

Hate, Hate Groups and Hate Crimes:
Fighting Xenophobia in the European Union

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Hate, Hate Groups, and Hate Crimes: Fighting Xenophobia in the European Union[^]

The problem of "hate related" activity, criminal and otherwise, is of great concern to the European Union (EU) and its member-states. In recent years, Europeans have seen a dramatic increase in the frequency of hate crimes across the EU, and a seemingly wider acceptance - or at least tolerance - of these groups and political parties that profess a hate agenda. In 1999, murder and attempted murder on racial, ethnic, religious or cultural groups were reported in the national mass media in Austria, France, Germany, Spain, Sweden and the United Kingdom. Additionally, there was an increase in the number of recorded racial crimes associated with neo-Nazi groups in Germany and Sweden (Annual Report, 1999: 3). The swift reaction of the European Union toward Austria following the formation of a coalition government with Jörg Haider's right-wing Freedom Party was a clear reaction to the rising concerns that exist over racism and xenophobia in the EU.

This paper investigates the rising occurrences, sources, and potential solutions to hate crimes and hate activities as they relate to the European Union. It begins with an examination of the problem, identifying the sources of hate crimes in the EU by focusing on variables such as ethnicity, religion, and race. Once the reader is familiar with the causes and motivations of hate, and the concomitant social aspects and stigmas that accompany hate, we move on to examine intergovernmental cooperation

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between EU institutions on the one-hand, and nation-state law enforcement agencies on the other. Here, case-studies from the United Kingdom and Germany are utilized to analyze "best practices" that have arisen from this member-state - EU interaction. This case-study portion is based largely upon interviews conducted in Europe during the summer of 2000. This paper concludes by suggesting a new - and potentially controversial - direction that the EU and its member-states might take in order to reduce the number of hate crimes that occur in the European Union.

I. Hate and its Motivations

To place things in their proper perspective, let us look at "hate" itself. I cannot hand you a kilo of it. I cannot paint it or smell it, but it resides within us all. We all know what it is, and in conversation, we know what is expected of us: to join in the mindset that to hate is wrong, not to be desired. Yet, what does one do when one does, in fact, hate? How can one express it? One may express other emotions, for the most part, but hate must be outwardly suppressed. Is it any wonder then, that resentment builds up within those who do hate and yet, in all other ways are law abiding?

The concept of "Hate, Hate Groups and Hate Crimes" is not uni-dimensional. As it relates to this research, it has been kept at paramount concern that economic, political and religious forces all use the word, conceptualizing as they do, differing in its interpretations of meaning along the way. What is "hate" to a religious fanatic, and how his targets are determined differs from a person who is a fanatic concerned about racial purity. Consequently, when a solution is sought, all these factors must be taken into account with the realization that, at best, there will have to be a compromise of positions for all the various factions to be satisfied. It is inconceivable to think any entity would be

fully satisfied with any projected plan of action. However, the research will provide a possible, viable answer.

Central to the problem within the European Union is the realization that many of the events and solutions attempted in the United States to address hate crimes will not help Europe. In the U.S., minorities complain of past events, and the dialogue between the races is largely driven by minority concerns. Civil rights spokespersons are usually minorities, and there are no majority figures to answer the complaints of minorities. As a result, minorities typically are in a position to control the dialogue – even to control the area of contention. The issue of race is uppermost.

In Europe, we find that hate crimes are most frequently carried out against particular races because of reasons that encompass points of culture, economics, and religion. Unlike in the United States, race is largely subordinated to these other concerns, but serves as an identifying characteristic of the pressing concerns that provoke persons to participate in hate crime. A recent Eurobarometer (Eurobarometer 53) study indicates that immigrants are largely perceived by EU citizens to be responsible for many of the social ills in the EU. For instance, among the 15 EU nations, 52% of the respondents fears a decline in educational standards if the percentage of children from minority groups in a school is too high. The same percentage across the EU15 supports the statement that people from minority groups abuse the social welfare system. Additionally, more than half of the respondents to Eurobarometer questions agree that the presence of people from minority groups increases unemployment in their country (51%) and that immigrants are more often involved in criminal activities than the average citizen (58%). Thus, on average in the

EU, concerns regarding unemployment, crime, insecurity, and a stressed educational system are all viewed - correctly or incorrectly - to be directly related to the presence of religious, cultural, ethnic and racial minorities within the nation-state's borders.

We argue throughout this paper that holding minorities responsible for negative developments within the "home country" can, in turn, cause particular minority groups to become targets of hate crimes. Although there is no direct evidence to support this claim, there is plenty of related evidence to suggest that negative perceptions toward immigrants can lead to discrimination against them (SORA, 2001: 37). In time, these perceptions often lead to hate crimes being committed against particular minority groups. Violence toward immigrants who were perceived by Skinhead groups to be causing unemployment in many East German länder grab headlines, but violence against other refugees and immigrants from African, Asian and Arabic countries is also common.

The actual number of hate crimes committed in the EU is not known due to under-reporting by victims and under-recording by law authorities. However, the European Union Monitoring Centre on Racism and Xenophobia (EUMC) concluded in their 1999 Annual Report "that there are ethnic, religious and cultural minorities, immigrants and refugees in all the Member States who are vulnerable to racist crimes and discrimination" (EUMC Media release 194-3-E-18/00). In Germany alone, the EUMC, along with the German government, recorded 10,037 criminal offenses with racist or xenophobic motives, with a total of 746 of these offenses considered acts of violence with racist or xenophobic motives. The same report notes that racist attacks against immigrants also increased from 1998 to 1999 in Spain, Italy, Greece, Denmark,

Ireland, Austria, Finland, Sweden, and the United Kingdom (Annual Report, 2000: 17-31). In none of the EU15 was it reported that the number of racist or xenophobic crimes declined in this same period.

The shocking numbers compiled on individual member-states by the EUMC is supported by other data compiled in two separate Eurobarometer surveys. Eurobarometer 47 (1997) found that nearly 80% of sampled EU citizens held the view that it is a good thing for any society to be made up of people from different races, religions and cultures. Nevertheless, it remains clear that racism continues to be a serious problem in the EU. For instance, when respondents were asked in a Eurobarometer (51) survey to place themselves on a scale of 1 to 10, ranging from 'not at all racist' to 'very racist', 9% classified themselves as 'very racist' (scores 7-10). A further 24% fell in the 'quite racist' category (scores 4-6). This frightening self-assessment is supported by people's attitudes towards foreigners or other minority groups. The same Eurobarometer survey found that 41% of the respondents are of the opinion that there are too many people from minority groups in terms of race, religion and culture living in their country. Thus, a "not-in-my-backyard" dichotomy seems to be established in the EU - with support for diversity on the one hand, and complaints of too many minority groups on the other.

Racism and xenophobia, then, are serious concerns for the EU. And, while 84% of persons surveyed in the EU15 agree that the EU should take a stronger role in the fight against racism, knowing exactly which course to take has been problematic for the EU. In matters of major concern to the European Union is the discovery of an effective, but not restrictive, way to combat the rising tide of racism. For the European Court of

Justice to rule for the suppression of political dissent engenders concerns with regard to those past political regimes, which started out with minor suppression and progressed to total political dissent restriction. Just as the free market of commerce can succeed because it is a free market, so the free market of ideas must also be allowed to succeed or fall on its own merits.

II. Intergovernmental Cooperation in the EU

The alarming rise of hate crimes directed toward immigrants, Jews, and other racial, ethnic and cultural groups in the EU in the past five years has been handled aggressively by the EU and its institutions. Through the creation of new institutions, legislation, and education and training, the EU has worked with member-states, public authorities and private bodies to take positive action to combat hate crimes and/or apply sanctions against perpetrators of racist acts. Most of these measures, taken by the EU itself or taken through coordinated action with other actors, have been based upon constitutional and legal protection. However, "good practice" measures must move beyond the legal and constitutional measures to incorporate education and awareness raising, information and communication campaigns, and the development of policy and practice throughout the EU.

In 1997, the European Council established the European Monitoring Centre on Racism and Xenophobia (EUMC) to "study the extent and development of the phenomena and manifestations of racism, Xenophobia and anti-Semitism" throughout the EU (Combating Racism, 2000: 1). Since its opening in Vienna in 2000, the EUMC has focused largely on the causes, consequences and effects of xenophobia on societies in the EU, and on examples of good practice in EU member-states. While

data collection and research into xenophobia and its causes serves a vital function, there is hope that the EUMC will eventually serve more than its current role as a broker of information.

Shortly after opening its doors in 2000, the EUMC commissioned a study on the legislative measures currently available in EU member-states to combat racism and xenophobia. The study found that some countries were endowed with extensive and comprehensive legal machinery to address hate crimes, while others treat the topic with "superficial" legislation. This conclusion prompted the EUMC to recommend the introduction of European-wide legislation designed to combat hate crimes. In addition, the EUMC suggested that minorities and other targets of hate crimes should be given greater access to the courts and that those found guilty of hate related activities be sentenced to longer terms of incarceration (Annual Report 1999: 2000, 52).

Many of the EUMC's recommendations were met by the ratification of the Treaty of Amsterdam, which went into effect on 1 May, 1999. Specifically, Article 13 of the Treaty of Amsterdam states that:

Without prejudice to the other provisions of this Treaty and within the limits of the Powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 13, thus provides a legal basis for combating racism and xenophobia at the European level while providing its member-states with a minimum framework for legislation and set guidelines to combat similar problems within their own borders.

Article 13 concerns both the citizens of the EU as well as those from non-EU member-states subjected to hate crimes and discrimination based on sex, racial and

ethnic origin, religion or belief, disability, age or sexual orientation. At the heart of Article 13 rests two Directives from the European Commission to the Council of Ministers. The first directive, titled the Race Directive, is based on the principle of equal treatment between people, irrespective of racial or ethnic origin and provides blanket coverage of persons in terms of access to employment opportunities, access to education, access to goods and services, and the like. The second directive, titled the Employment Directive, focuses more directly on equal treatment in employment and occupation. It should be noted that both directives require the respondent (the person suspected of discrimination) to prove that he or she has not breached the principle of equal treatment endorsed in the two directives.

Although legislation to combat racism and xenophobia forms the bedrock upon which policy and action can be developed, anti-hate legislation is supported by the EU through vast educational, training, informational and communication campaigns designed to raise the awareness of the public to issues surrounding racism and xenophobia. To raise awareness, the European Commission designated 1997 as the European Year Against Racism, and has encouraged quantitative studies by the EUMC to show the EU-wide problems with racism. Firm in the belief that people with more education display less negative attitudes towards minorities than those with less education (SORA, 2001: 19), the Commission has developed a number of educational programs to be utilized in the classroom to teach children to value diversity. Believing that racism is learned rather than instinctive, the goal of the Commission's activities has been to include anti-racist views into teaching curriculum and the general learning process.

In addition to education, the European Commission and the EUMC has increasingly targeted the media in the EU15, arguing that the role of the media in combating racism and xenophobia, whether through informational or educational campaigns, is crucial. Like most western media, the European media frequently rejects any code of practice governing their informative role. However, the media was receptive of a conference hosted by the EUMC in May 1999 entitled "Cultural Diversity Against Racism." At the conference, the EUMC put forward recommendations and suggestions to the media to report and represent ethnic minorities in their stories, encouraging the media to take an active role in combating racism. According to EUMC, the perceived need for the media to provide spectacular news should not cancel out the educational role that the media could play in fighting racism (Annual Report 1999, 2000: 73).

Another difficult task facing the EU in its fight against racism is the education of law enforcement officials. As noted earlier, evidence suggests that many hate crimes that are reported to law enforcement agencies go unreported, thus underestimating the true level of hate in Europe. More troubling, however, is that law enforcement agencies and their officers are frequently responsible for carrying out the hate crime itself. The EU feels that training programs for officers and public prosecutors will help curb hate-crimes carried out by law enforcement authorities and underreporting. In 1999 alone, police training programs were established in Austria, Belgium, Denmark, Luxembourg, Sweden and the United Kingdom. Project Athena, discussed in greater detail below, is one such program designed to teach racial tolerance to law enforcement officials.

Institutionally, the European Parliament and the Council of the EU have also taken steps to fight xenophobia and related hate crimes in the EU. For example, the European Parliament produced the report "Countering Racism and Xenophobia in the European Union", which looks at the implementation of the European Year Against Racism and past work of the European Commission and EU institutional activity on racism and xenophobia. The Council, under the direction of the Finnish presidency, produced its first Annual Report on Human Rights in October 1999, which included sections addressing the fight against racism and hate crimes and respect for minorities. Other reports focused on encouraging law enforcement agencies to work more closely with the EU when combating racism and xenophobia. With one such cooperation coming in the form of the Project Athena initiative developed by the Metropolitan Police (London)

Project Athena

The Racial and Violent Crime Task force was set up by the Metropolitan Police Service (MPS is often referred to as Scotland Yard) in London in August 1998 to deliver new ideas on how to police London's diverse communities. Codenamed Project Athena for the Greek goddess of wisdom and the city, Project Athena sees the diversity of London as a strength, and has used this diversity to change the way that London is policed.

At the center of Project Athena is teaching tolerance and cooperation to diverse ethnic groups as well as the constables who are on the frontline of the MPS's fight against hate crime. The MPS began by providing sensitivity training at every level of their organization, from recruits to chief police officers. This sensitivity training includes

video simulation, role-playing courses, and the input of people from diverse communities throughout London (Interview with MPS, July 18, 2000). The MPS places an emphasis on hiring new officers from the diverse groups in London, partnering non-minority officers with these new minority officers and rotating officers from different beats that include the diverse neighborhoods in the city. In the belief that the MPS was a microcosm of the City of London, the Athena Project has sought to change the prejudiced culture that it felt existed within the MPS (Interview).

The MPS uses a holistic crime strategy to combat hate crimes in London. For example, the MPS uses technologies to find patterns in hate mail and internet exchanges, and utilize DNA samples to track hate crime offenders. Like the EU, the MPS has utilized policy-making to create stiffer penalties for persons who are found guilty of hate crimes. For example, if the MPS can prove that a crime was motivated by prejudice, the Crime and Disorder Act adds two years to the prison sentence of anyone convicted of grievous bodily harm, actual bodily harm, common assault, fear or provocation of violence, intentional harassment or alarm or distress. The Crime and Disorder Act adds four years to racially or sexually motivated criminal damage, and creates fines and orders to restrict anti-social behavior in young children (Interview).

The MPS has also worked to get at the issue of underreporting resolved. Diversity training among the officers has increased the reporting of racist incidents, but there remains a mentality in the MPS that hate crime is like an iceberg - 90% of it goes unreported. Because the victim does not feel comfortable reporting the crime to a person who is not of their race or culture, the crime goes unreported, thus the perpetrator is empowered. By establishing a group of 44 non-police advisers

representing a vast array of minority groups in London, victims now have a third party to whom they can report hate crimes. Located in housing associations and churches, these advisers are typically high profile members of the minority community who, in turn, report the hate crime to the MPS and act as voices for their communities.

In addition to sensitivity training and the establishment of community policing and non-police advisers, the MPS has brought diverse groups together to discuss stereotypes and concerns that exist between diverse communities. In London, as is much of Europe, hate crimes are often directed against one minority group by another. By bringing groups together, the MPS has been able to reduce tensions between diverse ethnic groups, and thus reduce the occurrence of hate crimes in London. The issue of trust is paramount in these cross-communal discussions.

The initiatives put forward by the MPS and Project Athena have earned recognition from the EUMC as a best practice. Project Athena has focused on education in its efforts to reduce the occurrence of hate crimes in London's future, but the immediate results of the project has also been encouraging. From its initiation in August 1998 to December 1999, reporting of racist incidents was up 131 percent; intelligence reporting from community groups regarding potential hate group activity was up 577 percent; while the number of racially motivated crime cases that were closed went up 160 percent (Operation Athena, 2000: 3). Perhaps most importantly, the number of arrested for hate crime activities during this 17-month period increased 166 percent. Community policing while encouraging cross-community tolerance and cooperation has made the environment in London more hostile towards hate crime.

Germany and Youth Education

Perhaps no country in the EU is more sensitive to the occurrence of hate crimes than Germany. Given Germany's historical experiences under Nazi Germany in the 1930s and 40s, its large immigrant population, and problems of unification with the five formerly East German länder, Germany garners much attention whenever hate crimes are discussed in the EU. In 1999, Germany surpassed all other EU countries in the number of criminal offenses and violent acts classified as hate crimes (Annual Report Summary, 2000: 3). No other country devotes more resources to the recording of hate crimes, and no other country devotes more resources to these crimes.

Germany's most aggressive campaign to stop racism and xenophobia is aimed at educating young people to celebrate Germany's diversity. The Federal Government's "Child and Youth Plan" promotes diversity and intercultural education throughout the German educational system, but a number of programs have targeted popular culture in Germany, believed to be where much of the resentment toward minorities is cultivated. According to the EUMC, Germany has targeted popular culture through:

The "Coordination department of fan projects": there are projects aiming to counteract the occurrence of violence by young people in connection with football games; the "Centre of action, information and documentation against xenophobia" (IDA) of the youth federations and German youth initiatives offers federal youth work against racism and xenophobia; "Rock for the right": is a media educational service about development in the music scene. The Film project "CUTOVER" is a media educational project for Youth Clubs and schools. There also exists selected projects for cultural youth education like "Rap for courage", videos against prejudice and violence (e.g. "violence is speechless") (EUMC Annual Report, 1999: 75).

Another educational program emphasizing tolerance in Germany has been the work done with German and international youth groups. Activities carried out within these groups include supporting solidarity projects in integration work, the organization of travel to memorial sites and former concentration camps, and the publication of magazines that address diversity issues. Examples of these informational magazines include "Understanding Foreigners", and Understanding "Islam", "Buddhism", and Judaism" (Annual Report, 1999: 75). In addition to its own initiatives, the German government and its various länder have worked closely with NGOs such as the Anti-Defamation League and Amnesty International.

Is There a Solution to Hate in the European Union?

Throughout this paper we have seen some common themes occur. Hatred and xenophobia is frequently deeply rooted into the society in which hate crimes occur. Oftentimes in Europe, more than one group has an historical claim on property and/or political rights, and when these historical claims collide, hate crimes and other, perhaps more vicious, crimes against humanity occur. As evidenced by the reaction of Estonians toward ethnic Russians, or East Germans against Turkish immigrants, hatred and violence toward other groups is too frequently a natural phenomena in Europe.

The EU has approached the problems of hate crimes through aggressive educational campaigns, believing that hate is a learned. We agree with this argument, for if groups who have historically fought one another are expected now to get along, education will be a key to this process. We also agree that it is appropriate for the EU and its nation-states to have turned toward the media to encourage tolerance and to teach diversity. In the EU15, and in those countries that hope to join the EU, a free

and open media is vital to democracy, but is not without its obligations to society.

Finally, we agree that anti-hate legislation provides the foundation upon which policy and action can be developed. Thus far, the institutions of the EU have been hesitant to legislate in this area, but we are hopeful that Article 13 of the Treaty of Amsterdam will serve as the stimulus for Community-wide legislation in this area.

The European Union has aggressively fought racism and xenophobia through a combination of legislation, institutional frameworks and the mobilization of the broader public, but serious problems still exist. Member-state and EU tactics have increased the number of persons convicted of hate activity, but the troubling fact remains that the level of hate activity has continued to grow. The past has shown that ethnic minorities often serve as the scapegoat when the economy suffers, but the improving economic situation in many countries as the EU enters a period of financial and economic prosperity has not been enough to eradicate xenophobia. The problem, it would seem, is that, despite numerous examples of effective best practices in the member-states, there appears to be lacking a strong political will to give coherence to these efforts. This must remain one of the priority tasks of the institutions of the European Union.

Beyond the role of the EU, however, we argue - perhaps controversially - that hate itself can serve as a positive force in establishing a dialogue between groups who have historically exhibited abhorrence toward one another. Some of the hate in the EU may have a valid basis, born of frustration, lack of government action, as well as racist bigotry and religious fanaticism. In the Balkans, as well as in other regions of Europe, it is reasonable to assume that the attested to, and proven acts of atrocity on all sides, will be remembered and acted upon long into the future. In these societies, hatred is the

norm, thus steps must be taken to investigate those avenues that could ameliorate the problems to come, to build new bridges of understanding, encourage the injured populations towards non-violence and tolerance, for forgiveness does not appear to be a viable option. This whole problem must be looked square in its face, and that face cannot be covered in cosmetics in order to have its countenance more favorably viewed. The subject is ugly, the past hurt is ugly, and the present only gives us small respite to attempt to alter its complexion, if we are to arrive at an image that all are willing to accept.

Hate, therefore, must be acknowledged to avoid being driven underground. In the United States, dialogue between the races is difficult due to the pressure to be "politically correct". Minorities often feel that any acceptance of the position of the majority race will be counterproductive to their cause, while the majority cannot openly express their feelings on the issues without incurring the wrath of the minority and large segments of the majority population. As a result, we argue here that hate must not be driven underground, but must be allowed to surface, be expressed, and then dealt with in a constructive fashion.

Data released earlier this year suggests that Europeans are largely ambivalent toward the plight of minorities and migrants in the EU (EUMC Media release 194-3-E-05/01, 2001: 1). Thus, if the occurrence of hate related crimes are to be deterred, the victims and perpetrators of such crimes will need to find a common ground. This common ground, we conclude, can only be found through open and frank dialogue. Will the European Union make the same mistake as the United States, by fostering a persona of political correctness? Thus far, despite projects such as Project Athena and

vast educational campaigns, many parallels can be drawn between the US experience and EU happenings. The obvious outcome of the politically correct position is that it drives the hatred underground, allows it to ferment, gives it no acceptable manner of expression, and has, as its reward, hypocrisy.

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