

European Roma Rights Centre



RACIALLY MOTIVATED CRIMES

Court rules on hate attacks

What is a racially motivated hate crime?

A racially motivated hate crime refers to an attack on an individual or his or her property in which the victim is intentionally selected because of his or her ethnicity or his or her belonging to a vulnerable group.

Šečić v. Croatia

On 31 May 2007, the European Court of Human Rights, the European judicial body governing the European Convention on Human Rights, held the government of Croatia accountable for a failure to properly investigate a violent attack on Mr Šečić, a Croatian national of Romani ethnicity. On 29 April 1999, Mr Šečić was attacked by individuals known to belong to a skinhead group.

The Court considered the attack a hate motivated crime and criticised the official investigation by the Croatian authorities of the attack on Mr Šečić.

In its judgment, the Court condemned racist crimes and emphasised the positive duty of states to investigate and prosecute racially-motivated crimes. The Court ruled that States have an obligation to prosecute hate crimes perpetrated by public officials as well as private individuals. The Court also ruled that the failure of governments to properly investigate a racially motivated crime can amount to discrimination and should be condemned.

This case opens the way to challenges about the effective implementation of domestic legislation combating racially motivated violence.

Why is it important to report a hate crime?

- Hate crimes can have devastating physical and psychological effects on individual victims of such attacks.
- The perpetrators of these attacks intentionally harm or threaten individuals on the sole basis of their ethnicity or membership in vulnerable groups.
- The impact of hate crimes is far-reaching. Hate crimes have a broader impact on society and on communities vulnerable to this type of attack.
- States have an obligation to properly investigate and prosecute hate crimes perpetrated by private individuals as well as public officials.

Victims and witnesses of racially motivated attacks should report the incident to the appropriate law enforcement agency and seek help from local human rights activists or community organisations.



KNOW YOUR RIGHTS

In *Šečić*, the European Court of Human Rights ruled that states have a positive duty to properly prosecute hate crimes perpetrated by private individuals as well as public officials and can be held accountable for failing to do so. The failure of governmental authorities to investigate a racially motivated crime can amount to discrimination and has been condemned by the Court.

What can victims of hate crimes do?

➤ Report the incident to the police

Hate crimes victims who come forward to seek assistance and decide to report the incident to the authorities should be advised to report why they believe the incident was motivated by hate crime. For example, they should report racial slurs or discriminatory language used by the attackers.

➤ Seek medical assistance

Hate crime victims who come forward to seek assistance should be advised to keep track of their medical records and/or of the medical certificates received from a doctor or a psychologist following their attack.

What else can victims do?

➤ If victims are afraid to report the incident to local police, encourage them to find a

community organisation or a local organisation involved in anti-racism advocacy to report the attack and seek support and assistance.

➤ If victims choose not to report the incident, encourage them to seek support from their family, friends or community.

The **European Roma Rights Centre** is an international public interest law organization engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma.

The ERRC does not directly represent Romani victims of abuse or discrimination in local courts.

However, if you wish to report an attack or if you have further inquiries, **you may contact one of the following sources of help:**

RUSSIA

Local contact address:

St-Peterburg, 7th Krasnoarmeyskaya str., 25/14
off 410-413

Phone: +7 (812) 565 9050

Mobile: +7 921 966 2982 (Marina Nosova)

Mobile: +7 921 759 3951 (Marina Aretyeva)

For further information, please contact:

Natasha Kravchuk, ERRC Staff Attorney
E-mail: natasha.kravchuk@errc.org

Regular mail:

European Roma Rights Centre
H-1386 Budapest 62
PO Box 906/93
Hungary

Your financial contribution will enable the ERRC to continue its vital role in ending the racist abuse of Roma in Europe. Donations can be made via bank transfer to:

**European Roma Rights Centre
Budapest Bank Rt.
1054 Budapest
Báthory utca 1
Hungary**

**USD Bank Account Number:
99P00402686**

(USD IBAN: HU21-10103173-40268600-00000998)

**EUR Bank Account Number:
30P00-402686**

(EUR IBAN: HU54-10103173-40268600-00000307)

SWIFT (BIC) code: BUDAHUHB

The ERRC may also receive donations via PayPal on its website.