



HEADQUARTERS
333 Seventh Avenue
13th Floor
New York, NY 10001
Tel: 212.845.5200
Fax: 212.845.5299

WASHINGTON D.C. OFFICE
100 Maryland Avenue, N.E.
Suite 500
Washington, DC 20002
Tel: 202.547.5692
Fax: 202.543.5999

www.humanrightsfirst.org

Statement by Human Rights First

Plenary session 6: Addressing public manifestations of intolerance in accordance with OSCE commitments and promoting understanding through open dialogue in the media, including the Internet

OSCE Conference on Tolerance and Nondiscrimination

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Intolerance in its many forms—racist, anti-immigrant, antisemitic, anti-Muslim, homophobic—is often expressed through popular discourse. Such hate speech can be found within the mainstream media in many countries: through print media, recordings, and Internet publications that demonize minority groups. Messages of hatred can be articulated by local and national leaders. Furthermore, virulent forms of intolerance have been advanced through political meetings and public demonstrations, exemplified in extreme cases by threatening paramilitary marches. Extreme nationalist groups, in some cases subscribing to ideologies of racial supremacy, increasingly threaten to enter the political mainstream in some countries.

International norms protecting freedom of expression rightly allow considerable latitude for offensive and hateful speech. Similarly, respecting freedoms of association and assembly will also allow certain abhorrent views to lawfully enter the public space. Indeed, an open, pluralistic and genuine debate on contentious issues cannot take place where there is censorship. Restricting freedoms of expression, association, and assembly in any way should occur only after the most careful consideration and in accordance with international standards.

Public figures have special duties and responsibilities in exercising their right to freedom of expression to make efforts to refrain from hate speech. The involvement of public officials and representatives of state agencies in racist and xenophobic language—even in states where such speech may be well within the law—is particularly destructive. Such speech and actions, if tolerated by authorities, should be viewed as a violation of state obligations to uphold the principle of nondiscrimination.

The line between protected freedom of expression and unprotected incitement to discrimination, hostility, and violence—which many states criminalize—is often disputed. As a result, criminal law provisions regarding hate speech vary considerably from one country to another, as do their interpretation and enforcement. There is the risk that laws seeking to limit speech will unnecessarily curtail the right to freedom of expression. Many states use such laws to criminalize nonviolent dissent and to persecute peaceful government critics and members of religious and other minority communities.

Short of criminalizing certain forms of speech – which many countries do – in some cases to the detriment of norms of freedom of expression, there are political and educational tools that can be effective as a first line of defense in confronting the phenomenon of racist, anti-immigrant, antisemitic, anti-Muslim, anti-Roma, and homophobic speech.

Based on our work to combat racist, antisemitic, xenophobic, anti-Muslim, homophobic and related violence, we worked out a set of recommendations for confronting hatred while respecting freedom of expression.

Guidelines to Confront Hatred

Speak Out Against Hatred

Political leaders, government and other officials serving in public office should:

- Pledge to refrain from using rhetoric that incites violence or promotes acts that curtail the enjoyment of rights by others.
- Speak out publicly and consistently to condemn such speech when it occurs; build political consensus—reaching out across political party lines—to encourage speaking out.

Governments should:

- Establish guidelines and best practices for public officials at all levels to prevent statements that incite violence or promote acts that would curtail the enjoyment of rights by others.

Counteract the Impact of Hatred

Governments and all officials serving in public office should:

- Provide adequate security to individuals, communities and religious or other institutions that face threats of violence.
- Establish specialized bodies or empower the appropriate existing bodies to diffuse community tensions as well as foster collaborative approaches and improve lines of communication between local government, local law enforcement, civil society groups, and community leaders to ensure effective responses to violence and hateful public discourse.
- Train civil servants—particularly those that engage routinely with the public—on promoting respect for the rights of others, dealing with incidents of hate-motivated violence and combating negative stereotypes of, and discrimination against, individuals and groups.
- Enact laws prohibiting both public and private discrimination that are in line with international standards and ensure proper oversight and public accountability of their enforcement.
- Build public trust in government institutions by ensuring accountability for human rights violations by everyone including government officials—such as racial profiling and police abuse of victims of bias-motivated violence.
- Ensure adherence to international treaty commitments guaranteeing freedom of expression, freedom of association and assembly, freedom of religion and belief and other human rights.

All officials serving in public office should:

- Use every opportunity to affirm common bonds of humanity and to guarantee equal protection under the law without discrimination for all individuals—citizens and noncitizens—in their jurisdiction. Leaders should take advantage of their positions to promote interreligious and intercultural understanding as well as policies and practices of nondiscrimination.

Combat Violent Hate Crime

Governments are required to fulfill their international legal obligations to combat discrimination. When discrimination is manifested in hate crimes, States must transform the principles of nondiscrimination and equal protection into practical action.

Governments should:

- **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent hate crimes will be investigated thoroughly and prosecuted to the full extent of the law.
- **Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the prosecution of hate crimes against anyone regardless of their legal status in the country is a priority for the criminal justice system.
- **Monitor and report on violent 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, including against refugees and asylum seekers.
- **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.

Strengthen the Capacity of Intergovernmental Bodies

Governments should:

- Comply with international norms and cooperate with international human rights bodies and mechanisms that regularly review States' fulfillment of human rights commitments—including treaty bodies, the United Nations High Commissioner for Human Rights, and the special procedures of the Human Rights Council concerning freedom of expression, religion and belief, and combating racism.
- Support and strengthen the mandates of regional intergovernmental organizations and mechanisms that are addressing discrimination, such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, the Organization of American States and others.
- Encourage the active participation of civil society groups and representatives of targeted communities in relevant international bodies and mechanisms.