

COC Netherlands intervention  
OSCE HDIM

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## **Combating hate crimes targeted at Lesbian, Gay, Bisexual and Transgender (LGBT) people in the OSCE region: an emerging need for action**

The OSCE / ODIHR annual report 2007: *Hate Crimes in the OSCE Region: Incident and Responses* once again demonstrates the need for action to combat hate crimes targeted at LGBT people. Following an increasing burden of evidence and building on existing OSCE commitments we strongly call for increased attention and action. While we recognize the work that the ODIHR is undertaking on the collection of data regarding hate crimes on the grounds of gender identity and sexual orientation, we note that there still is an insufficient commitment to setup mechanisms that prevent further exclusion of LGBT people from society.

This year LGBT communities in the OSCE region faced numerous examples of hate crimes. A few examples:

- At the opening of Sarajevo's first LGBT festival in Sarajevo on September 24<sup>th</sup> protestors attacked visitors to the festival;
- During the Belgrade Queer Festival on September 19<sup>th</sup> a group of perpetrators attacked and hurt four participants;
- During the gay pride march in Budapest on July 5<sup>th</sup> extremists brutally attacked policemen whom were trying to protect the marchers at the pride.
- After the Zagreb Pride on June 28<sup>th</sup> four participants were attacked while leaving the manifestation. [

The OSCE / ODIHR annual report 2006 *Hate Crimes in the OSCE Region: Incident and Responses* noted that: "hate-motivated incidents and hate crimes against LGBTs are underreported and under-documented in official statistics." It continues: "In order to bridge the gap between data and information submitted by participating States on the one hand and NGOs on the other hand, more research and data collection are needed."<sup>1</sup> This has also been noted by the European Parliament, which has stated that "there is a lack of statistical data on racism, xenophobia, anti-

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<sup>1</sup> Hate Crimes in the OSCE Region: Incidents and Responses – annual report for 2006

Semitism and homophobia in the Member States, and notably on violence and discrimination related to these phenomena.”<sup>2</sup>

Former High-Commissioner for Human Rights to the United Nations (Louis Arbour) said in 2006 “that violence against LGBT people ultimately goes unpunished” and that “this shameful silence is the ultimate rejection of the fundamental principle of universality of rights”.<sup>3</sup>

We remind partner States that Human Rights are Universal and apply to all human beings in an equal manner. To subject Human Rights to hierarchical divides is a case of discrimination in itself. Human Rights therefore should be applied in a non-hierarchical manner. Therefore we call upon partner States to recognize principles on the application of international Human Rights law in relation to sexual orientation and gender identity as laid down in the Yogyakarta Principles. These principles affirm binding international legal standards with which all States must comply.

It is therefore that we expect the OSCE to show maximum commitment to monitor homophobic, biphobic and transphobic incidents. We expect from the OSCE and its partner States to clearly identify this task in the mandate of the Personal Representative by adding ‘*combating homophobia*’ to the existing title, resulting in: ‘the Personal Representative of the OSCE Chairman-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians, Members of other Religions and LGBT people.’

We reprehend that two OSCE partner States still criminalize homosexuality, namely Uzbekistan and Turkmenistan, and call upon both countries to decriminalize homosexuality.

We recommend that OSCE, its partner States and ODIHR:

- Safeguard the right to association and peaceful assembly for LGBT individuals and organisations;
- Recognize principles on the application of international Human Rights law in relation to sexual orientation and gender identity as laid down in the Yogyakarta Principles;
- Contribute to fostering a climate in which LGBT people are free from discrimination, exclusion, prejudices and prosecution;

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<sup>2</sup> European Parliament resolution on the increase in racist and homophobic violence in Europe, P6\_TA(2006)027, Strasbourg, June 15th 2006.

<sup>3</sup> Mrs. Louise Harbours during International Human Rights Conference, Montréal, Canada, October 10th 2006.

- Extend the mandate of the Personal Representative on combating Discrimination to combating homophobia;
- Collect data on hate crimes based on sexual orientation;
- Respect the rule of law and ensure that perpetrators of hate crimes do not go unpunished.

Additionally we recommend Uzbekistan and Turkmenistan to decriminalize homosexuality.