



United States Mission to the OSCE

Session 4: The role of legislation, law enforcement, data collection, and civil society in combating and preventing intolerance and discrimination, including hate crimes

As prepared for delivery by Kareem Shora
to the OSCE High-Level Conference on Tolerance and Non-Discrimination
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Mr. Moderator,

The United States has consistently utilized the tools of legislation, law enforcement, and data collection, in addition to working with civil society to address nonviolent and violent forms of discrimination.

Recent efforts include the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act and Lilly Ledbetter Fair Pay Act signed into law by President Obama. The first strengthens and expands existing hate crimes laws which cover race and religion to include crimes motivated by sexual orientation and disability. It also provides funding to assist state and local agencies in investigating and prosecuting hate crimes. The second law enhances protections against sex and other forms of discrimination in employment by extending the statute of limitations in the 1964 Civil Rights Act.

Through the work of the Department of Justice's Civil Rights Division and the DHS Office for Civil Rights and Civil Liberties, the United States is increasing our prosecutions of hate crimes, investigating racially discriminatory policing, implementing a national community engagement plan to address grievances and protect civil rights.

We have also continued efforts to protect the religious freedom of all Americans. Some examples include protecting the right of Muslim women and others wearing religious head coverings to access courthouses in the State of Georgia, defending the right of Jewish families to display religious symbols outside their homes, and obtaining long prison sentences for two men who defaced and burned a Tennessee mosque.

We continue to combat unlawful employment discrimination, including towards migrants and the disabled, protecting voting rights, in particular of individuals belonging to racial and language minorities, and responding to discriminatory practices in monetary lending and housing that contributed to the economic crisis and left African-Americans and Latinos especially vulnerable to losing their homes.

The collection of data to assess and develop targeted responses to levels of discrimination in our society has been essential to our efforts to address these issues, and we regret that some OSCE participating States have claimed that privacy protections prevent them from

collecting information that might be critical for documenting and combating discriminatory practices.

Civil society has been another integral component to these efforts, with activities ranging from providing draft language for these laws to monitoring and reporting on incidents of discrimination.

Despite these and many other efforts, we are still grappling with prejudice and unlawful discrimination in our country. The U.S. Department of Justice's most recent hate crimes report found that although the overall number of hate crimes has dropped in the United States, hate crimes related to sexual orientation and those targeting Latinos and persons perceived to be immigrants have increased.

Ongoing efforts to develop a comprehensive immigration policy in our country includes recommendations from former OSCE Parliamentarian, now Secretary of Labor Hilda Solis that, first, take into account high and low skilled migrants, refugees and asylum seekers; second, develop real partnerships between countries of origin, transit and destination; third, explore linkages between migration and development, including remittances; and fourth, work to prevent racially discriminatory policing or racial profiling at country border entry areas by formulating and implementing training programs for law enforcement, immigration and border officials, prosecutors and service providers; and fifth, create a national dialogue on migration that does not criminalize or demonize migrants.

We look forward to working with other OSCE participating States in this approach.

Unfortunately, we are not alone in the need to address this problem. Data collected by both governments and non-governmental monitors throughout the OSCE region have recorded increases in violent hate crimes in more than ten OSCE participating States, with Roma, Muslims, persons of African and Asian origins, and migrants often the targets. Middle East tensions such as the recent flotilla incident have also exacerbated manifestations of anti-Semitism.

With increasing reports of hate crimes and other forms of intolerance in OSCE participating States, we must all commit to doing more. We urge OSCE participating States to implement Decision No 9/09 on Combating Hate Crimes adopted in December at the Athens Ministerial. In particular, States must honor commitments to collect hate crime data, report that data to ODIHR, and adopt and implement hate crimes legislation.

The non-governmental organization Human Rights First reports that only 14 of 56 participating States collect meaningful hate crimes data, making it likely that the extent of the problem is underestimated. In the European Union, this lack of data prompted the first EU-wide survey of ethnic minorities' and migrants' experiences of discrimination and racism, including by law enforcement. The EU Fundamental Rights Agency 2009 "EU-MIDIS: European Union Minorities and Discrimination Survey," found that twenty percent of Roma and Africans reported having been assaulted or threatened because of their race over the past year, including in countries where hate crimes data was missing. However, in many instances, victims did not know how or where to report the crimes.

We commend and support the continuation of research from the perspective of vulnerable groups as a useful tool to complement the collection of hate crimes data. Additionally

participating States should encourage victims and witnesses to report such incidents, especially in cases where there has been tension between police and victim communities, such as racially discriminatory policing or racial profiling. Reports and recommendations by non-government groups such as Human Rights First and the Anti-Defamation League on hate crimes and the Open Society Initiative on policing in the OSCE region are also extremely helpful to these and other efforts to combat hate crimes and discrimination.

In light of heightened levels of hate crimes and other forms of discrimination towards visible minorities, and the United Nations designation of 2011 as the International Year for People of African Descent, we would welcome a Supplementary Human Dimension Meeting in 2011 on racial and ethnic discrimination, in addition to an increased focus by the ODIHR Tolerance and Non-discrimination Unit on this topic.

We also call on participating States to utilize the specialized work of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Tolerance and non-Discrimination Unit for capacity building and training for civil society and law enforcement, in addition to using the “Hate Crime Laws: A Practical Guide” to assist in the development and implementation of legislation.

Lastly, we believe it is important to commemorate the tenth anniversary of the adoption of the European Union’s Racial Equality Directive (Council Directive 2000/43/EC) and note additional anti-discrimination and equality provisions under the EU Charter of Fundamental Rights following the adoption of the Lisbon Treaty, as laws such as these have served as the foundation for efforts to combat unlawful discrimination and foster equality in the United States.

Thank you.