

Quaker Council for European Affairs

Statement to the OSCE ODIHR Human Dimension Implementation Meeting (HDIM) working session on tolerance and non-discrimination, Monday 26 September 2016.

The Religious Society of Friends (Quakers) believe in the intrinsic equality of all people, and are therefore concerned about all forms of hate crime. Whilst there is very little reliable data on hate crime in Europe, we know that the vast majority is never reported to the police, criminal justice agencies, or other public services. We encourage OSCE participating states in their efforts to improve the recording of hate crime, including through third party reporting. We are disappointed that only one-quarter of OSCE participating states provide the ODIHR with the hate crime data that it requests, and call on all states to do so.

An impediment to the reporting of hate crime is the trust of minority communities in police services. One contributing factor is the failure of police services in Europe to adequately represent the diversity of the people they serve amongst their staff. This is especially true in many of our largest cities, including Berlin, London and Paris.

Police recruitment campaigns should reach out to under-represented parts of the community, but this alone is often insufficient to overcome entrenched mistrust. 'Positive discrimination' or quotas have been used with success as part of peacebuilding efforts in Northern Ireland and FYRO Macedonia. This contravenes employment law in many OSCE jurisdictions, but points to what can be achieved with more creative thinking. For example, recruitment processes could be easily adjusted to value applicants who are able to speak minority languages (such as Polish-speaking applicants in the UK context).

As was recognised by participants at HDIM 2016, victims of hate crime are less likely to be satisfied with their experience of the criminal justice system, and are more likely to be repeat victims. We encourage OSCE participating states to consider alternative forms of justice that better address the harm caused to the victim(s), involve the community and also more directly address the offender(s)'s motivation.

The European Network Against Racism, in its 2014 shadow report, 'Racist crime in Europe' called for research to be commissioned on the use of Restorative Justice in hate crime. Restorative Justice processes give victims a more active role than in traditional judicial approaches. Offenders are encouraged, and are more likely to take responsibility for their actions, sometimes repairing damage they have caused. Restorative Justice will not be appropriate in all cases, but at present it is almost completely unavailable for hate crime victims in Europe. A summary of relevant academic research can be found in Mark Walters, 'Hate Crime and Restorative Justice', Oxford University Press, 2014.

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