

Statement by Human Rights First
Working Session 14: Tolerance and Nondiscrimination
October 3, 2012

Our convening this year takes place against the backdrop of protests throughout the Middle East that demonstrate the need for an approach to combating bigotry and intolerance that also protects freedom of expression. We urge participating States to ensure that an approach consists of robust efforts to combat violent hate crime as well as political leadership in speaking out against hateful and offensive speech, while also protecting free expression.

This year's attacks on a Jewish school in Toulouse, France, and a Sikh Temple in Wisconsin, USA, resonated throughout the world. In the last six months, at least 500 migrants have been attacked in Greece. After several years of significant progress due to stronger law enforcement, Russia's record in racist and neo-Nazi violence is worsening once again, with NGOs reporting at least 140 victims and 11 murders this year. Roma communities and LGBTI persons throughout the OSCE are targeted in some of the most violent incidents that often go unreported or altogether ignored by police.

These and other incidents remind us that despite significant improvements in advancing the OSCE's response to hate crimes that are highlighted in the Ministerial Council Decision 9/09 on Combating Hate Crime, many participating States are failing to adequately respond to the problem of hate crime.

States must respond vigorously to hate crimes against all vulnerable groups, which means that governments should speak out forcefully against all violent hate crimes; take measures to hold the perpetrators of such violence accountable before the law; and to examine shortcomings in existing monitoring and reporting systems as well as legal frameworks for addressing such crimes.

The ODIHR's annual report on hate crime in the OSCE region showcases several shortcomings in government responses that must be addressed. States should submit data to ODIHR, make it available to public, disaggregate data by bias and incident type, and seek ways to enhance reporting of incidents to the police in order to avoid submitting data that differs significantly from the numbers reported by nongovernmental organizations and the media.

The phrase "No official data on hate crimes were reported to ODIHR" appears frequently in the 2011 hate crime report. Only 31 countries submitted questionnaires for the year 2010, one less than last year and significantly less than the 47 questionnaires that were submitted two years ago, when ODIHR requested this information for the first time. This lack of submitted data is emblematic of the certain "fatigue" seen in government responses to hate crimes across the OSCE.

Where official data is absent, NGOs are expressing their concern with hate crimes by stepping up efforts to collect data. Ninety-three NGOs submitted information to ODIHR for last year's reporting cycle, compared to 73 submissions for 2009 and 47 for 2008. ODIHR's cooperation with other intergovernmental bodies, such as UNHCR or ECRI, is also improving and leads to better information flow and better analyses despite the shortcomings in the official reporting. While NGO data is welcome,

the primary responsibility to collect, publish, and disseminate hate crime data lies with the State, as outlined in various OSCE commitments and the Ministerial Council Decision 9/09.

We urge the participating States to use the upcoming convening of the National Points of Contact on Combating Hate Crimes, as an opportunity to improve reporting of incidents and hate crime data to ODIHR, while also considering ways of building of trust and cooperation between law enforcement agencies and victims, their communities, and civil society groups.

States should take advantage of the instruments made available through the Tolerance and Non-Discrimination Unit of ODIHR (TnD) and continue supporting ODIHR's mandate on combating hate crime, in particular by participating in and providing sufficient funding through the regular OSCE budget and through extrabudgetary contributions for:

- efforts to ensure that the Training Against Hate Crimes for Law Enforcement (TAHCLE) program has the support it needs and that participating States are taking part in this program;
- agreements between the ODIHR and participating States on programs of technical assistance to combat hate crime;
- increased cooperation between ODIHR and other international organizations and United Nations bodies, including the U.N. Refugee Agency, OHCHR, and U.N. Special Procedures mandate-holders.

We call on participating States to implement their commitments and urge the incoming Chair, Ukraine, to prioritize the struggle with hate crime and show leadership by working closely with civil society activists and vulnerable communities to acknowledge the problem, to improve the out-of-date legislation, to train police and prosecutors and to implement the 3-year-old law enforcement instruction to collect hate crime data, and to abandon legislative efforts that marginalize communities, undermine social cohesion, and spread intolerance—such as the quickly advancing through the Verkhovna Rada discriminatory draft law 8711 on “promotion of homosexuality.”