

High-Level Conference on Tolerance and Non-Discrimination

Session 4

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

**Statement of the
OSCE Office for Democratic Institutions and Human
Rights (ODIHR)**



Astana, 29 – 30 June 2010

Check against delivery!

OSCE has a long history of recognizing the gravity of bias-motivated violence and the threat it poses to security of individuals, which can give rise to broader social unrest. In the Copenhagen Document, whose adoption we celebrated recently, participating States condemned racial and ethnic hatred. In 2003, the term 'hate crime' appeared for the first time in the OSCE commitments. Last year, the Ministerial Council adopted a decision specifically devoted to hate crimes thus giving continuous attention to the need to combat this grave phenomenon.

The decision calls on participating States to collect, maintain and make public reliable data on hate crimes and violent manifestations of intolerance. Such data are needed to enable states to develop effective policy responses. The data also help ODIHR fulfil its role to be the "collection point" on hate crimes. In comparison to previous years, ODIHR received a substantially smaller number of reports on hate crimes in preparation of its 2009 annual report. I am grateful for information received from 32 participating States.

However, I am concerned that the large amount of missing data will impede ODIHR's ability to give a comprehensive overview of the prevalence of hate crimes in the OSCE region. I therefore call upon all participating States to provide our Office with the most up-to-date information on hate crimes. In this respect, I would like to underline the important role that National Points of Contact on Hate Crimes play. They provide ODIHR with information and statistics on hate crimes. I encourage you to give them all possible support.

To complement official information, ODIHR has conducted extensive outreach to partner organizations, field operations and NGOs through the organization of awareness raising and capacity building seminars in 2009. As a consequence, ten OSCE field operations, 11 UNHCR field offices, two IOM offices and a total of 67 NGOs contributed information to ODIHR specifically for use in this report. This information shows that hate crimes continued to be a serious problem in many OSCE participating States. Instances of hate crimes included intimidation, threats, vandalism, assault, arson and even murder.

The 2009 Ministerial Council Decision calls upon participating States to enact specific legislation to combat hate crimes which would take into account the gravity of such crimes. On a positive note, I am pleased to say that ten participating States reported efforts to improve their national legislation and introduce clauses that would help them tackle the issue of hate crimes more effectively.

Ladies and Gentlemen:

The 2009 Decision also highlights that appropriate measures need to be devised to encourage victims to report hate crimes and to explore ways to provide them with effective access to justice and support assistance programmes. Yesterday, our Office organized a side event which drew attention on the impact of hate crimes on victim communities. It demonstrated that victims of hate crimes face serious emotional and psychological consequences and change their everyday living patterns if their security and well-being is threatened.

The side event also underlined that the gravity of experience and threatening of victims and victim communities could be lessened if the criminal justice system responds effectively to hate crimes and if authorities condemn these grievous acts. OSCE participating States called on government officials along with political, community and religious leaders to condemn manifestations of intolerance while

respecting freedom of expression.

In order to effectively address hate crimes, it is necessary to design awareness-raising and capacity-building activities for law enforcement, prosecution and judicial officials so that they can properly recognize and respond to hate crimes. The 2009 Ministerial Council Decision called for participating States to introduce or further develop their activities in this area. In 2009, only seven participating States reported designing new activities to collect data, train law enforcement or judges. Additionally, Bosnia and Herzegovina, Hungary, the former Yugoslav Republic of Macedonia, Moldova and Poland called for ODIHR's assistance in strengthening their responses to hate crimes.

Ladies and Gentlemen:

No society is immune to hate crimes. Therefore the number of States designing new programmes needs to be increased. I therefore call upon you to explore ways in which existing administrative and legislative measures can be enhanced. It is also necessary to invest additional efforts to improve capacity-building of officials and to provide assistance to victims of hate crimes.

We are also witnesses that even if there is adequate hate crime legislation in place, states still have to make efforts to ensure proper implementation. This again requires training of relevant officials – including law enforcement- and empowering civil society. In this regard, I would like to stress that the OSCE has offered a unique forum for civil society to raise issues of concern, exchange information and facilitate dialogue among communities across borders. ODIHR values the recommendations from the civil society preparatory meeting and encourages participating States to take them into consideration when designing their policies and responses in the fight against hate crimes and intolerance.

Finally, I would like to draw your attention to the resources developed by ODIHR in close co-operation with national experts from across the OSCE region. These tools will prove beneficial only if participating States make use of them. I encourage you to consult our practical guide on hate crime laws and on strategies to prevent and combat hate crimes, as well as to draw on ODIHR's capacity building initiatives for law enforcement and the judiciary.

Thank you!