



SOVA Center for Information and Analysis

Phone/Fax: +7 (495) 517-9230

E-mail: mail@sova-center.ru

News and publications: <http://sova-center.ru>

**Address and recommendations at the working session 13
“Combating hate crimes
and ensuring effective protection against discrimination”**

Ms. moderator, distinguished members of the conference!

I would like to draw your attention to some of the recommendations contained in the Declaration adopted in December 2014 in Basel by the NGOs coalition - the Civic Solidarity Platform.

Personal Representatives of the Chairmanship on tolerance and non-discrimination should increase transparency of their work. Their visits to specific countries need wider coverage, as well as their reports to be wider published. It would be also useful for them to take more active participation in the events organized by non-governmental organizations.

We ask the OSCE/ODIHR together with the Venice Commission to evaluate the legislations of the OSCE member states for the discriminatory provisions against certain groups, and to develop recommendations on the results of such evaluation. It's more work to be done, but it would be very useful.

The Sova center also draws your attention to the fact that the legislation aimed at counteraction against various manifestations of racism and discrimination, including hate crimes, is not always systematic enough. In some countries there is no comprehensive anti-discrimination legislation. Or on the contrary, some of them try to link these issues with completely different ones, as it is done in the Russian anti-extremist legislation. Such attempts may become unsuccessful, counterproductive and even harmful to respect for fundamental human rights. We urge the OSCE member states to listen to the recommendations of the OSCE, Venice Commission, UN Treaty bodies and other authoritative international organizations on these issues.

The Civic Solidarity Platform suggests that the OSCE/ODIHR should organize expert consultations on the issue of hate speech in the context of elections. You might think about using the existing tools such as the elections monitoring missions of the ODIHR and the Council of Experts on legal regulation of activities of political parties.

One of the key problems of prevention of hate crimes is the counteraction against incitement to hatred. Of course, there cannot be a common approach for the OSCE countries. But it seems that some general guidelines are still possible to be formulated and we ask the Representative on Freedom of the Media for this. I believe that the Rabat Plan of Action, developed through a series of seminars organized by the UN, could serve as a good foundation.

It is significant to note that manifestations of intolerance pose a potentially greater danger if they are committed by the authorities or Media perceived as official. Such manifestations are inevitably multiplied in crisis situations, including the crisis between countries. But the mission of the OSCE member states is to seek to prevent them or, at least, not to let such officials get away with that. If not, there should be a disciplinary sanction.

Our recommendations:

For the OSCE – from Basel Declaration of the Civic Solidarity Platform:

1. Personal Representatives of the Chairman-in-Office on Tolerance and Non-Discrimination should increase the visibility of their work and enhance their cooperation with civil society (including seeking increased media coverage of their country visits, wider dissemination of their reports and more active participation in international and national events on topics relevant to their mandates, including those organized by NGOs).
2. ODIHR, together with the Venice Commission, should examine the legislation of participating States for discriminatory provisions targeting religious and ethnic minorities, Roma and Sinti, migrants, LGBT, and other groups, and issue recommendations upon results of this examination; participating States should request such examinations and follow their recommendations.
3. ODIHR should organize expert consultations on ways to address violations of fundamental rights, including incitement to hatred, in the context of elections in participating States, by using, inter alia, existing tools such as ODIHR election observation missions and the Panel of experts on political party regulation.
4. The Representative on Freedom of the Media should develop and promote guidelines for participating States on combating hate speech in the media and the Internet as well as by public officials and politicians, while also upholding freedom of expression.

For the OSCE Participating States

1. To give an evaluation to the national laws on incitement to hatred and their implementation, with reference to the Rabat Action Plan
2. There is a need to adopt and develop comprehensive anti-discrimination legislation or a series of individual acts containing effective rules and procedures of proving discrimination
3. Public officials should have no right to express publicly their intolerance or even disrespect to any minorities. Civil service legislation should include effective sanctions against such actions. These penalties also need be made public.