



United States Mission to the OSCE

Statement on Enactment and Enforcement of Legislation to Combat Hate-Motivated Crimes

As delivered by Ambassador Larry Napper, Head of Delegation,
to the Human Dimension Implementation Meeting, Warsaw
October 12, 2004

Mr. Chairman:

As we consider how to best continue and intensify our joint efforts to combat anti-Semitism and other forms of xenophobia, racism and discrimination, the United States wishes to state in the strongest possible terms our support for the appointment by the Chairman-in-Office of a Special Representative for anti-Semitism. The United States also supports the appointment of a second Special Representative to coordinate efforts to combat racism, xenophobia and discrimination. These appointments should be made prior to the Sofia Ministerial.

In the United States, hate crimes primarily are not treated as a distinct category of crimes per se, but rather, are common crimes such as assaults on persons or destruction to property that have been motivated by the perpetrator's bias or prejudice. U.S. law reflects the fact that hate crimes occur because of who the victim is or who they are perceived to be. It also recognizes that, in addition to harming the victim, such crimes also send messages of animosity and threat to an entire community. This is the reason that the United States imposes a harsher penalty if victims have been targeted because they are believed to belong to a particular group than if they were simply victims of a random act of violence.

The United States Congress first passed a federal law 40 years ago that criminalized certain crimes against "any person because of his race, color, religion or national origin." In addition, 46 states and the District of Columbia have criminal laws that specifically prohibit hate crimes. According to the Federal Bureau of Investigation, specific crimes, such as murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, forcible and non-forcible sex offenses, intimidation, destruction, damage or vandalism of property, and other crimes involving injury to any person or damage to property can *be considered* hate crimes when the victim is intentionally selected because of the actual or perceived race, religion, or ethnicity of the victim. It is critical that law enforcement personnel at all levels vigorously prosecute these crimes, as inaction can send a message of indifference or even complicity to the victims and perpetrators and encourage copycat crimes.

The United States has been collecting information about hate crimes for almost 15 years. In 1990, Congress passed the federal Hate Crimes Statistics Act requiring the Attorney General to collect data each year about crimes that "manifest evidence of prejudice" motivated by a bias against "race, religion, sexual orientation, and/or ethnicity or national origin." As a result, collecting hate crimes data is now a permanent part of U.S. law enforcement.

Under the Hate Crimes Statistics Act, local police forward information about bias motivated offenses to the U.S. Department of Justice, in conjunction with data they already transmit on crimes. The Department of Justice has developed a simple standardized format to ensure

uniform documentation of hate crimes and has incorporated the requirement with other reporting duties to avoid overburdening local authorities. Two Department of Justice manuals on reporting, *The Hate Crime Data Collection Guidelines* and the *Training Guide for Hate Crime Data Collection* further explain the U.S. approach, and is also available on the Internet at www.fbi.gov, ensuring the widest public access and increasing government accountability for data collection. The result of these efforts produces a detailed nationwide study of statistics ready for analysis and scrutiny, rather than a mere snapshot of events. This information allows police and policymakers to respond wisely to a range of problems.

Some examples from the Department of Justice's most recent report demonstrate the utility of these efforts. The 2002 Hate Crimes Statistics Report received information from 12,073 law enforcement agencies, which reported a total of 7,462 hate crime incidents in 2002. Race accounted for 48.8% of all hate crime incidents in the United States; 19.1% of the crimes were motivated by religious bias. A review of the 4,393 offenses motivated by racial bias showed that 67.5% resulted from an anti-black bias, 20.2% resulted from an anti-white bias, and 6.1% resulted from bias against Asians or Pacific Islanders. Regarding religious bias crimes, 65.3% were directed against Jews, some 1,039 reported incidents that year. Anti-Islamic bias motivated the crimes against 10.5% of religious bias incidents, anti-Catholic bias contributed to 4.3%, anti-Protestant bias accounted for 3.5%, and anti-Atheism or anti-Agnosticism bias contributed to 0.2%. From this reporting, we can also determine that 26.2% of incidents with a religious bias occurred in residences or homes and 16.9% transpired at churches, synagogues or temples. As you can see, knowledge is a powerful tool, allowing policymakers to address problems with precision.

Vigorous investigations and prosecutions of hate crimes are critical. However, without accurate information, developing effective law enforcement measures is more difficult. For countries that do not have reporting systems in place, or whose systems are not comprehensive, ODIHR is available to provide technical assistance. Participating States have agreed to forward data on incidents of anti-Semitism and other hate crimes each year to ODIHR, so it is critical that governments move quickly to create reporting systems or address shortcomings in existing systems.