

**OSCE 2015 Human Dimension Implementation Meeting**  
**Working Session 12: Combating hate crimes and ensuring effective protection against discrimination**  
**Tuesday 29 September 2015**

Statement delivered by  
ARTICLE 19: Global Campaign for Free Expression  
[www.article19.org](http://www.article19.org)

Good morning,

The ability to freely express yourself, and who you are – whether that is in terms of your race, religion, sex, gender, sexual orientation or otherwise – without fear of retribution in the form of verbal abuse, physical violence or even judicial persecution, is key to achieving the inherent dignity and equality of every individual, understood as the foundational axiom of international human rights.

Across the OSCE region, States are failing to create conditions to uphold the principle, affirmed in the 1990 Copenhagen Document, that *“all persons are equal before the law and are entitled without any discrimination to the equal protection of the law”*. Discrimination, hate speech and hate motivated crimes persist across the region; and in some States are growing ever more prevalent. In some cases, such discrimination is either directly propagated by the State, or indirectly fostered through regressive legislation that engenders a hostile environment towards certain minority groups.

States must initiate clear measures and steps to ensure that discrimination on any grounds is made unacceptable in our societies. However, policies and laws need to respond to a double challenge: guaranteeing freedom of expression on the one hand while also finding ways to promote tolerance, including by combating incitement to discrimination, hostility or violence. ARTICLE 19 strongly believes that there is no contradiction in this, and that freedom of expression, combined with strong anti-discrimination laws, education and training policies, is the best way to challenge intolerance.

ARTICLE 19 is particularly concerned by the growth in hate crime targeting LGBTI people in the OSCE region. While we have witnessed some positive developments in the legal and political environment to combat verbal and physical violence motivated by sexual orientation and gender identity in Europe, LGBTI people are increasingly under attack in some OSCE countries.

Legislation restricting the freedom of expression of LGBTI people – such as bans on so-called “homosexual” or “non-traditional relationships” propaganda not only undermines the basic tenant that everyone is born free and equal, but also can be seen to breed intolerance, be utilised to justify discrimination and embolden those perpetrating hate crimes to believe that they can do so with impunity. We call on the OSCE to strongly push back against the potential adoption of any such regressive legislation, most immediately in Kyrgyzstan, and call for its repeal in countries where it already exists, including Russia and Lithuania.

In terms of tackling hate speech and hate crimes, ARTICLE 19 believes that all domestic prohibitions of incitement should include sexual orientation and gender identity as protected characteristics. However, such prohibitions should conform to international standards on limiting the right to freedom of expression and information. Prohibitions that unnecessarily censor contentious viewpoints are often counter-productive to the aim of promoting equality for LGBTI people and fail to address the underlying social roots of the kind of prejudice that homophobia and transphobia are symptomatic of. In most instances equality is better promoted through positive measures to increase understanding and tolerance rather than through censorship of views perceived as injurious to LGBTI people or any other community.

Therefore to combat hate crimes and ensure effective protection against discrimination requires much more than just the creation and implementation of international standards and domestic legislation in member states. Tackling the roots of hate – in all its forms – is key in confronting this issue and the OSCE would be well placed to promote a comprehensive institutional framework to effectively confront discrimination, hate crime and other forms of intolerance. This should go beyond focusing on specific manifestations of hatred or addressing discrimination against selected minorities. Instead it should take positive approaches promoting dialogue, pluralism and diversity within our societies to address the common roots of these problems, combat discrimination on any and all grounds, and embrace all vulnerable groups.

Thank you.