



United States Mission to the OSCE

OSCE Human Dimension Implementation Meeting

Working Session 17: (specifically selected topic): Combating racism, xenophobia, intolerance, and discrimination

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Warsaw, September 20, 2018

The United States is committed to combatting racism, xenophobia, intolerance, and discrimination at home and abroad. These are challenges that every State faces and that we must work on together to overcome.

As part of that effort, my government remains committed to implementing obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and we encourage other states to do so as well. We believe the CERD provides comprehensive protections and constitutes the primary international framework to address all forms of racial discrimination, including discrimination on the basis of national origin.

The United States remains concerned about speech that advocates national, racial, or religious hatred, particularly when it constitutes incitement to violence, discrimination, or hostility. From our own experience and history, the United States remains convinced that the best antidote to offensive speech is not bans and punishments but a combination of three key elements: the protection of freedom of expression, both on- and off-line, and the vigorous exercise of this freedom to counter hate-speech; robust legal protections against discrimination and hate crimes; and proactive government outreach to racial and religious communities.

According to ODIHR's Annual Hate Crimes statistics, reports of bigotry and violence are increasing throughout the OSCE region, and racist and xenophobic crimes are at a record high. In its most recent survey on minority populations, the European Union Agency for Fundamental Rights found that in Europe persons of African descent – an estimated 15-20 million people – experience some of the highest rates of violence and discrimination, with close to 25% of those surveyed reporting incidents.

We commend the European Parliament for partnering with civil society and other European Union institutions to hold last May the first-ever People of African Descent Week, in part, to address these problems. We also applaud follow-on initiatives: this week in Warsaw, ODIHR held a civil society training for people of African descent. The Annual Forum of the EU Agency for Fundamental Rights features a session on African descendants, and we look forward in November to its forthcoming report on the issue.

Effective law enforcement is key to ensuring justice for bias-based crimes across the OSCE region. In addition to having the capacity to address crime, law enforcement must have trusting relationships with impacted communities that allow crimes to be reported, investigated, and successfully prosecuted. Weakened relations between law enforcement and the communities impacted by hate crimes impede such efforts. Police misconduct, including race-based and other xenophobic bias, undermines trust.

As U.S. Attorney General Jeff Sessions has said, “Those who enforce our laws must also abide by them—and this Department of Justice will hold accountable anyone who violates the civil rights of our fellow Americans.” Our Justice Department has worked over the past year with attorneys, law enforcement, and communities across the country to pursue more than ten cases involving questions of excessive use of force and other abuses by law enforcement, and to build trust between law enforcement and all communities in our country.

Police misconduct and bias are not challenges unique to the United States, nor are we alone in recognizing the importance of doing the hard work of building trust between law enforcement and minority communities. In July, the Mayor of Nantes in **France** called for an investigation into the death of a youth killed during a traffic stop, an incident that triggered riots. Former Dutch Councilman Mpanzu Bamenga filed a complaint against the Royal **Netherlands** military police after he and other passengers of color were singled out for security checks upon arrival into the country to purportedly, “prevent potential criminals and terrorists from entering the Netherlands.” In **Germany**, convictions were finally obtained this year against members of the National Socialist Underground responsible for more than ten murders and a series of bombings targeting migrants. Although many of the murders took place nearly two decades ago, the investigation and prosecution of these murders were slowed apparently because law enforcement did not initially work with the impacted communities.

We are concerned by a package of draft laws introduced in **Denmark** focused on integrating into Danish society children and families in marginalized communities that the Danish government labels “ghettos.” According to civil society and other reports, the legislative efforts have deepened distrust between government authorities and the residents of the targeted communities, which include Danish citizens and migrants of diverse backgrounds.

We are pleased to see participating States working with ODIHR to strengthen the capacity of governments and law enforcement to combat hate crimes, including by building relationships with communities. The dividends are self-reinforcing. Better relationships improve the reporting of these crimes, which in turn fosters unity between the communities and the authorities. ODIHR’s project on *Building a Comprehensive Criminal Justice Response to Hate Crime* builds collaboration among police, lawyers, prosecutors, judges, civil society, and victims to address hate crimes in **Bulgaria, Greece, Italy and Poland**.

Finally, we cannot emphasize enough the importance of disaggregated data to combatting hate crimes. We strongly support the work of the ODIHR’s Hate Crimes Unit and its efforts to collect such data.

Collecting data about the motivation for a crime does not place the human rights of members of one group above those of another or stigmatize an entire community for the crimes of a few. But the ability to distinguish whether attacks were motivated by, say, race or sexual orientation or religious bias does help decision-makers formulate effective policies. Without reliable, disaggregated information on the motives of perpetrators and the impacted populations, a State cannot tell whether its efforts are helping, hurting, or having no effect whatsoever. We urge States to disaggregate data by type of crime committed and type of bias involved, and to use common criteria for identifying hate crimes. We also encourage States to work with civil society to develop strategies for addressing the multi-faceted problem of underreporting of hate crimes, including barriers that impede survivors from reporting the crimes committed against them. We look forward to the deployment of ODIHR's hate crimes reporting app.

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