



## EUROPEAN UNION

# OSCE Human Dimension Implementation Meeting Warsaw, 21 September – 2 October 2015

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## EU Statement – Working Session 12

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Mr/Madam Chairperson,

I have the honour to take the floor on behalf of the European Union and to report on the latest developments in combating hate crimes with the objective of ensuring effective protection against all forms of discrimination and to present the European Union's recommendations towards achieving this objective.

The European Union recommends that participating States of the OSCE to:

- Increase efforts to strengthen the implementation of the OSCE Ministerial Council's Decision No. 9/2009 on Combating Hate Crimes.
- Boost the OSCE wide fight against hate speech, while fully respecting freedom of expression, including by using all opportunities offered to publicly condemn and speak out against hate crimes, regardless of pretext.
- Continue cooperating actively with the Office for Democratic Institutions and Human Rights (ODIHR) and to fully support its activities in preventing hate crimes.
- Submit available and relevant data to ODIHR for its annual report on hate crimes in the OSCE region.

Mr/Madam Chairperson,

These recommendations are a reflection of the high value that the European Union attaches to the work carried out by the Office for Democratic Institutions and Human Rights in preventing hate crime across the OSCE region.



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The values on which the European Union is founded include respect for human dignity, equality and respect for human rights, including the rights of persons belong to minorities.

Moreover, strong Union legislation exists in the field of racism and xenophobia: the Council Framework Decision of 2008 (2008/913/JHA) on combating certain forms and expressions of racism and xenophobia by means of criminal law; the Anti-discrimination directives of 2000 (2000/78/CE and 2000/43/CE); the “Audiovisual Media Services Directive” which prohibits content inciting to hate on grounds of race, sex, religion or nationality in all audio-visual media services (2010/13/EU); and the so-called “Victims’ directive” of 2012 (2012/29/UE) which establishes minimum standards on the rights, support and protection of crimes’ victims. Discrimination on the basis of sexual orientation and disability is also prohibited, including through the EU Charter of Fundamental Rights.

Nevertheless, the EU and its Member States have recognized the urgency to raise awareness about the need to fight hate crime also by expanding the scope of their official data collection in order to make such a crime more visible in the EU and to increase efforts to hold perpetrators accountable.

Consequently, the Justice and Home Affairs Council of December 2013 agreed on Council Conclusions on combating hate crime in the European Union (Brussels, 5 and 6 December 2013). In particular, the Council of the European Union invited Member States to:

- ensure that Framework Decision 2008/913/JHA of November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law has been fully transposed into national legislation and implemented in practice;



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- consider the experience of other Member States in extending within their criminal legislation, the scope of punishable hate crime offences and the inclusion of other bias motives behind these offences;
- ensure prompt and effective investigation and prosecution of hate crimes;
- collect and publish comprehensive and comparable data on hate crimes;
- ensure that victims of hate crime are assisted, supported and protected, taking into account the Victims' Directive to be implemented by 16 November 2015.

As a result of these conclusions, the EU Fundamental Rights Agency established a "Working Party on Improving Reporting and Recording of Hate Crime in the EU". The Working Party brings together Member States, the European Commission, the Council of Europe's Commission against Racism and Intolerance and the ODIHR.

At an ensuing seminar entitled "Combating Hate Crime in the EU", held in Thessaloniki in April 2014 during the Greek EU Presidency, three areas in which EU-wide cooperation could best help to combat hate crime were discussed: 1) encouraging victims to report and improving recording of hate crimes; 2) enhancing multi-agency partnerships; 3) training for law enforcement and criminal justice staff.

The inaugural meeting of the Working Party, which took place on 4 November 2014 in Rome, during the Italian Presidency, led to the identification of a number of gaps in current actions and strategies to combat hate crime at national levels. It is expected that the Working Party's activities will contribute to bridging those gaps.



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Lastly, the Working Party met again in Riga on 30 -31 of March 2015, during the Latvian EU Presidency, to reflect on progress made and to continue work on specific thematic areas.

It is against this background, and in accordance with the Universal Declaration of Human Rights, the Helsinki Final Act, and CSCE and OSCE human dimension commitments, that we present our recommendations and invite all participating states to actively promote tolerance and inclusiveness as core values of OSCE.

Thank you for your attention

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA\*, MONTENEGRO\*, and ALBANIA\*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA country NORWAY, member of the European Economic Area, as well as UKRAINE, the REPUBLIC OF MOLDOVA, GEORGIA, and SAN MARINO align themselves with this statement.

\* The Former Yugoslav Republic of Macedonia, Montenegro, and Albania continue to be part of the Stabilisation and Association Process.