

HDIM 2018

WS 16 (specifically selected topic): Combating racism, xenophobia, intolerance and discrimination.

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Statements: 34

Rights of Reply: 10

The first introducer Philippe Leclerc, UNHCR Representative in Greece, reported about experiences to combatting hate crime since 2011 and specifically since the influx of around 1 million migrants and refugees in 2015. Racism and xenophobia are violations of core principles of the UN and their exercise can have negative impact on the quality of asylum seekers' treatment and can threaten refugees and asylum-seekers throughout their displacement. The particular vulnerability of these groups and the mixed migration flow in the EU are specific challenges. He presented the UNHCR's strategic approach on racism, xenophobia and related intolerance (2009). Based on this and together with the Greek side, in 2011 a Racist Violence Recording Network (RVRN) was established. It provides a data collection system and a victim's centred support approach. Its effectiveness has been widely acknowledged, and in coordination with ODIHR it has been agreed to build similar coalitions in other countries and use RVRN as a best practice example. One particular challenge has been reporting with regards to undocumented migrants or asylum-seekers, another, reporting on attacks within the communities. A cooperative, bridge-building approach between police, justice authorities, NGOs, and victims has proved to be most effective, and the political will of a state to offer effective solutions is directly proportionate to the results. More needed to be done to work on attitudes.

The second introducer, Ms Nikica Hamer Vidmar, Ministry of Justice Croatia, Head of Independent Service for Victim and Witness Support, reported on national methods and steps to combatting racism and intolerance. With the aim of empowering victims, respect and the will of cooperation are at the core of all efforts; to achieve them, trust needs to be built up by open dialogue without prejudices. Several measures have been stipulated: campaigns and roundtables on countering hate speech and racism, monitoring implementation, introducing standardized procedures. Various stakeholders have been included, from ministries to Ombudsperson and a peace centre. Regular meetings of working groups and monitoring groups have been introduced. In the Criminal Procedure Act, the obligation to notify their rights to the victims has been introduced. The groups report to ODIHR (THACLE programme), and the EU-Fundamental Rights agency is acknowledging their work.

Many speakers made a link between the migration flows of recent years and the increased need to address racism, xenophobia and discrimination. OHCHR declared migration the modern form of slavery and called on pS and on ODIHR to implement the UN Durban Plan of Action to strengthen the rights of victims of racial discrimination.

The Council of Europe reminded that the European Convention of Human Rights puts individual rights at its heart including the prohibition of discrimination. It reminded of several specific instruments adopted throughout the last decades, such as the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the instruments of the European Commission against Racism and Tolerance (ECRI) with monitoring tasks and the Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity.

Many pS put commitments to combat hate crimes such as contained in Athens 2009 at the centre of their approach and stated that hate crimes and attacks were unacceptable. Challenges were seen in improving the lack of reporting (the under-reporting issue) and the need to provide support to victims of hate crime, including through close cooperation and support for civil society. The issues of the use of the internet and social media for spreading hateful messages and the role of media in increasing or decreasing intolerance within a society were also discussed. The impact of education and media on children's attitude was also raised. Many pSs and CSOs stressed the need to better investigate and combat crimes committed with a bias motive and to that end, train for law enforcement staff.

Several delegations from various regions presented national steps and developments to improve tolerance within and integration of their national society. These measures included legislative hate crime regulation, or trainings and education measures for police officers but also for teachers, round table initiatives between several civil society groups, modern reporting methods e.g. via e-mail or monitoring of social media, medical and psychological support measures. Cooperation with HCNM was also highlighted as very useful. With regards to the example of one pS, one NGO reminded that vague formulation of laws and their selective application by judicial authorities did rather contribute to discrimination than to combatting discrimination. Another delegation drew attention to the fact that not only minorities but also majority groups could be victims of hate crimes. With regard to the exercise of religion and belief, places of worship including those of Christians must be respected and acts of devastation not accepted.

ODIHR's activities in collecting and reporting on disaggregated hate crime data, supporting trainings for law enforcement and prosecutors and supporting civil society in addressing hate crimes were welcomed by many speakers; NGOs emphasized that the political will of Governments to improve hate crime investigation and disaggregated reporting was crucial.

One pS emphasized that neonacism was on the rise especially in some countries of Eastern Europe and that in one pS legislation even allowed glorification of nationalism. It was also mentioned that the prohibition of learning in one's mother minority tongue was discriminative. Several NGOs stated that the respective pS must also respect all principles laid down in Helsinki Final Act and not discriminate certain groups of populations in certain areas, including with the very measures regarding language and culture.

Several NGOs from various regions highlighted the double discrimination of LGBT and national minority or ethnic groups, such as Roma and Sinti or people of African descent; other reminded of the disadvantaged situation of persons with disabilities in conflict areas. Other manifestations of discrimination such as the situation of orphanage children, or enforced labour migration were also mentioned.

In exercising their Rights of Reply, ten delegations corrected allegations or false information provided by CSO and added information on national measures.

ODIHR should:

- raise the efficiency of the hate crime reporting tool by providing more disaggregated data including on religious groups, persons with disabilities, LGBTI, Roma and Sinti, people of African descent in Europe, in order to address hate crimes constituting security threats
- address the problem of hate speech and radicalisation of youth through educational materials
- draft guidelines on hate crimes against Christians and on the security needs of Christian communities.
- strengthen its capacity-building activities with the focus on hate crimes targeting majority communities.
- continue and increase building capacity of CSOs and the police and law enforcement on hate crime prevention and investigation and to continue the dialogue with the CS and the police
- address vague statutes against hate speech and selective implementation of law against vulnerable groups and establish a formal working group to elaborate guidelines on how laws against hate speech should be formulated and applied.
- continue to host trainings for people of African (PAD) descent activists.
- Including through its CPRSI, develop and implement national and regional training courses for CSOs on identifying and addressing hate crimes.
- address the rights of people with disabilities.
- include LGBTI issue into its agenda, pay more attention to LGBT hate crimes and to introduce training programmes for law enforcement with regard to investigation of hate crimes based on homophobia and transphobia and on support to victims and to provide methodology to investigate these hate crimes.
- include the issue of glorification of Nazism.
- address laws against minority languages.

RFoM should:

- monitor media with regards to hate speech against ethnic and religious groups.

participating States should:

- collect and maintain hate crime data.
- pay attention to the fact that not only investigation is important but also follow-up after the incidents, improve mechanisms to support victims of hate crimes, their families, next-of-kin and to consider victims of hate crime as the first priority within the investigation of hate crime.
- adopt clear legislation against hate crimes.
- improve cooperation of Police and NGOs supporting victims of hate crimes.
- provide all relevant data and to submit them to ODIHR and to support CSOs.
- take all appropriate measures to register and report hate crimes and to foster learning about diversity, tolerance, and to mobilise youth.
- make sure that combating hate crimes is a priority throughout the whole police system; adopt relevant recommendations and instructions on effective investigations and show the political will to convey the message that hate crimes need to be investigated.
- ensure that victims of hate crime are protected and to adopt preventive measures through training and educational programmes.
- promote respect for places of worship;
- join forces to eradicate hate crimes against minority groups, including ethnic minority.

- strengthen the response to hate crimes, especially towards Afro-American communities through robust and more disaggregated recording of hate crime acknowledging intersectionality and train the first state responders – police officers so that they are equipped to provide safe space for all individuals; and invest in CS providing with legal and social support to victims of hate crimes.
- launch the International Decade for PAD, follow the Durban Declaration, implement the provisions of ICERD, strengthen or adopt national, regional and international frameworks for PAD, cooperate with the Special Procedures of UN Human Rights Council that monitor the situation of PAD, especially the UN Working Group of Experts on PAD and the Special rapporteur on Contemporary forms of racial discrimination and xenophobia.
- utilize ODIHR's Contact Point for Roma and Sinti (CPRSI) not only for seeking advice but also services such as the well-developed training on human rights compliant policing in Roma and Sinti communities.
- address hate crimes against migrants of African descent and Afrophobia.
- involve people of African descent in the State institutions or through cooperating with CSOs.