

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 28 September – 9 October 2009**

STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA

**Working session 10: Tolerance and non-discrimination II (continued)
Prevention and response to hate crimes in the OSCE area**

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Mr. Moderator,

Ladies and Gentlemen,

Since the Maastricht Ministerial Council in 2003 when the term “hate crime” was introduced into the OSCE Human Dimension language and the combating this crime was identified as a priority, much work has been done throughout the OSCE area on collecting reliable information and statistics, as well as developing of major principles of legislation to fight against hate motivated crimes.

Unfortunately, hate crimes are witnessed in most of the OSCE participating States. It is clear that comprehensive range of measures, including prevention and adequate punishment of perpetrators, are needed to eradicate these crimes. In this regard, the OSCE efforts aimed at setting up a forum of countries for exchange of information and experience on combating hate crimes, such as the Human Dimension Supplementary Meeting in May, have already brought about positive results.

In the spirit of Maastricht Document and to ensure the comprehensiveness and effectiveness of our efforts, we need to establish closer cooperation with international monitoring bodies mandated to combat racism, xenophobia and other forms of intolerance, and have reach experience in this field, I mean first of all the UN Committee on the Elimination of Racial Discrimination, the European Commission against Racism and Intolerance, as well as relevant international non-governmental organizations. These agencies and organizations can be very instrumental in sharing their positive experience in the field.

The OSCE activities in increasing tolerance and non-discrimination are significant, advising and assisting the participating States in data collection and analysis, and thus strengthening the “early warning function to identify, report and raise awareness on hate-motivated incidents and trends”. In order to achieve these, the National Points of Contact in the participating States need to establish closer co-operation with the law-enforcement agencies and local NGOs dealing with racism, xenophobia and intolerance. In other words, the National Point of Contact is not only a person responsible for information gathering, but, in my opinion, is also a facilitator of discussions, someone who, on a permanent basis, draws the attention to the issue of hate speech and hate crimes, becomes the generators of new ideas and strategies in combating hatred.

Mr. Moderator,

There are some issues which hinder struggle against hate motivated crimes, including differences in legal definition of “hate” and therefore putting off its condemnation as a crime. Unfortunately, even today there are States where propaganda of hatred is not criminalized. Yet the historical experience shows that crimes against humanity such as genocide and ethnic cleansing are often preceded and accompanied by dissemination and propaganda of intolerance and hatred against certain group or groups of population based on national, ethnic, religious or other characteristics. In this sense, the EU framework decision establishing common legislative framework for the European Union is a welcome development. Now the member States are required to review their legislation to ensure compliance with the framework decision by November 2010.

Mr. Moderator,

In this overall context, special attention should be paid to the prevention of hate crimes. Education and awareness-raising on the past atrocities, like genocides of the 20th century, recalling and remembering those painful lessons through dissemination of information and including them in contemporary school curricula could become the most powerful tools in this struggle through embedding the inadmissibility of such egregious violations in the minds and hearts of the growing generations. The OSCE participating States should also agree on a common legislative basis which would establish responsibility for denying the crime of genocide or other crimes against humanity. And here the ODIHR and the National Points of Contact can also play important role, namely distributing information and assisting in familiarization of the policy-makers, the judiciary and the general public with the relevant documents.

Mr. Moderator,

Last year I have invited the attention of the respectful audience to the facts of systematic large-scale anti-Armenian hate propaganda and war-mongering in Azerbaijan through virtually every electronic or print media source. This situation is more than alarming, because it poisons the minds of current and future generations of Azerbaijanis by anti-Armenianism. The continuation of such State-orchestrated policy will lead to further alienation and mistrust between two neighboring nations. While the difficult but important negotiations under the auspices of the Minsk group are underway to reach just and lasting solution for the of Nagorno-Karabakh conflict, today more than ever we need confidence-building measures – not hate and war propaganda.

Indifference and inaction by the international community have been one of the main reasons for failure to stop the most horrendous crimes from taking place. Despite us ringing the bell on multiple occasions on the hate propaganda in Azerbaijan, it still goes on unabated. We should all remember that disregard is the feeding ground for impunity. In this regard, we would like **to recommend the OSCE to devote one of the upcoming Human Dimension Supplementary Meetings to the issue of combating hate propaganda especially on the Internet.**

Thank you for your attention.