

**Statement by Human Rights First**  
**Working Session 7: Tolerance and Non-Discrimination I**  
**[Preventing and responding to hate crimes in the OSCE area**  
**- Combating intolerance and discrimination]**

**October 6, 2010**

OSCE governments are largely failing to adequately address violent hate crimes which continue to occur across the region. Racism, xenophobia, antisemitism, anti-Muslim and anti-Roma hatred, religious intolerance, homophobia: the list of biases that fuel these crimes is a long one. It is a problem that is shared across the entire OSCE region.

During the eleven-year period since the last OSCE Summit, the participating States have on numerous occasions reaffirmed their commitments to combat violence motivated by racism, xenophobia, and other forms of intolerance, mostly recently in the 2009 Athens Ministerial Decision on Combating Hate Crime. While the OSCE commitments to combat hate crime are fairly comprehensive, governments have fallen far short in turning those commitments into a reality of protection for the victims of hate crime.

- 22 OSCE countries still have no express provisions defining bias as an aggravating circumstance in the commission of a range of violent crimes against persons: Albania, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Germany, Holy See, Hungary, Iceland, Ireland, Luxembourg, Lithuania, Macedonia, Monaco, Montenegro, the Netherlands, Poland, San Marino, Serbia, Slovenia, Switzerland, and Turkey.
- The ODIHR's latest Hate Crime Report (for the year 2008) revealed a number shortcomings in terms of State's fulfillment of their commitments to collect data and report on violent hate crime:

Eight governments—Bosnia and Herzegovina, Estonia, Holy See, Malta, Monaco, Montenegro, San Marino, and Turkmenistan did not respond to their commitment to provide data to the ODIHR.

Five governments—Azerbaijan, Bulgaria, Luxembourg, the Former Yugoslav Republic of Macedonia, and Portugal submitted the questionnaire, indicating that they do not compile any data on hate crime incidents.

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Ten governments—Albania, Croatia, Italy, Kyrgyzstan, the Netherlands, Moldova, Spain, Turkey, Tajikistan, and Uzbekistan collect data, but either do not publicize it or make it available to the public only upon request. Such a policy essentially eliminates the public from discussions about the nature and scale of hate crimes as well as measures to combat them.

Three governments—Kyrgyzstan, San Marino, and Uzbekistan still have not appointed a National Point of Contact on Combating Hate Crime (NPC)—one of the first steps in providing accurate and timely information to the ODIHR.

Nine governments - Andorra, Armenia, Georgia, Greece, Iceland, Liechtenstein, Moldova, Ukraine and Uzbekistan reported that fewer than ten hate crime incidents were recorded by police in 2008. While underreporting of hate crime incidents remains a problem throughout the region, such low official figures in some cases run counter to records of incidents reported in the media and by nongovernmental monitors. The discrepancy between official and unofficial reporting of incidents may reveal shortcomings in police reporting of bias-motivated crimes and demonstrates the need for states to examine the effectiveness of official data collection systems and to ensure greater outreach to community-based and other non-governmental organizations.

We encourage States to implement our **Ten-Point Plan for Combating Hate Crime**, the elements of which are rooted in OSCE commitments.

1. **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
2. **Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
3. **Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
4. **Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.

5. **Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
6. **Monitor and report on 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. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.
7. **Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
8. **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.
9. **Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
10. **Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.