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### **Address and recommendations at the working session 7 “Tolerance and non-discrimination I”**

Thank you Madam moderator; dear participants of the conference!

The growth of radical manifestations of ethnic and religious xenophobia in many countries calls for us to take more active measures in response.

With respect to hate crimes, the recommendations have long been known, though not all states follow them.

It is more difficult to work out an effective policy relating to incitement to hatred and the activities of the respective groups. We should recognize that the legislation and political approaches in this area were formed mainly at a time when the primary sources of intolerant ideas were the books or speeches of party leaders, on television and the radio. Today, the sources of dangerous ideas are strongly decentralized, propagandists are acting more on horizontal networks, for example the Internet. Meanwhile, the number of actors has grown exponentially as the primary sources of radical ideas have shifted from newspapers and the radio to social media.

In this new scenario, the old legal mechanisms of counteracting incitement either do not work, or generate an excessive number of criminal cases, or both. For example, in my country, in Russia, we see that while the policy of suppressing racist groups has been successful, and the number of hate crimes has declined year after year, the same cannot be said of counteraction against any other form of intolerance.

The state relies, first and foremost, on criminal repression. As a result, in the year 2016 the number of people convicted by criminal courts for various kinds of public statements – mostly racist or jihadist – exceeded 600, not counting more than 3,000 administrative cases. These numbers continue to grow. Such huge figures arise further as a result of the fact that courts ignore the actual danger posed by such statements, strictly focusing instead on content. We even don't talk here about those who were convicted without real guilt.

We believe that the time has come at the OSCE level to generalize the experience of criminal law enforcement in countering the incitement of hatred in those OSCE countries where such enforcement exists; that is, in almost all of the OSCE countries. Doing so will make it possible to identify successful and unsuccessful practices, and to prepare practical, applicable recommendations.

We should agree with those experts who assert that in this new situation, where hatred is spread through horizontal network structures, the primary means of counteracting dangerous propaganda can only be a well-organized public polemic. There is positive experience in this area, and it must be supported.

## **Our recommendations:**

### **For the OSCE**

1. Compile and distribute experience gained from comprehensive efforts against groups that practice racist violence, including specific criminal investigations, detection and destruction of the groups' infrastructure, isolation of their funding sources, identifying organizers and coordinators of violent actions, etc. Hold an international expert workshop on this topic, if needed.
2. Organize a series of seminars for law enforcement officials from different countries, presenting a summary of successful practices for collecting information and recording hate crimes statistic
3. Conduct a comparative analysis of a wider range of national laws in the area of combating intolerance, as they pertain to incitement to hatred, discrimination, or activity of relevant groups, based on the existing experience of comparative analysis of the Participating States' hate crimes legislation.
4. Supplement the comparative analysis of legislation with an additional comparative analysis of law enforcement in OSCE countries, primarily focusing on combating hate crimes and incitement of hatred.

### **For the OSCE Participating States**

1. Change the hate crime reporting system so that suspected hate motive could be recorded at any stage, including the earliest one. Specialized police units are more effective in investigating hate crimes, but regular police should conduct such investigations as well.
2. Publish hate crime statistics, highlighting the different types, regions, and number of victims. Official statistics should be based both on court decisions (for both proven and unproven cases), and on the number of opened criminal cases.
3. More actively use the information collected by non-governmental organizations that perform systematic monitoring of racist groups, and consult NGOs on law enforcement issues. Despite methodological, and even political, differences, such cooperation can be very productive.
4. Take statements from victims of suspected hate crimes also at mediation with such NGOs and specialized public authorities, dealing with discrimination problems.
5. Adjust the legislative framework covering hate crimes and related activities, including public incitement, organizing, financing, etc. Legislation should focus law enforcement efforts, first and foremost, on prosecuting the most dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities.
6. To give an evaluation to the national laws on incitement to hatred and their implementation, with reference to the Rabat Action Plan, adopted by UN Human Rights Council in 2013.
7. 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
8. 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.