

Statement by Human Rights First

Plenary session 4: The role of legislation, law enforcement, data collection, and civil society in combating and preventing intolerance and discrimination, including hate crimes

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In December 2009, Ministers from participating States adopted an important decision on combating hate crime. The decision largely reaffirmed previously adopted commitments in a number of areas: enacting laws that provide effective penalties for hate crimes; collecting reliable statistics; holding perpetrators accountable; and reaching out to NGOs.

Today, with the addition of this decision, the body of OSCE commitments to combat hate crime is indeed impressive. What is less impressive—indeed concerning—is the fact that many governments have fallen far short in transforming these commitments into real protection for those individuals who are the victims of discrimination, bias-motivated violence, and other fundamental human rights violations.

Together with the Anti-Defamation League, Human Rights First recently released a short paper which highlights the serious shortcomings in the realm of data collection and law enforcement. This paper—which is attached with this statement for the record—also contains a series of recommendations for States at varying levels of implementation of their commitments. Our overall conclusion is that much remains to be done.

This is not to say, however, that there has not been progress. Indeed, some States have taken encouraging new steps toward strengthening their responses to hate crime. In its 2009 Hate Crime Report, the ODIHR highlighted positive new steps taken in Canada, Sweden, and the United Kingdom to enhance data collection systems, more effective policing practices, and better prosecution of hate crime. Let me mention one other welcome recent development:

In the United States, a new federal hate crime law was adopted in 2009. The law extends protection to include sexual orientation, gender identity, gender, and disability, and gives a national impetus to the fight against all hate crime. The process of adopting this law was long and arduous. But it was a process that united a wide range of unlikely allies: community-based, religious, and human rights organizations, as well as many law enforcement and criminal justice officials—in an effort to enhance hate crime protection for all.

Mr. Moderator,

Across the OSCE, there are many challenging roadblocks to better responses to hate crime. A lack of political will is perhaps most prominent among them. At the same time, there is some encouragement in the fact that there is a wealth of collective experience and knowledge of effective practices that States can tap into as part of bilateral relationships and through multilateral forums. Within the OSCE, the ODIHR and its Tolerance and Non-Discrimination Department has in recent years developed a variety of expertise and training programs and we encourage States to take full advantage of this unique set of tools.

In conclusion, I'd like to express Human Rights First's full support for the civil society recommendations presented at the beginning of this session.