aggression towards a community. Therefore, the organized monitoring of hate crimes can, at least in some cases, be understood as the unintended consequence of interventions that try to counter the spread of racist or xenophobic violence (such as grassroots anti-Nazi groups) and that assist the victims of these hate crimes. Nevertheless, these examples can be considered organized forms of monitoring insofar as they require large scale mobilization of groups within a community, skills and resources—all of which are intended to have an impact on the public. The four types of organized monitoring campaigns are discussed below in the form of seven short case studies. Each of them represents a distinct approach shaped by the conditions mentioned above.

#### 4.1.3.2.1 Informal Local Monitoring and Public Intervention Campaigns

The Anti-Nazi Group in Pila came to existence in 1994 as an informal group of adolescent punk musicians who wanted to create an active anti-Fascist opposition to skinheads. They began by painting slogans on the walls and physically confronting violent skinheads from Pila. Eventually, the group gave up this confrontational approach and became a part of the anti-Nazi movement, which became the basis for the association *Nigdy Więcej*. The Pila group has worked towards preventing the expansion of skinhead activities in their city for the past several years. Because there are no foreigners in Pila, members of punk subculture have become the obvious enemy for local neo-Nazi skinheads. Their unusual clothes and haircuts have attracted the attention of skinheads who often insult them by calling them “slobs.” Punks have also been victims of threatening telephone calls and letters. The interviewed representative from GAN-Pila, Joanna Naranowicz, said that her family received telephone calls threatening to kill her, and her obituary was hung all over on trees nearby her house with news about her death. She was beaten up three times, and once the attackers broke her ribs. This and similar incidents affecting other punks sparked the movement against neo-Nazi and skinhead violence, and they launched anti-Nazi campaigns. They spread information leaflets in their city, met with local authorities and the police, and informed them about each time neo-Nazis attacked. Pila is not a big city, so the members of the anti-Nazi group usually knew the perpetrators of the attacks. All information gathered was then handed over to the police and to Warsaw to be published in the *Brown Book* (see below) edited by *Nigdy Więcej*.

First and foremost, GAN’s cooperation with *Nigdy Więcej* helped to bring about significant change in the community. When the press caught wind of the attacks on punks, journalists began appearing at every meeting with local authorities. The police and the authorities could no longer remain indifferent and had to take action. The police launched investigations into every reported case. Because the victims usually knew the perpetrators, the police immediately came to their houses and took them for questioning. Some of the skinheads were punished, making their identities public and stigmatizing them within the local community. Their families put pressure on them to change their lifestyle. This helped to weaken the strength of the neo-Nazi group and stop their attacks; however, Joanna Naranowicz alleges that some ex-skinheads have joined other far-right organizations and are active on the Internet. Another example of activities focusing locally on hate crime monitoring and public intervention is the informal group also called *Nigdy Więcej* in Oświęcim. This group started in the 1990s, and their first public intervention case concerned an attack that a group of local skinheads carried out against a young German man. Katarzyna Nowak, a member of the group who was interviewed, says the group prepared a public statement: “We wrote [...] that we were outraged about [this attack], that the city [authorities] should in some way support people [...] who are victims of such

assaults.“ The statement was presented at a meeting with representatives from the municipal office, and the city publicly apologized to the German young man.

**Other public cases in which the group has intervened include:**

- A conference for the police and representatives of educational institutions organized in 1996. Nowak says the group “noticed that there is a great need to educate them [the police and teachers]. We saw that they had no basic knowledge when it came to symbolism and youth movements, but they were open to cooperation.”
- The filing of an offense notice to the court in 1999 against Kazimierz Świtoń, a far-right religious fanatic who incited a movement to raise crosses at the Gravel Pit near the Auschwitz museum. This action antagonized Catholics and Jews, and Jewish visitors who saw the crosses viewed this as an offense.
- An educational project organized by Katarzyna Nowak in cooperation with the International Youth Meeting House against racist stickers appearing in public places (the stickers showed stereotypical pictures of Jews, black persons etc.). Young participants in the project submitted photographs, which documented the chauvinist contents of the stickers. The documentation was made public, which sparked shock in the community that its chauvinist contents were being publicly displayed in the town of Oświęcim.
- The demand in 2004 for the immediate removal of anti-Semitic graffiti in Oświęcim. The former management of the Auschwitz Museum had ignored the problem, and only after Nigdy Więcej had submitted information to the press was the graffiti removed.

Both informal grassroots groups discussed above are also part of a nation-wide network of volunteers who contribute to Nigdy Więcej’s monitoring project, whereby they prepare and send monthly reports for the *Brown Book*.<sup>3</sup>

These two examples of local monitoring related to intervention campaigns seem to be based not so much on specialized knowledge and skills necessary for long term and systematic research on hate crimes, but rather on very practical knowledge on local sites of tensions (relations between subcultures or inter-religious conflicts over symbolic space). These groups put effort into building and maintaining all kinds of social bonds and relations in a local community, as well as working to achieve recognition of local and national activities organized by Nigdy Więcej from representatives of major institutions and other significant organizations that might be influential in the local space.

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<sup>3</sup> Nigdy Więcej. Katalog Wypadków Brunatna Księga.

#### 4.1.3.2.2 *Community-based Monitoring and Intervention*

The Jewish community started to monitor anti-Semitism on a regular basis in 2005 when the Head Rabbi of Poland was attacked in the streets. Jan Gebert, a representative of the Public Affairs Department of the Union of Jewish Religious Communities in the Republic of Poland, explained the initiative Action Magen (in Hebrew, “Shield” or “Defense”) during an interview. The Magen group was established by members of this community with the objective of monitoring acts of anti-Semitism in Poland; it consists of a number of correspondents affiliated with the Jewish community from all over Poland who use daily local newspapers as the major source of information. Gebert asserts: “If something happens, we will be automatically informed.” Assisting Jewish victims of hate crimes makes up another component of the organization’s work. Information on Action Magen has been publicized on the website of the Union of Jewish Religious Communities. The website reads:

- “In face of the recent events and escalation of anti-Semitism, the Union of Jewish Religious Communities in the Republic of Poland has initiated Action Magen. We ask anyone to contact us who has recently received letters, SMS, phone calls or other verbal assaults, threats or physical violence of anti-Semitic nature.
- We also request that you not delete these SMSs or e-mails or throw away these letters, so that all evidence is kept.
- All data will be considered confidential. People who submit information do not have to give their personal details.”<sup>4</sup>

Jan Gebert also mentioned that the group has not yet developed a database for hate crimes. Gebert says this is because monitoring is not the current priority of the Jewish community in general, but: “If we had the financial possibility, we would be able to employ a person who specifically monitors hate crimes in our organization.”

The Association of Roma in Poland is another example of an organization that engages in monitoring activities. The organization monitors the press, focusing on matters important to the Roma community, and its members get involved in interventions whenever needed. When violence against the Roma occurs, the association’s representatives intercede and talk to local government institutions, police and public prosecutors. Roman Kwiatkowski, the association’s president, uses the term “Roma Internet” to describe this community-based, informal self-help system of monitoring and intervention:

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<sup>4</sup> Gmina Wyznaniowa Żydowska (n.d.). Akcja “Magen”, Warsaw.

*"[This is] what we call the Roma Internet. When something bad happens, they [members of the Roma community] immediately call for help, because they can not manage it on their own; the police do not want to intervene and they [the victims] are afraid to go out. They are [afraid of] being attacked. They ask me to come and intervene."*<sup>5</sup>

Despite Roma leaders' knowledge of unveiled racism in particular local communities, there are disparities between the leaders of the Roma community's desire to act and the willingness of municipal authorities to tackle the problem. The quote from Kwiatkowski below highlights this discrepancy:

*"In Żywiec for example, Roma people are constantly being assaulted by skinheads. This has been happening for years. Can you imagine an eighty year old woman being kicked black and blue by skinheads? She was a former prisoner of Płaszów and other concentration camps. And the worst thing is that people don't react to it. This means that there is social consent to this. All around Żywiec there are slogans on the wall like "Death to Gypsies!" and also "Away with Jews!" but mostly they concern Roma. Żywiec is notorious for this. It has recently got a lot of publicity in the press and TV. There is a kind of stalemate there because the city is not interested in counteracting [the racism]. It is well-known that perpetrators have been caught, but then they are also often quickly released. To make matters worse, they don't hide their prejudices towards our minority. [...] After our interventions and interventions from other human rights organizations, the local government ordered the building owners to immediately remove these writings on the wall, otherwise they would be fined. It is idiotic, because it will turn them against the Roma; they think if it weren't for the Roma, they wouldn't have such a problem. That is why I believe that financial means should be found in the city budget. These existing municipal funds should [be used to] remove [the graffiti]. We have many such examples, also in Oświęcim. We have informed the prosecutor's office about crimes committed. [...] We have offered a wide range of educational activities, but the reaction is very weak."*

The experience in Żywiec and other cities highlights attitudes that marginalized groups and organizations frequently encounter among officials in Poland. The Roma minority did not write these slogans on the walls, yet public officials treat it as an inconvenience to their daily responsibilities, regardless of how such displays of prejudice must make the affected group feel within the community, and try to push the cost of the graffiti onto the property owners. Discriminatory graffiti targeting one social group affects the social integrity of the community and, in the interest of social harmony and equality, the government or municipality should bear the cost.

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<sup>5</sup> Interview with the Association of Roma in Poland (Roman Kwiatkowski).

#### 4.1.3.2.3 Community-oriented Research/Victimization Surveys

A report titled “Situation of Bisexual and Homosexual Persons in Poland” has been published every two years since 2002 as a joint initiative between the Campaign Against Homophobia and the Lambda Warsaw Association. The report’s major objective is to examine the situation of the LGBT community. Its central source of information stems from surveys conducted among homosexual and bisexual persons throughout the country. Questionnaires are distributed by members of LGBT organizations, mainly in larger cities, often in gay clubs and meeting places; some questionnaires are also filled out online. In the first part of the report, survey results are presented in the form of tables and graphic charts. The second part comprises a sociological analysis of society’s attitudes towards bisexual and homosexual people, containing articles that analyze various spheres of social life, such as politics, the legal system, education, media, Internet, health care, the Catholic Church as well as sports.<sup>6</sup>

The last issue encompassing the years 2005 and 2006 is much wider in scope in comparison to the previous ones. The Campaign Against Homophobia conducted the research entirely on its own. Approximately 15,000 questionnaires were distributed, of which over 1,000 completed questionnaires were collected. The questionnaire was slightly modified to gather more information: The analytical part was more extensive than in previous versions of the report. Marta Abramowicz, a representative from the Campaign Against Homophobia, emphasizes the political context of the report, in which the right-wing Law and Justice party had just come to power with the support with nationalist and right-wing populist parties (with whom they eventually formed a coalition):

*“I think it is good that we summarized these two worst years for the lesbian and gay community in Poland. There was a big witch-hunt in the education system against teachers in schools. [...] I know from varied sources that there is fear to talk about homosexuality, to organize lectures about it, to recognize homosexual persons in school. We noticed at some point that nobody wanted to go to the media. We had no problems with that before, but suddenly nobody wanted to appear in the media out of fear. We had many signals showing that the situation was worsening.”*

The report shows that violence against homosexual people often takes place in families or peer groups. Youth who attend school are more likely to experience physical violence than adults who are more exposed to psychological violence in the workplace, where people gossip and create an uncomfortable atmosphere. Adults are normally confronted with different predicaments than students, such as getting chased, mobbed or ridiculed, which, besides being very objectionable, are hard to prosecute. Neighbors can also make for unpleasant encounters, when, for instance,

<sup>6</sup> Abramowicz, Marta 2007 (ed.). *Sytuacja społeczna osób biseksualnych i homoseksualnych w Polsce: Raport za lata 2005 i 2006*, Warsaw.

somebody wants to borrow a hammer from a neighbor and is told that the neighbor does not lend anything to deviants.

The report also shows that very few individuals report these occurrences to the police. This is a big setback for LGBT rights. Not reporting hate crimes to the police means that the gay and lesbian community remains largely ignored by official institutions and without information or statistics, it also prevents advocates from defending gay and lesbian interests. At the same time, the report serves as a source of discussion for politicians, journalists, members of Parliament and varied research institutions. It is available in the main libraries in Poland, and its English version was sent abroad. Abramowicz believes that “it will serve as a base for further research, political lobbying and for changing the law.” Currently, there are plans in the works to expand the survey to international research on homophobia. The project will be coordinated with the Berlin-based organization MANEO and the French organization S.O.S. Homophobic. The methodology from the Polish survey will serve as a basis for this international study.

#### 4.1.3.2.4 Comprehensive Nation-wide Hate Crime Monitoring

Since 1996 Nigdy Więcej has been running a project called the *Brown Book* (Brunatna Księga), a detailed register and description of hate crimes. This book includes racist and xenophobic incidents committed by members of neo-Fascist groups and organizations as well as groups and individuals who have no known affiliation to organized groups or organizations. The association began taking record of hate crimes in the early 1990s, and since then a few thousand incidents have been registered, including more than 40 murders motivated by racist and neo-Fascist ideology. Every year a few hundred cases are reported. The cases are not limited to racist, anti-Semitic and xenophobic incidents, but also include attacks against alternative youth and members of progressive social movements (including anti-Fascist, feminist and LGBT activists), violence against homeless people, homophobia, various acts of discrimination (including people with disabilities).

The *Brown Book* is published regularly in the anti-Fascist magazine *Nigdy Więcej* as well as on the association’s web site ([www.nigdywiecej.org](http://www.nigdywiecej.org)). Marcin Kornak, the project coordinator and the association’s chairman, explains in the interview: the reason for launching this monitoring project was the large wave of “racist and chauvinist crimes” in Poland. The major objective of the *Brown Book* was to expose the problem of hate crime, which was often “questioned and disregarded” or, at best, treated as a marginal phenomenon by officials.

*“The fact that we create and publish such a significant collection of information forming a base for those who are interested in the problem is a fundamental focus point of our activity. This is the only monitoring of hate crimes that has been run in Poland for years.”*

A network of more than 100 volunteers from all over Poland collects information to be published in the *Brown Book*. The volunteers are members and correspondents of the Anti-Nazi Group (GAN)/Nigdy Więcej network (for more information about GAN, see 4.1.3.2.1). Volunteers frequently decide to cooperate with GAN/NW after reading the Nigdy Więcej magazine, viewing the website, following the association's activities or coming across one of the numerous press publications, Internet or radio and television programs made in cooperation with Nigdy Więcej. Many people who hold anti-Fascist or anti-racist views also contact the association at info stands at concerts, festivals and other public events. Members of the network carefully watch the activities of local far-right circles and collect information about hate crimes committed. They try to verify and complete the information as much as possible and listen to direct reports from victims and witnesses. The volunteers then send information to the office of Nigdy Więcej every month, where Marcin Kornak summarizes and verifies the information if necessary.

Information published in the *Brown Book* also comes from contacts within minority organizations and social groups exposed to hate crimes, as well as the regular monitoring of the press (including local newspapers) and other media as well as the Internet, neo-Fascist organizations' activities and football matches.

#### **4.1.4 Reaching and Supporting Victims of Hate Crimes**

No program currently exists in Poland concentrating specifically on victims of ideologically-motivated violence and harassment as the number one priority. This situation notwithstanding, it must be noted that various organizations are aware of the problem, and some of them are faced with it in their daily operations either when they are approached by the victims themselves or when they attempt to intervene and provide assistance in cases known to an organization's staff or activists and recognized by them as hate crimes. Often this assistance is provided in a non-institutionalized and informal way, ranging from helping individuals establish contact with police and lawyers to assisting individuals with gaining access to civic and legal support throughout the process of filing claims and initiating lawsuits. These organizations also help organize community-based self-defense groups to counter racist attacks. At times, NGOs specializing in civic and legal aid carry out tasks concerning victim assistance under the more general framework of anti-discriminatory activities. There are also examples of victim assistance provided by particular minority organizations on a more permanent basis; however, even in such cases, hate crimes are not necessarily their predominant field. Attempts at establishing crisis intervention assistance to hate crime victims have been infrequent and short-lived to date.

#### 4.1.4.1 Occasional Assistance to Victims of Hate Crimes

Even though none of the organizations run systematic specialized programs for victim assistance, realities of hate crime when experienced by different groups and communities make them find ways to take various steps towards temporary assistance. Unfortunately, most of these organizations lack the institutional structure, the financial resources or the personnel to carry out such tasks long term. The internal capacity of the organization dictates what kinds of actions are taken, as well as its ability to cooperate with other relevant institutions and organizations that may be helpful.

Interviewees from the Helsinki Foundation for Human Rights stressed that their organization's limited involvement in hate crime victim assistance was due to the foundation's specific objectives, which are to strictly provide legal help on the grounds of human rights violations. As hate crimes are rather infrequent, victim assistance has not become a major component of their program. Zbigniew Holda outlines the problem:

*“As we are interested in supporting refugees, migrants and minorities in Poland, and the problem of hate crimes mostly concerns them, I suppose that our field is the legal aspect of hate crimes. [...] HFHR’s migrant and minority programs do not include the monitoring of hate crimes and assistance to victims. [...] Sometimes we need to provide legal assistance in cases of hate crimes, although, I repeat, we are a general human rights organization.”*

As an example of the HFHR shows, an obstacle to more consistent and long-term involvement in hate crime monitoring may lie in the organization's specific profile. Even though it gets involved in occasional legal assistance to victims of racist or xenophobic attacks against immigrants or other minority group members, HFHR's staff does not specialize in this field. This proves that, on the one hand, general human rights organizations can certainly be potential partners in hate crime monitoring and victim assistance. On the other hand, there is still a need for organizations whose specific focus lies in this area, because this type of work involves organizational efforts that general human rights and anti-discrimination organizations may not be able to undertake, e.g. training in hate crime issues, an approach that focuses on antiracism and anti-Fascism, employment of specialized legal and psychological staff etc.

While victim assistance is not the primary focus of anti-Fascist organizations such as GAN in Pila and Nigdy Więcej, both groups have been involved in several cases. As described in GAN's interventions above, the group successfully cooperated with the police to initiate investigations into attacks by Nazi-skinhead on members of the alternative milieu in their town. Close contacts with the victims and their knowledge concerning the identities of the perpetrators resulted in immediate arrests and lawsuits. Marcin Kornak of Nigdy Więcej is pleased that his organization has been

able to help the victims by exposing the hate crimes and informing the media, public institutions and community. Because of this, victims have overcome stereotypes that they sometimes encounter in contact with public and local government institutions and receive the help they need from the relevant parties. Kornak clarifies: “Our method is not to help directly; we rather try to promote changes in social relations.” Nevertheless, there are sometimes situations in which the need for more direct help is evident.

Marcin Kornak gives a few examples:

- In 2002 a member of the network of GAN/NW and a leader of GAN-Zamosc (south-eastern Poland) was attacked and severely beaten by a Nazi gang in front of her house. Nigdy Więcej began a nation-wide campaign of letters of support, solidarity and help. This initiative publicized her story in the national media, which removed the danger of subsequent attacks.
- In 2001 a disabled couple in Sosnowiec in southern Poland, who had been harassed by neo-Nazi skinheads, contacted the association. These people were completely alone in their predicament. Nigdy Więcej volunteers participating in the correspondent network helped. They informed the local community and stayed in touch with the victims. They helped these people feel that they were not alone. The situation turned out well: the neo-Nazi skinheads stopped harassing them.
- Another case took place in Warsaw in 2007. One of the patrons was beaten in a pub because he had protested against another patron’s anti-Semitic outbursts. The police first qualified the accident as an act of hooliganism, completely ignoring the perpetrator’s motivation and background. Nigdy Więcej put the victim in touch with lawyers from the Helsinki Foundation for Human Rights and made the case public in the *Brown Book*. These actions made the police take a more serious approach to the problem and qualify the event appropriately.
- The most important example of Nigdy Więcej’s direct help is a spontaneous fundraiser for a group of Africans in Warsaw, who raised funds for a group of Africans in Warsaw, who were attacked by a neo-Nazi group in a pub owned by a Nigerian man. The pub “Home Africa Bar” was demolished in this incident as well. The fundraiser—run by volunteers from the organization—took place during an alternative music concert.<sup>1</sup>

Minority organizations also attempt to provide help or intervene, despite the fact that they are not usually specialized in assisting victims of hate crimes. The Russian Cultural and Educational Association has been approached by victims of discrimination many times. The organization provides assistance by collecting

<sup>1</sup> See: *Życie Warszawy*, 25 Mar 2008; Nigdy Więcej. *Katalog Wypadków Brunatna Księga*, p. 424; Nigdy Więcej, Nr. 17, zima-wiosna 2009.

sufficient information to provide evidence to law enforcement agencies and supporting the victim's claim that the perpetrator's racist or nationalist-chauvinist beliefs are the main provocation for the attacks. Jan Gebert, a representative of the Union of Jewish Religious Communities, affirms the Magen group also supports victims when a critical situation happens, although such help is mostly directed towards the Jewish community. He provides an example of in the following account:

*“[T]here was a case last year when we helped a woman who was attacked by her skinhead neighbor. [We helped her] go to the police and made sure that the police started to investigate the case. We also tried to help her financially. We also offered her legal support, and what is most important, we showed her that the community is standing behind her.”*

This situation shows that despite limited institutional structures and professional training, minority communities can serve as support networks for members who experience hate crimes. This can involve help filing police reports, keeping track of what steps are being taken to push the legal process forward, arranging legal and financial assistance, and—as the interviewee stressed—showing solidarity with the victim to ensure that he or she does not feel abandoned in the predicament. Even though this last story certainly provides a good example of a community's positive reaction, the challenge lies in establishing permanent programs and institutional infrastructures that provide help to victims of hate crime.

Some representatives from migrant/refugee groups, especially the Chechen and Ingush communities, expressed a great demand for victim assistance, because racism, xenophobia and discrimination have been an ongoing experience for them in Poland. These organizations/groups do not, however, run institutionalized victim assistance programs, and this activity largely falls on the leaders. Indeed, it is due to the personal commitment, experience and a certain charisma of leaders like Malika Abdoulvakhabova or Bogaudin Bokov that victims are provided with help and interventions succeed. The leaders serve as contact points, sources of information and advisors regarding whom to contact further. They also play the vital role of mediators and translators—not simply in the linguistic sense but as intercultural negotiators between migrants and local communities. Abdoulvakhabova has knowledge about all cases of violence against Chechens and Ingushes in recent years. If something happens, members of the Chechen or Ingush diaspora communities immediately come to talk to her. She says:

*“The Chechen diaspora knows that I can help them and comes to us first. [...] Usually, we try to help them to negotiate with the police, to receive necessary information. We are a bridge between the police officers and victims. If a crime has ethnic or national background, then I think our help to police will be very useful. We can better understand Chechen community, we know Chechen culture, Chechen traditions; that is very important in such situations. But our*

*help can only be expressed in establishing dialogue between police and Chechens and preventing the escalation of hatred between Poles and Chechens. If something happens, we try to ask the Chechen community not to react violently, and we try to explain to the local Polish inhabitants the reason why Chechens come to Poland. I believe it is important to collect all information related to hate crimes, but I think it should be the responsibility of police officers, since it is a criminal case if someone is beaten or killed.”*

She also gave the example of a situation at a school in Zambrow, where the Rescue Foundation intervened because three Chechen children were experiencing an increasing number of verbal assaults like “Poland for Poles,” “Go back to your Chechnya.” She said: “We visited this school, told children the history of the two wars [and] explained the reasons why Chechens come to Poland. We prevented the escalation of the conflict in this school [and] in this village.” Malika Abdoulvakhabova’s approach, perhaps best described as inter-group mediation, goes beyond actual victim assistance by focusing on activities that help deescalate local conflicts that might eventually lead to hate crime. She argues that explaining why Chechens had to flee their country as victims of war and military occupation can create, at least to certain extent, an atmosphere of sympathy and tolerance among members of the Polish majority. Leaders and active members of minority organizations play a crucial role in this because the better the local community knows and understands the Chechen’s situation, the less tense is the relationship between two groups.

Abdoulvakhabova points to the deficiency in legal knowledge among Chechen refugees: “None of the Chechens knows that they can appeal to the court if someone attacks them. The opinion that, if you are a refugee, you do not have any rights and you will not get any support is very widespread here.” She also said that Chechen refugees also frequently approach the Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej, SIP), a lawyers association run by Chechens, Igushes and Russians. When the foundation can not help someone, they tell them to contact the SIP.

Bogoudin Bokov of the Ingush Unity is an authority in refugee circles. He speaks Polish and is familiar with the main provisions of Polish legislation concerning refugees and migrants. Most refugees do not speak Polish, which can be a major obstacle in the path towards integration, not to mention communication with administration offices and police officers. Bokov is willing to assist refugees from the North Caucasus in extreme situations, including hate crimes. Unfortunately, his organization lacks the infrastructure and knowledge to help victims of hate crimes. There are no organizations in Poland that can really help refugees in cases of attacks. This conclusion has been also drawn from his own experience. On 17 August 2005 refugees in the refugee camp in Lublin, even organized a hunger strike to protest the local population’s increasing attacks against them.<sup>2</sup> Help had

<sup>2</sup> For more information about the incident, please see: Komitet Wolny Kaukaz, Zdjęcia z głodówki w Lublinie, Indymedia Poland, 29 Aug 2005; Kurier Lubelski, 3 Sep 2005.

also been requested from different Polish human rights organizations, such as the Helsinki Foundation for Human Rights and the local administration, but they did not assist in the situation. Bogoudin Bokov presumes that not even they know how to react in such circumstances. The only successful solution has been to organize self-defense groups that physically confront the attackers. The police are useless in such situations, because the standard advice they give is “to close the windows and sit silently.”<sup>3</sup>

When isolated violent attacks occur against members of the organization or someone from the Chechen or Ingush diaspora community, Bokov directs victims to either the police, Malika Abdoulvakhabova or the SIP. It seems that personal contacts and relations prevail here. The SIP is not an organization involved in monitoring hate crimes or refugee issues as it focuses on children and family rights, but their help can be more effective. Bokov also pointed out the problem of refugees’ mistrust towards NGOs. People who work with refugees have very little knowledge about refugees and migrants, and they are often incompetent on those issues. That is why it is so important for refugees to do something for their own communities by themselves.

Bokov brings up the point that there has been an imminent need for psychological help for refugees, but it has never been provided. Officials have dealt with this issue so far by transferring refugees to a different camp. In cases of regular violence, camps can be liquidated. Many people working in the camp are completely unprofessional. Xenophobic and sometimes violent attitudes towards refugees have been reported among some of the staff. Specifically in Moszna, the camp near Warsaw, there have been many inter-ethnic clashes between inhabitants and the staff of the camp. The police have not been helpful in resolving these disputes.

The informal context of personal relationships also plays a vital role in the case of Muslim and Arab minorities. According to Marek Kubicki of the Arabia.pl Association, people of Arab or Muslim background have approached the association requesting help in dealing with Polish security services or violent groups of teenagers or skinheads. In such situations, Arabia.pl could only advise them to contact the Helsinki Foundation for Human Rights, the Polish Humanitarian Action or other organizations working with refugees. However, Kubicki argues that very little help comes from those organizations. Another way Muslims (mainly Chechen) have successfully managed to protect themselves against violent groups of teenagers is to organize self-defense groups. Kubicki comments that physical counter-confrontation is not the best solution, given the political context, but it has proven to be the “most effective” way of preventing the escalation of violence. He also stresses a number of problems that prevent efficient, long-term work on hate crime victim assistance: shortage of financial resources and limited knowledge on the subject (in specific reference to Arabia.pl and some other NGOs); the lack of NGOs specializing in psychological, legal and other forms of victim assistance, as well as a high degree of mistrust in the Arab and Muslim communities towards NGOs, including human

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<sup>3</sup> Interview with the Ingush Unity (Bogoudin Bokov).

rights organizations. As Arab/Muslim communities are very tight-knit and place value on personal relations, most Arabs and Muslims approach people involved in Arabia.pl as individuals, not as an organization. In such circumstances, Arabia.pl attempts to position itself as a group of individuals rather than as an NGO.

#### *4.1.4.2 Attempts at Creating Systematic Forms of Victim Assistance*

##### **Association of Roma in Poland: Between Victim Assistance and Inter-group Mediation**

The Association of Roma provides civic and legal counseling to the community. This includes, for example, cases of discrimination against Roma survivors of Nazi concentration camps who have been excluded from the national insurance system. There have been over 30 such cases in the courts thus far. Whenever necessary, social interventions are undertaken thanks to the clear line of communication between Roma people and the association's leaders. When cases of racist violence occur, the association intervenes on behalf of the Roma community, talking with the local government, police and prosecutors. Roman Kwiatkowski, the association's president, refers to this informal yet direct system of in-group self-help as the "Roma Internet," albeit in a somewhat humorous way (see Ch. 4.1.3.2.1).

An important part of assisting recent or potential victims of hate crimes is the attempt to prevent possible conflicts or to mediate in crisis situations. Kwiatkowski is frequently involved in such crisis talks with local community representatives. In one example, the Association of Roma in Poland was asked to intervene in the town of Brzeg, where anti-Roma riots took place. The Roma community in Brzeg is very orthodox and closed off from the rest of the community. To add to their social isolation, the local government is not interested in supporting any minority groups that live there. The attacks began on 1 January 2008 when a Roma resident of Brzeg had to defend himself against three aggressive men, sparking violent attacks by local neo-Fascists. According to Roma residents, 50 people invaded the home of the man who had been assaulted on 7 January, demanding that he leave. The following night a smaller group threw Molotov cocktails on top of the building causing a fire. Despite the police's quick reaction, the attackers managed to escape. On 9 January more attacks took place, and police arrested eight alleged perpetrators. One of the Roma residents of Brzeg reported that the perpetrators "announced that they would bring skinheads from Wrocław, Olawa and Opole. They demanded 10,000 zlotys from us in return for leaving us alone."<sup>4</sup> Kwiatkowski describes the situation as an impasse: "There is a wall on both sides-these [people] are afraid and those [people] are not interested." On the one hand, city residents hold very stereotypical views of Roma

<sup>4</sup> Nigdy Więcej. Katalog Wypadków Brunatna Księga; Nigdy Więcej, Nr. 17, zima-wiosna 2009, p. 93. See also: Gazeta Wyborcza, 16 Jan 2008; Nowa Trybuna Opolska, 16 Jan 2008.

people; on the other, the Roma community does not trust the local government. Roman Kwiatkowski had a meeting with the mayor of Brzeg and hopes that things have changed for the better since his visit.

The Association of Roma in Poland makes an effort to cooperate with the police; however, the Roma frequently need assistance in dealing with law enforcement rather than simply needing police help. As Kwiatkowski said:

*“We’ve had many reservations about how the police react [and] how they intervene. They often do not come when dispatched or just leave the scene of an attack on Roma people without investigation. [...] People are afraid, flee their own houses; they leave them because they know that the authorities will do nothing to make them feel safe. [...] The situation has changed a bit. The police have become more sensitive, but we still see some problems we have to deal with. The police make many mistakes when it comes to dealing with the Roma community; in some cases [the police] are even committing crimes. [...] When the Roma report to us that they are discriminated against, we investigate why and then issue our opinion on that subject. [...] There is so-called hidden discrimination and we are not able to root it out. [...] Ordinary people work for the police, with a variety of attitudes and views.”*

The Association of Roma would like to see an increase in education about their group within local police departments in cities and villages where discrimination frequently occurs. Because the association has gained leverage in Poland as a Romani advocacy group, they have been instrumental in raising awareness about these issues in some Polish communities and have succeeded in mediating between the Roma and state institutions or the non-Roma population. The Roma communities’ awareness and trust in the association and its unique situation as a respected advocate for Romani rights within Polish institutions may open up doors in the future for systematically monitoring crimes against this group. In the meantime, their promotion of Romani interests will most certainly help to advance Polish society’s understanding of the Roma in Poland.

### **LGBT Organizations: Community-based Victim Support**

Institutional assistance has been organized by two of the interviewed LGBT organizations. Psychological and legal counseling is provided by the Campaign Against Homophobia and Lambda Warsaw. According to Robert Biedroń of the Campaign Against Homophobia, the organization has “a very strong group of lawyers,” including three full-time lawyers on duty who help people in specific cases. The organization assigns legal representatives who act in the court as a “court friend,” which is the institutionalized way of taking action in court as a non-governmental organization (see Chapter 2). Mr. Biedroń acknowledges that many cases of violence against homosexuals are reported.

Marta Abramowicz stresses the importance of reporting hate crime incidents to law enforcement officers. In fact, persons who are victims of hate crimes and seek help from the Campaign Against Homophobia are usually advised to contact the police. As Abramowicz says, “If such incidents are not reported to the police, there is nothing that can be done about them in a legal sense.” A criminal investigation is required before the wrong-doers can be prosecuted or the victim is eligible for compensation. Also, despite large-scale monitoring of hate crime against homosexuals and bisexuals (see victimization surveys discussed in Section 4.1.3.2.3), there is no direct link between monitoring and assisting victims in particular cases: “As far as the report is concerned, these data are anonymous, whereas the civil rights ombudsman and the police need cases with specific names in order to start working on them and hand them over to the court. [...] Of course, not many people decide to do it [i.e. report the case to the police or prosecutor’s office].” Monitoring activities have no legal repercussions beyond laying the groundwork for local and institutional mobilization over the long term. However, the victim’s cooperation with law enforcement helps result in prosecution for the crime. According to Abramowicz, the majority of victims do not report cases to the police or the prosecutor’s office. Lambda Warsaw seems even more focused on providing assistance and support to the LGBT community. Yet the field of hate crimes is not the main domain of their activity. It runs many support groups specialized in subjects addressing various interests among different LGBT groups and their families. Krzysztof Kliszczyński, a member of the Lambda association, explains that the organization’s specific profile, in-community psychological support groups, does not leave much space for specialized assistance in hate crimes:

*“If it is a case of breaking the law, they [victims] ask for direct contact with a lawyer. The person does not have to say what the problem is. We have regular meetings with a lawyer once or twice a month. [...] We are not an organization perceived as fighting against social discrimination. We are the institution bringing help to homosexual persons. [...] When somebody calls with the information that she or he has lost their job and wonders what to do, we do not talk about legal but only psychological aspects of the problem.”*

Lambda concentrates on providing psychological and/or legal help as needed. Therefore it seems that even though LGBT organizations in Poland show a relatively high level of awareness as far as hate crimes are concerned, this type of work still need to be further developed and improved to create better established programs or assistance networks.

### **Association for Crisis Intervention: Reaching Out to Victims**

The Association for Crisis Intervention was established eighteen years ago and since its inception, has carried out numerous projects. One of its sources of information include people who come to their office to consult a lawyer or a psychologist.

Information comes also from minority groups with whom the association's staff talks when carrying out particular projects, as well as from stories told by participants of anti-discrimination workshops. The Association for Crisis Intervention has never received an institutional grant, and as a consequence has no full-time personnel. The office maintenance cost and all operational expenses are covered by project funds. The crisis intervention-oriented monitoring focuses on groups such as Roma, refugees, female victims of domestic violence, as well as homosexual persons. Ms. Lipowska-Teutsch admits:

*"We certainly haven't reached all groups exposed to violence. Another such a group is people suffering from AIDS. The oppression is so intensive that they are hidden somewhere. There are organizations that help them, but everything is concealed so the neighbors won't attack them."*

She also said that at times homeless people have sought help from the Association for Crisis Intervention, but the organization did not work with them on a daily basis. The crisis intervention team goes mostly to visit Roma settlements in the Małopolska region.

*"The Roma say that they are attacked by skinheads, mostly young men. The police [...] say that the Roma are inclined to call all bachelors with short hair skinheads, even those who are not an organized group. Roma respondents complain about arson attacks, home intrusions, taunts in the street and so on. [...] Roma people are not let into restaurants, shops; video stores refuse to rent to them. When Roma visited us to take part in a workshop at the "From the Roma Perspective Project," they were accosted every time. Getting on a bus [they heard insults like:] 'stinkers' and 'niggers.' [...] Roma women [...] told us they had been attacked at the train station by an elderly woman when they wanted to use the public toilet. She was shouting some insults at them and pushed them."*

The crisis intervention team helps to negotiate a compromise between antagonistic groups. Organizing meetings and discussions may help in various difficult social situations. The association intervened in a case of an Armenian who lived in a small Polish town and ran a small business. He complained that the police and local authorities persecuted him, but what hurt him the most was the fact that the local media called him a "Muslim" and an "Al-Qaida ally." The Association for Crisis Intervention provided him with legal help and organized a workshop about hate crimes and the mass murder of Armenians. Many teachers, policemen and representatives of local authorities took part in it. The other example of such an intervention was a discussion organized by the association when two German citizens of Polish origin were accused of offending religious feelings and were kept in custody for several months. The association organized a discussion around the question "Is Kraków a Religious City? And if Yes, What Religion is It?" The event drew a number of prominent scholars as well as clergymen.

The Association for Crisis Intervention also spearheaded the project “This is Our Case,” aimed at encouraging Roma women to take part in the process of getting the Roma community out of isolation and oppression. Roma, especially the women, are very often unaware of social programs offered by some organizations. Individuals, working for non-governmental organizations and not necessarily representing these groups, make decisions about how money from these projects is being spent.

*“It’s necessary to go and talk, answer questions, give examples, think over what are the consequences [of a discussed project] for a specific family or a settlement. A big part of the Roma community is attached to oral communication. To gather reliable data about oppression of minority groups, one should behave in a culturally adequate way [...], to earn trust and encourage people not to be afraid to talk about what has hurt them.”<sup>5</sup>*

#### **4.1.5 Interest in Monitoring and Victim Assistance/Demands and Resources for those Activities**

Even though most organizations and groups do not have sufficient financial and time resources to run hate crime monitoring, their leaders or representatives often express interest either in launching a monitoring project or cooperating with other organizations. Usually such interest reflects the local contexts of not just hate crimes but the broader problems of discrimination, including hate speech as well as the “traditions” of prejudice and inter-ethnic stereotyping.

This is evident in the case of the Russian Cultural and Educational Association, whose coordinator, Andrzej Romańczuk from Białystok, thinks about initiating monitoring activities in the region, perhaps in cooperation with other local organizations. Another locally-based minority organization, known as the Lemko Song and Dance Ensemble Kyczera (Łemkowski Zespół Pieśni i Tańca “Kyczera”) from Legnica is also concerned with hate crime and discrimination monitoring. Faced with negative attitudes towards Lemkos as well as institutional discrimination against Lemko cultural activities, the Kyczera’s chairman, Jerzy Starzyński, was thinking about initiating a monitoring project: “We hope to do something. We acknowledge the situation but do not have time to register [incidents of discrimination] in a formal manner.” While answering questions from an interviewer with Nigdy Więcej, Starzyński expressed his will to cooperate with more specialized anti-racist organizations: “We could cooperate with organizations like yours by meeting and sending information and reports.”

Filip Kitundu from the Society for African Affairs also mentioned Nigdy Więcej’s *Brown Book* and expressed interest in starting a similar initiative or in helping the association by sending information. Kitundu said: “We do not run any system of monitoring of hate crimes, but we would like to establish an African association, which will be focused on the monitoring of hate crimes and on promoting anti-

<sup>5</sup> Interview with the Association for Crisis Intervention (Anna Lipowska-Teutsch).

discriminatory activities.”

In some other cases, interest in taking part in hate crime monitoring was expressed with reference to the existing frameworks of particular organizations’ activities. For instance, the Polish Humanitarian Action (PHA) would be interested in the exploration and monitoring of young people’s attitudes within the framework of the organization’s Humanitarian Education Project. A more elaborate explanation was given by Zbigniew Holda of the Helsinki Foundation for Human Rights detailing the challenges and possibilities of combining hate-crime monitoring with priority areas of activity:

*“As we do not collect any data, I know about such cases from media or from those rare cases we had. But usually we did not proceed with such cases, only gave advice to go to the police, for example. [...] However, we are interested in monitoring, insofar as the violation of human rights can be considered part of monitoring.”*

Agnieszka Mikulska, another member of PHA, added: “Of course we investigate different cases of discrimination, monitor the human rights situation in Poland, but we have to be focused instead on secondary cases (in the context of the RAXEN project).” This view was supplemented with a remark by Marek Kubicki of the Arabia.pl Association, who emphasized the necessity of practical links between hate crime monitoring and victims’ assistance:

*“Arabia.pl lacks financial resources and knowledge to initiate a long-term program on hate crimes and victims’ assistance. It seems that other anti-discrimination NGOs face the same obstacles. There are no NGOs providing psychological, legal or other kind of help to victims of hate crimes in Poland. Some organizations monitor the situation, for example HFHR does it in within the framework of the RAXEN project, but monitoring without assistance can not be helpful.”*

PHA is an example of an NGO that is not involved in victim assistance due to their current scope of work, even though they recognize hate crimes as a problem and express interest in cooperation with hate crime monitoring programs. According to Tadeusz Szczepaniak, the PHA coordinator, the organization does “not have any contact with victims of hate crimes [...] On the basis of our observation and experience, we know that victims usually contact juridical organizations [...] Our activities are concentrated mostly on education and less on help for victims.”

Assistance to hate crime victims also seems beyond the scope of organizations such as the Lemko Song and Dance Ensemble Kyczera, the German Students Union and the Mongolian Student Community. Even though all see the problem of prejudice and discrimination as important, their focus is on education and propagating inter-ethnic dialogue, not on hate crimes and victim assistance. Erdenchimeg, a representative from the Mongolian Student Community, stressed the importance of

integration programs for newcomers and mentioned the possibility of organizing anti-discrimination trainings for Mongolians (e.g. how to react to discriminatory behavior), but did not consider hate crime victim assistance. According to Erdenechimeg, there were many cases of violent attacks and verbal assaults against the Mongolians a few years ago. Currently, she does not consider it the most pressing problem for the Mongolian community because cases of aggressive violence against the Mongolians are rather rare. Katarzyna Nowak, a member of the Nigdy Więcej Group in Oświęcim, mentioned cooperation with the local police on hate crime incidents, but since there have been no serious hate crime cases for a long period of time in her town, such a cooperation is aimed at providing police officers and educational officials with information about ideologies of hatred, not victim assistance.

Some interviewees expressed the necessity of going beyond a community-based perspective on hate crimes and towards a broader “universal” approach that would link different issues and foster inter-community cooperation for countering hate crimes, discrimination and prejudice. Zbigniew Holda (HFHR) stressed that “there must be multiple approaches in combating hate crimes” when referring to the fact that hate crime monitoring should encompass diverse groups and categories of people. An example of this more universal approach can be found in a statement made by Jerzy Starzyński of the Lemko Song and Dance Ensemble Kyczera, who is involved in organizing meetings (Pod Kyczerą) in Legnica between European ethnic and national minorities. About his ensemble’s commitment, Starzyński says: “We try to combat not only anti-Lemko sentiments, discrimination, etc., but also those directed against other minorities, and we always stress that.” In a number of other interviews, representatives and leaders of particular communities often noticed discrimination and prejudice directed against other communities, e.g. various groups recognize anti-Semitism or discrimination against Roma or Africans. Anna Mazgal, the representative of the Jewish association Beit Warszawa recognized the problem of homophobia as a significant issue. Mazgal said: “The Beit Warszawa is a minority organization, and all minority groups—ethnic, national, religious, sexual—should talk to each other.”

### **Resources for Victim Assistance**

Besides challenges and obstacles concerning the fight against hate crimes in Poland, it should be noted that a number of representatives have voiced their readiness to cooperate or form networks with other NGOs/groups. They also said they were ready to offer their organizations’ resources to be used to this end. Knowledge and experience in educational work and community organizing/management were among the most frequently mentioned aspects. Some said they could provide aid to minority organizations or individuals with less experience or training. For instance, the Russian Cultural and Educational Association stated that it was willing to assist

other organizations in serving as a “complaint bureau” for various minority groups in the Białystok region. Organizations supporting immigrants and refugees also emphasized their readiness to play an active role as cultural agents or intermediaries between their communities (in particular hate crime victims), NGOs and public institutions, especially the police.

Anna Mazgal of Beit Warszawa said that so far her organization had not dealt with cases of violent attacks. Yet if the situation arises, Beit Warszawa will be able to support victims by providing them with contacts from both governmental and non-governmental institutions that could help in getting a lawyer. It can be assumed that most victims who would contact this organization would be Jewish, but the organization is willing to help non-Jews as well. The Society for African Affairs, even though its current focus does not include assistance to victims of racist attacks, collects materials on discrimination and is interested in expanding their work to victim aid. Filip Kitundu said: “We will readily help as far we can.” He declared that his organization would be able to offer help in establishing contacts with the police or psychologists: “We can direct victims to the relevant institutions.” Balli Marzec of the Kazakh Community expressed great concern about discrimination and attacks on Kazakhs and other minority groups (mainly those “visible” as minorities due to their foreign accent or different skin color). She admitted that her organization had not run any systematic assistance program, although it had attempted to intervene in some critical cases of discrimination. Marzec stated that she could think of numerous cases when intervention and assistance would have been needed, but her organization “does not have enough financial resources and knowledge to deal with those cases. What the organization can do is just to give advice on how and where to write a complaint, how to react in a case of a response, translate it into Polish etc.” The table below presents the major areas for victim support that organizations advocating for marginalized groups believe could be improved in their organizations. Not all needs raised by the organizations’ representatives during interviews were included. General needs, such as additional financial resources or better infrastructure (e.g. office space, Internet etc.) were often mentioned, in particular by representatives of organizations whose work centers on immigrant communities or refugees. Also, the NGOs/groups did not explicitly mention certain demands, but they could be inferred from the way they described their organizations’ general problems, the obstacles they encounter concerning hate crimes etc. As shown in Table 9, the most common suggestion for improving victim assistance calls for access to more detailed information about hate crimes and information regarding existing possibilities of supporting actual or potential victims. Additionally, the demand for general education on anti-discrimination and minority rights figures prominently in the table. This aspect includes needs for training organizations’ leaders and activists as well as community members. In migrant or refugee organizations, essentially any form of victim support is needed. This encompasses not only legal or psychological assistance but also linguistic, cultural and basic legal training to empower immigrants in Polish society. Representatives of immigrant organizations also suggested raising

the standards and quality of service among staff in public institutions and NGOs dealing with immigrants and refugees. Also expressed was the need to boost political support for establishing legal status and ensuring the overall security of minority communities.

**Table 9: Demand for victim support among organizations advocating for underrepresented communities**

Name of organization/group	Legal assistance	Psychological/Social assistance	Cultural and language education for minorities	Legal training for minorities	Information and education on hate crimes, victim support, minority rights etc.	Qualified staff in public institutions and NGOs serving minorities, migrants, refugees	Political support
LGBT organizations							
Campaign Against Homophobia							X
Lambda Warsaw							X
Organizations of officially recognized and registered ethnic or national minorities							
Russian Cultural and Educational Association			X		X		X
German Students Union					X		
Association of Roma in Poland						X	X
Lemko Song and Dance Ensemble Kyczera					X		
Union of Jewish Religious Communities in the Republic of Poland					X		
Social and Cultural Society of Jews in Poland						X	
Jewish Cultural Association Beit Warszawa	X						X
Organizations of immigrant minorities							
Rescue Foundation	X	X	X	X	X	X	X
Ingush Unity	X	X	X	X	X	X	X
Muslim Centre for Culture and Education							X
Mongolian Student Community					X		
Arabia.pl Association							X
Kazakh Community			X		X	X	X

#### **4.1.6 Main Problems for NGO Monitoring of Hate Crimes and Victim Assistance**

Major challenges in the field of hate crime monitoring and victim assistance, explicitly or implicitly discussed by the interviewees, can be summarized in the following four general categories: 1) the overall social-political background; 2) the context in which public institutions operate; 3) the organizational capabilities and profiles; and 4) the attitudes or the climate among victims or minority members.

##### **General Challenges**

Before continuing, we should first mention a number of issues that are important in understanding the broader socio-political context in Poland. The following problems were pointed out by the interviewees in various ways. First, there seems to be a general lack or shortage of awareness of issues surrounding hate crimes, racism, homophobia and discrimination in Polish society. Secondly, the interviewees pointed to how under-represented the subject is in the media and political debate. Thirdly, respondents expressed concerns about gaps in the legal system or the unsuccessful execution of the existing laws, which makes it hard to effectively counter hate crimes. The fourth challenge is overcoming the disadvantages faced by marginalized groups, in particular undocumented immigrants and refugees. Needless to say, this also includes forms of prejudice and discrimination, particularly towards “visible” ethnic or cultural minorities and LGBT individuals.

##### **Failure of Public Institutions to Recognize Hate Crimes**

Governmental institutions (police, prosecutor’s offices and public administration) have repeatedly minimized or ignored hate crimes. The media is no exception. As a representative of the Kazakh Community, Balli Marzec notes with criticism: “The topic [of hate crime] is completely unrepresented in the Polish media and among Polish NGOs and governmental organizations. Not only is the topic of hate crime not discussed enough in Poland but also the issue of inter-ethnic relations in general.”

Marta Abramowicz of the Campaign Against Homophobia explains this in terms of deficiencies in Poland’s legal system: “The term hate crime is not very well recognized in Poland. In comparison to the United States, there is no legislation in Poland relating to hate crime. [...] In Poland, an act of violence is qualified on the basis of an article in the Criminal Code, not on the basis of the rationale [behind the crime] or the perpetrator’s motivation. [...] All this makes it difficult to gaining an insight into the scale of this phenomenon.”

Andrzej Romańczuk of the Russian Cultural and Educational Association points to the problem of police's reluctance to recognize the racist or neo-Fascist background of crimes because the authorities do not want to admit the scale of the problem. In such situations, organizations or individuals attempting to intervene are given the responsibility of proving this background:

*“There is a necessity to collect information to prove that violent attacks are not a rare phenomenon, as it is claimed by the police officers. [...] It is convenient for the police to show once or twice a year that these crimes were committed by a [right-wing] sub-culture or simply to categorize such crimes as “hooliganism” and not treat them seriously. It is necessary to prove that such cases can not be simply considered hooliganism, but have an ethnic, racial or religious basis, but in the Polish reality, proving this is almost impossible.”*

Authorities' reluctance to intervene has also been seen in cases of group-based discrimination. This is related to the greater issue of police lacking the skills and knowledge to appropriately deal with hate crimes. Andrzej Romańczuk from the Russian Cultural and Education Association affirms: “The police usually fail to identify the perpetrators of racist acts. Police definitely need training in this field.” Representatives from the Chechen Community and Union of Jewish Communities have expressed similar frustrations related to police response to their communities in earlier chapters. As already discussed, the Roma communities have struggled in simply getting the police to even investigate attacks.

The failure of public institutions to recognize the ideological background of crimes serves as a factor in reproducing difficult structural conditions for some members of minority communities. This, in combination with a certain degree of prejudice among some politicians, police officers and administrative officers, only creates patterns of intolerance and attempts to silence the hate crime problem.

### **Organizations' Limited Capacity**

There seem to be two major reasons for the scarcity of monitoring and victim assistance projects among NGOs and informal groups. One reason resides in the limited capacity of a given organization to carry out this kind of task. “Limited capacity” can be understood in terms of a shortage of resources and can be divided into both internal and external factors. Obstructive factors within the organization encompass areas such as:

- modest infrastructure: insufficient office space, no access to the Internet, no website etc.
- limited financial resources to employ staff specialized in monitoring
- insufficient time resources of members, volunteers and/or activists who are already involved in various formal or informal activities
- shortage of knowledge/skills to keep track of and deal with hate crimes
- lack of language skills to benefit from international cooperation.

As Marek Kubicki of the Arabia.pl Association describes in an interview: “Systematic monitoring is [...] a matter of time; [it] requires the recording of cases, the networks of correspondents, the creation databases.” Malika Abdoulvakhobova of the Rescue Foundation also points to limited time as a major factor in not monitoring hate crimes on a regular basis.

External factors also impede NGOs from fully maximizing their activities. These include:

- a linguistic and cultural gap (mainly in case of migrant/refugee communities)
- lack of social capital within a local community (contacts with officials, cooperation with police, links to media/journalists, support and recognition by educational institutions and community leaders etc.).

Another major reason for not systematically monitoring hate crimes (and/or offering victim assistance) lies in the specific objectives of the organizations, which place their focus on other issues. These objectives include, but are not limited to, providing civic and legal or social aid to members of minority groups, migrants or refugees (e.g. Helsinki Foundation for Human Rights, Rescue Foundation for Chechen migrants and refugees), general education and cultural activities related to human rights, tolerance and inter-cultural/interfaith dialogue (e.g. Polish Humanitarian Action), and the preservation and promotion of minority cultures and traditions in Polish society (generally, all national, ethnic, religious and migrant minority groups studied). Zbigniew Holda of the Helsinki Foundation for Human Rights stresses that:

*“[The foundation] is a strictly legal organization; our aim is the protection of human rights. Monitoring hate crimes is not our main aim. We do it irregularly (only in exceptional cases), and we do not provide assistance to victims. We do not collect any data. [...] The reason why we do not work on hate crimes is that there are many other things we have to concentrate on: legal aid, access to the courts, monitoring the protection of prisoners’ rights, freedom of religion and belief, etc. There are not so many organizations in Poland working in those spheres; that is why we prefer to stay focused.”*

## **Attitudes of Victims and/or Members of Minority Groups**

The fact that victims and their communities are reluctant to complain to law enforcement about incidents—or avoid reporting incidents altogether—seems to be one of the most serious issues. Marcin Kornak of Nigdy Więcej explains: “Minorities have difficulties overcoming their fear.” Nomondalai Erdenechimeg of the Mongolian Student Community admitted that: “It is not common for our community to go to complain to the police.” One of the reasons for this avoidance might be distrust in law enforcement attitude and effectiveness, as well as general fear of being “doubly” stigmatized.

Migrants and some of the other minority groups also demonstrate a certain degree of mistrust towards Polish NGOs (including human rights organizations). Some respondents also implied that inter-ethnic tensions or competition between minorities within an organization might be a factor that weakens the potential for effective work in countering hate crimes.

## 4.1.7 Experiences and expectations with regard to national and international cooperation

*Through engaging in such activities we will open Polish people's eyes, showing that there is the problem of hate crime and that we have to combat it because the world is for everyone.*

(Filip Kitundu, Society for African Affairs at the Jagiellonian University, Kraków)

Almost all organizations expressed direct interest in various forms of national and international cooperation within the non-governmental sector. In particular, interviewees believe collaboration in the international context could be beneficial and stimulating, despite varying degrees of experience in this sector and varying levels of confidence. Nomondalai Erdenechimeg of the Mongolian Student Community was excited at the prospect of transnational cooperation between local organizations: “People could work together, act together and react.”

International cooperation is also seen as an absolute necessity from the perspective of the global struggle against hate crime and discrimination. As Marcin Kornak from Nigdy Więcej emphasizes, “international cooperation is necessary because racism crosses borders.”

Several interviewees mentioned they have contacts with other organizations within transnational networks such as UNITED and ENAR.<sup>1</sup> Representatives of LGBT NGOs (particularly the Campaign Against Homophobia) mentioned broad international contacts within the International Lesbian and Gay Association (ILGA) and the International Gay, Lesbian, Bisexual, Transgender and Queer Youth and Student Organization (IGLYO). The Campaign Against Homophobia, together with Lambda Warsaw, is also involved in an international monitoring initiative in cooperation with MANEO from Berlin and the French organization S.O.S. Homophobia (S.O.S. Homophobie). Other affiliations were mentioned by Arabia.pl (Anna Lindt Foundation Network), the Rescue Foundation (NGOs from the Netherlands and Spain, as well as the German association Xenion specializing in psychological help for political refugees) and the member committees of the International Helsinki Federation for Humans Rights.

There is also some degree of cooperation locally. Most organizations were familiar with the work of Nigdy Więcej, and some of them referred to this NGO as the largest and most significant initiative in the field of hate crime policies in Poland. They considered Nigdy Więcej to be their most experienced partner with public

<sup>1</sup> United for Intercultural Action—European Network Against Nationalism, Racism, Fascism and in Support of Migrants and Refugees has affiliations with Nigdy Więcej, the Polish Humanitarian Action, the Association for Crisis Intervention and the Campaign Against Homophobia. The European Network Against Racism—the Kazakh Community is an official representative of this organization in Poland. Arabia.pl Association has also worked within this network and was involved in the preparation of its Shadow Report on racism in Poland in 2006.

support, an organization from whom they can obtain the most information concerning minorities as well as popular campaigns against racism, xenophobia, anti-Semitism and other forms of intolerance and hatred-based ideologies. For LGBT organizations and the Association for Crisis Intervention, feminist and women's organizations are also strategic partners. The Campaign Against Homophobia is also a cooperation partner for the Jewish organization Beit Warszawa.

Some Polish respondents expressed willingness to share their organizations' experiences or resources, especially with less experienced or less developed NGOs from other Eastern European states. The following are some of the major benefits that Polish organizations **hope** will arise from international cooperation:

- intellectual and political support from more experienced and more influential or well-known 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 broader field of antidiscrimination work.

**Major obstacles to international cooperation that these organizations foresee are:**

- varying degrees of experience and different focus in organizations from other countries (i.e. the representative of the Nigdy Więcej Group in Oświęcim talked about her group's experiences in Polish-German cooperation and described German NGOs as "more mature" than Polish ones with regard to their ability to tackle project-based initiatives)
- linguistic barriers in international communication
- shortage of financial resources to contribute to project realization or travel expenses
- lower degree of influence (or impact) of Polish NGOs vis-à-vis those from other states in some international projects
- formal difficulties, such as visa requirements if participants from non-EU eastern European states seek entry.

#### **4.1.8 Types of NGOs and Their Approaches**

As has been shown, there are diverse approaches to activities concerning hate crimes among the organizations and groups studied. Various fields of activity are presented below to help exhibit this diversity.

Table 10 illustrates that the least common tasks among the studied organizations are the systematic monitoring of hate crimes and the systematic support of victims of hate crimes (or the organization's ability to offer victim assistance). Only the two LGBT NGOs provide, or are ready to provide, victim assistance in a structured way. These associations are also involved in the collection and analysis of data concerning the victimization of sexual minorities in Poland (see the discussion in 4.1.3.2.3 above). Nigdy Więcej is the only NGO involved in the comprehensive monitoring of hate crimes and its victims. The Association for Crisis Intervention can potentially be included as a victim-assistance NGO; however, due to limited financial capacities, this kind of activity has not yet been carried out in the long term. In-community forms of hate crime monitoring and assistance to victims of racist attacks are, to a significant extent, also part of the activities for the Association of Roma in Poland. Some potential for organized victim assistance might also lie in the general human rights NGOs and several minority organizations that are involved in anti-discrimination interventions and/or anti-racist education.

Table 11 shows the forms of assistance available to actual or potential victims of hate crimes provided by different organizations. Lambda Warsaw (anti-discrimination and crisis intervention in the LGBT community) and the Association for Crisis Intervention (hate crime intervention/mediation in Roma communities in the Malopolska region) are two of the most specialized NGOs with the most potential for comprehensive victim assistance, i.e. psychological support as well as legal aid. However, most NGOs and groups use their connections to external legal aid institutions. Since some victims experience linguistic or cultural barriers, local group leaders often continue to provide them with assistance throughout the legal process. This kind of personalized help is sometimes combined with local leaders' involvement in mediation to prevent the escalation of violence in inter-group tensions or conflicts (especially for the Roma community and migrants/refugees from the North Caucasus). Self-defense groups, the most extreme form of conflict resolution, have been included as a category in this table due to the fact that this form of dealing with hate crimes is considered a viable option in some communities.

Table 10: Major activities of NGOs/groups studied

Name of organization/group	Systematic monitoring of hate crimes and public intervention	Organized but non-systematic monitoring or public intervention	Systematic victim assistance	Anti-discrimination work	Education for tolerance (including anti-racism, human rights etc.)	Preservation and promotion of a minority culture
<b>Anti-Fascist organizations</b>						
Nigdy Więcej	X				X	
Anti-Nazi Group in Piła		X			X	
Nigdy Więcej Group in Oświęcim		X			X	
General Human Rights NGOs						
Helsinki Foundation for Human Rights				X	X	
Polish Humanitarian Action					X	
Association for Crisis Intervention			X	X	X	
LGBT organizations						
Campaign Against Homophobia	X		X	X	X	
Lambda Warsaw	X		X	X	X	
<b>Organizations of officially recognized ethnic or national minorities</b>						
Russian Cultural and Educational Association						X
German Students Union						X
Association of Roma in Poland		X	X	X		X
Lemko Song and Dance Ensemble Kyczera						X
Union of Jewish Religious Communities in the Republic of Poland		X				X
Social and Cultural Society of Jews in Poland						X
Jewish Cultural Association Beit Warszawa						X
<b>Organizations of immigrant minorities</b>						
Rescue Foundation				X		X
Ingush Unity						X
Solidarity and Friendship Association of the Vietnamese in Poland				X		X
Muslim Centre for Education and Culture						X
Mongolian Student Community				X	X	X
Arabia.pl Association					X	X
Kazakh Community				X		X

**Table 11: Assistance provided to actual or potential victims of hate crimes\***

Name of organization/group	Psycho-social assistance	Legal assistance	Cultural and linguistic assistance by a leader	Assistance provided by individual members, leaders	Major forms of preventing hate crimes	
					Inter-group mediation	Self-defense group**
<b>Anti-Fascist organizations or groups</b>						
Anti-Nazi Group in Pila				<b>X</b>		
<b>General Human Rights NGOs</b>						
Polish Humanitarian Action				<b>X</b>		
<b>LGBT organizations</b>						
Lambda Warsaw	<b>X</b>	<b>X</b>				
<b>Organizations of officially recognized ethnic or national minorities</b>						
Russian Cultural and Educational Association				<b>X</b>		
Association of Roma in Poland		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	
Union of Jewish Religious Communities in the Republic of Poland				<b>X</b>		
<b>Social and Cultural Society of Jews in Poland</b>						
Jewish Cultural Association Beit Warszawa				<b>X</b>		
<b>Organizations of immigrant minorities</b>						
Rescue Foundation			<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Society for African Affairs at the Jagiellonian University				<b>X</b>		
Kazakh Community			<b>X</b>	<b>X</b>		

\* Only organizations that reported forms of victim assistance during the interview have been included in this table.

\*\* Self-defense was reported as a possible form of assistance that has been successful, but it was not organized by these organizations.

#### 4.1.9 Summary/Conclusions

As the above analysis has shown, most Polish NGOs interviewed generally recognized hate crimes as a problem. Their understanding of the phenomenon of hate crime is embedded in the particular organization's experiences and objectives, their community dynamics as well as the social and legal situation of certain minority groups in Polish society. Hate crimes are often understood in a broader context of discrimination, prejudice and xenophobia/intolerance. The latter has been assessed as a prevailing yet gradually changing (i.e. decreasing in some sectors of the society) phenomenon in Poland. Hate speech and attacks on property belonging to minority organizations, especially cemeteries and houses of prayer, are of particular concern to Polish organizations, as they seem to occur most frequently.

Even though there seems to be still no universal discursive framework for discussing hate crimes and intolerance or dealing with them productively, Polish NGOs are aware of the social and legal complexities of these issues in Poland and the changes needed to facilitate more effective civil society work to combat and prevent hatred-based ideologies and discrimination in general. Major barriers identified by Polish NGOs to providing systematic and long-term hate crime monitoring and victim assistance are: the socio-cultural and political climate of prevailing intolerance in some sectors of Polish society and in some media, general unwillingness to discuss these issues openly, public institutions' lack of recognition of hate crimes, limited resources and local contacts or specialized profiles of the organizations themselves, as well as the victims' reluctance to address these issues (e.g. avoidance of discussing hate crimes and mistrust of Polish public institutions and the police).

While the monitoring of hate crimes and victim assistance are not the primary focus of most organizations (except in occasional individualized efforts to keep track of incidents of victimization), four different approaches to organized methods of monitoring can be distinguished: 1) locally-based monitoring oriented towards public intervention in cases of attacks, discrimination or hate speech (often by informal grassroots anti-Fascist groups); 2) in-community monitoring based on information shared by members of particular ethnic or religious groups (e.g. Roma or Jews); 3) victimization surveys, such as research concerning sexual minorities; 4) a nation-wide network of volunteers monitoring local incidents and media in order to contribute to a comprehensive nation-wide database of hate crime cases (the *Brown Book* project).

In most cases, victim support is provided on an intermittent basis rather than in a systematic and long-term form. A crucial role, especially in the case of ethnic or immigrant minority groups, is played by an organization's leaders or committed activists who can share their legal knowledge, cultural and linguistic competence, or contacts with legal and public institutions to provide aid to victims or potential victims of hate crimes. Another important aspect is local knowledge of sites of tensions and an organization's ability to intervene or mediate within a local

community. This also includes cooperation with the police to prevent the escalation of prejudice and to minimize the risk of further violent racist or xenophobic attacks. Three of the most advanced attempts at victim assistance have been observed in the examples of the Association of Roma in Poland (legal aid combined with local mediation to prevent further racist harassment), LGBT organizations (a specialized team of lawyers can possibly provide assistance within the framework of support groups), and a general effort embedded in anti-discrimination and empowerment work within the framework of crisis intervention (like the work of the Association for Crisis Intervention).

There is a widespread interest among NGOs in participating in hate crime monitoring and victim assistance (often under the umbrella of anti-discrimination and educational work) or in cooperating more extensively with other organizations on these issues. Most organizations are ready to share their experiences, intellectual resources, legal contacts or office infrastructure with NGOs or groups that operate under more restricted conditions. The most demanded forms of help that organizations helping victims require are: information and training on hate crimes and related issues, stronger political support, and a higher quality of work/competence of public institutions or NGOs. Cultural and linguistic training is also needed in migrant/refugee communities.

## 4.2 NGOs in Germany

In Germany almost all government institutions, political parties, the media and academics recognize civil society and community-based organizations as vital actors in the struggle against racism, anti-Semitism and right-wing extremist activities. Studies comparing different strategies in Western Europe indicate that Germany might even be exemplary in its official approach, insofar as it focuses many resources on non-governmental organizations and civic engagement, particularly on the local level.<sup>1</sup>

It is impossible to give an overview of all NGOs involved in anti-racist or anti-Fascist activities. According to the German federal government, more than 4,470 measures and projects as well as 1,300 NGOs and grassroots initiatives received some state funding between 2001 and 2006 under the auspices of the national action program Youth for Tolerance and Democracy—Against Right-wing Extremism, Xenophobia and Anti-Semitism (see Chapter 1).<sup>2</sup> Private organizations and foundations, such

<sup>1</sup> Bleich, Erik 2007. Hate Crime Policy in Western Europe: Responding to Racist Violence in Britain, Germany, and France. In: *American Behavioral Scientist*, Vol. 51, Nr. 2, p. 149-165.

<sup>2</sup> Bundesministerium für Familie, Senioren, Frauen und Jugend 2006. Abschlussbericht zur Umsetzung des Aktionsprogramms "Jugend für Toleranz und Demokratie—gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus," Berlin, p. 6.

as the Amadeu Antonio Foundation in Berlin; some foundations aligned to political parties (Rosa Luxemburg Foundation and Friedrich Ebert Foundation), and corporate foundations such as the Flick Foundation against Xenophobia, Racism and Intolerance (Flick Stiftung gegen Fremdenfeindlichkeit, Rassismus und Intoleranz) have provided further financial support to hundreds of local projects and measures, ranging from awareness training and educational programs to community coaching, workshops and anti-racist festivals.<sup>3</sup> For example, the German National Coordination of the European Network Against Racism (ENAR), one of the many umbrella associations, states that it represents approximately 100 independent action groups, organizations, churches and unions throughout the country.<sup>4</sup> Regional networks established by state governments in the early 2000s to tackle right-wing extremism also list hundreds of institutions and NGOs as active member groups. Furthermore, local alliances and what are known as “local action plans” have been established in dozens of municipalities in West and East Germany—in many cases as a reaction to extreme right-wing developments and/or xenophobic incidents. Other experts have also observed a steady increase since the early 1990s in the number of projects and initiatives throughout Germany “that aim at promoting equality, inter-ethnic understanding and anti-discrimination.”<sup>5</sup> Trade unions, social welfare, educational, migrant and youth organizations, churches and a broad spectrum of other non-governmental organizations are seen as the driving forces behind these projects striving for more tolerance and equality for members of minority communities.

These accounts and numbers present convincing evidence that there is, first of all, a broad range of NGOs, educational organizations and local initiatives in Germany active in the fight against right-wing extremism, racism and intolerance. Secondly, they point to a pronounced shift in the German government paradigm for dealing with the issue of right-wing violence in the early 2000s—that is, away from a strong focus on potential perpetrators, as predominant in the 1990s, towards an emphasis on encouraging and strengthening civil society initiatives and their ability to tackle the challenge of far-right activities. This strategy has received special recognition from not only international human rights bodies, but also from German academics, researchers and activists.<sup>6</sup> Despite the frequent praise and Germany’s strong focus on civil society structures and players in the prevention and combat of right-wing extremism, racism and discrimination, not much is known about the national NGO landscape as a whole. Scientific research has concentrated on the evaluation of some pilot projects and initiatives, which received funding under the auspices of

<sup>3</sup> Kleffner, Heike 2007. Aktuelle Programme und Projekte in der Auseinandersetzung mit Rechtsextremismus (unpublished document), p. 54.

<sup>4</sup> European Network Against Racism (ENAR) 2007. Rassismus in Deutschland, Brussels, p. 3.

<sup>5</sup> Peucker, Mario 2006. Equality and Anti-discrimination Approaches in Germany, Europäisches Forum für Migrationsstudien, Bamberg, p. 11.

<sup>6</sup> Klein, Ludger 2007. Die Demokratie braucht die Zivilgesellschaft: Plädoyer für eine integrierte Strategie gegen Rechtsradikalismus und Fremdenfeindlichkeit, Friedrich-Ebert-Stiftung, Berlin; Kleffner, Heike 2007. Aktuelle Programme; Frindte, Wolfgang; Preiser, Siegfried 2007. Präventionsansätze gegen Rechtsextremismus. In: Aus Politik und Zeitgeschichte (Apuz), Nr. 11, March 2007, p. 32-38.

different federal programs. Most of these projects and initiatives were located in East Germany.<sup>7</sup> According to one leading academic expert, no one currently has an overview of the services offered to victims of right-wing violence or bias-motivated attacks in Germany by municipalities or NGOs.<sup>8</sup> One empirical study that was recently published for Berlin was highly critical of the low number of local groups and measures that dealt directly with the ongoing challenge of right-wing violence. Out of a sample of 165 programs/projects, only seven stated that they focused on the support of victim groups of discrimination and hate crimes.<sup>9</sup> No comparable studies were available by the time we started our research project for the old federal states in West Germany.

### **4.2.1 Research Design**

In order to identify and describe the work of NGOs active in monitoring and hate crime victim support, we conducted 24 longer face-to-face interviews and about 20 mostly shorter telephone inquiries with relevant institutions, organizations and actors.<sup>10</sup> Three interviews were with academic experts, two of whom were involved in the official evaluation of the CIVITAS program and one who works at the Moses Mendelssohn Center for European-Jewish Studies at the University of Potsdam. They provided a useful overview of the research concerning German hate crime policies and the landscape of non-governmental organizations active in the field. We also participated in various public meetings, parliamentary hearings and seminars to enhance our understanding of the recent developments in the field of hate crime policies and initiatives against right-wing extremism in Germany.

Because there are already well-established contacts to support organizations for victims of right-wing violence in Brandenburg and Berlin, we started our inquiry with interviewing a sample of the projects in Berlin and East Germany which were set up in 2001 with the help of the CIVITAS program by the federal government (in the following, these are sometimes referred to as the CIVITAS projects). At the end of each interview, we asked our contact partners to identify further NGOs that are doing similar work in their region with respect to other hate crime victim groups (for example members of the LGBT community) or to name organizations in other federal states with a comparable approach that combines either monitoring and victim assistance or focuses on at least at one of these activities. Thereby we learned, first of all, about the work of a couple of small-scale voluntary initiatives

<sup>7</sup> Lynen von Berg, Heinz; Palloks, Kerstin; Steil, Armin 2006. Abschlussbericht der wissenschaftlichen Begleitforschung zur Evaluierung des CIVITAS-Programms, Institut für interdisziplinäre Konflikt- und Gewaltforschung, Berlin; Bundesministerium für Familie, Senioren, Frauen und Jugend 2006. Abschlussbericht zur Umsetzung des Aktionsprogramms "Jugend für Toleranz und Demokratie—gegen Rechtsextremismus, Fremdenfeindlichkeit und Antisemitismus," Berlin.

<sup>8</sup> Interview with Roland Roth.

<sup>9</sup> Landeskommision Berlin gegen Gewalt 2007. Berliner Projekte gegen Rechtsextremismus: Forschungsbericht des Zentrums für Antisemitismusforschung, Arbeitsstelle Jugendgewalt und Rechtsextremismus an der TU Berlin, Berlin, p. 62.

<sup>10</sup> See Appendix for the list of interview partners.

(for example, BOrG in Bernau and Strausberg), often started by young anti-racist and anti-Fascist activists in the new federal states, which have been involved to some extent in the support and counseling of hate crimes victims, mainly refugees/asylum-seekers and alternative, left-wing youth. Secondly, we learned that while the CIVITAS projects are very well connected to each other and to relevant local and regional actors and networks, they have no or limited knowledge of NGOs in the old federal states that offer comparable services to hate crimes victims or conduct professional monitoring.

We have tried to fill this overall information gap, which seemed particularly pronounced with respect to the lack of information about the situation in West Germany, by applying three strategies: The first one was to research NGOs online and contact some of the NGOs in West Germany that publish incidents of hate crimes on their websites. The second approach consisted of contacting the national and regional coordinating bodies/individuals in the newly established Consultation Networks Against Right-wing Extremism and asking them about monitoring and support activities in the old federal states. The third strategy was to also include some NGOs in our interview sample that do not consider supporting hate crimes victims as their primary objective but that do, however, have regular contact with potential victim groups, such as refugee councils and anti-discrimination offices and individuals and associations representing other “minority groups,” such as the LGBT community, the Jewish community, and Roma and Sinti. Nevertheless, the main geographic focus of our study lies in East Germany, due to its better established structures for assisting victims of right-wing violence and monitoring. About 70 percent of all our interview partners represent NGOs located either in Berlin or in the new federal states. With regard to West Germany, we decided to concentrate on two regions: North Rhine-Westphalia and states in the north (specifically, Lower Saxony, Hamburg and Bremen). This decision was based on official police statistics that suggest North Rhine-Westphalia and Lower Saxony are the western regions with the most severe problem regarding right-wing extremism and violent attacks. We selected Hamburg and Bremen, two city states, because they are well known for their established NGO infrastructure that reaches out to migrant and refugee communities. Unfortunately, time limits did not allow for a more comprehensive geographical approach.

Again, it must be emphasized that the focus area of our study—monitoring right-wing hate crimes and victim assistance by NGOs—is almost completely unexplored in West Germany. Apart from the study evaluations of the CIVITAS projects in the new federal states, we could not build on any other systematic empirical research projects or academic studies because they did not exist at the time of this study. Thus, when presenting our figures and main results in the following chapter, it has to be taken into account that our study has major restrictions and that the character of our research results should be considered preliminary and fragmentary. In order to obtain a more comprehensive overview and assessment of NGO activities in the respective field, especially in West Germany, further research will certainly be needed.

#### 4.2.2 Different Operational Definitions and Perspectives on Hate Crimes

Before elaborating on the monitoring and support activities of selected organizations in more detail, we will start our account of NGO activities with a brief overview of how they understand and apply the term “hate crime.” In contrast to the Polish part of the study, we did not ask the interviewees about their general views on bias-motivated violence in the German context because most of the groups included were chosen precisely for the reason that they acknowledge the severity and the prevalence of the problem and are, in some way, active in monitoring and addressing hate crimes.

However, each organization’s approach and definition varies to some degree as a result of its specific political, social and geographic profile; the experiences and needs of the groups with which it works or whose interests it represents; and the context in which the organization was founded. As has been noted by other authors, civil rights and other advocacy organizations have played a crucial role in its promotion and acceptance in the hate crime concept as first developed in the Anglo-Saxon world.<sup>11</sup> This concept has not yet been adopted by too many social actors in Germany. In addition to the difficulty of translating the term into German, there are obviously further reservations with regard to its application.<sup>12</sup> One such reservation, as expressed by various activists, is linked to the fact that the German hate crime discussion is still very focused on the controversial question of whether the racist, xenophobic, homophobic or other political/ideological motivation of a perpetrator should be automatically considered an aggravating factor for sentencing in court. Since most of the groups interviewed argue that the existent legal framework for the prosecution and conviction of hate crimes has yet not been satisfactorily exhausted by the law enforcement agencies responsible, they are very cautious to support what some of them perceive as two-faced “law and order campaigns” by a number of populist politicians.<sup>13</sup> Furthermore, interviewees were critical of the fact that legal concepts of hate crime tend to obscure the predominant power structures in Germany, highlighting the extent to which racism and right-wing ideologies are rooted in mainstream society. At the same time, some of these groups addressed the ongoing challenge of developing a more unified understanding of hate crimes and an appropriate response, expressing the need for intensified cooperation and networking with other organizations, and/or outreach to victim and minorities who have received less attention in the debate on right-wing violence. Examples of such groups include the disabled, the homeless or other socially and politically marginalized parts of the population.

<sup>11</sup> Bleich 2008. *Quantifying Hate*, p. 63-80; Kohlstruck, Michael 2004. “Hate Crimes”—Anmerkungen zu einer aktuellen Debatte. In: *Berliner Forum Gewaltprävention: Dokumentation des 4. Berliner Präventionstages am 13. November 2003*, Berlin, p. 67-74; McVeigh, Rory; Welch, Michael R.; Bjarnason, Thoroddur 2003. *Hate Crime Reporting as a Successful Social Movement Outcome*. In: *American Sociological Review*, Vol. 68, p. 843-867.

<sup>12</sup> The literal translation “Hasskriminalität” is rather misleading, because “hate” in the German context is understood as a strong personal feeling of rejection and dislike, and not so much as a widespread collective bias towards specific groups.

<sup>13</sup> Some of our interview partners referred to a legislative initiative by the states of Brandenburg and Saxony-Anhalt (see Chapter 2).

A few organizations are deliberately applying a broader definition of hate crimes and violence by also highlighting more subtle and everyday forms of harassment and abuse, as well as structural discrimination and various dimensions of social and legal inequality. The latter are often not considered as problems that need to be addressed by mainstream society. Nevertheless, most groups are well aware of the dilemma that state institutions and the public are only concerned with monitoring and prosecuting incidents when they constitute one or more of the following: a criminal or litigable offense, a breach of the public order or a threat to Germany's international reputation. For this reason, many NGOs, especially those that receive funding from state institutions, see the strategic necessity of concentrating on those events and incidents that comply with more official and accepted (legal) definitions of hate crimes in their public statements, reports and statistics, whereas they deal with a much more complex set of social, emotional and legal problems and grievances that concern various victim groups in these organizations' daily work, especially when offering counseling and social services.

#### *4.2.2.1 Hate Crime as an Explicit Part of Organizations' Agenda*

##### **Organizations representing the LGBT community**

Similar to their counterparts in Poland, organizations representing the LGBT community in Germany are among the NGOs that consciously and overtly use and promote the term "hate crime" and a victim-centered perspective on various forms of violence.

According to our survey, associations working on behalf of lesbian/bisexual women and transgender persons tend to have a capacious understanding of violence and oppression, since this group experiences various forms of victimization: widespread discrimination and hostility in both public and family life, sexual assaults by acquaintances, unprovoked physical altercations and domestic violence in same-gender relationships. These organizations often try to also highlight the particularly difficult situation of lesbian immigrant women and lesbians of color, who are usually subject to multiple forms of violence, discrimination and stigmatization from mainstream society and their own communities because of ethnic origin, religion, sexual orientation, skin color and gender.<sup>1</sup> Lesbian Counseling Services (Lesbenberatung e.V.) has been running a psycho-social center in Berlin since 1981, providing professional assistance and advice to lesbian, bisexual women and girls as well as for transsexual and transgender people. According to this association, "violence comprises all forms of coercion and constraints—physical, verbal, mental

<sup>1</sup> See, for example, the project LesMigraS, which is a Europe-wide network of lesbian migrants, black lesbians, lesbian and migrants' projects and other individuals, coordinated by the association Lesbian Counseling Service in Berlin: <http://www.LesMigraS.de>.

or economic—that attack an individual’s right to self-determination.”

However, this well-established and experienced NGO also sees the necessity in distinguishing between different forms of discrimination and violence, for example, general hostility, cases of domestic violence and incidents of homophobic violence. The term “hate crime” is reserved in their classification system for incidents of “violence against lesbians, committed by offenders not known or barely known to the victims.” These hate crimes are divided up in physical, psychological and sexualized forms of violence; mobbing, stalking and damage of property are further categories used to classify different forms of harassment (see Chapter 4.2.3.1).

MANEO, a Berlin-based project that has been running an emergency hotline and advise/counseling center since 1993 for gay men affected by homophobic assaults, discusses the difficulty in distinguishing bias-motivated crimes from other acts of violence at length in its various publications. MANEO regards any violence directed against individuals based on their alleged or real sexual orientation as a hate crime, just like any other expression of intolerance:

*“These acts of violence do not only have negative consequences for the individual victims severely affected physically, mentally and emotionally. They are an attack on the whole identity of a person and by this, they are directed against all members of the group who share the same characteristics and [sexual] orientation as the victim.”<sup>2</sup>*

In MANEO’s most recent report *Experiences of Violence by Gay and Bisexual Adolescents and Men in Germany*, the author states that more “adequate and standardized registration criteria are needed [...] that are also applicable in practice” with reference to the insufficient official registration and monitoring system for homophobic assaults in Germany.<sup>3</sup> At the same time, it concludes that all surveys and empirical studies on hate crimes must address: 1) the problem that there are no absolutely reliable and objective indicators available for the assessment; and 2) how to factor in subjective perceptions and interpretations of the victims groups and individuals affected. “Finally, it’s incumbent upon the respondents [and victims affected] to classify experiences of violence as homophobic hate crimes.”<sup>4</sup>

Even though MANEO understands the complex individual and social repercussions of homophobic crime, the organization still relies on legal categories in its reports and surveys of homophobic incidents to distinguish between different forms of violence experienced by gay men: abuse and threats, insults, coercion, damage to property, theft, robbery and muggings, attempted bodily injuries as well as less severe forms of battery and aggravated assaults (see Chapter 4.2.3.1).

<sup>2</sup> MANEO 2007. *Gewalterfahrungen von schwulen und bisexuellen Jugendlichen und Männern in Deutschland: Ergebnisse der MANEO-Umfrage 2006/2007*, Berlin, p. 10.

<sup>3</sup> *Ibid.*, p. 12.

<sup>4</sup> *Ibid.*; p. 15.

## Support Organizations for Victims of Right-wing Violence

The CIVITAS projects—and some informal groups linked to them such as Counseling Service for Victims of Right-wing Violence (Beratung für Opfer rechter Gewalt, BOrG) in Strausberg, Bernau and other cities—also belong to a group of NGOs that operate with a rather broad and reflective understanding of hate crimes in the German context, even if the term as such is hardly used by them. Due to the nature of CIVITAS projects and their assigned tasks by government programs (see Chapter 4.2.4.1), their main focus is on “right-wing acts of violence” or “right-wing motivated violent offenses.” These are also the dominant terms used in their publications and statistics, even though they also list and deal with incidents that could more precisely be categorized as hate crimes. This is because these constitute bias-motivated crimes, but they do not necessarily have an organized political background, which the use of the adjective “right-wing” might commonly suggest. Similar to feminist and LGBT organizations’ pioneering role in the field of sexist and homophobic offenses, the CIVITAS projects must be also credited with having introduced the principle of a victim-centered approach into professional discourses and official programs against racism and right-wing violence. By taking into account the perceptions of hate crime victims in their assessment of reported offenses, they fulfill an important advocacy function and offer a vital alternative source of information. The experiences of individuals and communities directly affected by right-wing violence and related attacks are these organizations’ most important source of information. As one representative of the association Opferperspektive points out:

*“We, as NGOs, have a much closer relationship and better access to the victims than state institutions. As an important part of our conceptual framework and mission, we feel committed to the perspective of the victims. If they are convinced that the background of an attack was racist or politically motivated, we usually support their position. In this sense, we have more leeway than the police.”<sup>5</sup>*

When the eight victim support organizations in the new federal states started their work in 2001, the CIVITAS program did not provide any operational definition of hate crimes; it only identified the primary task for the funded projects as “confronting right-wing extremist criminal offenses and violent acts.”<sup>6</sup> According to our interview partners, the victim support organizations themselves created their own operational definition over time through a common quality standards process. In the CIVITAS projects’ first years of existence (2001-2003), two approaches dominated their work: one approach centering on violence with an anti-racist background, which had closer ties to victim groups such as refugees and migrants; the other with an anti-Fascist background, which focused more on anti-Fascist activists and members

<sup>5</sup> Interview with Opferperspektive (Dominique John).

<sup>6</sup> Ibid.

of left-wing/alternative youth milieus. As a result, the incidents that the CIVITAS projects handled in the beginning more closely reflected their involvement in certain political movements and social/geographic environments than their activities today. Over the years, however, the NGOs started to reevaluate and professionalize their approach by focusing more on the motivation of the offense, a criterion also used by the police today when assessing attacks and offenses in the categories “right-wing” or “xenophobic/anti-Semitic.” At the same time, there were further convergences with respect to the understanding and registering of hate crimes, like for example, by concentrating on physical forms of violence. As one of our interview partners explains:

*“The more we entered into a critical dialogue with state institutions (especially with law enforcement agencies) about the incidents we included in our reports and statistics, the more we were forced to develop precise criteria for the assessment and classification of these offenses.”<sup>7</sup>*

As outlined by Opferperspektive, the following six aspects/criteria can be understood as the joint guidelines for the CIVITAS projects and their classification of right-wing hate crimes:<sup>8</sup>

- The act is a criminal offense, either an attempted or an actual act of bodily injury, a willful damage to property or an arson attack, aiming to cause harm to specific groups of persons. Acts of coercion and verbal threats with severe consequences for the victims should be also considered right-wing hate crimes; simple insults should be excluded.
- A right-wing motive for the offense is attributed to the perpetrator by the victim, by a third person or by the police.
- The circumstances of the offense (certain statements by the perpetrator, his/her ideology or attachment to the right-wing scene) provide further evidence for a right-wing background and motivation.
- Right-wing motivations reveal particular ideologies of hatred and “concepts of the enemy”: racism and xenophobia, hatred towards left-leaning individuals or punks, anti-Semitism, social Darwinism with regard to homeless, marginalized or disabled persons and homophobia.
- Relevant are the character and traits the offender ascribes to the victim, and not the real characteristics of the victim. A xenophobic attack can be also directed against a person, who was just mistakenly perceived by the perpetrator as having a migration background.
- In cases where there is also evidence for an “apolitical” background of the attack, the offense should be considered as having a right-wing motivation if racist or right-wing ideology had an escalating effect.

<sup>7</sup> Interview with Opferperspektive.

<sup>8</sup> Wendel, Kay 2005. Rechte Gewalt: Definitionen und Erfassungskriterien, Opferperspektive e.V., Potsdam, p. 3.

## Borderline and Disputed Cases

Like any other institution or NGO active in counseling and victim assistance or monitoring of hate crimes, the CIVITAS projects are also confronted with incidents, circumstances and reports by victims that are labeled by some of our interview partners as “borderline cases.” Some of them refer to experiences with multi-dimensional forms of victimization, discrimination and legal problems. This is especially true in the case of refugees or migrants who become victims of hate crimes and who then seek additional assistance for other issues that are not directly related to the incident, like in earlier cases of defamation or discrimination. Other borderline cases present the challenge of distinguishing common criminal offenses, such as theft and robbery, from hate crimes because motives might overlap or are difficult to detect. Further typical borderline cases our interviewees identified are incidents of verbal threats (including hate speech on the Internet), cases of coercion and attempted bodily harm. All of these could lead to serious constraints (e.g. the ability to move freely about an area without fear) and/or the traumatization of individuals affected; however, such incidents are usually difficult to investigate and/or are not taken very seriously by law enforcement officers or the public. Other types of borderline cases include damages to property or the desecration of Jewish graveyards, which may have severe impacts on affected communities.

Some of the interviewed organizations are trying to solve this dilemma by distinguishing between a narrower operational definition of right-wing hate crimes used in their public reports and statistics and a more open internal approach applied to their counseling and victim assistance activities.

*“Right-wing violence does not necessarily have anything to do with a clear-cut world view. And sometimes we do not have the means and resources to find out the perpetrator’s ideological background. But in most cases we have dealt with, there were some indications of racist or right-wing motivations. Over the years, however, incidents reported to us have become more diverse, including some borderline cases, where we and the victims had difficulties classifying the incident. That usually did not pose a problem for the counseling part of our work. We did not turn people away when the attack they experienced did not fit nicely into our categories, but it led to discussions about whether we should add these cases to our chronology of right-wing violence that we publish regularly.”*

NGOs working in rural areas with an aggressive and openly right-wing scene seem to have fewer borderline cases. Nevertheless, almost all interview partners express the common concern about the official handling of attacks on left-wing/alternative youth or anti-Fascist activists. In some regions in East Germany, this constitutes the largest hate crime victim group (see Chapter 4.2.3.3). Most of the interviewees complained about the ongoing reluctance of local and regional police departments to

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<sup>9</sup> Interview with AMAL.

acknowledge the political background of these offenses, which often get mistakenly categorized as clashes or conflicts between members of violence-prone youth scenes or are simply not registered at all.

### **Police Brutality and Mistreatment as a Particular Form of Hate Crime**

ReachOut, an organization in Berlin included in our interviews with victim support centers, has an even broader approach to hate crimes, in that they also address the problem of police violence and brutality that especially affects people of color, non-ethnic Germans, migrants and refugees. Together with the Anti-discrimination Office in Berlin (Anti-Diskriminierungsbüro Berlin) and the Legal Team in Berlin (Ermittlungsausschuss), ReachOut established the Campaign for the Victims of Racist Police Violence (Kampagne für Opfer rassistischer Polizeigewalt Berlin), which includes a legal aid fund, strategies for raising awareness about hate crimes and victim counseling. In their chronology that catalogues incidents of police brutality from the years 2000 to 2007, they list more than 40 cases.<sup>10</sup> The authors refer to repeated abuse of authority by law enforcements in their relations with minority groups, often taking the form of physical abuse or racist language, the latter of which is difficult for victims to prove. This report also underlines structural prejudices within the legal system like racial profiling, a policy that negatively impacts the morale and ability of migrants to feel at home in Germany. Empirical research in this area supports ReachOut's assertion that:

*"In cases where police officers openly express xenophobic attitudes, e.g. by making discriminatory remarks with respect to the skin color, the outfit or the nationality of the victim, it is rather easy to detect a racist background. However, in many cases the existing bias and prejudice structure becomes only indirectly apparent in their particular treatment of the victim."<sup>11</sup>*

ReachOut and other civil rights organizations have also repeatedly criticized different forms of racial profiling in Berlin and Germany in general, as it disproportionately affects a high concentration of migrants and people of color and is often used to legitimize acts of harassment and police brutality if those affected try to protest or defy these controls. Measures taken by police that involve racial profiling include, but are not limited to: identity checks on non-suspects, dragnet checks and the classification of some inner city areas in Berlin as particularly dangerous.

<sup>10</sup> The results of their joint campaign were discussed in the Berlin House of Representatives (Abgeordnetenhaus von Berlin), where the Superintendent of the Berlin Police was one of several individuals who responded to the accusations.

<sup>11</sup> Kampagne für Opfer rassistisch motivierter Gewalt 2007. Chronik rassistisch motivierter Polizeivorfälle für Berlin in den Jahren 2000 bis 2007, Berlin, p. 3.

#### 4.2.2.2 Other Organizations without an Exclusive Focus on Hate Crimes

We chose to focus on West Germany for this section because it has not had the support of programs like CIVITAS, which led to the development of specialized victim counseling organizations in East Germany. Nevertheless, while inquiring about NGOs in West Germany, we came across a number of NGOs that deal with problems of right-wing violence and related hate crimes. Most could either be characterized as educational organizations active in the prevention of violence and various training programs or as NGOs concentrating on discrimination issues. Although neither type of organization specializes in monitoring hate crimes or offers a broader range of programs and services, they still serve as important contact points and information centers with respect to bias-motivated offenses in their region or municipality.

#### **Organizations Active in Supporting Individuals Wanting to Leave the Right-wing Scene**

In the northern region of Germany, we identified two NGOs active in the monitoring of right-wing extremism and violence. However, these organizations have made an additional contribution to the hate crime discussion by addressing the particularly difficult and vulnerable situation of “breakaways” (Aussteiger—individuals who have left the right-wing scene or are trying to distance themselves from it) and their family members.

In Lower Saxony the Office Against Right-wing Extremism and Violence (Arbeitsstelle Rechtsextremismus und Gewalt, ARuG) in Braunschweig argues that the concept of potential and real hate crime victims groups has to be expanded in order to include and support the right-wing youth’s parents, who often become targets of constant harassment and physical attacks when they try to help their children leave the right-wing milieu.

The Lidice House (LidiceHaus) in Bremen, a center for youth programs and intercultural education, cooperates with academic experts and other NGOs like ARuG and the Association for Supporting Social Work that Accepts Youth (Verein zur Förderung akzeptierender Jugendarbeit e.V.) with the goal of setting up a regional network of specialized counseling teams for the relatives of right-wing oriented youths.

#### **Organizations Defining Hate Crimes as Particular Severe Forms of Discrimination**

We identified anti-discrimination offices in West Germany, run by NGOs, as another potential contact point for victims of right-wing activities or related violence. All five offices included in our interview sample stated that they have experience with right-wing and xenophobic assaults reported to them by the victims or the victims’ friends

or relatives. Since their main focus is on ethnic and racial discrimination in the fields of employment, housing, education etc., as addressed in Article 13 of the Amsterdam Treaty and the new German anti-discrimination legislation, they do not operate with a clear-cut definition of hate crime, but rather assume that bias-motivated attacks are a specific violent and severe form of discrimination. When classifying different manifestations of discrimination, they usually distinguish between “disputed treatment,” damages to property, verbal hostilities and harassment, physical violence and other forms of discrimination.<sup>12</sup> It is remarkable that most of the anti-discrimination offices interviewed also reported a large number of complaints linked to cases of mistreatment and physical violence by representatives of government institutions, particularly the police.

### Other Victim Support Organizations

General victim support organizations are another type of NGO in Germany that is often mentioned as a potential contact point for victims. We included two such organizations in our survey, Victim Support Hamburg (Opferhilfe Hamburg e.V.) and Victim Support Office (Opferhilfebüro Verden). Even though both NGOs stated that they are willing to assist victims of right-wing, xenophobic or homophobic assaults, they do not see the necessity in distinguishing between “normal” criminal offenses and hate crimes in their work. According to our interview partners, they have sufficient professional experience and knowledge to deal with all forms of traumatic experience, ranging from personal incidents, including domestic violence, sexual abuse, rape and stalking, to fortuitous events such as accidents and natural disasters.

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<sup>12</sup> The category “disputed treatment” is used for cases of perceived discrimination by public authorities and private firms that provide goods and services, in which a discriminatory cause for unequal treatment has not yet been positively determined, but no justification for a differential treatment is identifiable. AntiDiskriminierungsbüro (ADB) Köln; Öffentlichkeit gegen Gewalt e.V.; Caritasverband für die Stadt Köln e.V.; Antidiskriminierungsbüro/Interkulturelles Referat der Stadt Köln 2007. “Nein, das gibt’s hier nicht”: Gemeinsamer Bericht der Träger der Antidiskriminierungsarbeit im “Drei-Säulen-Modell” in Köln 2006, Cologne.

### 4.2.3 Monitoring of Hate Crimes by NGOs

In contrast to our Polish colleagues, we applied a much narrower definition of monitoring and did not include informal practices of tracking incidents if the tracking was not publically disclosed. This approach was referred to in the Polish part of the study as “in-community monitoring” (see Chapter 4.1.3.2.1). Not all organizations in this section were interviewed, but the information is available on their websites or in publications. In addition, we are well aware of the fact that, similar to Poland, there might be a large number of untapped sources in Germany with regard to cases of bias-motivated violence. These may comprise various informal networks, welfare or anti-Fascist organizations; or particular ethnic, religious, refugee and other local communities with general knowledge of such incidents. In some interviews conducted in West Germany, NGO representatives pointed out that existing organizations and formal networks against right-wing extremism and racism often work in isolation from these local communities, welfare organizations and grassroots groups, either because these organizations and networks do not recognize the latter as important partners or because there is a lack of resources limiting regular contact.

Other interviewees emphasized further obstacles that prevent closer cooperation. The president of the Regional Confederation of German Sinti and Roma Berlin and Brandenburg (Landesverband Deutscher Sinti und Roma Berlin-Brandenburg e.V.), for one, stated that her organization is very cautious when it comes to publishing information on hate crimes and discrimination due to “a general feeling of mistrust within the Roma community towards German institutions and media, including NGOs, because of their bad experiences in the past [German National Socialism] and daily experiences with harassment.”<sup>1</sup> A few years ago, the association even removed the organization’s title from the door-bell because of frequent threats contained in anonymous hate mail.<sup>2</sup> Similar accounts of mistrust and caution came from Jewish interview partners, who described the “enormous aversion of Jewish people [in Germany] to define themselves through [acts] of persecution and anti-Semitism or being thus defined by others. One wants to lead a normal life and is afraid of being singled out again.”<sup>3</sup> Therefore, it is highly likely that a large number of anti-Semitic incidents or experiences with harassment never become public knowledge and are only talked about within the sheltered environment of informal or family networks and Jewish community organizations.

Taking into account that there are various definitions of the term “monitoring,” we decided to summarize in the following sub-chapter all NGO activities that try to raise awareness about various kinds of hate crimes by publicizing information that would otherwise not be available in a consolidated form. As a result, we were able to distinguish three different approaches to monitoring activities:

<sup>1</sup> Interviews with Regional Confederation of German Sinti and Roma Berlin-Brandenburg.

<sup>2</sup> Open Society Institute 2002. *The Situation of Roma in Germany*, Brussels, p. 198.

1. Victimization surveys carried out by organizations representing minority or victim groups
2. Documentation based mainly on media analysis
3. Monitoring by specialized victim support organizations.

#### 4.2.3.1 Victimization Surveys

We identified a small number of organizations in Germany representing the interests of particular minority or victim groups that are trying to fill the data gap on hate crimes affecting members of their communities by conducting victimization surveys. Their approach is similar to some of their counterparts in Poland. Because of their direct access and day-to-day contact with the individuals most likely affected by hate crimes, these NGOs are able to identify—much better than academics or officials can—common patterns of discrimination, vulnerability and exposure to violence, as well as the perceptions of those affected. For example, these organizations receive prompt and open answers to questions like: do the victims and their families feel safe in the streets; do they have confidence in the police services and other government institutions; etc.?

#### Roma and Sinti

One such survey was administered by the Central Council of German Roma and Sinti (Zentralrat Deutscher Sinti und Roma) in 2006. Besides the media attention given to the particularly brutal hate crimes, the results illustrated patterns of existing discrimination, resentment and violence that especially plague and intimidate members of the Roma communities.<sup>4</sup> A disturbing 76 percent of more than 300 respondents stated that they had experienced some form of discrimination; 45.9 percent reported discrimination by authorities, including law enforcement agencies. The report also mentions 34 cases of harassment and violent assaults by neighbors and 26 incidents of violent attacks carried out by neo-Nazis.<sup>5</sup>

#### LGBT Community

In the absence of police or other official reporting, some gay and lesbian rights organizations in Germany are also conducting surveys and/or are collecting infor-

<sup>3</sup> Interview with Moses Mendelssohn Zentrum (Gideon Botsch). Anetta Kahane of the Amadeu Antonio Foundation expressed a similar opinion.

<sup>4</sup> One example is an attack on 30 July 2001 on a campsite in Wildau (Brandenburg), where 40 Roma were camping. The site was bombed with at least three Molotov-cocktails. *Berliner Zeitung*, 31 Nov 2001.

<sup>5</sup> Zentralrat Deutscher Sinti und Roma 2006. *Ergebnisse der Repräsentativumfrage des Zentralrates Deutscher Sinti und Roma über den Rassismus gegen Sinti und Roma in Deutschland*, Heidelberg.

mation on incidents of violence against the LGBT community. No organization, however, produces up-to-date national statistics. Reporting usually covers a particular city or state. The afore-mentioned Berlin-based organization MANEO, which has been monitoring reports of hate crimes targeting gay men submitted by victims or provided to the organization by the police since 1993, reported 274 cases of anti-gay violence in Berlin for 2006.<sup>6</sup> In a more recent publication based on a comprehensive national online survey (a sample of 24,000), the authors pointed out that more than 35 percent of all respondents mentioned experiencing homophobic violence in 2006-2007; 63 percent of all respondents under the age of 18 reported that they had been victims of hate crimes.<sup>7</sup> Broken Rainbow, a national federation representing mainly lesbian associations active in anti-violence projects, published a report in 2006 on violence targeting lesbian women, covering the period between 2002 and 2004. Their victimization survey documented 77 cases of harassment and violent attacks, most of which were committed in the public sphere by groups of men not part of the far-right milieu.<sup>8</sup> For 2007 the staff at the association Lesbian Counseling Services in Berlin registered about 60 incidents of anti-lesbian hate crimes outside the home, most of them having a clear sexist and anti-lesbian motivation, some of them falling into the category “incitement of the people,” often a combination of both. Our interview partner also pointed out that most anti-lesbian verbal and physical attacks committed in the public sphere are not carried out by offenders with a right-wing extremist background, but rather by groups of “normal” younger men, mostly Germans and, to a lesser degree, members of migrant communities.

## Organizations Representing Religious and Cultural Communities

No systematic monitoring is being conducted by any NGO in Germany on hate crimes directed against Muslims.<sup>9</sup> The same is true for disabled people, although a recent report by the Office for Democratic Institutions and Human Rights (ODIHR) states that preliminary research “suggests that a disabled person is at least one and a half times more likely to be the victim of assault or abuse than other people of similar age and gender.”<sup>10</sup> The Jewish communities in Germany have not yet published any reports or victimization surveys with regard to anti-Semitic violence, but the Central Council of German Jews (Zentralrat der Juden in Deutschland) provides information regarding anti-Semitic incidents to the European Jewish Congress and publishes press releases on hate crimes on a regular basis. Some Jewish organizations are part of broader NGO networks such as the Coordination Council of German Non-

<sup>6</sup> MANEO 2007. MANEO Bericht 2006, Berlin, p. 13.

<sup>7</sup> MANEO 2007. Gewalterfahrungen von schwulen und bisexuellen Jugendlichen und Männern in Deutschland: Ergebnisse der MANEO-Umfrage 2006/2007, Berlin, p. 6.

<sup>8</sup> Broken Rainbow 2006. Gewalt gegen Lesben und häusliche Gewalt in lesbischen Zusammenhängen: Auswertung der Erhebungsbögen der Lesbenberatungsstellen und Lesbentelefone, Berlin.

<sup>9</sup> Bosch; Peucker 2007. Ethnic Discrimination and Xenophobia in Germany, p. 6.

<sup>10</sup> Office for Democratic Institutions and Human Rights (ODIHR) 2006. Challenges and Responses to Hate-Motivated Incidents, p. 31

governmental Organizations against Anti-Semitism (Koordinierungsrat deutscher Nichtregierungsorganisationen gegen Antisemitismus). These organizations partake in some form of monitoring, particularly with respect to anti-Semitic biases in media reports and public discourses.<sup>11</sup> Furthermore, this council, together with other politicians, academics and intellectuals, has been urging the federal government to compile an annual report about anti-Semitism in Germany, including detailed information on anti-Semitic offenses, threats, insults and related incidents, in order to gain a more comprehensive picture of current trends and developments. At the beginning of May 2008, the recently formed network Jewish Forum for Democracy and against Anti-Semitism (Jüdisches Forum für Demokratie und gegen Antisemitismus) announced its plans to launch a new internet information platform, and to continue its cooperation with other organizations, foundations and politicians in monitoring and combating anti-Semitism and anti-Zionism in Germany.<sup>12</sup>

#### 4.2.3.2 Documentation on Hate Crimes Based Mainly on Media Surveys

Documentation such as chronologies of bias-motivated crimes compiled from press reports provide yet another valuable source of information. However, it must be taken into consideration that these types of documentation inevitably reflect fluctuations in the media and in public attention, thus they should only be regarded as a fragmentary and partial form of monitoring. Often dependent on the commitment of individual journalists and local NGOs, the quality of reporting, and even the mere coverage of right-wing incidents, also varies from region to region in Germany.

#### Examples for Monitoring on the National Level

At the date of its republication in 2003, the afore-mentioned special report in the *Frankfurter Rundschau* and *Der Tagesspiegel* documented 99 violent deaths due to bias-motivated murders from 1990-2003 and an additional 20 deadly crimes, of which the perpetrators' motives were still in question (see Chapter 1.1). In the meantime, artist Rebecca Forner and a small research team have continued to document the number of brutal deaths in the form of an exhibition that has included hate crime murders through 2005: The number has now risen to 136. The authors included cases "when a political motive [was] beyond question, according to our own inquiries, police reports, indictments of the public prosecutors or court decisions."<sup>13</sup>

<sup>11</sup> Hiram7 Review 2007. Koordinierungskonferenz deutscher Nicht-Regierungsorganisationen gegen Antisemitismus, press release, 18 Jul 2007, Hamburg.

<sup>12</sup> Aviva-Berlin Online Magazin für Frauen, 30 Apr 2008.

<sup>13</sup> Der Tagesspiegel, 6 Mar 2003.

For the same time period, Federal Criminal Police Office had published a much lower number of deaths and could not explain the large discrepancy. This started an extensive controversial public debate about flaws in the official registration system. Consequently, documentation in the early 2000s “served as a symbolic focal point [that for the first time] drew attention to the ‘problem’ of under-representing of right-wing murders” in Germany.<sup>14</sup>

Since 1992 information on anti-Semitic crimes and incidents has been systematically collected and documented by the Anti-Fascist Press Archive and Educational Center in Berlin (Antifaschistisches Pressearchiv und Bildungszentrum Berlin, Apabiz).<sup>15</sup> This NGO has been cooperating with various institutions and organizations, such as the Jewish online magazine *haGalil*, the victim support organization ReachOut, the educational association Straight Talk! (Yiddish: tacheles reden!) and the Moses Mendelssohn Center for European-Jewish Studies. The first two organizations are based in Berlin, and the latter in Potsdam. Since 2001 Apabiz has been covering anti-Semitic incidents throughout Germany in their annual chronicles, which are published on their website and in their newsletters.

The content includes themes such as:

- desecrations of Jewish cemeteries
- acts of vandalism and arson attacks against Jewish sites such as Holocaust memorials or community buildings
- insults and cases of battery, anti-Semitic graffiti, incitements of the people
- other forms of harassment.

The latest documentation for the year 2007—mainly based on media reports, press releases from the police and information from victim assistance organizations—lists 21 incidents of physical assaults on Jewish people, including 14 cases of bodily injuries.<sup>16</sup>

**Table 12: Apabiz statistics of anti-Semitic incidents 2007**

Category	Number of Offenses
Desecration of Jewish graveyards	12
Desecration and vandalism of Jewish memorials and community institutions;	32
Acts of arson in total above	3
Attacks on individuals;	21
Resulted in bodily injury in total above	14
Other: threats, incitement of the people, anti-Semitic graffiti	35
<b>Total</b>	<b>117</b>

Source: Apabiz at <http://www.apabiz.de/archiv/material/index.htm>.

<sup>14</sup> Bleich 2008. Quantifying Hate, p. 70.

<sup>15</sup> Antifaschistisches Pressearchiv und Bildungszentrum Berlin, <http://www.apabiz.de>.

<sup>16</sup> Antifaschistisches Pressearchiv und Bildungszentrum Berlin 2008. Chronologie antisemitischer Vorfälle 2007, Berlin.

The Amadeu Antonio Foundation in Berlin also publishes chronicles of anti-Semitic crimes and right-wing offenses on its website and internet platform Courage against Right-wing Violence (*Mut gegen rechte Gewalt*).<sup>17</sup> These are also mostly based on media and police reports, but they also include some data released by victim support organizations.<sup>18</sup> They do not provide any aggregated data and tend to include cases in which the political motivation behind the offense seems likely but remains unproven.

Even though violent deaths of homeless people are sometimes listed in the *Frankfurter Rundschau's* and *Der Tagespiegel's* newspaper documentation of right-wing murders, not much effort has been made to provide concrete numbers for this particularly vulnerable victim group or to investigate the full extent of hate crimes that affect them. The only national public report available, "The Dead of the Third Class" (*Tote Dritter Klasse*) by the journalist Christian Linde at the Berlin-based street newspaper *motz*, is outdated.

It covers the period 1994–2001 and lists 350 cases of violence experienced by the homeless in Germany, based primarily on media reports. The article divides the cases into incidents of manslaughter and battery, but also lists suicides and deaths resulting from hypothermia.<sup>19</sup>

## Examples of Local Monitoring

The exact number of NGOs that monitor right-wing violence or related hate crimes for a particular region or town in one form or the other is very difficult to detect, since many of them only publish this data in local publications with a small circulation (brochures, newsletters and magazines) or on their website, hidden among a large amount of other information.

An internet search revealed various local groups and networks that provide some information on right-wing assaults. For East Germany these are the Mosquito Network Office (*Netzwerkstelle Moskito*) in Berlin-Pankow, the Research Group on Right-wing Extremism (*Forschungsgruppe Rechtsextremismus*) at the University of Potsdam and the Anti-Fascist Groups (*Antifaschistische Gruppen*) in Westhavelland.<sup>20</sup> These three groups have been registering and documenting

<sup>17</sup> *Mut gegen rechte Gewalt*, <http://www.mut-gegen-rechte-gewalt.de/>.

<sup>18</sup> *Mut gegen rechte Gewalt* (n.d.). *Chronik der Gewalt*.

<sup>19</sup> Linde, Christian 2002. *Tote Dritter Klasse: Eine unvollständige Chronik der Gewalt gegen Obdachlose* (CD-Rom), Berlin.

<sup>20</sup> In 2005 Mosquito published its first chronology of 53 right-wing, racist and anti-Semitic hate crimes and incidents, which occurred in the district of Pankow in the eastern part of Berlin. Besides physical attacks, the group also registered cases of hate speech, acts of vandalism and right-wing, racist and anti-Semitic posters and graffiti. The information on incidents is also passed on to other local NGOs such as Apabiz and ReachOut. The local monitoring activities in Berlin-Pankow were part of a local action plan, which provided for some funding and facilitated the cooperation between various local non-governmental and governmental actors, including the district council. See: *Stiftung Pfefferwerk* (n.d.). [mosquito] – *Netzwerkstelle gegen Rechtsextremismus, für Demokratie und Vielfalt*, Berlin. The Research Group on Right-wing Extremism presents an overview of extreme right-wing activities, including violent crimes and propaganda offenses on their website, researched and compiled by a students' group. *Forschungsgruppe Rechtsextremismus an der Universität Potsdam 2006. Rechtsextremismus in Potsdam 1992 bis 2005: Eine Chronologie*, Potsdam. The Anti-Fascist Groups' chronology can also be found online: *Antifa Westhavelland* (n.d.). *Chronologie, Hemiksem*.

right-wing related incidents since 1989. For West Germany, there are very few NGOs regularly monitoring and documenting right-wing violence or related forms of hate crimes. Exceptions include the Anti-Fascist Information, Documentation and Archive (Antifaschistische Informations-, Dokumentations- und Archivstelle, A.I.D.A.) in Munich and the Office of Right-wing Extremism and Violence (ARuG) in Braunschweig, Lower Saxony. Most of their information comes from the victims themselves or from other sources such as individual witnesses or NGOs. A.I.D.A. publishes chronologies of far-right activities covering the years 1998-2008 in Bavaria on their website, with a focus on Munich, while ARuG does the same for the state of Lower Saxony. On the website of the latter organization, the information is broken down into towns and regions.<sup>21</sup> Both chronologies, however, do include hate crimes as well as other forms of right-wing activities such as demonstrations, gatherings or violent clashes with the police. Neither provides any aggregated data.

Most of the groups we contacted in West Germany discussed the need to improve the monitoring and documentation system, but they have difficulties securing funding and paying staff. While almost all groups recognized the lack of concrete information concerning right-wing violence and related crimes in the old federal states, the fact remains that they also lack the necessary resources for outreach activities and for more detailed investigations into known cases. Due to these restraints, low priority has been given to developing comprehensible data collection systems and to providing the means for assessing and documenting right-wing, racist and related hate crimes.

#### *4.2.3.3 Monitoring by Specialized Victim Support Organizations*

If we define monitoring in the field of hate crimes as a process whose objective is not only the regular collection of data, but also the systematic evaluation of events and incidents by actively detecting, investigating, assessing, classifying and tracking cases of hate crime, we would find very few NGOs in Germany that are far advanced in doing this kind of monitoring. However, the victim assistance organizations in East Germany belong to these few. Trained and specialized in the support and counseling of victims of right-wing violence, they provide a strong counterbalance to the official police data in the new federal states by independently monitoring hate crimes.

Almost all of these organizations work today under the auspices of the federal states and receive funding from the national program Consultation Networks and Mobile Intervention against Right-wing Extremism and regional state programs. At the beginning of March 2008, eight of these NGOs—some of them with several local offices and branches—were still active in the new federal states:

<sup>21</sup> Arbeitsstelle Rechtsextremismus und Gewalt, <http://www.arug.de>; Antifaschistische Informations-, Dokumentations- und Archivstelle München, <http://www.aida-archiv.de>.

- ReachOut/Ariba in Berlin
- Opferperspektive in Brandenburg
- LOBBI in Mecklenburg-Western Pomerania
- Mobile Counseling for Victims of Right-wing Violence/Together (Mobile Beratung für Opfer rechtsextremer Gewalt/Miteinander e.V.) in Saxony-Anhalt
- Counseling Office for Victims of Right-Extremist Violence in the Multi-cultural Center of Dessau (Beratungsstelle für Opfer rechtsextremer Gewalt im Multikulturellen Zentrum in Dessau) in Saxony-Anhalt
- AMAL in Saxony<sup>22</sup>
- Association for Intercultural Work, Help for Youth and Schools (Verein für Interkulturelle Arbeit, Jugendhilfe und Schule e.V.) in Leipzig and Dresden, Saxony
- Emergency Service for Victims of Right-wing Violence in Thuringia (Thüringer Hilfsdienst für Opfer rechter Gewalt).

The data collection and publications of these NGOs are based on several sources:

- They have direct contact with victims of hate crimes through their counseling and outreach work (described in more detail further detail below.)
- They conduct 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 to various regional and local networks, comprising of other NGOs, anti-Fascist groups, youth centers, unions, church groups, local politicians, committed individuals and journalists, from all of whom they receive relevant information.

All victim support organizations publish aggregate information on hate crimes at least once a year. This data is compiled for their region, divided into consultation cases (that is, how many victims were contacted and advised) and research cases (how many incidents they acquired from the sources listed above). They collect and provide information on:

- places of victimization (town/county as well as social surroundings such as public space, public transportation, schools, workplace, home/neighborhood etc.)
- victim characteristics (age, sex, group membership)
- the suspected motives of the crime (racism, anti-Semitism, homophobia,

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<sup>22</sup> AMAL in Saxony was the only CIVITAS project that had to halt its work at the end of March 2008 because it was not covered in the new funding program. Some of the other listed NGOs also had to cut down on staff due to reduced financial support from the government.

hostility towards disabled persons, social marginalization against—for example—the homeless, and political opponents or alternative/non-right-wing youth)

- the character of the offense (damage to property, arson attack, coercion, physical threat, bodily injury, killing/manslaughter); and whether a police record was filed.

For the purpose of data collection, the victim support organizations use a common database which was created in 2002. A comprehensive joint press release was published twice a year on violent crimes with a right-wing political motivation in East Germany (in addition to the press releases the individual projects would publish for their particular region/city) based on this data collection and evaluation. This was a core element of the public relations work that led to the broader public acknowledgement and appreciation of the activities of victim support organizations. Furthermore, these unofficial crime statistics present a constant challenge for government institutions, particularly the police agencies, because the numbers are usually much higher than the official ones, and therefore highlight not only the continuing massive problem of right-wing violence in East Germany, but also the amount of underreporting.

Some of the aggregated data from the CIVITAS projects has been also included in academic studies and reports by supranational bodies and international human rights organizations (see Chapter 1). In some cases, the information collected and published by the regional victim support organizations has also led the police and public prosecutors to initiate investigations.<sup>23</sup> The effects of the data collection and presentation are not easy to measure, but could be summarized as follows:

- For the victims, it is important that the injustice they experienced is documented and published.
- It puts pressure on local politicians, the police and the public in general to confront the problem of hate crimes.
- The systematic and professional documentation helps NGOs to get taken more seriously, especially by state institutions.

According to information provided by our interviews with five of the CIVITAS projects, the main difference between their “unofficial” registration system and the police’s is that the NGOs are concurrently registering incidents of serious threat and coercion, while the police usually categorize such acts of harassment in the category of “other (non-violent) offenses.”<sup>24</sup> Furthermore, the CIVITAS projects’ statistics list incidents of willful damage to property if the circumstances of these attacks suggest that they were committed with the intention of harming and/or intimidating the owners or renters, as is the case, for example, in many arson and other violent attacks against restaurants belonging to migrants or left-wing/alternative youth

<sup>23</sup> Interviews with AMAL and LOBBI.

clubs. And finally, the CIVITAS projects also register incidents that have not been reported to the police because the victims decided not to pursue legal action.

**Table 13: Opferperspektive statistics for 2005–2007**

*Total number of registered right-wing hate crimes in East Germany\**

State	2005	2006	2007
Berlin	115	171	122
Brandenburg	140	140	137
Mecklenburg-Western Pomerania	62	103	78
Saxony	168	242	306
Saxony-Anhalt	171	200	151
Thuringia	38	48	67
All federal states in East Germany	694	904	861

\* *For the classification criteria, see Chapter 4.3.1.*

In 2007 the support organizations registered 1,869 individuals who were directly affected by the 861 incidents. In 717 of these cases, the assaults resulted in bodily injuries. In 495 cases the targets were left-leaning young adults or adolescents. In 265 cases the attack had a racist motivation.

**Table 14: Motivation of the offenses 2005-2007**

Motivation	2005	2006	2007
Anti-Semitism	9	13	8
Homophobic biases	10	10	12
Biases against disabled persons	6	7	3
Biases against the socially marginalized (homeless, unemployed etc.)	0	5	3
Biases and hatred towards "political opponents" (left-wing activists etc.)	73	128	158
Biases against non-right-wing persons/youth	328	362	337
Others	15	16	8
Not evident	43	52	67

<sup>24</sup> We conducted longer interviews with staff of Opferperspektive (Brandenburg), ReachOut (Berlin), AMAL (Saxony), LOBBI Ost (Mecklenburg-Western Pomerania) and Mobile Counseling for Victims of Right-Extremist Violence/Together (Saxony-Anhalt).

**Table 15: Victims affected by age groups**

Age Group (years)	2005	2006	2007
0-13	10	23	no data available
14-17	156	232	
18-26	362	475	
27-40	169	219	
Older than 40	74	92	
Unknown	22	26	
Total	794	1,068	

**Table 16: Comparison of incidents of right-wing violence registered by the police and by CIVITAS projects (state of Brandenburg)**

Statistics	2005	2006	2007
Police (State Office of Criminal Investigations)	97	90	93
Opferperspektive	140	140	137

\* Source for all statistics in Table 13-16: Opferperspektive (<http://www.opferperspektive.de/Chronologie/519.html>)

#### **4.2.4 Reaching and Supporting Victims of Hate Crime**

The following sub-chapter provides short “case studies” of selected NGOs providing legal advice and various other services to victims of hate crimes. We start by presenting NGO activities in the field of victim support with a brief account of the general concept of the CIVITAS projects, since this can be considered the most advanced and comprehensive approach in the respective field in Germany. In order to capture the different local settings and circumstances, we will concentrate on two organizations that operate in these contexts: ReachOut, an NGO in the urban environment of Berlin, and Statewide Victim Counseling, Support and Information for Those Affected by Right-wing Violence (Landesweite Opferberatung, Beistand und Information für Betroffene rechter Gewalt, LOBBI e.V.) in Mecklenburg-Western Pomerania, an NGO active in smaller cities and a mostly rural environment.

In a second section, we will look at the provisions for victim assistance in various federal states under the new national program Consultation Networks and Mobile Intervention Against Right-wing Extremism, followed by an account of the work of NGOs providing services to victims of homophobic assaults, with a focus on Berlin-based projects and some information on similar organizations in different parts of Germany. In the fourth part, we briefly present the work of anti-discrimination

offices, with a special focus on North Rhine-Westphalia, where state government funding in the 1990s (under the auspices of a Green/SPD government coalition) allowed the establishment of a network of pilot projects earlier than in other regions. We will conclude our sample of case studies with a brief account and discussion of the services offered by general victim support organizations.

#### 4.2.4.1 *The CIVITAS Concept*

The Federal Ministry for Families, Seniors, Women and Youth (Bundesministerium für Familie, Senioren, Frauen und Jugend) has characterized the particularly difficult situation of many victims of right-wing hate crimes in East Germany as “a lack of mobility, much legal uncertainty, communication difficulties due to language restrictions and profound distrust of state authorities and institutions.”<sup>1</sup> Beginning their work under the CIVITAS program in 2001, the victim support organizations (for a list, see Chapter 4.4.3) have all adopted a human rights approach insofar as they support those whose rights as human beings have been infringed upon in their pursuit of justice and reparation within the legal system. When consulting victims, low-threshold services and outreach involving the entire community are central to their approach. Overall, the three key areas of their work can be summarized as: counseling and empowerment, raising awareness and monitoring, and local interventions.<sup>2</sup>

### **Counseling and Empowerment**

The primary objective of victim support organizations is the support and empowerment of victims of right-wing hate crimes as individuals and their social group. The strategies applied should enable the individuals and communities affected to acquire the resources and abilities to deal with the consequences of an attack and, eventually, to move on with their lives. The respective services are free of charge and comprise:

- individual psycho-social counseling crisis intervention
- assistance in procuring therapy and rehabilitation in cases of trauma
- legal aid (reporting to authorities, planning action, legal representation etc.)
- cooperation with lawyers
- escort services to doctors and other institutions
- advice and guidance through legal and court proceedings
- assistance in filing applications for victim compensation and other monetary support.

<sup>1</sup> Bundesministerium für Familie, Senioren, Frauen und Jugend 2003. Leitlinien zur Umsetzung des Programms CIVITAS, Berlin, p. 3.

<sup>2</sup> Koordinator der CIVITAS-geförderten Beratungsstellen (ed.) 2003. beraten, informieren, intervenieren, Potsdam.

Following the standards developed by the Committee of Victim Counseling Services (arbeitskreis der opferhilfen, ado) in Germany (see Chapter 4.2.4.5), the services offered to the victims are voluntary, confidential and, if requested, anonymous. Filing a police report is not a prerequisite for utilizing the counseling services.

## **Raising Awareness and Monitoring**

The second central goal of victim support organizations is to strengthen awareness in the community and public institutions about the situation of hate crime victims. They use their expertise to improve the abilities of other civil society actors to deal with this kind of incident. Through compiling and publishing information, handouts and documentation, the organizations help the general public become sensitive to the needs of the victims. As a result of their unremitting work, the CIVITAS projects have established themselves as competent and accepted contact partners for journalists and other interested professionals beyond their local context. This is increasingly true for academics of various disciplines who are working on issues of right-wing extremism and hate crime victims.

## **Local Interventions**

Furthermore, victim support organizations have the additional goal of developing local strategies with their clients, contributing to the long-term social integration of different community groups. They equip the victims with the skills to better confront everyday encounters with discrimination on their own and help them build local networks of support. The victim support organizations call this strategy “local intervention.” Each local intervention is case-specific, coordinated with the victim, and seeks to raise awareness about the particular situation of the victim as well as other groups of people in the local community that might also be affected by right-wing violence. These interventions have two main objectives: engaging municipalities on behalf of hate crime victims and helping local communities, politicians and other officials take a clear stand against right-wing manifestations. In addition to bringing together local actors to support the victim and potential victims, local interventions also send a clear signal to the perpetrators that their acts of hate and violence are not accepted by their fellow citizens. Victim support organizations work hard to see that these networking activities continue to expand by promoting and integrating the perspective of hate crime victim assistance in other NGO and political networks. Examples of local intervention strategies include:

- consultation with the victims’ social networks (friends, family members, neighbors etc.)

- consultations with representatives of municipalities and local communities (networking institutions, mobile counseling teams, ombudspersons for migrants and integration, community organizations, church groups, local authorities and administration)
- organization of public meetings and actions for different target groups
- public relations targeting local media
- public relations targeting national media and interest groups.

#### 4.2.4.1.1 *ReachOut/Ariba (Berlin) and LOBBI (Mecklenburg-Western Pomerania)*

Having described the basic concept and main tasks/goals of the CIVITAS projects active in hate crime assistance, we will now turn to the implementation and practice of two selected organizations. The following accounts will focus on organizations that offer services directly to the victims:

ReachOut/Ariba, located in Berlin-Kreuzberg, one of the most multicultural areas within the German capital, defines itself as a counseling and educational center that counters right-wing extremism, racism and anti-Semitism. The association was founded in 2001 with the specific purpose of supporting victims of racist/xenophobic crimes and right-wing hate crimes. It serves the whole Berlin region, totaling approximately 3.7 million inhabitants. The ReachOut team—five men and women (two with a migration background)—consists of experienced political activists who have been involved in anti-racist campaigns and inter-cultural and feminist education since the 1980s. Three of its staff members set up the first anti-racist telephone hotline in Germany in 1988 and founded one of the first independent anti-racist initiatives in West-Berlin. Several volunteers and interns support this organization's activities at any given time.

LOBBI is an association that also supports victims of right-wing hate crimes. Established solely for assisting victims of hate crime, LOBBI is active in the federal state of Mecklenburg-Western Pomerania and serves a population of 1.7 million people located in a predominantly rural area of 23,000 km<sup>2</sup>. Some of the NGO's founding members had many years experience in psycho-social counseling before joining the organization; others had worked in independent youth centers and had been active in training and civic education programs with a particular focus on anti-Fascist campaigns. Between 2001 and 2007, LOBBI had three local offices in the cities Neubrandenburg, Rostock und Schwerin with a staff of six field workers in total. Due to cuts in government funding, LOBBI had to close its regional office in Schwerin in 2007. Since then, the association employs four field workers who are supported by volunteers, interns and temporary staff.

The core activities of ReachOut and LOBBI consist of general counseling and support services for victims of right-wing hate crimes. Both NGOs also offer services to family members and friends of the victim, as well as witnesses of attacks

who are sometimes also traumatized by incidents and/or need legal advice. Both organizations offer interpretation services and have created outreach pamphlets and handouts, informing victims and the public about their work in various languages. Directing all their support activities to those affected by hate crime, they characterize their counseling activities in terms of solidarity with the victims.

Their approach is client-centered, often applying methods of systemic consultation and coaching. The staff usually begins the consultation process with an open interview, which gives the victim the opportunity to talk in detail about the attack they experienced and the impact it had on their lives in a safe environment. The counseling teams use this first interview to get an overview of the circumstances surrounding the incident and the immediate needs of the victim. To identify possible support and intervention strategies, the victim's depiction of the incident is particularly important, as is an assessment of her/his social environment, living conditions, individual psycho-social situation and resources. Based on the victim's needs, the subsequent steps and consultation processes vary. In cases where the victims are afraid of further harassment and do not want to go public or take legal steps, the support activities are mainly focused on providing emotional support and contacts to health and therapeutic services. Sometimes it is necessary to move the person to a more stable and safe environment. While some consultations lead to no additional support from staff members, other consultation processes, especially those involving local interventions and guidance through legal and court proceedings, can take several years.

### **Victims Groups Served**

Despite the different environments in which they operate, both ReachOut and LOBBI serve similar victim groups. In 2006 ReachOut and LOBBI registered 171 and 103 incidents of hate crimes respectively; for 2007 the numbers were 122 and 78. While not all of the victims affected could be ascertained, roughly two thirds were successfully contacted and offered support services. In 2007 ReachOut reported about 100 consultation cases; LOBBI contacted and assisted about 140 persons in the same year—one third of them relatives, family members and witnesses.

In both regions, males who are either adolescents or young adults make up the groups most affected by right-wing hate crimes or other related crimes; women are more often involved in the consultation process as relatives of the victims or witnesses. In Berlin the largest group ReachOut serves are refugees, migrants or non-ethnic Germans; the second largest group are young people in alternative youth scenes (punks, skaters etc.) and left-wing political activists who get attacked by groups of skinheads or neo-Nazis for political reasons. The same victim groups account for most consultation cases in Mecklenburg-Western Pomerania, where more hate crimes tend to be committed by perpetrators with a clear right-wing extremist ideology and a background in right-wing organizations, especially in rural areas.

Even though skinhead groups and right-wing violence are also a constant threat in the urban context of Berlin (particularly in the inner-city areas of former East Berlin and the western district of Neukölln), a large number of cases reported to ReachOut are not linked to organized forms of right-wing extremism but rather to individuals with strong racist prejudices, representing all age groups, often neighbors or other individuals the victim knows.

When asked about other potential target and victim groups, both NGOs stated that they have difficulties reaching out to socially excluded groups such as the homeless or disabled people that often are attacked because by right-wing offenders consider them to be “freeloaders” or “parasites.” Jewish people, another group affected by hate crimes, rarely contact these organizations, because they tend to not report these incidents to organizations outside their community. ReachOut also mentioned that members of the Vietnamese community have faced recurrent harassment in the eastern parts of Berlin, but they are usually very cautious to report experiences of racist attacks and incidents. The same is true for Turkish or Arabic women, who might often be too ashamed to contact a professional counseling service. In Berlin homosexual individuals have their own emergency hotlines and organizations they can turn to, but not much is known about the situation of the LGBT community and the problem of homophobic hate crimes in Mecklenburg-Western Pomerania.

### Utilization of Services

According to our interview partners, the majority of people who contact them have already filed charges with the police. LOBBI stated that about 90 percent of their clients want to take legal steps against their perpetrators and “the ones who do not trust the law enforcement agencies usually do not want to work with us [LOBBI] in the first place.”<sup>3</sup> ReachOut emphasized that many incidents they learn of do not constitute litigable criminal offenses, and even if they do, the counselors still notice a widespread reluctance to cooperate with the police due to negative experiences in the past or fears of not being taken seriously. Many anti-Fascist and left-wing activists tend only to file police reports in cases of severe bodily injuries. Nevertheless, the organizations interviewed named the following as the most utilized services by victims of hate crimes: legal advice and guidance, help finding a lawyer, an explanation of joint action and how it can be used, the preparation of victims and witnesses for police and court hearings as well as the monitoring of trials.

The second core activity with respect to individual victims is giving psycho-social support on various levels ranging from crisis intervention to assistance with health, family and financial problems. Psychological services tend to be more utilized by older people and people with a migration background, since according to our interview partners, younger left-wing activists show a certain reluctance to perceive themselves as victims in need of professional assistance and therapy.

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<sup>3</sup> Interview with LOBBI East.

In many cases, close cooperation with other NGOs, complementary counseling services and public institutions is crucial. This makes the work of a victim support organization in an urban context much easier due to shorter distances and a comparably well-established network of supportive actors and resources. ReachOut, for example, can transfer victims of hate crimes who are in need of therapy and long-term psycho-social counseling to a team of specialized psychologists working for the same association (Ariba) in the same office building. In cases of discrimination or related legal problems (for example, residence permits), there are a number of specialized NGOs and professionals available in the city to which clients can be referred. Examples of such professionals include the Anti-discrimination Office in Berlin or counseling services for refugees run by church groups or welfare organizations.

In contrast, these services and resources are rather limited in cities like Rostock, Neubrandenburg or even smaller places. According to our interview partner from LOBBI, “there is a lack of almost everything in the region, ranging from psychological services and good lawyers to local contact points and partners.” These contacts are direly needed to support hate crime victims who often live in refugee camps, small towns and villages. This is a challenge for all CIVITAS projects working in rather large, sparsely populated, and often socially and economically underdeveloped areas. Much more than their counterparts located in metropolitan regions, these organizations rely on their outreach and support activities for hate crime victims, informal groups and committed individuals such as anti-Fascist activists, priests or social workers.

## Outreach Activities

Another major difference in many rural settings is the need for outreach activities. The staff members of LOBBI and other CIVITAS projects in states with a larger area have to be very mobile. As our interview partner explains:

*“In only 20 to 30 percent of cases do we learn about the attacks from the victims themselves who contact us directly; the rest of the cases are either the result of our own research (media evaluation) and outreach activities, or we get the information from various local cooperation partners. These groups (anti-Fascist groups, institutions dealing with refugees, etc.) are our most important sources and intermediaries because, in a rural area such as ours, we cannot make LOBBI so well-known that every potential victim has our address and phone number.”<sup>4</sup>*

Active consultation and travel to where the victims live is an essential and time consuming aspect of their daily work. Once the field workers get to the destination and start investigating and discussing right-wing violence with various local actors, they often learn about other hate crimes that had not been made public before.

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<sup>4</sup> Interview with LOBBI East.

Similarly, ReachOut actively networks on the local level (they have cooperated with about 40 different initiatives and organizations, many of them anti-Fascist groups in the eastern districts of the city), but, in contrast to LOBBI, their assistance services have become much better known. However, they also tried out various outreach approaches in the past, such as offering regular office hours in youth centers or local community institutions, and they have visited clients in their homes. By organizing trainings for individuals active in adult and youth education and workshops in schools and other institutions on a regular basis, they are well connected to community actors such as teachers and social workers who can pass on information about their services. Furthermore, they have established good contacts to a number of local journalists who help with their media coverage and advertise their activities on behalf of hate crimes victims. Today most people seeking help directly contact them by phone and come to their local office for counseling services.

#### *4.2.4.2 Hate Crime Victim Assistance under the Program Competent for Democracy—Consultation Networks and Mobile Intervention Against Right-wing Extremism in West Germany*

In summer 2007 the government program CIVITAS ended and was replaced by a new national program called Competent for Democracy—Consultation Networks and Mobile Intervention Against Right-wing Extremism, which grants further federal and state funding to NGOs in both parts of Germany (East and West).<sup>5</sup> Mainly because of intense lobbying efforts from an alliance of NGOs, academic institutions and some politicians, the “old CIVITAS projects” were able to continue their work in East Germany. The advocating efforts to establish similar structures in the Western federal states were not successful; therefore, we wanted to find out if and how these newly established networks deal with the problem of right-wing violence and (the lack of) provisions for the affected victims.<sup>6</sup>

### **The Conceptual Framework**

Under this new program, consultation networks in West Germany are supposed to be responsible for crisis intervention with respect to right-wing activities. The

<sup>5</sup> The program allots different budgets for consultation networks in East and West Germany. The budget of networks in the new federal states will decrease from 400,000 euros in 2008 to 250,000 euros in 2010. As the federal contribution is downscaled in the new federal states, installments for networks in the old federal states will increase from 25,000 euros in 2008 to 250,000 euros in 2010.

<sup>6</sup> Friedrich Ebert Stiftung (ed.) 2006. *Gegen Rechtsextremismus in Ost und West: Andere Ursachen—Andere Gegenstrategien: Konferenzdokumentation*, Berlin, p. 46.

structural framework of these networks consists of three elements: a “pool of experts,” the coordinator (or coordinating body) and mobile intervention teams (Mobile Interventionsteams, MIT).

According to the funding guidelines, these network should include: representatives of state institutions (police and intelligence services), ministries and other government departments, NGO counseling services, experts from youth and social work, justice, medicine and psychology, academic researchers, mediators and, finally, civil society initiatives. From these actors, MITs are set up by the regional coordinating bodies. The idea is that the MIT will respond to acute right-wing extremist, xenophobic or anti-Semitic threats.<sup>7</sup> Generally, any intervention should be clearly related to a specific incident, immediately and for a limited period of time, i.e. a maximum of six months.

The team will employ an outreach approach, i.e. consult, counsel and provide other forms of local interventions for affected regions, municipalities and communities.<sup>8</sup> The tasks of MITs and their partners at the local level are charged with jointly analyzing the incident, its context and identifying available resources. Based on these analyses, they will create an action plan. Any “concerned individuals” can be included in the target group for counseling services. According to the guidelines, this might include victims of right-wing, xenophobic or anti-Semitic attacks but in most cases, the individuals seeking counseling will likely be initiatives, institutions and people (in schools, youth centers, administration etc.) who are confronted with right-wing and related activities.

## Consultation Networks in Western Germany

About six months after the adoption of the new program, consultation networks were set up in most of West Germany. Even if their work is just beginning, preliminary conclusions can be drawn with regard to the support provisions for victims of right-wing violence.<sup>9</sup> In contrast to East Germany, no consultation network in the old federal states has publicly declared professional support for victims of hate crimes

<sup>7</sup> The official program website provides an example of this type of threat: After a summer fair in a small municipality, “fisticuffs broke out between visitors,” and a youth gave the Hitler salute. In the talks that followed between mayor, police and a youth center, it became apparent that similar incidents were frequent, and right-wing symbols had become increasingly popular. The officials had been at a loss for how to best deal with the problem, but now the coordination point helps them create community strategies for combating right-wing trends, such as educational classes for teens that teach them arguments against right-wing extremism. See: *Kompetent für Demokratie* (n.d.), *Beratungsnetzwerke*, Berlin.

<sup>8</sup> This is not to be confused with the outreach approach of the CIVITAS projects, which do research on incidents, establish contacts with the victims affected and communicate the offer for support.

<sup>9</sup> The following findings are mainly based on the consultation networks descriptions of themselves, their member organizations and information available to the public through the grant-processing institution Foundation Democratic Youth (Stiftung Demokratische Jugend) and politicians such as Monika Lazar (MP for Alliance 90/The Greens). Furthermore, additional information provided by the coordinators was added in some sections. We also conducted an interview with the former coordinator of the consultation network in Bavaria. Thorough research, however, was not intended within the scope of this study.

a priority.<sup>10</sup> Only half of all consultation networks mention the issue of victims of right-wing or racist violence at all. Coordinating institutions know little about the social and individual contexts of hate crime victims, the amount, and which social groups and communities are most affected in their respective area. According to our research, out of the nine coordinating points contacted, only one could provide an overview on victim groups.<sup>11</sup> However, consultation networks from Bavaria, Bremen, Lower Saxony and Rhineland-Palatinate explicitly voiced the need to gain more knowledge about this issue.<sup>12</sup> Reinhard Koch, a long-time member of the NGO ARuG in Braunschweig, believes that in the old federal states, awareness about right-wing extremism as a structural problem is “very underdeveloped.” Furthermore, he called attention to the lack of the necessary infrastructure like counseling services for victims of right-wing violence.<sup>13</sup> Friedrich Burschel, the former coordinator of the consultation network in Bavaria, expressed a similar opinion:

*“In my experience with the work of the mobile intervention teams in Bavaria, I can say that there is a clear need for a permanent structure of victim assistance and outreach. In every case, in every city or village we went to, people told us about numerous incidents and violent forms of right-wing activities, but there hasn’t been the political will so far to make them more public and deal with them. And many victims, especially migrants and refugees, are still too afraid to go to the police and report these incidents.”<sup>14</sup>*

To this date, the consulting networks do not systematically conduct outreach activities to actual victims or potential victim groups. After all, limited financial resources do not allow for the constant evaluation of media reports, active research on incidents and establishing contacts to respective victims—steps which are required for effective hate victim support. On the other hand, specialized civil society organizations, which are often included in these networks, have information on single cases, certain regions or victim groups.<sup>15</sup> Some are also reaching out to specific target groups, for instance anti-racist football fans, relatives of right-wingers and breakaways from the right-wing scene. Some consulting networks have delegated the task of initial counseling to NGOs, such as the Lidice House in Bremen, which have gained visibility and trust among some of the victim groups.

<sup>10</sup> Schleswig-Holstein, featuring the highest number of hate crimes per capita among the old federal states, has not even installed a consultation network.

<sup>11</sup> According to the coordinator of the consultation network in the city state of Bremen, anti-racist football fans, anti-Fascist activists and journalists specialized on right-wing extremism were the main targets. E-mail correspondence with Marja Sabaß, 23 Apr 2008.

<sup>12</sup> Interview with Fritz Burschel (Bavaria); e-mail correspondence with Marja Sabaß (Bremen); telephone inquiry with Marc Coester (Lower Saxony) and Felix Eitel (Rhineland-Palatinate).

<sup>13</sup> Friedrich Ebert Stiftung 2006. Rechtsextremismus—andere Problemlagen in Ost und West?. In: Friedrich Ebert Stiftung (ed.). Gegen Rechtsextremismus in Ost und West: Andere Ursachen—Andere Gegenstrategien, Konferenzdokumentation, Berlin, p. 22-32: p. 25.

<sup>14</sup> Interview with Fritz Burschel.

<sup>15</sup> Interviews with Lidice House (Bremen), ARuG (Lower Saxony) and Anti-Discrimination Office Siegen (NRW); telephone inquiry with Adolf-Bender-Werk (Saarland); internet information from the Institute for Social Studies, Education and Counseling in Bavaria (Institut für Sozialwissenschaftliche Forschung Bildung und Beratung, [www.ifsbb.de](http://www.ifsbb.de)).

Strategies on how to deal with actual cases of hate crimes must still be developed: In most states, plans for the installation and adoption of victim counseling services have not even been drawn up yet. In only two states—Lower Saxony and Hesse—professional, albeit non-specialized, victim support institutions (Stiftung Opferhilfe Niedersachsen, Hessische Hilfen), are involved.<sup>16</sup> Opferhilfe is criticized for not being independent from state supervision, but rather subordinate to it.<sup>17</sup> In the state of Hesse, it has been agreed upon that the Mobile Consulting Team should facilitate initial counseling for victims of right-wing violence. According to the team, “clients” will probably be referred to a refugee advice center or similar organizations.<sup>18</sup> Some states even discuss the possibility of victims being counseled by the Regional Offices for the Protection of the Constitution, which also run programs for those wanting to leave the right-wing scene (Programs for Breaking Away, *Aussteigerprogramme*).<sup>19</sup> Here, institutional independence is even more at stake.

In the majority of the western consultation networks, civil society organizations serve as the first point of contact for all kinds of clients, including victims of right-wing violence. However, with the exception of the Lidice House in Bremen, which has been conducting counseling for some time now, it is unknown how much experience these organizations have in psychological counseling and social work.

The federal funding program defines victim support organizations as an integral part of consulting networks in East Germany and thereby safeguards their nominal survival. However, the new program does not endorse the dissemination and adoption of models from the preceding CIVITAS program to the western states. To the contrary, the pre-existing traditions and priorities for dealing with right-wing extremism in the western federal states have been subsumed by the new program, thus prolonging the lack of attention concerning victims of right-wing violence. In summary, program implementation is inadequate in the eastern and western regions, even as right-wing tendencies become increasingly common all over Germany.

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<sup>16</sup> Opferhilfe Niedersachsen, a general victim counseling office in Verden (Lower Saxony) has dealt with some cases that have a right-wing or racist background. Unfortunately, with the relatively short research period, a longer face-to-face interview could not be arranged.

<sup>17</sup> Interview with Opferhilfe Hamburg.

<sup>18</sup> Telephone inquiry, 8 Apr 2008.

<sup>19</sup> In a recent publication, the Ministry for Social Affairs in the state of Bremen considers “re-activating the Program for Breaking Away (*Aussteigerprogramm*) and extending it to the protection of victims of right-wing violence.” Senatorin für Arbeit, Frauen, Gesundheit, Jugendarbeit und Soziales der Freien Hansestadt Bremen 2008. *Konzeption zur Integration von Zuwanderern und Zuwanderinnen im Lande Bremen, 2007–2011: Grundsätze, Leitbilder und Handlungsziele für die bremische Integrationspolitik*, Bremen, p. 18. This undertaking has to be seen in the context of recent cases of organized intimidation of victims and witnesses. In the state of Hesse, the Program for Breaking Away (*IKARus*) is actually the coordinating point for the consultation network.

#### 4.2.4.3 Assistance to Victims of Homophobic Violence

Some organizations representing the LGBT community in Germany have been active in supporting victims of homophobic discrimination and hate crimes decades before national programs started to provide funding for supporting victims of right-wing violence. In large metropolitan areas, these NGOs obviously have an easier task in that they possess more resources. Firstly, gay people and their corresponding sub-cultural communities form a critical mass in bigger cities like Berlin, Hamburg, Munich, Dresden, Düsseldorf and Cologne; whereas, in most smaller towns and rural regions—both in West and East Germany—they remain peripheral and without any infrastructure, lacking spokespersons or external points of contact to utilize in times of crisis.

Berlin is the leading city in Germany when it comes to specialized services for lesbian, gay, bisexual, transsexual and transgender people who have experienced hate crimes. The above mentioned association, Lesbian Counseling Services in Berlin, was the first psycho-social center that provided different services for these target groups, having received funding from the local government. Started in 1981, it added its anti-violence project in 1993, working with specialized teams of psychologists to offer counseling services to victims of homophobic and domestic violence. There were 127 consultation cases registered in 2007, roughly half of which involved violence in domestic relationships and the other half with violence in the public sphere (homophobic/anti-lesbian violence). According to our interview partner, only one third of all women who contact the association seek assistance with legal matters or with filing a police complaint. Instead, most of them are interested in professional psychological support and help regaining their self-confidence. For women interested in taking legal steps against the perpetrators, various in-house services are available: escort to the police and courts, legal counseling and advice from a lawyer (one a month). The NGO also cooperates with a Berlin-based project that offers legal assistance regarding how to deal with the courts. Other services offered are: individual psychological counseling, group sessions, seminars and self-defense courses. The latter gives women a better idea of how they can protect themselves in the public sphere.

The emergency hotline, MANEO, deals with about 250 to 300 new cases of homophobic violence each year. It was founded in 1993 as the first contact point for gay adolescents and men in Germany who experience hate crimes. It receives some funding from the local government. Since its initiation, it has established a reputation beyond the city borders of Berlin as a highly regarded professional counseling and monitoring center that is also active in research, violence prevention, national and international networking and lobbying.<sup>1</sup>

In its capacity as a victim support group, MANEO has practices and services similar to those of the CIVITAS projects: counseling and empowering the individual, sensitizing the public sphere, activating community support and networking. Victims

<sup>1</sup> Manéo—das schwule Anti-Gewalt-Projekt in Berlin, <http://www.maneo.de/highres/index.html>.

and witnesses of hate crimes can contact the counseling team via e-mail, phone or by dropping by the office. The emergency hotline, which is also accessible on weekends and bank holidays, is run by a group of roughly ten volunteers, including one individual doing civil service in lieu of military service, and one paid staff member (project manager). Services to victims seeking help are divided into primary and secondary provisions, including individual psycho-social counseling, self-help groups, aid in procuring therapy and rehabilitation, legal advice and guidance through court proceedings. Since MANEO also maintains a close relationship with local police (especially the officers who serve as the official contact for the LGBT community), the team is able to intervene in conflicts where the victims who have filed complaints feel mistreated or not taken seriously by the police. Furthermore, the staff has developed an expertise in dealing with out-of-court settlements between victims and perpetrators, and in cooperating with state institutions such as judiciary bodies for adolescent offenders and the social services of the courts.

Lesbian or gay-specific counseling services exist in a number of other cities in Germany. According to a study, however, it cannot be assumed that these counseling centers are all willing and able to offer their help and support in cases of violence and/or discrimination. According to Constance Olms, “a system of assistance covering the whole area of Germany is not available, due to the concentration in cities and the organizations’ different focuses on activities.”<sup>2</sup> In East Germany many organizations representing the LGBT community are working without any funding (apart from donations) or professional staff. This means they have a high turnover of active members. However, in an effort to establish similar monitoring and assistance services to victims of homophobic violence, there are a few initiatives that are trying to build on the experiences of projects such as MANEO, Lesbian Counseling Services and the CIVITAS projects. The association *Of a Different Kind*, for example, is located in Potsdam (Brandenburg) and has been running a general counseling center for the LGBT community in the region since 1995. They have two paid staff who are financed by the regional government of Brandenburg. After setting up an emergency hotline for victims of homophobic violence in 2006, they received some minimal funding from the state program against right-wing extremism, *Tolerant Brandenburg* (*Tolerantes Brandenburg*), and donations from the German Police Union. The association, *Different People*, is run by a group of volunteers in Chemnitz (Saxony), offering psycho-social services to members of the local LGBT community since 2003. When interviewed, both organizations discussed the difficulty of assessing the amount of homophobic violence in their respective regions. In the past couple of years, the Chemnitz group received information on three cases of homophobic hate crimes, reported to them by the victims. A representative of *Of a Different Kind* who is also a member of the Association of Lesbians and Gays within the police, said that the response to their hotline has been very marginal so far. It can be assumed that most victims affected by homophobic hate crimes in

<sup>2</sup> Olms, Constance 2001. In *Good Hands? The Status of Psycho-social Assistance for Lesbian Victims of Violence and/or Discrimination: a European Comparison*, Frankfurt/Main, p. 4.

Brandenburg who are also seeking help would still turn to the more experienced counseling services in Berlin. Another reason for underreporting, according to both interview partners, is the persistent fear of many gay people in rural areas that talking about discrimination and attacks will be stigmatizing. Other accounts come from NGOs such as Chitchat—homo, bi and trans (Gerede—homo, bi und trans e.V.), which has been offering psycho-social counseling, crisis intervention and legal aid to members of the LGBT communities in Dresden (Saxony) since the middle of the 1990s. According to the Dresden group and similar NGOs in Magdeburg, Cologne and other cities, there has been an increasing number of reports on homophobic attacks committed in public spaces.<sup>3</sup>

#### 4.2.4.4 Anti-discrimination Offices

According to experts, there is still a weak “culture of anti-discrimination” in many parts of German society.<sup>4</sup> However, since the beginning of the 1990s, a number of anti-discrimination offices have been set up in some cities and regions by NGOs, currently serving also as contact points for victims of hate crimes. This is especially the case in those places that lack any specialized counseling services for such victims.

After the introduction of the General Equal Treatment Act in 2006, these offices, along with other NGOs and research institutions active mainly in anti-racist activities, founded a national umbrella organization in 2007: the Anti-Discrimination Association in Germany (Antidiskriminierungsverband Deutschland, advd). On its website, advd lists member organizations from six cities that provide legal, social and psychological services to victims of discrimination:<sup>5</sup>

- the Equal Treatment Office (GleichBehandlungsbüro, GBB) in Aachen.
- the Anti-discrimination Office in Berlin (Anti-Diskriminierungsbüro Berlin e.V., adb) and the Anti-Discrimination Network in Berlin (Antidiskriminierungsnetzwerk Berlin)/Turkish Alliance (Türkischer Bund) in Berlin-Brandenburg
- the Anti-racist Information Center (Anti-Rassismus Informations-Centrum, ARIC-NRW e.V.) in Duisburg
- the Anti-discrimination Office in Cologne, which is a project of the association Public against Violence (Öffentlichkeit gegen Gewalt e.V.)
- the Anti-discrimination Post at the IBIS Intercultural Workplace (Antidiskriminierungsstelle von IBIS Interkulturelle Arbeitstelle) in Oldenburg
- the Anti-discrimination Office in Saxony in Leipzig

According to our research, there are other non-governmental anti-discrimination

<sup>3</sup> Telephone inquiry, 15 Apr 2008.

<sup>4</sup> Antidiskriminierungsverband Deutschland, <http://www.antidiskriminierung.org>.

<sup>5</sup> Ibid.

offices located in Siegen, Dortmund and Stuttgart. The disproportionate geographic distribution of these NGOs—that is, their concentration in the federal states of Berlin and North Rhine-Westphalia—reflects neither the extent to which discrimination manifests in the public sphere nor does it reveal anything about the particularly strong commitment made by specific local civil society organizations. In fact, the establishment of independent anti-discrimination offices is closely linked to funding programs by state and local governments.

In North Rhine-Westphalia the devastating and deadly arson attacks in Mölln and Solingen prompted the state government to institute a program in the 1990s that combated racism and discrimination. In 1995 the state minister president declared that more resources should be given to NGOs that provide programs that foster peaceful cooperation between German and migrant communities. Between 1997 and 1999, under the auspices of a regional government coalition of the Green Party and the Social Democrats, 700,000 DM per year was spent for nine pilot projects. Their official task was to counter discrimination of foreigners and members of ethnic minorities by conducting research, developing preventative educational programs and offering counseling services to the affected individuals and communities. Hence, North Rhine-Westphalia was the first federal state in Germany to fund a comparatively high number of non-governmental anti-discrimination offices and bodies, followed by the city state of Berlin.

**Table 17: Projects in North Rhine-Westphalia 1997-1999**

Project Organization	City	Main Focus
Anti-racist Information Center (Anti-Rassismus Informations-Centrum, ARIC-NRW e.V.)	Duisburg	Coordination and networking of all anti-discrimination activities
International Meeting Center—House for Peace (Internationale Begegnungszentrum-Friedenshaus e.V., IBZ)	Bielefeld	Contact point for victims of discrimination; research on discrimination in social services
Planerladen—Association for the Promotion of Democratic Town-Planning and Area-Based Community Work (Planerladen e.V. —Verein zur Förderung demokratischer Stadtplanung und stadtteilbezogener Gemeinwesenarbeit)	Dortmund	Research on discrimination in the housing market
Educational Center in Aachen (Pädagogisches Zentrum Aachen)	Aachen	Research on discrimination in the local job market
Office for Peace (Friedensbüro e.V.)	Detmold	Contact point for victims of discrimination
Protestant Welfare Association in Düsseldorf (Diakonie)	Düsseldorf	Neighborhood activities and programs against discrimination
Office for Equal Treatment—Against Discrimination (Büro für Gleichbehandlung—Gegen Diskriminierung)	Gelsenkirchen	Contact point for victims of discrimination; research on discrimination in the housing market
Association for Social Work and Culture in South Westphalia (Verein für Soziale Arbeit und Kultur Südwestfalen e.V., VAKS)	Siegen	Contact point for victims of discrimination

By 2008 only four of these pilot projects had survived funding cuts under various regional governments: ARIC in Duisburg, Planerladen in Dortmund, the Educational Center in Aachen, and VAKS in Siegen. In cooperation with the Anti-discrimination Office in Cologne, which has been financially supported by the local government since 2001, they formed the NGO network NRW Against Discrimination (NRW gegen Diskriminierung). The financial situation of these existing offices has remained, for the most part, precarious. For their monitoring and counseling activities, they usually have a maximum of one paid person, and in some anti-discrimination offices, two counselors work only part-time.

The Anti-discrimination Office in Cologne emerged from the anti-racist movement in the 1990s, when about 500 people united in Cologne to counter a wave of violent attacks against refugee shelters and migrant communities in the region. They set up an emergency and counseling hotline in 1995 to help organize support and protection for victims of racist hate crimes and also to mobilize people for protests and demonstrations. In 2001 after an attack on a synagogue in Düsseldorf, the municipality of Cologne decided to issue a local program against racism, which would include funding for anti-discrimination measures. Out of this emergency hotline emerged a more institutionalized form of regular support services called the Public against Violence, an association focused on structural forms of racism (as manifested in certain laws) and the treatment of migrants and ethnic minorities by state institutions, social services and/or employers. The Cologne model is unique in Germany insofar as it has three components: an anti-discrimination office located in the Department for Inter-cultural Contacts at the municipality, an anti-discrimination office linked to one of the larger welfare associations (CARITAS), and one independent anti-discrimination office, the ADB. Since 2003 the ADB has also received some minimal financial support from the regional government of North Rhine-Westphalia.

The Anti-discrimination Office in Siegen (VAKS e.V.) is a project of the Association for Social Work and Culture in South Westphalia. Founded in 1987 by a group of social workers and students, it began as a campaign on behalf of a refugee family from Syria that was threatened with deportation. While this campaign was eventually successful, its members realized that there were no institutionalized contact points and counseling services for migrants and refugees in Siegen. The association was first called Help for Foreigners (Ausländerhilfe) and was organized on a volunteer basis. Over the years, the work became more professional, including coordinating One World Initiatives in the region and mentoring refugees on behalf of the municipality. At the end of the 1990s, members of VAKS also became involved in anti-discrimination work, for which it started to receive funding from the regional government. Their most successful project is the Media Library (Mediathek), a service for schools, youth and adult trainers that provides media and educational material in the field of anti-racism.

The Equal Treatment Office in Aachen (GGB) has been working under the auspices of the Educational Center since 1997, when its members decided a project was

needed that focused more on discrimination in the field of education and the job market. By that time, the center was mainly active in providing services to families with a bi-national or migrational background and to the unemployed in general. Since then, the GBB has been able to finance two paid part-time employees, a lawyer and a social worker to conduct research and legal counseling in the field of discrimination. GBB has been particularly active in developing education and training programs for other NGOs and institutions with respect to the new national anti-discrimination law introduced in 2006.

All of the anti-discrimination offices interviewed find it difficult to clearly distinguish between incidents of discrimination and reports of other forms of harassment and violence. According to the lawyer of the GBB in Aachen, about half of the clients who have contacted their office have one form of experience or another with discriminatory violence, ranging from aggressive verbal insults and coercion to physical assaults. Most of these attacks, though, do not have an organized right-wing agenda, but rather a clear racist motivation. Our interview partner from VAKS in Siegen reported that approximately half of all consultation cases (about 20 to 30 per year) involve right-wing or racist harassment and attacks. According to its counselor, the ADB deals with roughly 100 cases of discrimination each year and is the only anti-discrimination office in our sample that publishes aggregated data on their consultation cases. Most complaints deal with ethnic or racist discrimination by local government institutions. In contrast, reports on direct physical attacks are quite rare, accounting for approximately ten percent of all their cases. Most of the reported assaults did not have a right-wing agenda, but were carried out by neighbors or simply by racists in public places. In 2007 the ADB dealt with many complaints linked to the violent harassment of German women who had converted to Islam and were wearing headscarves. Another problem often reported in Cologne and Siegen are violent and racist assaults and abuses carried out by the police.

The largest client groups in all cities are refugees, migrants and students, either from African countries, Iran, Turkey, Russia, Ukraine and Romania—some of whom are Jewish. They seldom see clients with a gay or transsexual background. VAKS in Siegen also identified left-wing political activists and young anti-Fascists affected by right-wing violence as another group using their services. Usually, they contact the office by phone to report on violent attacks, but they do not give their names or take any further steps such as legal proceedings. According to our interview partner, many people call the office because they want the VAKS to forward this kind of information to local networks and anti-Fascist groups. Sometimes they just feel the need to have somebody listen.

When asked about the services they can offer to victims of discrimination and hate crimes, the answers differed slightly. The GBB in Aachen sees its main job as identifying litigable incidents and cases of discrimination. Even if criminal proceedings or actions based on civil law are not the only way to deal with the problem, they believe that there is a clear need in Germany for more legal action in the field of discrimination. The GBB accompanies clients to appointments with

lawyers and court procedures. They, along with six other anti-discrimination offices in North Rhine-Westphalia, created a regional legal aid foundation called Life without Racism (Leben ohne Rassismus), which was set up in 2007 to help victims of discrimination by providing financial support through legal proceedings.<sup>6</sup> This was an important step to encourage more people to pursue legal action. The GBB considers discrimination in the housing market as another particularly important area where action needs to be taken. They also focus on psycho-social support for victims of discrimination and hate crimes. To this means, the organization employs a therapist offering trauma counseling. The GBB-team also tries to follow media coverage and newspaper reports, and sometimes intervenes in individual cases without being directly contacted.

The representative of VAKS was rather pessimistic with regard to the assistance and services they can offer people looking for help:

*"We can not offer very much to the victims we consult. We can arrange legal advice and put them in contact with good lawyers and journalists if they want to make their case public. I wish we could also offer them better services in the field of therapeutic and psycho-social programs and experts, but we do not have much of that in Siegen. What we can offer them is the direct mediation and intervention in certain conflicts, and we were successful sometimes in the past, especially in cases where neighbors were the main problem. We do not have good experiences with mediation in cases where colleagues or supervisors at the workplace were the offenders. The unions are not of much of help in this field either."*<sup>7</sup>

Most consultation cases involve filing official complaints, being it disciplinary complaints, or other forms of appeals or preparing legal actions. Even if the services of the offices have professionalized over the years, much is still done on a learning-by-doing basis. All of our interview partners complained about the precarious staff situation, which does not leave them enough time for effective monitoring, public relations and outreach activities. Two of our interviewees stated that they do not advertise their assistance services in public anymore because they are already completely overburdened with existing consultation cases. Two of the offices cannot find the time for properly registering incidents reported to them.

A database, the ARIC-D-Dok, was developed by the coordinating and networking institution ARIC in Duisburg. The idea behind the database was similar to the one established by the CIVITAS projects: to create, at least for the regional level (North Rhine-Westphalia), a better and more precise overview of cases and incidents of discrimination and hate crimes that can be used for political campaigns and demands. It does not seem to be working very well so far:

<sup>6</sup> The GBB and 6 other anti-discrimination offices make up a network called the Network for Equal Opportunity, against Discrimination of Ethnic Minorities in North Rhine-Westphalia (Netzwerk für Chancengleichheit, gegen Diskriminierung ethnischer Minderheiten in NRW). The network's website is: <http://www.nrwgegengediskriminierung.de/>.

<sup>7</sup> Interview with VAKS.

*“We do not have time and resources for a systematic documentation of our consultation cases. We also lack the resources for going more public with our information. The database developed by ARIC Duisburg is much too complicated and needs improvement.”<sup>8</sup>*

There have not been sufficient resources to conduct a more systematic analysis of compiled data, due to the fact that the funding by the regional government also implies that the NGOs must develop training and educational programs for social institutions that have better access to society at large for the dissemination of anti-discriminatory principles, such as schools, welfare organizations and local government authorities. One of our interview partners, however, expressed the hope that, with the local government’s announcement of the transfer of all independent anti-discrimination offices by the end of 2009 into what is known as “Integration Agencies” for migrants, these NGOs will receive steadier funding for their work, creating opportunities for intensified counseling services and monitoring activities. Other organizations were less optimistic.

#### **4.2.4.5 Other Crime Victim Support Organizations**

During the last decades, the subject of counseling for general crime victims has become more widely accepted in Germany. This has led to a growing number of organizations who support all victims. These organizations are often seen as important partners in developing strategies to support victims of right-wing violence and related hate crimes. Common to all of these groups and institutions is their focus on victims and witnesses of criminal offenses, as categorized by the Criminal Code. A wide range of services are offered such as information on legal and psychological support, benefits and compensation, escort services to the police and other authorities. However, the necessary preconditions for victim counseling—qualification of personnel, continuity of counseling processes, experience and expertise, secrecy and solidarity, supervision and reflection of counselors, and the required structural capacities and resources—are being facilitated by general victim counseling organizations to varying degrees. Besides their individual profiles, counseling providers differ in two main areas: the degree of professionalization and their private or public structure.

#### **Voluntary, Non-professional Victim Support Initiatives**

The White Circle (Weißer Ring) is the best known of all voluntary, private associations working on behalf of crime victims and their relatives in Germany. The association

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<sup>8</sup> Ibid.

offers initial counseling, support in dealing with authorities, an escort to court hearings, checks for initial psycho-traumatic and initial legal counseling (see Chapter 2.2.3. for more information on benefits and compensations for victims). Further financial benefits are available in specific cases, but do not include compensation payments. According to the White Circle, the organization has allotted approximately 141 million euros for victim support measures since its establishment. The necessary funds are raised by about 60,000 members, donations and crime compensation funds paid by offenders at sentencing.<sup>9</sup> The roughly 420 counseling services throughout Germany are run by close to 3,000 volunteers. Members of the association can become staff members by holding three supervised counseling sessions, attending a basic course on the legal and psychological basics as well as participating in talks that assess their qualifications for becoming a counselor. Traditionally, police staff is strongly represented at all levels of the organization.<sup>10</sup> As it is mandatory for members of law enforcement agencies to report any criminal offense they hear about, police officers working as voluntary victim counselors cannot guarantee confidentiality if the victim discusses previous crimes for which they might have not wished to officially report. Furthermore, those counselors might find themselves in a conflict of interest and experience difficulties in supporting victims' interest vis-à-vis the police. The victim's independence and confidentiality might, thus, be violated in individual cases.

Finally, the White Circle is known for its rather conservative stance on crime policies. It favors, for example, repressive and get-tough measures over civil rights, and demanding the "deportation of criminal foreigners."<sup>11</sup> In contrast, examples in which the White Circle takes a stance on right-wing extremism can hardly be found. Nevertheless, counseling organizations for victims of hate crimes are actively cooperating with the White Circle, mainly with regard to providing funds to victims for legal advice.

### **Professional Victim Organizations Run by NGOs**

Thirteen general victim support organizations from eight federal states, run by NGOs, are organized in the Committee of Victim Counseling Services in Germany (ado). This umbrella association defines the following as essential principles: voluntary participation, confidentiality, anonymity on request and counseling free of charge. Filing a criminal report should not be a prerequisite for having access to services. Most of the member associations offer basic forms of psycho-social counseling, advice on legal options, criminal procedures, financial support and compensation. Practical support encompasses psychological "first aid," an escort

<sup>9</sup> Weißer Ring, <http://www.weisser-ring.de/internet/weisser-ring-e-v/index.html>.

<sup>10</sup> Rost, Hubert 2006. Opferschutz—Weißer Ring: LKD Weber folgt auf Franz Kirchberger, Ministerium des Innern und für Sport Rheinland-Pfalz, press release, 13 Oct 2006, Mainz.

<sup>11</sup> FAZnet, 5 Jul 2008; Der Spiegel, 11 Jan 2008.

to authorities, placement with other institutions etc. Psychotherapy is offered by the licensed team of Victim Support in Hamburg. Some organizations, especially those from the state of Hesse, offer offender-victim settlements. Supervision and training by external specialists are a standard among ado-members; most have additional institutionalized intervention services and in-house trainings.

Ado defines an essential element of their work as “being dedicated to taking the crime victims’ side. [This] can lead [victim counseling institutions] to express a great deal of criticism about how the police’s criminal investigation and the judiciary handle the case, and [it] therefore requires the victim counseling institution and its team members to be independent from state institutions.” This umbrella organization has published standards that strongly recommend a non-governmental structure and even a spatial detachment from state institutions, unless such proximity is an explicit part of the institution’s concept.<sup>12</sup>

### State-controlled Professional Victim Counseling Services

Standard auxiliary services of the courts—preparing defendants for criminal procedures, as well as probation services and offender-victim settlements—are usually offered under the roof of the Social Services of the Judiciary (Soziale Dienste der Justiz) in the German states. In cooperation with NGOs, some federal states such as Saxony-Anhalt and Berlin also offer crime victim support services, which are similar to the ones of professional, independent organizations.<sup>13</sup> It cannot be determined at this point the extent to which close cooperation between these organizations and state institutions discourages potential clients from working with victim support organizations, if at all. The Foundation for Victim Support in Lower Saxony (Stiftung Opferhilfe Niedersachsen) organizes and coordinates crime victim support under the guidance of the Ministry of Justice. It provides funding to victim counseling services across the state. They have many branches, some of which are located in buildings where local public prosecutors work. Victim Support in Hamburg has voiced criticism over the integration of victim counseling into law enforcement agencies because it compromises the independence of NGOs.<sup>14</sup> In some federal states, police commissioners for victim protection act as mediators between crime victims, police, and state or non-governmental victim support organizations. Informing crime victims about counseling and support options is

<sup>12</sup> Arbeitskreis der Opferhilfen (ADO) (n.d.). Opferhilfestandards des ADO: Qualitätsstandards für eine professionelle Unterstützung von Kriminalitätsoffern, Berlin, p. 4. For example, institutional lines are being crossed by the private association Opferhilfe Berlin, which hosts two employees of the judiciary social services. Kirchner, Renate 2003. Opferhilfe: Hilfe für Opfer von Straftaten in Berlin. In: Berliner Forum für Gewaltprävention, Vol. 4, Nr. 12, p. 106-109: p. 106.

<sup>13</sup> Kirchner 2003. Opferhilfe. For Saxony-Anhalt see: Ministerium der Justiz des Landes Sachsen-Anhalt (n.d.). Sozialer Dienst der Justiz, Magdeburg.

<sup>14</sup> Interview with Victim Support in Hamburg.

<sup>15</sup> Dose, Jochen; Linke, Martina 2003. Opferschutzbeauftragte der Polizei. In: Berliner Forum für Gewaltprävention, Vol. 4, Nr. 12, p. 111-115: p. 113.

one of their main tasks. They are also responsible for dealing with complaints and ensuring that law enforcement agencies treat crime victims appropriately.<sup>15</sup> However, due to limited capacities, these commissioners for victim protection do not actively engage in counseling themselves.

Across all German federal states, counseling institutions and services for crime victims take distinct forms, ranging from volunteer-run associations such as the White Circle to NGOs offering professional services under the supervision of public prosecutors. It is highly contested whether the current structures are prepared to support victims of hate crimes, and the way in which they provide services is under scrutiny. Various interviewees raised concern about the need for professional quality standards that would prevent secondary victimization; other concerns relate to questions of accessibility and trust. None of the general victim support organizations we interviewed conducts outreach activities for individual cases at this time. Additionally, organizations that work closely with state authorities, especially law enforcement agencies, might put the client's trust regarding the confidentiality of the support services at risk.

### 4.2.5 Types of NGOs and their Approaches

In the preceding chapter, we described different types of NGOs in Germany that monitor right-wing violence and related hate crimes, and a smaller number of NGOs that offer professional and specialized support and legal services to the communities and individual victims affected. The subsequent table provides a basic overview of the major activities of these groups included in our interview sample.

**Table 18: Major activities of NGOs studied**

Name of organization/group	Systematic monitoring and documentation of hate crimes	Psycho-social assistance for hate crime victims	Legal assistance for hate crime victims	Outreach approach, including local interventions	Anti-discrimination work	Educational measures and programs
<b>NGOs with an explicit focus on hate crimes</b>						
<b>"CIVITAS Projects"</b>						
Opferperspektive Brandenburg	X	X	X	X		
ReachOut in Berlin	X	X	X	X		X
AMAL in Görlitz	X	X	X	X		
LOBBI East in Neubrandenburg	X	X	X	X		
Togther in Magdeburg	X	X	X	X		
BORG in Strausberg		X	X			
BORG in Bernau		X	X			
<b>NGOs representing the LGBT community</b>						
Lesbian Counseling Services	X	X	X		X	
Of a Different Kind	X	X	X			
<b>NGOs without exclusive focus on hate crimes</b>						
Educational Center in Aachen		X	X		X	X
VAKS in Siegen		X	X			X
Anti-discrimination Office in Cologne	X	X	X		X	X
IBIS in Oldenburg		X	X		X	X
<b>NGOs representing the LGBT community</b>						
Chitchat—homo, bi and trans		X	X		X	X
<b>Others</b>						
Lidice House in Bremen						X
Victim Support in Verden		X	X			
Refugee Council in Brandenburg						X
Regional Association of German Sinti and Roma in Berlin-Brandenburg					X	X

#### 4.2.6 German-Polish Cooperation: Experiences and Interests

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 anti-racist and anti-Fascist activities. A few groups have already established long-standing forms of formal and informal transnational cooperation; the most relevant relationship involving Poland is the European network of gay organizations active in support of victims of homophobic attacks (MANEO/Germany, SOS Homophobia (SOS Homophobie)/France, Lambda and the Campaign against Homophobia/Poland). Other NGOs interviewed in Germany are also long-term 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 like, for example, the Lidice House in Bremen, which was involved in training Hungarian street workers and is working with Dutch NGOs active in anti-discrimination work. Most NGOs included in our sample, however, declared that maintaining and further developing their local and regional networks remain a priority for them in the near future. Organizations with a strong outreach approach are constantly trying to strengthen their contacts to self-organized groups of potential victims, local and regional alliances of anti-racist and anti-Fascist organizations and other NGOs, experts and state institutions. This alone is already a very time consuming responsibility. Furthermore, the pre-existing level of cooperation between victim support organizations in East Germany has been weakened by the loss of the coordinating position in 2007.<sup>16</sup> Sustaining the existing level of outreach activities and networking, and/or expanding contacts to groups in the West German states were named as major challenges.<sup>17</sup> This, in fact, illustrates the rather limited resources of most German NGOs included in our sample for the field of international cooperation.

Moreover, attempts to build contacts with NGOs in Poland and other countries in the past (for example, with groups active in the area of refugee support) have not been very successful, since they did not lead to longer-lasting relationships and concrete joint projects. Some organizations such as the Cultural Office in Sachsen (Kulturbüro Sachsen) or the victim support center AMAL in Görlitz, Saxony, for instance, have tried to find NGO or other contact partners in the Polish border region. Lack of time for more intensive search, scarce opportunities for personal meetings, language barriers and a general low density of NGOs in the border region were named as the main difficulties for establishing viable forms of transnational networking.

<sup>16</sup> Opferperspektive held this position under the CIVITAS program and helped to coordinate various activities (training, common campaigns, the development of a joint database etc.). The new funding programs no longer provide financial resources for such a position.

<sup>17</sup> Interviews with various victim support organizations. See also: Armonies, Grit 2008. Die Bundesprogramme gegen Rechtsextremismus: Eine Bestandsaufnahme, Bündnis 90/Die Grünen, Bundestagsfraktion, Berlin, p. 47.

## Fields of Possible Transnational Cooperation

At least three fields for possible cooperation in the future were identified in our interviews:

### 1. Exchange of experiences/knowledge with regard to monitoring hate crimes and victim assistance:

A couple of organizations have declared their interest in sharing information and knowledge about various fields of activities, such as monitoring techniques, active consultation and counseling of hate crime victims and other strategies (for example, outreach activities that support refugees according to the needs and special focus of Polish organizations).

The associations *Opferperspektive* and *ReachOut* have shown enthusiasm for the possibility of exchanging knowledge about counseling techniques and outreach activities. *BOrG* in Strausberg expressed interest in sharing its experiences in utilizing volunteers involved in hate crime victim assistance. This grass-roots initiative also has considerable knowledge on how to build local alliances and influence the political climate in municipalities affected by right-wing manifestations. The educational project *Lidice House* in Bremen proposed bilateral or multilateral exchange of professional staff active in outreach to adolescents. Some interview partners also showed an interest in discussing different legal systems and respective litigation strategies for victims of hate crime and discrimination.

### 2. Cooperative projects within the Polish-German border region:

Efforts to build up networks of Polish-German anti-racist and anti-Fascist NGOs in the border region were considered by some groups as the most important task. Especially in Mecklenburg-Western Pomerania, anti-Polish activities and sentiments (racist graffiti, damage to Polish residents' property) have increased over the last two years and need a more resolute response, which could be facilitated by the cooperation between German and Polish NGOs. The NGO *LOBBI*, active in this region, would like to get in touch with the individuals and communities affected and develop local strategies for intervention, but they have not yet had the opportunity. Some groups such as *Opferperspektive*, the Cultural Office in Sachsen and *LOBBI* are also concerned about the increase in cross-border activities between Polish and German hooligans and other right-wing activities in the border region. NGOs should be monitoring this more closely.

### 3. International joint projects:

Most of our interview partners were questioned with respect to proposals and ideas for bilateral (German-Polish) cooperation; however, another option that arose in the course of our inquiries and discussions was to place the ongoing activities of individual organizations within the framework

of international projects. The availability of EU funds or the advantages of a comparative perspective are incentives to do so. Potential fields of cooperation include: raising awareness; developing training material for public institutions; conducting research projects relevant to hate crimes, developing strategies to provide counseling services to rural areas, and joint campaigns to put political pressure on national governments or EU bodies to improve hate crime policies.

#### **4.2.7 Summary/Conclusions**

In the course of our research, it became clear that, despite the growing number of organizations active in this field in Germany, there is a clear gap between NGOs (especially those involved in educational and youth programs, inter-cultural dialogues, various forms of political and public campaigning) and groups that focus primarily on monitoring hate crime and supporting those affected by it. There has been limited financial and political support for NGOs in the western part of the country despite the commitment expressed by civil society to fight right-wing extremism. Only in the new federal states, where the CIVITAS program had allowed for the creation of victim support organizations—organizations that specialized in right-wing violence and that were made possible through constant government funding—could we identify a well-established and stable approach to dealing with hate crime.

Organizations of the LGBT communities pioneered the victim-centered approach by first defining and addressing the problem of structural violence and hate crimes. While rarely using the term in a juridical sense, the victim support organizations originally established under the CIVITAS program still operate with a general understanding of hate crimes in Germany. The main focus for these organizations is on right-wing acts of violence because of the specific objectives and tasks assigned to them by government programs. Resulting from a long-term harmonization process, a set of definitions and standards has been drawn up in an effort to improve the efficacy of data comparison regarding incidents in East Germany. This data focuses on the motivation of the offense, which is also a criterion used by the police today when assessing offenses as right-wing, xenophobic, and/or anti-Semitic. Most other NGOs included in our sample do not operate with clear-cut definitions of the term “hate crime.” Instead, they deal with the problem in a non-systematic way; some under the rubric of anti-discrimination work.

With regard to monitoring activities, we identified various methods and approaches. The first is victimization surveys, which attempt to fill the data gap on hate crimes directed towards particular target groups. The Central Council of Roma and Sinti in Germany and organizations representing the LGBT community are two of several organizations that have conducted such surveys. One important initiative, which has been systematically monitoring and documenting anti-Semitic incidents throughout Germany based on media surveillance, is the Berlin-based Anti-Fascist Press Archive

and Educational Center in Berlin. The artist Rebecca Forner and a small research team created an exhibition on victims of right-wing hate crimes in Germany (2000-2005) based on month-long joint investigations by journalists of the newspapers *Frankfurter Rundschau* and *Der Tagesspiegel*, last published in 2003. The exhibition currently depicts 136 violent deaths as a result of racist or right-extremist crimes.

The regular publications and statistics provided by specialized victim support organizations that are active in the most eastern states (Berlin, Brandenburg, Mecklenburg-Western Pomerania, Saxony-Anhalt, Saxony and Thuringia), are the most exhaustive sources of information on right-wing violence and related crimes in East Germany. This information comes from various activities and sources: outreach activities to victims; active research, including the regular evaluation of local and regional press, relevant Internet sources etc.; contacts to regional and local networks, comprising of other NGOs, anti-Fascist groups, youth centers, unions, church groups, local politicians, committed individuals and journalists, all of whom provide them with relevant information. All victim support organizations compile and publish aggregated information on hate crimes for their region at least once a year. They have no counterparts in the old federal states of Germany. Most of the groups in West Germany talked about the need to improve the monitoring and documentation system; they also complained about their precarious funding and staff situation. While almost all agreed that there is a lack of information with regard to the amount of violence in the old federal states, they admitted that they do not have the needed resources for outreach activities or for investigating the cases they find out about in more detail. As a result, developing comprehensible data collection systems and means for assessing and documenting hate crimes has had an overall low priority so far.

The geographic distribution of organizations that provide legal and psycho-social services to victims of right-wing violence is also uneven, mainly resulting from specific federal and state government funding programs. Out of all the victim support organizations, organizations serving the LGBT communities were the first ones to set up specialized emergency hotlines and counseling centers with the help of local government programs. In metropolitan regions such as Berlin, Hamburg, Munich, Cologne or Dresden, the LGBT infrastructure is comparatively well-established. They possess a large amount of expertise that can be shared with other NGOs interested in running similar programs. In contrast, the situation in more rural areas, particularly in the eastern states, appears to be underdeveloped with respect to both the social services and the knowledge about the particular situation and vulnerability/exposure to violence targeting gay and lesbian communities.

The approach of the eight organizations that were created under the CIVITAS program to assist victims of right-wing violence in East Germany is considered the most comprehensive model in the field. They have all adopted a human rights approach by making the perspective and interests of the victims the guiding principle for all their activities. When consulting victims, these organizations practice low-threshold counseling and utilize an outreach concept that incorporates

the community and groups affected by the violence. Their core services comprise individual psycho-social counseling, crisis intervention, advice and guidance through legal proceedings, and assistance with filing applications for victim compensation and other monetary support. Another important victim support strategy is local interventions. This lends guidance to municipalities regarding how to get involved on behalf of hate crime victims, and it also pushes local communities, politicians and other officials to take a clear stand against right-wing manifestations and racism. No similar initiatives could be identified in West Germany.

Under the auspices of the new federal program begun in 2007 (Competent for Democracy—Consultation Networks and Mobile Intervention Against Right-wing Extremism), provisions to help and empower victims of hate crimes are still very underdeveloped. While the new federal program does not represent a complete shift of paradigms with regard to the combat of right-wing extremism, racism and anti-Semitism, important modifications illustrate a changed approach that focuses less on the prevention of hate crimes and the strengthening of independent NGO structures. In some cities in the old federal states, anti-discrimination offices, mainly established in the late 1990s and run by NGOs, 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, however, has remained rather limited and precarious in most cases. In other locations without such offices, general crime victim support organizations might also be qualified institutions to consult about hate crimes. Experts interviewed, however, were rather skeptical about whether they really can be a substitute for specialized NGOs, since the political dimension of hate crimes not only requires specific knowledge about the ideologies in question, but also a special commitment from the counselors, independence from state institutions and an active outreach approach.

In the course of our inquiries, we could not ascertain where migrants and refugees usually seek help (psycho-social and legal) after experiencing attacks and harassment in the western states. The same is true for young anti-Fascist activists and members of other left-leaning youth scenes, who constitute the second largest target group of right-wing extremist harassment and assaults in Germany. Since police statistics and media reports provide clear evidence that this problem is not restricted to particular regions in East Germany, this remains one of the most striking conclusions to our research and needs further investigation.

It is difficult to anticipate how the problem of right-wing violence and related hate crimes in Germany will develop in the near and projected future. Many experts point to the fact that a culture based on right-wing extremist values and activities has already become a significant problem not only in the former GDR, but also in many rural regions of West Germany. If it is true that professional victim support organizations not only serve the individuals and communities most affected, but also serve as watchdogs by assuming relevant monitoring functions, new NGOs and structures embedded in local networks would help to shed more light on otherwise undocumented cases of right-wing and related hate crimes throughout Germany.

## 5 Recommendations

Our research findings have highlighted major challenges in dealing with right-wing violence and related crimes. These call for 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 rather to a number of other areas (media and academic discourses, educational systems, the protection of minority groups and refugees, anti-discrimination policies etc.) that have been not discussed in this report. Furthermore, psychological and legal support for victims is still very underdeveloped, not only in Poland but also in large segments of German society. One of the most pressing tasks in both countries is to raise the general awareness on right-wing extremism, racism, anti-Semitism and homophobia as structural problems. These ideologies need to be countered, not only by focusing on violent activity, but by also 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 prove 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 scenario, the recommendations could provide suggestions for further projects, funding and research activities.

### Transnational Cooperation

- NGO cooperation in the German-Polish border region. Mecklenburg-Western Pomerania could especially benefit, because there has been an increase in right-wing attacks on Polish residents and in anti-Polish sentiments in general. Polish NGOs could support German victim assistance organizations in establishing contacts with individuals and communities directly affected and helping with inquiries. Cooperation could take the form of staff exchanges or joint evaluations and local interventions in specific cases. German and Polish NGOs could also develop collaborative monitoring projects with regard to other activities of far-right organizations in the border region.
- Share and adapt expert knowledge on victim counseling. Experience and work/educational material can be shared and discussed with regard to how certain approaches and methods are transferable. Areas of focus could entail monitoring techniques (documentation, data bases etc.) and psycho-

social victim assistance (counseling approaches, outreach methods, information on traumatization) and building community support (empowerment strategies).

- Exchange information and reflect on experiences in the assistance of specific target groups. Such groups would include members of the LGBT community, refugees and migrants; ethnic and religious minority groups, and alternative/left-wing youth. Questions of how to cooperate and network between groups of volunteers and professional organizations can be addressed, in addition to 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 exchanges between municipalities that have been confronted with the problem of hate crimes. Municipalities in both countries have different experiences when dealing with hate crimes. Where 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 can share possible options and strategies for change based on first-hand experiences.
- 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 provide a better foundation for factual knowledge with regard to right-wing activities and hate crimes in Poland. This information can also serve as a base for political analysis, comparisons and case-related discussions.

### Capacity building for Polish NGOs and networks

- Strengthen contacts and exchanges with actors within the field of anti-discrimination activities. Anti-discrimination work seems already to have a history in Poland considering its structural resources and public attention. Even if the nature of structural discrimination in public life and in the labor market may be different from the underlying causes of hate crime, the actual target groups (such as ethnic minorities, migrants, gay people or persons with handicaps) overlap to a large extent. Both anti-discrimination work and hate crime victim assistance employ counseling 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 that of Nigdy Więcej, have proved indispensable and should, therefore, be strengthened. The

numerous monitoring efforts made by local organizations could be supported by collecting their information in a nation-wide data base, thereby providing more insight on 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 whole 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 who 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 cannot pay for expert services.
- Establish a resource center for combating hate crimes in Poland. Most of the activities recommended above could be facilitated by the creation of a specialized resource center. Whereas the aforementioned tasks can only be fulfilled by the joint effort of many actors, one of the NGOs already active in the respective field could assume a coordinating function. A resource center 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 broaden public awareness about the hate crime problem in Poland by serving as a contact point for other NGOs, 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 conducting more **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. These could be used for awareness raising and public campaigns.
- **Coping strategies of hate crime victims** and the actual impact of victim counseling need more research and consideration in both countries in order to develop adequate approaches and/or to improve existing services.
- **The relationship between hate speech and hate crimes** seems to be completely under-explored, especially the impact on hate speech and incitement to hatred in the Internet. Multidisciplinary research projects could address this question, taking into consideration the influence of media and elite discourses, and institutional frameworks for national anti-hate speech policies.

Research and inquiry could be conducted and supported at various levels, ranging from expert workshops, grants for relevant PhD projects, or project-based co-operation between NGOs and academic institutions.

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# Appendix

## Poland: List of Interview Partners

Date of Interview	Name of Organization	Profile	Status	Persons Interviewed
25 Feb 08	Anti-Nazi Group in Piła (Grupa Antynazistowska, GAN-Piła)	Anti-Fascist/ Anti-racist organization	Informal group	Joanna Naranowicz
28 Feb 08	Union of Jewish Religious Communities in the Republic of Poland (Związek Gmin Wyznaniowych Żydowskich w RP)	National & religious minority organization	Religious organization	Jan Gebert
28 Feb 08	Lambda Warszawa	Representing LGBT community	NGO	Krzysztof Kliszczyński
4 Mar 08	Rescue Foundation (Fundacja "Ocalenie")	Representing refugees/migrants	NGO	Malika Abdoulvakhabova
4 Mar 08	Campaign Against Homophobia (Kampania Przeciw Homofobii)	Representing LGBT community	NGO	Robert Biedron Marta Abramowicz
4 Mar 08	Society for African Affairs at the Jagiellonian University (Afrykańskie Koło Naukowe Uniwersytetu Jagiellońskiego)	Students' organization	NGO	Filip Kitundu
4 Mar 08	Polish Humanitarian Action, Kraków (Polska Akcja Humanitarna, Kraków)	Human rights organization	NGO	Tadeusz Szczepaniak
5 Mar 08	Foundation to Support Homeless People (Fundacja Tarkowskich Herbu Klamry)	Welfare organization	NGO	Elzbieta Tarkowska
6 Mar 08	Russian Cultural-Educational Society in Poland, Białystok (Rosyjskie Stowarzyszenie Kulturalno-Oświatowe w Polsce, Białystok)	National minority organization	NGO	Andrzej Romanczuk
10 Mar 08	Never Again Association (Stowarzyszenie "Nigdy Więcej")	Anti-Fascist /Anti-racist organization	NGO	Marcin Kornak
12 Mar 08	Ingush Unity ("Edinstvo Ingushtii")	Representing refugees /Migrants	Informal group	Bogaudin Bokov
17 Mar 08	Helsinki Foundation for Human Rights (Helsińska Fundacja Praw Człowieka)	Human rights organization	NGO	Zbigniew Holda, Agnieszka Mikulska
17 Mar 08	Social and Cultural Society of Jews in Poland (Towarzystwo Społeczno-Kulturalne Żydów w Polsce)	Representing national minority group	NGO	Piotr Piłuk

18 Mar 08	Solidarity and Friendship Association of the Vietnamese in Poland (Stowarzyszenie Wietnamczyków w Polsce "Solidarnosc i Przyjan")	Representing migrant minority group	NGO	Nguyen Van Thai
18 Mar 08	German Students Union in Opole, Poland (Verein Deutscher Hochschüler in Polen zu Oppeln)	Representing national minority group	NGO	Malgorzata Koszyk
19 Mar 08	Muslim Centre for Culture and Education in Wrocław (Muzułmańskie Centrum Kulturalno-Oświatowe we Wrocławiu)	Representing migrant & religious minority group	NGO	Ali Abi Issa
20 Mar 08	Association of Roma in Poland (Stowarzyszenie Romów w Polsce)	Representing ethnic minority group	NGO	Roman Kwiatkowski
20 Mar 08	Never Again, Oświęcim Group (Nigdy Więcej, Grupa Oświęcim)	Anti-Fascist /Anti-racist organization	Informal group	Katarzyna Nowak
20 Mar 08	Lemko Song and Dance Ensemble Kyczera (Lemkowski Zespół Pieśni i Tańca "Kyczera")	Representing ethnic minority group	NGO	Jerzy Starzynski
21 Mar 08	Association for Crisis Intervention (Towarzystwo Interwencji Kryzysowej)	Anti-discrimination work, welfare organization	NGO	Anna Lipowska-Teutsch
28 Mar 08	Mongolian Student Community	Representing migrant minority group	informal group	Nomondalai Erdenechimeg
4 Apr 08	Arabia.pl	Representing migrant minority group	NGO	Marek Kubicki
8 Apr 08	All-Poland Union of the Unemployed (Ogólnopolski Związek Bezrobotnych)	Civil rights organization	NGO	Barbara Radzewicz
10 Apr 08	Jewish Cultural Association Beit Waraszawa (Towarzystwo Kultury Żydowskiej Beit Warszawa)	Representing national & religious minority group	NGO	Anna Mazgal
12 Apr 08	Kazakh Community in Poland (Wspólnota Kazachska)	Representing migrant minority group	NGO	Balli Marzec
12 Apr 08	Friends of Africa Association (Stowarzyszenie Przyjaciół Afryki)	Representing migrant minority group	NGO	Mamadou Wague

**NGOs/Groups Active in the Field of Anti-racism, Human Rights,  
Anti-discrimination and Popular Education**

<p><b>Never Again Association</b> (Stowarzyszenie "Nigdy Więcej")</p> <p><a href="http://www.nigdywiecej.org/">http://www.nigdywiecej.org/</a> marcin@nigdywiecej.org (48)601360835</p>	<p>Formed in 1996 (before, since 1992, as an informal "Anti-Nazi Group"), the association fights against racism, xenophobia, nationalism and other hate-based ideologies. The Association operates through educational activities, public campaigns (including areas such as sport, music and Internet) and the magazine <i>Nigdy Więcej</i>. In a project called the <i>Brown Book</i> (<i>Brunatna Księga</i>)—a documentation of racist and xenophobic incidents and crimes committed by neo-Fascists—a few hundred hate crimes, cases of hate speech and discrimination acts are reported every year. Since the beginning of the 1990s the "Never Again" has registered a few thousands incidents of hate crimes, including over 40 murders motivated by racist and neo-Fascist ideologies.</p>
<p><b>Never Again Oświęcim Group</b> (Nigdy Więcej, Grupa Oświęcim)</p> <p>katarzyna.nowak@auschwitz.org.pl (48)33-8448057 (48)501144061</p>	<p>This group was formed in 1996. Its members are residents of Oświęcim, on the outskirts of which the death and concentration camp Auschwitz was located. The group's focus is on local public education, especially combating stereotypes, racism, intolerance and anti-Semitism. They consciously make a connection between these occurrences and experiences of World War II. The interviewee representing this group works at the State Museum of Auschwitz-Birkenau as an editor of the <i>Pro Memoria</i> magazine.</p>
<p><b>Anti-Nazi Group, Piła</b> (Grupa Antynazistowska, Piła)</p> <p><a href="http://tomilipin.ovh.org/">http://tomilipin.ovh.org/</a> kulturkapila@interia.pl kulturka@op.pl (48)609549967</p>	<p>The group was formed in 1994 and has been active in the local alternative cultural scene. They are part of the grassroots volunteer network cooperating with the <i>Nigdy Więcej</i> Association in monitoring hate crimes. They initiate local informational campaigns against neo-Nazi extremism and promote anti-racism and tolerance through music.</p>
<p><b>Polish Humanitarian Action</b> (Polska Akcja Humanitarna)</p> <p><a href="http://www.pah.org.pl">http://www.pah.org.pl</a> krakow@pah.org.pl tadeusz.szczepaniak@pah.org.pl (48)501701194 (48)12-4215771</p>	<p>PHA runs the Humanitarian Education Program, which focuses mainly on young people. This program offers workshops of four different categories: human rights, tolerance, social activity (voluntary) and global education.</p>
<p><b>Helsinki Foundation for Human Rights</b> (Helsińska Fundacja Praw Człowieka)</p> <p><a href="http://www.hfhrpol.waw.pl">http://www.hfhrpol.waw.pl</a> hfhr@hfhrpol.waw.pl z.holda@hfhr.org.pl a.mikulska@hfhr.org.pl (48)22-8281008</p>	<p>HFHR has become one of the most important non-governmental institutions for refugees and migrants in Poland. It implements special programs known as "Minority Rights" and "Legal Assistance for Refugees and Migrants," which provide cost-free legal advising to foreigners and undertake litigation action.</p>

<p><b>Association for Crisis Intervention</b> (Towarzystwo Interwencji Kryzysowej)</p> <p><a href="http://crisisintervention.free.ngo.pl/">http://crisisintervention.free.ngo.pl/</a> crisisintervention@free.ngo.pl (48)12-4311559</p>	<p>This association is based in Kraków. Starting in late 1980s, its primary objective is to help people in crisis situations as well as to develop empowerment strategies. It acts against discrimination, social stigmatization and exclusion. Among the major areas are assistance to victims of domestic violence, hate crime and discrimination (e.g. women, refugees, Roma people). The organization provides information, advocacy and psychological assistance to victims. It carries out meetings and discussions with members of victimized groups, in addition to working towards the empowerment of local groups, including Roma community in Małopolska region.</p>
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### LGBT Organizations

<p><b>Campaign Against Homophobia</b> (Kampania Przeciwko Homofobii)</p> <p><a href="http://www.kph.org.pl/">http://www.kph.org.pl/</a> info@kampania.org.pl (48)22-4236438 (48)600950339 (48)603371950</p>	<p>CAH primarily concentrate its efforts on preventing discrimination based on gender and sexual orientation. It endeavors at breaking stereotypes and prejudice towards LGBT people (lesbians, gays, bisexual, transgender/transsexual). CAH provides psychological and legal help to victims of homophobia. In cooperation with Lambda Warszawa, it has published two reports since 2003 about the situation of bisexual and homosexual people in Poland, providing statistical data on hate crimes motivated by homophobia.</p>
<p><b>Lambda Warsaw Association</b> (Stowarzyszenie Lambda Warszawa)</p> <p><a href="http://www.lambdawarszawa.org">www.lambdawarszawa.org</a> warszawa@lambda.org (48)22-6285222</p>	<p>The Lambda Warsaw Association focuses on providing psychological and legal help to LGBT community members. It runs several support groups focused on subjects specifically geared towards addressing concerns of LGBT individuals and their families.</p>

### Organizations Representing Officially Recognized National and Ethnic Minorities

<p><b>Union of Jewish Religious Communities in the Republic of Poland</b> (Związek Gmin Wyznaniowych Żydowskich w RP)</p> <p><a href="http://www.jewish.org.pl/">http://www.jewish.org.pl/</a> jan_gebert@jewish.org.pl (48)500102793</p>	<p>The union was registered in 1993 as a continuation of the Religious Union of the Mosaic Faith formed in 1946. It is the largest umbrella organization for Jewish religious communities in Poland with branches in several major cities throughout the country. The interviewed representative of the Union of Jewish Religious Communities works for the Union's Public Affairs Department.</p>
<p><b>Russian Cultural and Educational Association in Poland</b> (Rosyjskie Stowarzyszenie Kulturalno Oświatowe w Polsce)</p> <p><a href="mailto:rsko@tlen.pl">rsko@tlen.pl</a> (48)85-742462</p>	<p>Based in Białystok, the association has 200 members and it seeks to promote Russian culture, improve Polish-Russian relations and provide support for the Russian minority in Poland. The interviewee is a representative of the Russian minority in the Joint Commission of the Government, and Ethnic and National Minorities in Poland.</p>
<p><b>Social and Cultural Society of Jews in Poland</b> (Towarzystwo Społeczno-Kulturalne Żydów w Polsce)</p> <p><a href="mailto:piotr.piluk@yahoo.com">piotr.piluk@yahoo.com</a> tskz@jewish.org.pl (48)22-6200547 (48)691542454</p>	<p>Formed in 1950, the society is a major organization that aims to satisfying the cultural needs of the Jewish community in Poland through the promotion of literary, artistic and scholarly activities. It also tries to promote the Yiddish language and preserve the heritage of Polish Jews, as well as welfare aid to its members. TSKŻ publishes the The Yiddish Word (Słowo Żydowskie—Dos Yiddishe Wort) monthly—a bilingual magazine in Polish and Yiddish.</p>

<p><b>German Students Union in Poland, Opole</b> (Verein Deutscher Hochschüler in Polen zu Oppeln, Związek Studentów Niemieckich w Polsce z siedzibą w Opolu)</p> <p><a href="http://www.vdh-oppeln.pl">http://www.vdh-oppeln.pl/</a> vdhoppeln@wp.pl (48)692996465</p>	<p>This association is a student organization, open to anyone who wants to cultivate German language and culture while studying in the city of Opole. It organizes a variety of educational, cultural and artistic activities.</p>
<p><b>Association of Roma in Poland</b> (Stowarzyszenie Romów w Polsce)</p> <p><a href="http://stowarzyszenie.romowie.net/">http://stowarzyszenie.romowie.net/</a> biuro@stowarzyszenie.romowie.net (48)33-8426989</p>	<p>The association was formed in 1992. Its main focus is to create the conditions that allow for the full participation of the Roma in Polish society, specifically with regards to improving their social, economic and cultural situation. The organization's activities include: research, publishing, educational and cultural events (among its publications is the monthly journal Dialog—Pheniben). It also provides legal assistance and welfare aid (including job-seeking aid) to Roma community members as well as help in contacting public administration and local government institutions. In various places throughout Poland, its leaders intervene as mediators and public campaigners in local crisis situations, including tensions over anti-Roma prejudice, discrimination and incidents of racist hate crime.</p>
<p><b>Lemko Song and Dance Ensemble Kyczera</b> (Łemkowski Zespół Pieśni i Tańca "Kyczera")</p> <p><a href="http://www.lemko.org/archive/kyczera2/kyczera.htm">http://www.lemko.org/archive/kyczera2/kyczera.htm</a> kyczera@wp.pl (48)76-7233705 (48)76-8660278</p>	<p>An ensemble cultivating and performing traditional Lemko folk dances and songs, the Kyczera, formed in early 1990s, attracts mainly young Lemko people from the city of Legnica and the surrounding areas in Lower Silesia region. They organize cultural events, conferences, workshops etc. The ensemble has received international recognition. Kyczera also encourages ethnic and cultural diversity in Poland; it organizes the European Meeting of National and Ethnic Minorities, the largest international festival of its kind in Europe.</p>
<p><b>Jewish Cultural Association Beit Warszawa</b> (Towarzystwo Kultury Żydowskiej Beit Warszawa)</p> <p><a href="http://www.beit.org.pl">http://www.beit.org.pl</a> office@beit.org.pl (48)22-8852638</p>	<p>Beit Warszawa was formed in 1999 and registered as an NGO three years later. The major goal of the Association is to revive tradition of liberal Judaism in Poland. The organization is involved in promoting knowledge on Jewish religion, history and tradition, raising public awareness concerning tolerance, participating in interfaith dialogue, combating racism and anti-Semitism etc.</p>

### Organizations Representing Immigrant Minorities

<p><b>Rescue Foundation</b> (Fundacja "Ocalenie")</p> <p><a href="http://www.ocalenie.org.pl/">http://www.ocalenie.org.pl/</a> ocalenie@wp.pl (48)22-6285576 (48)662653517</p>	<p>The Rescue Foundation has worked with refugees and migrants in Poland since 2001. The interviewed representative has a Chechen background, and she is well-known among the Chechen diaspora in Poland.</p>
<p><b>Ingush Unity</b> ("Edinstvo Ingushetii")</p> <p>(48)79174395</p>	<p>With 18 permanent members, this group is not yet registered. It represents the Ingush diaspora (about 200 people) in Poland. The interviewee is an activist from Ingushetia. He has worked in the human rights area and also works with Chechen community in Warsaw.</p>

<p><b>Society for African Affairs at the Jagiellonian University</b> (Afrykańskie Koło Naukowe Uniwersytetu Jagiellońskiego)</p> <p><a href="http://www.e-afryka.ovh.org/">http://www.e-afryka.ovh.org/</a> akon.uj@gmail.com (48)504324149</p>	<p>Formed in 2007, the Society for African Affairs is a student organization at the Jagiellonian University in Kraków. It promotes knowledge on African cultures and socio-political issues concerning Africa among the Polish society, especially among students and youth in Kraków. The interviewed representative comes from Tanzania and is a psychology student at the Jagiellonian University.</p>
<p><b>Solidarity and Friendship Association of the Vietnamese in Poland</b> (Stowarzyszenie Wietnamczyków w Polsce "Solidarność i Przyjaźń")</p> <p>viantex_co@yahoo.com (48)22-8413454 (48)601976718</p>	<p>Founded in 1999, the association is focused on organizing and integrating Vietnamese community in Poland. It provides legal and welfare assistance to Vietnamese immigrants.</p>
<p><b>Mongolian Student Community</b></p> <p><a href="http://www.pmoh.blogspot.com/">http://www.pmoh.blogspot.com/</a> nominerika@yahoo.com (48)22-8269776 (48)603563399</p>	<p>The group has existed since 2006 and its work is focused mainly on providing support to the Mongolian community in Poland and promoting Mongolian culture in Polish society. The Mongolian Student Community unites two hundred members, the majority of whom live in Warsaw. The group has not been officially registered.</p>
<p><b>Kazakh Community</b> (Wspolnota Kazachska)</p> <p><a href="http://wspolnotakaz.pl/">http://wspolnotakaz.pl/</a> info@wspolnotakaz.pl (48)22-8264155 (48)22-7733577</p>	<p>Formed in 2003, the association operates as an official opposition to the government in Kazakhstan and as an organization that supports the Kazakh minority in Poland. It is also an official representative of the European Network Against Racism (ENAR) in Poland. Its members constitute people of various nationalities.</p>
<p><b>Muslim Centre for Culture and Education</b> (Muzułmańskie Centrum Kulturalno-Oświatowe)</p> <p><a href="http://www.islam.net.pl/">http://www.islam.net.pl/</a> centrum@islam.net.pl (48)713255320 (48)889514650</p>	<p>Muslim Centre for Culture and Education has three major objectives: development and promotion of knowledge on Islam, assistance to local Muslim community in Wrocław and the Lower Silesia region, as well as intercultural dialogue. Its members organize cultural events to promote Muslim culture, offers Arabic language courses and holds open office hours for university students interested in subjects related to Muslim religion and culture.</p>
<p><b>Arabia.pl Association</b> (Stowarzyszenie Arabia.pl)</p> <p><a href="http://www.arabia.pl">http://www.arabia.pl</a> marek.kubicki@arabia.pl (48)500196969</p>	<p>Arabia.pl is the largest internet website in Polish language devoted to Arab issues. It was created in 2002, and in 2003 it also has a version in Arabic language discussing Polish issues for Arab readers. The team of Arabia.pl are scholars, students and graduates of the Arab and Muslim studies of several Polish universities. The website's aim is to "transfer solid and objective information about the Arab world." In November 2003 an informal office of Arabia.pl was transformed into the Arabia.pl Association. The Association works towards exchange of information between Poland and Arab countries, supporting and promoting Polish-Arab and Christian-Muslim dialogue, cooperation with scholarly institutions dealing with issues of the Muslim world, especially with the Warsaw University's Oriental Studies Institute. Apart from the website and publishing cooperation, the association organizes seminars, conferences as well as cultural and educational events.</p>

### Germany: List of Interview Partners

Date of Interview	Name of Organization	Profile	Status	Persons Interviewed
10 Mar 08	ReachOut Berlin	VSO	NGO	Sabine Seyb, Biblap Basu
12 Mar 08	AMAL, Görlitz/Saxony	VSO	NGO	Hagen Schulze, Anne Kretzschmar, Sander Schulze
13 Mar 08	Cultural Office (Kulturbüro Sachsen), Dresden/Saxony	Consultation against right-wing extremism and for the development of democratic culture in municipalities	NGO	Mirek Bohdalek, Friedemann Bringt
27 Mar 08	Counseling Service for Victims of Right-wing Violence (Beratungsstelle für Opfer rechter Gewalt, BORg), Strausberg/Brandenburg	Support group for victims of right-wing, racist and anti-Semitic violence (based on volunteers)	Informal group	Anke Schwarz, Ronny Kühn
28 Mar 08	LOBBI, Neubrandenburg/Mecklenburg-W. Pomerania	VSO	NGO	Kay Bolick
1 Apr 08	Moses Mendelssohn Center for European-Jewish Studies, University Potsdam/Brandenburg	Academic institution	Public institution	Gideon Botsch
2 Apr 08	Office Against Right-wing Extremism and Violence (Arbeitsstelle Rechtsextremismus und Gewalt), Braunschweig/Lower Saxony	Various programs against right-wing extremism	NGO	Reinhard Koch
2 Apr 08	proVal, Hannover, Lower Saxony	Private academic research and evaluation institution	Private institute	Olaf Lobermeyer
3 Apr 08	Refugee Council (Flüchtlingsrat), Brandenburg	Advocacy group on behalf of refugees	NGO	Harald Glöde
7 Apr 08	Lesbian Counseling Services (Lesbenberatung e.V.), Berlin	Support center for lesbians	NGO	Martina Frenznick
9 Apr 08	Amadeu Antonio Foundation (Amadeu-Antonio-Stiftung), Berlin	Foundation active against anti-Semitism, right-wing extremism and racism	NGO	Annetta Kahane
14 Apr 08	Consultation Network in Bavaria/Bavarian Youth Ring (Beratungsnetzwerk Bayern/Bayerischer Jugendring), Munich/Bavaria	Coordination point for the Bavarian Consultation Network against Right-wing Extremism	Public	Fritz Burschel
16 Apr 08	Anti-discrimination Office (Antidiskriminierungsbüro), Oldenburg/Lower Saxony	Anti-discrimination office	NGO	Cornelia Schnepf

17 Apr 08	Counseling Service for Victims of Right-wing Violence (Beratungsstelle für Opfer rechter Gewalt, BOrG), Bernau/ Brandenburg	Support group for victims of right-wing, racist and anti-Semitic violence (based on volunteers)	Informal group	Juliane Lang
18 Apr 08	Lidice House (Lidice Haus), Bremen	Institution for international youth exchange, education, and social work	NGO	Andrea Müller
23 Apr 08	Of a Different Kind (AndersARTiG e.V.), Potsdam/ Brandenburg	Support center for the LGBT community, coordination point for lesbian and gay affairs in Brandenburg	NGO	Marco Klingberg
25 Apr 08	Victim Support (Opferhilfe), Hamburg	General victim support organization	NGO	Peter Giese
28 Apr 08	Anti-discrimination Office (Anti-diskriminierungsbüro), Cologne/ North Rhine-Westphalia	Anti-discrimination Office	NGO	Banu Bambal
28 Apr 08	Anti-discrimination Office, Aachen/North Rhine-Westphalia	Anti-discrimination Office	NGO	Isabell Teller
29 Apr 08	Anti-discrimination Office, Siegen/North Rhine-Westphalia	Anti-discrimination Office	NGO	Regina Kuerschner
8 May 08	Together (Miteinander e.V.), Magdeburg/Saxony-Anhalt	VSO	NGO	Heike Kleffner
15 May 08	Confederation of German Sinti and Roma (Landesverband Deutscher Sinti und Roma), Berlin-Brandenburg	Community/advocacy organization for the interests of the Sinti and Roma	NGO	Petra Rosenberg

### NGOs in the Field of Counseling for Victims of Right-wing, Racist and Anti-Semitic Violence

<b>Victims' Perspective</b> (Oferperspektive)  www.opferperspektive.de	Opferperspektive addresses right-wing violence through the victims' point of view and seeks to deal with it in its social context. Its focuses are: counseling of hate crime victims, monitoring, PR work, and intervention with local communities in order to promote solidarity with victims.
<b>Counseling Service for Victims of Right-wing Violence in Strausberg</b> (Beratungsstelle für Opfer rechter Gewalt, BOrG)  Postfach 1126 15331 Strausberg Tel. (49)0173-6343604 BORG-SRB@gmx.net	Voluntary support group for victims of hate crimes; outreach to victims, procurement of further professional victim support; escort to meetings with public authorities and courts; social support for victims; political intervention at the municipal level.

<p><b>Counseling Service for Victims of Right-wing Violence in Bernau</b> (Beratungsstelle für Opfer rechter Gewalt, BOrG)</p> <p><a href="http://www.dosto.de/op/">www.dosto.de/op/</a></p>	<p>See above (BOrG Strausberg).</p>
<p><b>ReachOut Berlin</b></p> <p><a href="http://www.reachout.de">www.reachout.de</a></p>	<p>ReachOut is a counseling center for victims of right-wing extremist, racist or anti-Semitic violence in Berlin. It also supports and counsels family members or victims' friends and people who have witnessed an assault. The situation and the perspective of the victims are of central importance for ReachOut. ReachOut offers anti-racist, intercultural workshops and trainings. ReachOut collects information on assaults of this kind in Berlin and regularly publishes a chronicle of the attacks.</p>
<p><b>AMAL Sachsen</b></p> <p><a href="http://www.amal-sachsen.de">www.amal-sachsen.de</a></p>	<p>This organization provides consultation for victims of right-wing and racist violence. Its staff gives victims the opportunity to speak about their experience; information on legal options; support in finding witnesses of the attack; help in finding lawyers and psychologists; accompaniment during the lawsuit and assistance with paperwork and consultation at public offices in connection with the attack. PR work or contacts to other local organizations and self-help groups will also be done by request.</p>
<p><b>Victim Counseling Service at RAA Sachsen</b> (Opferberatungsstelle der Regional Offices for Education, Integration and Democracy (Regionalen Arbeitsstellen für Bildung, Integration und Demokratie Sachsen e.V., RAA)</p> <p><a href="http://www.raa-sachsen.de">www.raa-sachsen.de</a></p>	<p>Support for victims at this counseling organization encompasses areas such as dealing with police and courts, claiming compensation or coping with the experience of violence. Furthermore, it offers measures for raising awareness on racism, right-wing extremism and the necessity of civic intervention (Zivilcourage).</p>
<p><b>Statewide Victim Counseling, Support and Information for Those Affected by Right-wing Violence in Neubrandenburg</b> (Landesweite Opferberatung, Beistand und Information für Betroffene rechter Gewalt, LOBBI e.V.)</p> <p><a href="http://www.lobbi-mv.de">www.lobbi-mv.de</a></p>	<p>Counseling: This victim support organization offers counseling at neutral locations and, if requested, anonymously, for victims and witnesses of right-wing violence and/or friends and relatives. Other services include accompanying victims to government offices and agencies, arranging for interpreters, giving legal advice, finding legal or mental health professionals, and escorting victims to doctors' appointments and trials. Intervention: In cases of victim isolation, this organization will provide community interventions and support local initiatives on the local level that can side with victims.</p>
<p><b>Mobile Victim Counseling (Mobile Opferberatung) at Together (Miteinander e.V.)</b></p> <p><a href="http://www.mobile-opferberatung.de">www.mobile-opferberatung.de</a></p>	<p>Same concentration as LOBBI.</p>

### General Victim Support Organizations

<p><b>Victim Support in Hamburg</b> (Opferhilfe Hamburg, OHH)</p> <p><a href="http://www.opferhilfe-hamburg.de">www.opferhilfe-hamburg.de</a></p>	<p>Established in 1982, this professional general victim counseling organization is staffed with licensed psychologist/ psychotherapists. Services rendered comprise psychological consultation, psychotherapy, basic legal advice and information on possibilities for compensation. Target groups are adults, particularly gays and lesbians. OHH is organized under the umbrella of the nation-wide Working Committee of Victim Support Organizations (ado).</p>
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### NGOs in the Field of Anti-discrimination Work

<p><b>Anti-discrimination Office in Oldenburg</b> (Antidiskriminierungsbüro Oldenburg), run by IBIS</p> <p><a href="http://www.ibis-ev.de">www.ibis-ev.de</a></p>	<p>Since May 1994, IBIS's qualified staff with a background in intercultural work has mostly dealt with the following topics: intercultural education, migration, concepts of a multicultural society, flight/asylum, anti-discrimination, anti-racism, North-South relations; IBIS seeks to provide further counseling and practical help concerning these topics by: providing training and advice, working against discrimination, documenting cases, publishing information about discriminatory cases.</p>
<p><b>Anti-discrimination Office in Cologne</b> (Antidiskriminierungsbüro Köln), run by the <b>Public against Violence</b> (Öffentlichkeit gegen Gewalt e.V., ÖGG)</p> <p><a href="http://www.oegg.de">www.oegg.de</a></p>	<p>This organization focuses on counseling and support for individuals affected by discrimination; PR work and awareness raising measures; regional and national networking in anti-discrimination, training and development of curricula, project-related research; systematic documentation and bringing discrimination cases to the public attention.</p>
<p><b>Anti-discrimination Office in Aachen</b> (Antidiskriminierungsbüro Aachen), run by <b>Educational Center</b> (Pädagogisches Zentrum e.V.)</p> <p><a href="http://www.nrwgegendifskriminierung.de/de/docs/aachen_start.html">www.nrwgegendifskriminierung.de/de/docs/aachen_start.html</a></p>	<p>Info-line on EU and German anti-discrimination laws and asylum legislation; counseling on equality opportunities in a range of African, Asian and European languages; legal advice by experts; intercultural and interdisciplinary team; empowerment projects; education, anti-racism trainings, youth work and training for professionals; publishing of expertise; geographical focus: all of North Rhine-Westphalia</p>
<p><b>Anti-discrimination Office in Siegen</b> (Antidiskriminierungsbüro Siegen), run by <b>VAKS</b></p> <p><a href="http://www.vaks.info/html/antidiskriminierung_sbuero.htm">www.vaks.info/html/antidiskriminierung_sbuero.htm</a></p>	<p>This office's work includes: counseling and support in cases of discrimination in Southwest Palatinat; networking with counseling points for people with handicaps, retirees, the homeless, women, migrants, lesbians and gays.</p>

### Organizations Counseling LGBT Victims of Homophobic Violence

<p><b>Lesbian Counseling Services in Berlin</b> (Lesbenberatung Berlin)</p> <p><a href="http://www.lesbenberatung-berlin.de">www.lesbenberatung-berlin.de</a></p>	<p>This organization has professional psycho-social counselors that center on counseling lesbian and bisexual females, transgender people and all women in crisis situations, including their relatives, other professional institutions and journalists. Some areas for which this organization has provided psychological assistance are: talking and discrimination against lesbians and transgender people, coming-out and identity questions, addictions and more. Established in 1981, it is one of the oldest of its kind in Germany.</p>
<p><b>Lesbian and Gay Confederation Of a Different Kind in Potsdam</b> (LesbiSchwuler Landesverband AndersARTiG Potsdam)</p> <p><a href="http://www.andersartig.info">www.andersartig.info</a></p>	<p>The professional project, the Coordination Point for Lesbian and Gay Affairs in Brandenburg, seeks to combat discrimination and prejudices, specifically monitoring discrimination and running a hotline for (homosexual) hate crime victims.</p>

NGOs Working on Anti-racism Measures	
<p><b>Office for Culture in Saxony</b> (Kulturbüro Sachsen, KBS)</p> <p><a href="http://www.kulturbuero-sachsen.de">www.kulturbuero-sachsen.de</a></p>	<p>Since 2001, KBS runs four regional Mobile Counseling Teams (MBT) across Saxony. KBS advises and supports local NGOs, youth initiatives, church communities, networks, local governments and businesses in Saxony. The aim is to strengthen active democratic civil society and provide an alternative to everyday racism and established right-wing extremist structures. KBS also engages in international cooperation within the framework of <a href="http://www.UNITEDagainstracism.org">www.UNITEDagainstracism.org</a>, and it partakes in Czech-German co-operation in combating right-wing extremism.</p>
<p>Office Against Right-wing Extremism and Violence in Braunschweig (Arbeitsstelle Rechtsextremismus und Gewalt, ARuG)</p> <p><a href="http://www.arug.de">www.arug.de</a></p>	<p>In 1994 ARuG was founded as a project of the association Work and Life (Arbeit und Leben), as a reaction against growing right-wing tendencies and associated violence. Youths and young adults the association's main target group. Besides educational and violence prevention work, ARuG offers regional and general expertise on right-wing extremism, counseling for defectors from the right-wing extremist scene, and counseling for parents and relatives of right-wing extremists.</p>
<p><b>Amadeu Antonio Foundation in Berlin</b> (Amadeu-Antonio-Stiftung)</p> <p><a href="http://www.amadeu-antonio-stiftung.de">www.amadeu-antonio-stiftung.de</a></p>	<p>Since 1998, the Amadeu Antonio Foundation aims to support initiatives resisting extreme right-wing violence, racism and anti-Semitism. The foundation espouses the ideals of a democratic society and the protection of minority rights. The foundation supports local projects and initiatives by providing financial support, training and workshops to help these initiatives develop, mobilize and network.</p>
<p><b>Consultation Network in Bavaria/ Bavarian Youth Ring</b> (Beratungsnetzwerk Bayern/ Bayerischer Jugendingring)</p> <p><a href="http://www.bjr.de">www.bjr.de</a></p>	<p>The Bavarian Consultation Network against right-wing extremism is the local institution that implements the federal program Competent For Democracy. It is coordinated by the Bavarian Youth Ring, a corporation of public law. The consultation network comprises public authorities, local self-governance, expert and civil society institutions. A central coordination point is setting up and maintaining the network, coordinating action for concrete local issues of right-wing extremism such as mobile intervention teams, reporting and documenting right-wing violence, proliferation of good practice and PR work.</p>
<p><b>Lidice House in Bremen</b> (Lidice Haus Bremen)</p> <p><a href="http://www.lidicehaus.de">www.lidicehaus.de</a></p>	<p>The Lidice House was founded in 1987 and named after the Czech village Lidice, which was destroyed by SS and Wehrmacht in 1942. It engages in international youth exchanges, civic education, professional training, violence prevention, gender mainstreaming and social work. Actively involved in local action plans and consultation networks against right-wing extremism, it conducts counseling for relatives of members of the right-wing scene and does social work with right-wing oriented youths.</p>

Organizations of Immigrants	
<p><b>Refugee Council in Brandenburg</b> (Flüchtlingsrat Brandenburg)</p> <p><a href="http://www.fluechtlingsrat-brandenburg.de/">www.fluechtlingsrat-brandenburg.de/</a></p>	<p>The council is an independent association whose members include representatives of churches, welfare institutions, plenipotentiaries for foreigners, the Mobile Counseling Team, Opferperspektive and many other social and political associations and people. The network focuses on exchange and joint analysis of the situation of refugees to raise public awareness about grievances and put refugee issues on the agenda at public institutions. Member organizations also deal with concrete refugee issues and try to find practical solutions.</p>
<p><b>Polish Social Council in Berlin</b> (Polnischer Sozialrat Berlin)</p> <p><a href="http://www.polskarada.de">www.polskarada.de</a></p>	<p>Founded in 1982 as the umbrella organization for Polish associations in Berlin, the Polish Social Council offers social, legal and psychological counseling and advice for migrants, organizes German language classes and trainings for job applications. The association furthermore supports shelters for women from eastern Europe and is actively collaborating with other migrant organizations within Berlin.</p>
<p><b>Regional Confederation of German Sinti and Roma in Berlin and Brandenburg</b> (Landesverband Deutscher Sinti und Roma Berlin-Brandenburg)</p> <p><a href="http://www.sinti-roma-berlin.de/">www.sinti-roma-berlin.de/</a></p>	<p>The organization came out of the civil rights movement at the end of 1970s and was called Cinti Union Berlin until 1992. Its founder was Otto Rosenberg. The Confederation in Berlin and Brandenburg is one of the 13 member organizations that make up the Central Council of German Sinti and Roma (Zentralrat Deutscher Sinti und Roma), the office of which is located in Heidelberg. The association represents Sinti or Roma who have been settled in central Europe for more than 600 years. German Sinti have officially had equal legal status since the 19th century, but were victims of the National Socialists' racist extermination policies.</p>
Academic Institutions	
<p><b>Moses Mendelssohn Center for European-Jewish Studies (MMZ)</b>, University Potsdam</p> <p><a href="http://www.mmz-potsdam.de">www.mmz-potsdam.de</a></p>	<p>MMZ, established in 1992, is a scientific research institution pursuing interdisciplinary research, i.e. history, philosophy, literature, religion and the social sciences. MMZ's primary interest resides in the history, religion and culture of Jews and Judaism all over Europe. A special emphasis is put on the relational history of Jews to their non-Jewish surroundings. The center's research concentrates on the problems of social integration and acculturation of Jews (Haskala research) as well as on comparative socio-historical approaches (living conditions, geographic and social mobility), socio-cultural aspects and the history of ideas (literature, arts, religion, philosophy, music). MMZ has also sparked a new approach to regional and local history, especially in the context of the new federal states in eastern Germany.</p>
<p><b>proVal Hannover</b></p> <p><a href="http://www.proval-services.net">http://www.proval-services.net</a></p>	<p>proVal is a consulting company for organizational development with a specific focus on social science methods.</p>

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