



**Statement by Human Rights First**

**Working Session 10: Tolerance and nondiscrimination.**

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**[www.HumanRightsFirst.org/Discrimination](http://www.HumanRightsFirst.org/Discrimination)**

OSCE governments are largely failing to adequately address violent hate crimes which continue to occur across the region. Racism, xenophobia, antisemitism, anti-Muslim and anti-Roma hatred, religious intolerance, homophobia: the list of biases that fuel these crimes is a long one. It is a problem that is shared across the entire OSCE region.

**Racism, xenophobia, and discrimination.** Cutting across religious and cultural divides, violence motivated by racism and xenophobia threaten communities distinguished by ethnic or national origin, including both national minorities and people of immigrant origin, citizens and noncitizens, longtime residents and newcomers. Xenophobic sentiments—increasingly manifested in violent acts—reflect and intensify fear of “the other” and underscore the grim reality that the climate of intolerance is worsening. Such sentiments more recently have been partially rooted in the economic anxieties of the financial crisis, as well as myths of illegal migrants as job-grabbers or outsiders who threaten cultural cohesion.

Roma and Sinti face violent hate crimes and a myriad of other forms of public and private discrimination throughout Europe. A pattern of violence is directed at causing immediate harm to Roma and physically eradicating the presence of Roma in towns and communities in many parts of Europe. Racist violence against Roma remains gravely underreported. Violent incidents have been recorded in Bulgaria, the Czech Republic, Hungary, Italy, the Russian Federation, Serbia, and Slovakia.

**Intolerance and discrimination against Christians and members of other religions.** Acts of violence motivated by intolerance against Christians and members of other religions continued to occur in many countries in Europe and North America in 2008. Members of religious minorities throughout the region were subjected to numerous physical assaults causing serious injury or death. Cemeteries, churches, and religious schools are subjected to vandalism and arson attacks. Violent manifestations of religious hatred toward individuals

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impede entire communities from manifesting their religion or belief in teaching, practice, worship, and observance. In some cases, official government policies often create a hostile atmosphere conducive to private acts of violence motivated by religious hatred.

**Antisemitism.** Increasing incidents of violence against Jewish people and places of worship, community centers, schools, and communities serves as an indicator of the revival of antisemitism in recent years. Israel's military operations in Gaza in late 2008 through early 2009 provoked a series of backlash incidents targeting Jewish people in Europe and North America. Across the region, we are observing historically high levels of violence motivated by anti-Jewish prejudice.

**Intolerance and discrimination against Muslims.** The problem of anti-Muslim violence is complex, due to the multiple dimensions of discrimination that may occur in a single incident, as there can be an overlay of intolerance based on the victim's religion, ethnicity, or gender. Governments are not doing enough to address the problem, and in some cases use anti-Muslim rhetoric to capitalize on the overall climate of fear and misunderstanding of Muslims and Islam. The situation has worsened in recent years in the background of terrorist attacks and official government responses to them; certain international and domestic events continue to provoke backlash attacks on Muslims and those perceived to be Muslims.

**Violence based on sexual orientation and gender identity bias.** Continuing violence based on sexual orientation and gender identity bias, though still largely unseen, is an intimidating day-to-day reality for LGBT individuals, as well as others who are targeted because they do not conform to stereotypes of gender identity or simply advocate for LGBT rights. None of the official reports suggest that incidents are decreasing; government data in some countries, as well as credible nongovernmental reports, suggest an increase. Very few countries collect and publish data on the issue or even list anti-LGBT incidents as a form of hate crime in their criminal law provisions.

Overall, OSCE governments are failing to fulfill their OSCE commitments to combat a wave of violent hate crime that continues across the region:

- Only 14 of the 56 participating states of the OSCE are fulfilling their basic commitments to monitor hate crimes: **Austria, Belgium, Canada, the Czech Republic, Denmark, Germany, Finland, France, Ireland, Poland, Slovakia, Sweden, the United Kingdom, and the United States.** Over 40 states collect and publish either limited or no information specifically on the incidence of violent hate crimes.
- 22 OSCE countries still have no express provisions defining bias as an aggravating circumstance in the commission of a range of violent crimes against persons: **Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco,**

**Montenegro, the Netherlands, Poland, San Marino, Serbia, Slovenia, Switzerland, and Turkey.**

The participating States must step up their efforts to combat hate crime, enacting laws that expressly address such violent acts, strengthening enforcement and prosecuting offenders, providing adequate instructions and resources to law enforcement bodies, and monitoring and reporting on hate crimes.

The participating member States should also work to advance the OSCE's tolerance and nondiscrimination mandate, by:

- The reappointment by the Kazakh Chairmanship in 2010 of the OSCE Chairman-in-Office's three personal representatives on tolerance with their distinct mandates.
- Inclusion of civil society representatives in the October 2009 meeting of the NPC as well as the Annual Police Experts Meeting on hate crimes and effective law enforcement cooperation.
- The organization of a high-level conference on combating hate crimes in 2010 in order to generate political support for the implementation of tolerance and nondiscrimination commitments as well as to reinforce the activities of the personal representatives on tolerance and the ODIHR.
- Continued support for the ODIHR's Tolerance and Nondiscrimination Unit (TnD), in particular by:
  - fulfilling their commitment to collect data on hate crime, provide it to the ODIHR, and make it available to the public.
  - supporting the ODIHR's efforts, in line with OSCE commitments, to take a comprehensive approach to combating intolerance and discrimination by reporting on and developing programs that aim to combat hate crimes motivated by racism and xenophobia, antisemitism, religious intolerance, sexual orientation and disability bias, as well as hate crimes against Muslims and Roma and Sinti.
  - ensuring that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.
  - providing political and financial support for the convening of regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized anti-discrimination bodies.
  - ensuring political and financial support for capacity building programs for civil society organizations and representatives to document and combat hate crime.

Governments must remain vigilant in responding to a disturbing problem that is a threat to millions of individuals everyday across the OSCE region. Hate crime can terrorize whole communities, driving away vulnerable minorities or forcing them to stay out of sight.

Governments must ensure that impunity for bias-motivated violence – or complacency in the face of it – has no place in today's OSCE.

## **Human Rights First's Ten-Point Plan for Combating Hate Crimes**

- 1. Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
- 2. Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- 3. Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- 4. Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
- 5. Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
- 6. Monitor and report on hate crimes.** Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.
- 7. Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
- 8. Reach out to community groups.** Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- 9. Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
- 10. Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.