



ORDO IURIS

INSTYTUT NA RZECZ KULTURY PRAWNEJ

Human Dimension Implementation Meeting 2017 – ODIHR – Warsaw 2017

„Combating hate crime: towards comprehensive and effective model of prevention and counteraction”

Ordo Iuris RECOMMENDATIONS for 2017 HDIM Consolidated Summary

- Legal regulations on hate crime must be constructed symmetrically and include the protection of members of all social groups, in order not to overlook unlawful acts directed against the representatives of the majority of the population;
- Hate crime regulations should be framed and enforced in a holistic manner to avoid fragmentary application only to a certain groups, which may lead to increased tension and prejudice between social groups as well as constitute an unacceptable violation of the principle of impartiality of public authorities;
- Criminal regulations prohibiting hate speech and hate crime can become instrumental tools of political and ideological action if they are unnecessarily broadly and unclearly defined. Therefore, legal provisions criminalizing hate-motivated conduct should include only protection based on objective characteristics, in particular race, nationality, ethnicity and religion. The excessive expansion of this catalog could lead to legal uncertainty and disproportionate restrictions on freedom of expression;
- It should be noted that the Council Framework Decision [2008/913/JHA](#) of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law requires criminalization of condoning and denying communist crimes against religion in EU member states. This obligation is neglected in a number of countries;
- Criminal law should regulate social phenomena as a last resort because of its repressive character, in accordance with the *ultima ratio* principle.