

Current migration situation in the EU: hate crime

November 2016

Asylum seekers and migrants face various forms of violence and harassment across the European Union (EU). As this month's report on the migration situation underscores, such acts are both perpetrated and condoned by state authorities, private individuals, as well as vigilante groups. They increasingly also target activists and politicians perceived as 'pro-refugee'. Meanwhile, a lack of relevant data is hampering efforts to develop effective measures to prevent these incidents. Outlining recent attacks in 14 EU Member States, this focus of the November report also examines the diverse factors that undermine the reporting of such incidents and highlights promising practices seeking to counter them.

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Thematic focus: hate crime

FRA data – as of November 2016 – indicate that violence, harassment, threats and xenophobic speech targeting asylum seekers and migrants remain pervasive and grave across the European Union (EU), whether committed by state authorities, private companies or individuals, or vigilante groups.

In October 2015, an Afghan asylum seeker was shot dead by Bulgarian police after crossing the Bulgarian-Turkish border. In September, police in Berlin, Germany killed an Iraqi refugee during an intervention, triggering a debate in the media on alternatives to police officers using firearms. In Fermo, Italy, a Nigerian asylum seeker – reacting to racist insults addressed to his wife – was

attacked and killed with an iron pole. In Eisenstadt, Austria, a person shot in the direction of asylum seekers three times with an alarm pistol, later claiming that he wanted to try out the alarm pistol.

Human rights activists and politicians perceived as ‘pro-refugee’ are also targeted and threatened. In September 2016, a man was injured and later died as a consequence of an attack by a member of the Finnish Resistance Movement, an extreme right organisation.¹

Xenophobic sentiments have been fuelled by the arrival of asylum seekers as well as by the terrorist attacks in Brussels, Paris and Copenhagen. Rhetoric by some political actors

MAIN FINDINGS

FRA data – as of November 2016 – indicate that violence, harassment, threats and xenophobic speech targeting asylum seekers and migrants remain pervasive and grave across the European Union (EU), whether committed by state authorities, private companies or individuals, or vigilante groups.

- Violent acts targeting asylum seekers, migrants and persons with ethnic minority backgrounds – including killings, threats and intimidation – are committed in a number of EU Member States.
- Evidence indicates that racist and xenophobic violence is committed by a variety of offenders, including people stemming from the general population and members of vigilante groups.
- Civil society in many Member States perceive state authorities’ responses to hate crime against asylum seekers and migrants as weak. In some cases, political actors welcomed the activities of vigilante groups.
- Most Member States do not collect or publish statistical data on incidents and hate crimes against asylum seekers and migrants.
- Where such data do exist – for example, collected by civil society – they indicate that such incidents are pervasive and grave.
- In addition to asylum seekers and migrants, other groups – including Muslims, especially women and persons with ethnic backgrounds – are specifically targeted, as are human rights advocates, ‘pro-refugee’ politicians and journalists reporting on the issue.
- A number of factors impede the reporting of hate crimes against asylum seekers and migrants to authorities or other organisations. Low reporting renders the issue invisible.
- There is evidence of growing hate speech targeting asylum seekers and migrants on the internet, with investigation remaining difficult.
- Victim support services tailored to the needs of asylum seekers and migrants are limited in the Member States. There is a perception among practitioners that asylum seekers and migrants have limited access to victim support services.

focuses on how religious and cultural differences between asylum seekers and migrants and the general population could negatively affect social cohesion.

- **Muslims in the European Union (EU) experience increased hostility, as they are often perceived as perpetrators or sympathisers of terrorist attacks, or for being part of a refugee movement seen as threatening safety and security.**

The right to life, the right to human dignity and the right to freedom of thought, conscience and religion are universal human rights enshrined in the European Convention on Human Rights (ECHR) and the EU Charter of Fundamental Rights. The principle of non-discrimination can be found in Article 21 of the Charter and Article 14 of the ECHR. The European Court of Human Rights has ruled in a number of cases² that countries must clearly note the motivation behind racist crimes or those committed because of a victim's religious belief. Overlooking the bias motivation behind a crime amounts to a violation of Article 14 of the ECHR.

Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia requires EU Member States to take measures to punish public incitement to violence or hatred directed against a person or persons belonging to a group defined by reference to race, colour, religion, descent or national or ethnic origin and the commission of such acts by public dissemination or distribution of tracts, pictures or other material. It requires national laws to treat racist motivation as an aggravating factor in already established offences.

The Victims' Rights Directive (2012/29/EU) provides the EU with a set of rules to protect victims of crime. Although applicable to all victims of crime, it recognises the particular vulnerability of victims of hate crime and their right to be protected according to their specific needs.

In June 2016, as part of the European Commission's efforts to ensure that national legislation on combating hate crime and hate speech is implemented on the ground, it transformed its Expert Group on the Framework

Decision on racism and xenophobia into a High Level Working Group on combating racism, xenophobia and other forms of intolerance.³ This working group serves as a platform for facilitating the exchange of best practices, developing guidance for Member States, and strengthening cooperation with relevant actors, including civil society. FRA supports the High Level Working Group by collaborating with Member States on developing methodologies to improve the recording of hate crime in its Subgroup on methodologies for recording and collecting data on hate crime.

Scarce recording of incidents targeting asylum seekers and migrants

International organisations, civil society and media provide anecdotal evidence of incidents targeting asylum seekers and migrants in the Member States, pointing to their pervasiveness and gravity.

- **Of the 14 EU Member States covered in this report, only Germany, Greece, Finland and the Netherlands monitor and collect data on incidents and hate crime targeting asylum seekers and their accommodation centres.**

Table 2 presents data collected by these four Member States.

In Greece, the Racist Violence Recording Network⁴ – developed by UNHCR and civil society organisations – documented 75 racist crimes against migrants or refugees in 2015. In a majority of these crimes, the victim suffered personal injuries. Severe attacks were also documented.

In the Netherlands, the 2015 National Police report notes 53 discrimination incidents against refugees; most incidents involved discriminatory remarks in relation to protests against planned new asylum seeker centres.⁵ In June 2016, 14 discrimination agencies identified in their registration systems eight discrimination complaints by refugees in 2015 and 12 between January and May 2016. These incidents were of a serious nature – for example, refugees were

harassed or threatened in their own neighbourhood. According to a National Police representative, in 2016 the police has registered a number of incidents in asylum seekers' centres involving LGBT asylum seekers being targeted by other asylum seekers.

Attacks of a violent nature against asylum accommodation and reception centres are reported from across the Member States. However, only Germany and Finland are recording these incidents and making the reports available to the public.

In Germany, the parliament publishes data on incidents targeting accommodation centres for

asylum seekers. These show a dramatic increase in such incidents: from 203 recorded in 2014; to 1,031 in 2015; and 735 so far in 2016, as Table 1 shows. The recording system for politically motivated crimes in Germany is divided into various broad categories, such as 'foreign/asylum'. The system also records four types of political motivations: right-wing, left-wing, foreign and others. In 2014, a new sub-category was added to the classification system: politically motivated criminality - "targeting asylum accommodations". This category includes incidents targeting accommodation facilities as well as the people who reside in them.

Table 1: Number of incidents 'targeting asylum accommodations' (cases with proven right-wing motivation or where right-wing motivation cannot be excluded) in Germany, 2014-2016

| | Violent incidents | Total number of incidents |
|----------------------------------|-------------------|---------------------------|
| 2014 | 29 | 199 |
| 2015 | 177 | 1031 |
| 2016 (up to 12 September) | 126 | 735 |

Source: [German Bundestag \(2016\)](#), *Federal government's response to a parliamentary minor interpellation, 23 September 2016*

In Finland, following an increase in arrivals of asylum seekers in early 2015, 47 attacks at reception centres were registered for 2015. The attacks against reception centres included arson and intended arson, and are considered new forms of racist hate crime in Finland. Such incidents seem to have decreased in 2016, although figures for the complete year are not yet available.⁶

- **Civil society organisations in Germany, Sweden and the Netherlands provide valuable documentation of attacks against asylum seekers and migrants and their accommodation.**

In Germany, according to the database created by the Amadeu Antonio Foundation and Pro Asyl, on average, refugee accommodation is affected by arson attacks every three days. The database is publicly accessible, and is based on media reports, police press releases, as well as reports from counselling centres for hate crime victims. According to this database, there were

230 attacks against asylum seekers in 2014. This was followed by a dramatic increase in 2015, with 1,266 incidents: 138 arson attacks, 189 violent attacks, and 939 "other attacks" against reception and accommodation centers; 278 refugees were injured. By 17 October 2016, 1,103 incidents - 117 arson attacks, 221 violent attacks, 765 "other attacks", and 352 injured refugees - were recorded.⁷

Furthermore, members of VBRG - the Federal Association of Counseling Services for Persons affected by right-wing, racist and antisemitic violence - reported that incidents against refugee children - for example, in or near their schools or accommodation - have increased significantly. Fewer than 10 incidents against children were identified in 2014; about 200 were registered in 2015; and 200 have already been identified in 2016.⁸ Due to an increase in children asking for support in the counselling centres, counselling has become more complex and challenging.⁹

Table 2: Number of incidents targeting asylum seekers, migrants and asylum accommodations in 14 EU Member States, September 2015–October 2016

| | Data recorded | Total number of incidents | |
|----|--|---------------------------|-------|
| | | 2015 | 2016 |
| AT | n.a. | n.a. | n.a. |
| BG | n.a. | n.a. | n.a. |
| DE | Incidents targeting asylum accommodations | 1,031 | 735** |
| DK | n.a. | n.a. | n.a. |
| EL | Racist crimes committed against migrants or refugees | 75 | n.a. |
| ES | n.a. | n.a. | n.a. |
| FI | Attacks at reception centres | 47 | n.a. |
| FR | n.a. | n.a. | n.a. |
| HU | n.a. | n.a. | n.a. |
| IT | n.a. | n.a. | n.a. |
| NL | Discrimination incidents labelled 'refugee' | 53 | n.a. |
| NL | Discrimination complaints by refugees | 8 | 12* |
| PL | n.a. | n.a. | n.a. |
| SE | n.a. | n.a. | n.a. |
| SK | n.a. | n.a. | n.a. |

Notes: n.a. = not available

* January 2016 – May 2016

** January 2016 – 12 September 2016

Source: Table compiled by the EU Agency for Fundamental Rights based on data from [German Bundestag \(2016\)](#) (Germany); Racist Violence Recording Network (Greece); Ministry of Interior (Finland); Bon, S. van & Mink, I. (2016), [Discriminatiecijfers in 2015: Een rapport over registraties van discriminatie-incidenten door de politie, en meldingen bij antidiscriminatievoorzieningen en andere organisaties in Nederland](#), Rotterdam, Art.1 (The Netherlands).

Some cases involved perpetrators who are children – for instance, refugee children attacking other refugee children with knives.¹⁰ In Bulgaria, the State Agency for Refugees provides transportation to asylum-seeking children who attend school in Sofia to facilitate school attendance and help prevent incidents against the children.

According to Expo, a foundation, in autumn of 2015, Sweden faced the most intense wave of attacks against asylum seekers' accommodation ever experienced. Between January and November 2015, 50 suspected attacks against asylum seekers' accommodation and/or planned accommodation centres were reported to the police.¹¹ During the last 14 days of October, there were 14 attacks – including a thrown hand grenade, arson, vandalism, and threats directed at persons in the centres. According to Expo, the arson attacks on different asylum accommodation centres were coordinated through extreme-right Facebook groups. Similarly, coordinated attacks on migrants by a group of rockers, hooligans and club-doormen in Cologne, Germany on 10 January 2016 were arranged in a non-public Facebook group. At least seven persons were attacked, with at least two seriously injured and requiring hospital treatment.¹²

The media and civil society in other Member States also cite examples of incidents involving attacks or threats against asylum centres and protests against new centres that became violent – for example, in the Netherlands¹³ and in France, where the dismantling of the Calais camp led to the relocation of asylum seekers and migrants across France, prompting many violent acts against shelters that were due to open. This included shots fired at planned shelters in several French cities.¹⁴

In Bulgaria¹⁵ and in Italy, demonstrations in the proximity of reception centres for asylum seekers were organised, sometimes by persons associated with extreme-right ideology. In Italy, these demonstrations entailed street barricades, arson of the planned reception centres, campaigns to influence municipal authorities' political decisions, and violent and racist language on social media and during demonstrations.¹⁶

As concluded in FRA's June monthly report on the migration situation, which focused on gender-based violence,¹⁷ there is increasing evidence that gender-based violence is a major issue for migrant women and girls.

➤ **Reports from Member States also suggest that women who are visibly Muslim are especially targeted – both for being women and for being Muslim.**

Attacks against Muslim women are reported in Austria,¹⁸ Germany, Finland,¹⁹ the Netherlands and Slovakia;²⁰ in the case of Slovakia, a Somali Muslim woman was attacked six times during one year.²¹ The Dutch national reporting point 'Report Islamophobia' received 158 complaints in 2015; 90 % of victims were women, most of whom wore headscarves.²² According to the French Collective against Islamophobia, in France, 74 % of the 905 Islamophobic acts in 2015 targeted women. Compared with 2014, this is an increase of 19 %, including a 140 % increase in acts involving the degradation and profanation of religious places.²³

Politicians and other actors perceived as 'pro-refugee' also found themselves on the receiving end of verbal racist abuse, including death threats. German authorities and counselling centres report increased numbers of right-wing attacks on politicians, journalists and volunteers or welfare organisations supporting asylum seekers and refugees/migrants. In a few cases, authorities resigned from their positions due to the overwhelmingly hostile attitudes of inhabitants, arson attacks and further right-wing or racist attacks in their municipality.²⁴ Since January 2016, the Criminal Intelligence Agency in Germany records these incidents in a special subcategory within the category "politically motivated crimes".²⁵ Similarly, in Greece, activists, volunteers at entry points and human rights defenders are targeted.²⁶ This is also the case in Finland, where hate speech is directed at persons working with asylum seekers, reporters and authorities.²⁷ In Bulgaria, a leading human rights defender, the Chair of the Bulgarian Helsinki Committee and FRA Management Board member, is attacked.

Incitement to hatred

Article 1 (1) of the Framework Decision on Racism and Xenophobia penalises intentional public incitement to racist violence or hatred.

- **Political rhetoric on asylum seekers and migrants in many Member States made reference to their presumed Muslim religion and the alleged risk this poses to Europe's values and traditions.**

In Slovakia, for example, a dramatic rise in anti-Muslim and anti-immigrant rhetoric by some political leaders and parties in 2015 and 2016 was reported by NGOs to the ICCPR Committee in September 2016.²⁸ In May 2016, the Slovak Prime Minister stated that "Islam has no place in Slovakia".²⁹ Notably, Muslims in Slovakia constitute about 0.09 % of the population,³⁰ and, in October 2016, only four persons applied for asylum, including two from the Ukraine.

According to a civil society organisation, in France such rhetoric³¹ has increased since the government announced that migrants from Calais would be relocated to different cities across France following the dismantling of the Calais camp in October.³²

- **There are also reports of widespread hate speech against asylum seekers and migrants online – for example, in Spain and Italy. However, as noted by relevant stakeholders, it is nearly impossible to quantify such incidents and extremely difficult for the police and judicial authorities to investigate and prosecute responsible subjects.**

To combat hate speech online more effectively, the EU High Level Group on Combating Racism, Xenophobia and Other Forms of Intolerance and Facebook, Microsoft, Twitter and YouTube signed a code of conduct on illegal online hate speech in May 2016.³³

The Dutch Reporting Point for Discrimination on the Internet (MiND) registered 120 complaints of online hate speech in the category 'ethnic origin/other' between September 2015 and December 2015, with an estimated 95 % of these complaints concerning asylum seekers, refugees and migrants. Since 2016, MiND

registers complaints of online hate speech against refugees separately; by 26 October, it registered 58. Examples include refugees being called 'rats', 'scum' or 'rapists' or appeals to take action against asylum centres. MiND estimates that at least one in three complaints is also of anti-Muslim nature. Hate speech reports temporarily increase when there are developments related to migration or security.³⁴

The Dutch Complaints Bureau for Discrimination on the Internet, another reporting point, received 80 reports of online hate speech against asylum seekers, migrants and refugees between September 2015 and 1 November 2016.³⁵

Question of perpetrators

According to the German Amadeu Antonio Foundation, the difference between extreme-right wing perpetrators and perpetrators not affiliated with extreme-right ideology is not always clear. According to the foundation, perpetrators tend to be motivated more by racism than by extreme right-wing attitudes, with more victims identifying perpetrators as of the middle class, not necessarily being members of extreme-right wing associations. Germans with ethnic minority or immigrant backgrounds also report everyday life experiences of racist harassment. Still, some crimes involve extreme right-wing structures, and the danger of emerging right-wing terroristic structures is growing.³⁶ For example, members of the "Group Freital" stand accused of being a right-wing terrorist association that attempted murder and carried out attacks on refugee accommodations with bombs and explosives.³⁷

Newly established vigilante groups emerged in Member States – for example, National Radical Camp in Poland and Soldiers of Odin in Sweden, both describing themselves as organisations promoting public security by patrolling the streets. Soldiers of Odin has strong links to right-wing extremism and neo-Nazism. Its internal documents identify asylum seekers and refugees as groups to fight against, as well as targeting Islam in general.³⁸

In Hungary, civil society organisations report that local vigilante groups participated in pushback

incidents against asylum seekers along the Serbian-Hungarian border during the summer of 2016. NGOs registered multiple cases of violence in which asylum seekers and refugees who tried to enter Hungary – including children and women – were beaten, threatened and exposed to humiliating practices by these paramilitary groups before being pushed back to Serbia.³⁹

In Bulgaria, vigilante groups have for several years been patrolling areas with large migrant populations and refugee camps. The media recently reported on several vigilante groups detaining and abusing asylum seekers and migrants close to the Bulgarian-Turkish border. These include Vasil Levski ('Bulgarian Military Union'), a union of former police and military force trainees; and Shipka ('Bulgarian National Movement'), a paramilitary organisation of volunteers.⁴⁰ According to the media, about 800 people participate in these organisations.⁴¹ There are also indications that these vigilante squads have attracted international support – for example, from the German organisation Pegida⁴² or the organisation Britain First.⁴³

In Austria, a 'volunteer' was reported to the public prosecution for patrolling neighbourhoods with high shares of migrants or around refugee accommodation facilities. The person was reported for unlawful impersonation of an officer; the public prosecution has not yet issued a decision.⁴⁴

In Denmark, about 100 so-called "asylum sprays" were handed out by the Danish Party, with the purpose of "protecting Danish women against violent/sexual assaults by primarily male asylum seekers". A complaint was filed against the Danish Party with the police,⁴⁵ and the Danish Police publically advised against using the spray.⁴⁶

With data on hate crime against asylum seekers and migrants scarce, including on perpetrators, FRA's first survey on discrimination against immigrants and minorities (EU-MIDIS I), while published in 2009, remains the most comprehensive source of comparative data on the issue. The survey found that respondents perceived between 1 % and 13 % of perpetrators of crimes to be members of right-

wing/racist gangs; between 12 % and 33 % as someone from the same ethnic group; between 12 % and 32 % as someone from another ethnic group; and between 32 % and 71 % as someone from the majority population.⁴⁷

EU-MIDIS II: documenting discrimination and victimisation

In 2015, FRA launched the second wave of [the European Union Minorities and Discrimination Survey](#) (EU-MIDIS II). EU-MIDIS II covers all 28 EU Member States and aims to achieve a total sample size of 25,200 randomly selected respondents from different ethnic minority or immigrant backgrounds across the EU. It addresses experiences of discrimination, criminal victimisation, and rights awareness. The survey's results will provide evidence to guide policymakers in developing more targeted legal and policy responses to racism and hate crime, and can support civil society organisations' advocacy work. The first EU-MIDIS II results are expected in the second half of 2016; further outcomes, as well as data visualisation on the FRA webpage, will follow in 2017.

- **Available evidence indicates that racist and xenophobic violence involves a variety of offenders, including people stemming from the general population and those with minority ethnic or religious backgrounds.**

This complex reality needs to be taken into account by actors devising strategies or measures to counter racism and xenophobia.

In Sweden, for example, the Swedish National Council for Crime Prevention states that hate crimes against Muslim women are prevalent. Women are harassed for wearing a headscarf, as well as for not wearing one. Both are considered hate crime, the first as Islamophobic and the other as anti-religious hate crime. Anti-religious hate crime includes crimes committed because someone is considered insufficiently religious⁴⁸ and can be perpetrated within a community.

Factors behind low reporting

- **Most hate crime against minorities is not reported anywhere, as various research – including FRA’s – has repeatedly highlighted. Low reporting renders the issue invisible.**

Aside from the general underreporting of hate crimes, the vulnerable situation of asylum seekers and migrants must be highlighted. Civil society organisations have identified several factors that may undermine asylum seekers’ and migrants’ willingness to report. These include:

- A lack of information and understanding of what hate crime is and how to report it.
- A lack of knowledge about means of protection against hate crime, including legislation, criminal proceedings and the potentially positive effects of reporting incidents to counselling centres or the police.
- General suspicion and distrust of the police, including due to previous, negative experiences with official authorities, and the police in particular.
- Fear of arrest, deportation and negative effects on their asylum applications.
- Language barriers when reporting crime.
- A lack of alternative ways to report the incidents, including anonymously.
- Feelings of shame, guilt and not wanting to be stigmatised as victims.
- A belief that a criminal complaint will not bring anything positive and may lead to further victimisation, threats and abuse.
- A belief that nothing would or could be done about the matter.
- Fear of retaliation by the perpetrator against themselves, their family, friends and their community – especially if the perpetrator lives in the immediate neighbourhood or is a member of a hate group or even a public authority representative.

- Fear of not being believed.
- Fear of being discriminated against or stigmatised in criminal proceedings, resulting in further victimisation.
- A sense of resignation about attacks – they become habitual.
- Fear of revealing their religious, ethnic or political identity to public authorities where there is a hostile climate towards their community.
- The general societal climate – for example, after witnessing xenophobic remarks by politicians and in the media.

Exploring barriers to reporting of hate crime

FRA’s 2016 report on [*Ensuring justice for hate crime victims: professional perspectives*](#) further explored the factors that often make victims reluctant to report such crime. The report covers professionals’ views on the complexities that victims face in reporting, and the organisational and procedural factors that impede victims’ access to justice and the proper recording of hate crime.

- **The reports from Member States indicate that there are large gaps in data collection on attacks against asylum seekers and migrants in the Member States.**

To effectively prevent and respond to violence and attacks against asylum seekers and migrants, relevant stakeholders need robust data on these incidents to allow them to more efficiently target their interventions. A lack of such data hampers a better understanding of the situation within the Member States and meaningful comparisons between them. It also increases the relevance of, and need for, surveys on experiences of hate crime among asylum seekers and migrants, such as that conducted by FRA. Reaching persons in irregular situations – such as asylum seekers, migrants and refugees – is complex and challenging. For example, as pointed out by the Swedish Crime Victim

Compensation and Support Authority, the surveys generally do not include persons without Swedish personal identification numbers – such as asylum seekers, undocumented persons and EU citizens staying in Sweden for less than 12 months.

Promising practice

Empowering asylum seekers to report hate crime

An informative brochure on hate crimes in 11 languages was released in October 2016 by the Finnish League for Human Rights, RIKU Victim Support Finland and the Ministry of the Interior. The brochure aims to encourage hate crime victims or witnesses to report the offences to the police. It is disseminated online and through victim support service points, as well as by police. Police units also visit reception centres to build trust with asylum seekers and to inform them on their rights, the relevant law, and legal processes.

Source: Finnish League for Human Rights, [‘Was it a hate crime?’](#)

Accessing victim support services

Article 7 of the Victims’ Rights Directive states that EU Member States shall ensure that “victims who do not understand or speak the language of the criminal proceedings concerned are provided, upon request, with interpretation in accordance with their role in the relevant criminal justice system in criminal proceedings, free of charge”. According to Article 22 of the directive, particular attention must be paid to victims who have “suffered a crime committed with a bias or discriminatory motive.”

- **Among the Member States, victim support services tailored to the needs of asylum seekers and migrants are quite rare. The interviewed practitioners highlighted that access to services is hampered by several factors – for example, language barriers or a lack of awareness of the services among the personnel with whom**

asylum seekers and migrants come into contact.

In Slovakia, for example, available victim support targets victims of domestic violence and victims of human trafficking. In Spain, victims of racial or ethnic discrimination can report to the Victims of Racial or Ethnic Discrimination Support Service, a free, state-financed service, or to the Information and Complaints Office, the legal aid office of the NGO SOS Racismo.

Highlighting promising victim support services

FRA’s publication on [Victims of crime in the EU: the extent and nature of support for victims](#) provides concrete examples of different practices in the area of victim support that can serve as a source of inspiration for Member States implementing the Victims’ Rights Directive.

There are no specific support services for refugees and migrants or for victims of hate crime in Bulgaria. Still, free legal aid under the Legal Aid Act is specifically aimed at persons seeking international protection, foreigners in immigration detention facilities, and victims of sexual and hate-motivated violence.⁴⁹ However, as pointed out by a victim support NGO, due to the lack of reported cases of hate crime against migrants and asylum seekers, there is no evidence of how victims benefit from the available support in practice.⁵⁰

In Austria, victim support services are available; however, as highlighted by the Antidiscrimination Office Styria, the accessibility of the services for refugee and migrant victims depends on the accommodation providers’ awareness of the services. The Antidiscrimination Office Styria estimates that about half of all refugee accommodation providers know of victim support services.

Finland participates in the project *Good Practice Plus*, which is developing an EU model of good practice to tackle racial and religious hate crime and hate speech and to promote effective

recording systems on hate crime. In Finland, it is coordinated by the Ministry of the Interior. In cooperation with RIKU Victim Support Finland, the Helsinki police department and Red Cross Finland, a course was organised in 2016, during which participants from different immigrant organisations and associations were informed about the rights of crime victims, the work of the police, available victim support services, and about facilitating access to justice for refugee/migrant victims of hate crime by bringing information into migrant communities and by creating communication channels between victims, authorities and supporting actors.⁵¹

In Hungary, the Cordelia Foundation assists torture survivors and severely traumatised asylum seekers in the open refugee camps and the closed detention centres. The foundation occasionally treats patients who were subject to brutality at the hands of the authorities or local vigilante groups.⁵² The Hungarian Helsinki Committee offers free legal counselling to asylum seekers. In practice, however, asylum seekers mostly complain about pushback incidents that occur while they are on the Serbian side of the border, and do not want to initiate official procedures against the mostly unknown perpetrators once they are admitted into the transit zones.⁵³ In Denmark, the NGO Refugees Welcome specifically provides free legal counselling and assistance to asylum seekers.⁵⁴

In Sweden, free support services for crime victims and witnesses are available, offering support and information in a variety of languages. However, according to the Victim Compensation and Support Authority, it is not known to what extent asylum seekers and migrants use these services.

Promising practice

Facilitating access to justice for asylum seekers and refugees

In the Netherlands, according to the Central Office for asylum seekers (COA), asylum seekers and refugees rarely turn to the antidiscrimination agencies that provide support to victims, due to lack of information and language barriers. COA

informs asylum seekers about existing legal protections upon their arrival at an accommodation, and its staff is trained to recognise indications of abuse and on further relevant procedures. In some asylum seekers' centres, community police officers and local government officials have organised events to inform asylum seekers of their rights and encourage them to report incidents.

Sources: COA (2016), '[Discriminatie en omgangsvormen](#)', 25 January 2016; and telephone interview with a National Police representative, held on 2 November 2016

In almost all federal states in Germany, victims or witnesses of right-wing or racist violence can find at least one counselling service, most of them run by non-profit associations. The Federal Office for Justice already established the possibility for victims of extremist crimes to apply for some compensation in 2001,⁵⁵ including without a lawsuit. The interviewed civil society organisations reported that the resources for specialised counselling centres are not sufficient given the increase in cases. Some counselling services have had to reject new support requests.⁵⁶

Responses by the authorities

- **Civil society organisations in many Member States have been critical of the (lack of) responses to hate crime against asylum seekers and migrants by state authorities. In some cases, political actors even welcomed the activities of vigilante groups.**

For example, in Hungary, according to UNHCR and civil society organisations, the authorities deny that their staff commit aggressive acts against asylum seekers or migrants, even though the number of violent pushback incidents reported to the authorities by NGOs is growing, allegedly committed by police officers, soldiers and local vigilante groups.

The Bulgarian authorities' public response to vigilante groups who detain migrants suggests that they view these rather positively; the Prime

Minister even expressed his gratitude, stating that any help to the authorities is welcome.⁵⁷ This statement was strongly criticised by human rights NGOs, and the Bulgarian Helsinki Committee filed a complaint with the Prosecutor General, claiming that it constituted incitement to discrimination and ethnic violence.⁵⁸ The Prime Minister then stated that his words were misinterpreted, and that unlawful or inhumane acts will not be tolerated and will be prosecuted.⁵⁹ The Prosecutor General, the Minister of the Interior and the Director of the Directorate General Border Police also made public statements that such detentions were illegal and that persons behind them would be prosecuted.⁶⁰

In Poland, the Governor of Lodz stated that he was pleased with vigilante patrols, as patrols are a sign that young people take responsibility for their society.⁶¹ In March 2016, NGOs appealed to the Prime Minister to publicly condemn acts of hatred and violence against asylum seekers and to take action to stop a wave of violence and hatred against others.⁶²

In Finland, comments and a press release on vigilante groups by the national police in January 2016 were criticised for sending an ambiguous message on street patrolling by a vigilante organisation.⁶³ The Minister of the Interior later emphasised that such patrols do not improve security and should be left to the authorities.⁶⁴

Preventing and responding to incidents

Reports from Member States provide examples of responses to incidents, including enhancing security for reception centres, informing people on reporting options, providing instructions to and training the police, and trust-building activities.

In response to attacks against reception centres in Germany, most federal states deploy security companies and more police forces in and around refugee accommodation. Furthermore, multilingual posters aim to inform and to encourage refugees to contact the police in case of an emergency.⁶⁵ Additionally, some federal states have

implemented guidelines and complaint management concepts for refugee accommodation combined with staff training to encourage refugees to report problems or uncomfortable situations in a timely manner.⁶⁶

In Bulgaria, the State Agency for Refugees reportedly reinforces its personnel presence in reception and registration centres when vigilante groups are expected to appear or rally. These persons advise asylum seekers and migrants not to leave the centres during the expected rallies.⁶⁷

In Finland, a December 2015 letter from the National Police Board reminded police units to address all incidents, including those possibly motivated by a bias motive, and to duly register any information and evidence regarding these in criminal investigations.⁶⁸ New in-service training on hate crime for police officers has been developed and is organised by the Police University College of Finland. In September 2016, the National Police Board appointed a working group to prepare an action plan on effective prevention of hate speech, and the government agreed to allocate additional resources to preventing and investigating hate speech online.⁶⁹ Meanwhile, the Ministry of Education and Culture in May 2016 adopted an Action Plan to prevent hate speech and racism and to foster social inclusion.⁷⁰

In Greece, refugees and migrants who may be victims of hate crimes are excluded from the return procedure and may be granted humanitarian visas. Possible victims of hate crimes are also exempted from paying a deposit when they sue the perpetrators.⁷¹

In Denmark, representatives of the Danish police, the Danish Immigration Service and the municipality hold information meetings facilitated by the Danish Red Cross for citizens in cities where asylum centres are planned to be opened or are already in place. According to the Danish Red Cross, these meetings help reduce fears and build cohesion.

The Finnish Ministry of Justice is coordinating a two-year project entitled TRUST – Good Relations in Finland. The project promotes non-discrimination of asylum seekers; in its pilot phase, seven reception centres are involved. It

aims to develop integration measures for asylum seekers and beneficiaries of international protection, and to strengthen good relations within reception centers and within the local community.⁷²

In Germany, the federal programme “Living democracy!” promotes activities to prevent extremism and strengthen democracy and human rights. It is based on a joint action of federal and state institutions, local authorities and civil society,⁷³ and includes organisation of the No Hate Speech Campaign of the Council of Europe in Germany.

The Slovak governmental Committee for the prevention and elimination of racism, xenophobia, antisemitism and other forms of intolerance (VRAX) has established, as a reaction to increasing hate speech on the internet, a Working group that will deal with online hate crime and hate speech. Members of the group include representatives of public authorities, non-governmental organisations, as well as IT company representatives and an external IT expert.⁷⁴ In Poland, the campaign [HateStop](#) provides information on how to report and prevent hate crime. People are encouraged to submit instances of hate speech to a public section of the campaign’s website.

Promising practice

Using facts to dismantle fears and counter negative stereotypes

In Spain, the communication strategy [Stop Rumors](#) aims to foster active citizenship by providing factual information related to migration, and to challenge rumors, myths and negative stereotypes about asylum seekers and migrants through its ‘Anti-Rumor Agents’. The Anti-Rumors Agency was created in collaboration with other organisations, entities and individuals (professionals, citizens, journalists, etc.) to challenge rumors, each within their own environment.

Assisting Member States in combating hate crime

In December 2013, the Council of the EU called on FRA “to work together with Member States to facilitate exchange of good practices and assist the Member States at their request in their effort to develop effective methods to encourage reporting and ensure proper recording of hate crimes”.⁷⁵ In response, all 28 EU Member States, the European Commission, the Office for Democratic Institutions and Human Rights (ODIHR), the European Commission against Racism and Intolerance (ECRI) and FRA set up a working party on combating hate crime in the EU, with a two-year mandate.

The working party’s efforts culminated in an online [Compendium of practices for combating hate crime](#). The compendium contains measures from throughout the EU and is aimed at policymakers and law enforcement officers, who are encouraged to review and adapt practices from other countries to their own national context. It is a living document that will be added to continuously.

As of September 2016, FRA coordinates a dedicated sub-group of experts and professionals on assisting Member States in developing a common methodology for data collection and recording of hate crime within the European Union High Level Group on racism, xenophobia and other forms of intolerance.

For more information on FRA’s work on hate crime, see <http://fra.europa.eu/en/theme/hate-crime>

COC Netherlands, a civil society organisation, in the course of a few weeks identified 14 incidents in which LGBT asylum seekers were threatened, bullied and verbally abused by other asylum seekers in asylum seekers’ centres. COC asked the State Secretary to facilitate separate locations for LGBT asylum seekers.⁷⁶ The motion to offer protective measures to LGBT and Christian asylum seekers whose safety cannot be guaranteed in an asylum seekers’ centre, including the possibility of housing them in a separate location, was adopted in parliament in February 2016.⁷⁷ In March 2016, the State

Secretary highlighted that additional measures were being taken on behalf of the safety of asylum seekers in vulnerable situations, but that separate asylum seekers' locations would not be realised, as the government considers separate locations stigmatising.⁷⁸ Simultaneously, the Minister of Education, Culture and Science announced that the Central Agency for the Reception of Asylum Seekers (COA) will inform asylum seekers in centres about the rights of LGBT persons and women in the Netherlands.⁷⁹

Attacks and violence against asylum seekers and migrants in the EU are fostered by a societal climate in which intolerant views are more openly and violently expressed. Political actors share responsibility for the development of such a climate, as fears relating to the arrival of migrants are enhanced. Against this background, Member States lack comprehensive data to support efforts to prevent racist incidents, to respond to them effectively and lastingly, and to improve access to justice for asylum seekers and migrants who become hate crime victims.

Promising practice

Enhancing the protection of refugees in vulnerable situations

The Swedish Migration Agency has opened 'special security accommodations' for "asylum seekers with special social needs" in three major cities: Gothenburg, Stockholm and Malmö. According to the agency, persons belonging to ethnic minorities, persons who have been subjected to torture, and LGBT persons with a special need for networks and social contexts, are eligible for this accommodation.

Source: Sweden, Swedish Migration Agency (2016), [The Swedish Migration Agency opens security accommodations](#) (Unofficial translation), Press release, 28 October 2016

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Further information:

As of November 2016, the EU Agency for Fundamental Rights changes the format and Member State coverage of its regular overviews of migration-related fundamental rights concerns. Its monthly reports now cover up to 14 EU Member States and are shorter, including main findings for the Member States covered together with a thematic focus section. Specific findings for the Member States will include references to these for a better understanding of the challenges which affect several EU Member States or the EU as a whole.

For the highlights of the *Monthly data collection on the migration situation in the EU* in November 2016, see: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/november-2016>

For all previous monthly and weekly reports in 2015 and 2016, see: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>

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