

**INTRODUCTORY REMARKS OF PAUL LEGENDRE  
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**OSCE HIGH-LEVEL CONFERENCE ON TOLERANCE AND NON-  
DISCRIMINATION**

**PLENARY SESSION 6: THE ROLE OF POLITICAL LEADERSHIP,  
LEGISLATION, LAW ENFORCEMENT, DATA COLLECTION, AND CIVIL  
SOCIETY IN COMBATING AND PREVENTING INTOLERANCE AND  
NONDISCRIMINATION, INCLUDING HATE CRIME**

I extend my gratitude to the Albanian government for hosting this meeting and to the ODIHR for organizing it rapidly. The meeting is a reflection of the importance the OSCE has long attached to this issue.

Human Rights First is a US-based international human rights organization that has participated in every high-level meeting since 2003 and I welcome the invitation to present on this topic.

At the same time, let me also share in the disappointment that others have also articulated that this meeting wasn't approved by the Permanent Council in a more timely fashion, and in a way that would have allowed more time for delegations and civil society to adequately prepare for this important meeting.

We just heard from delegates about the important role of education. There can be no question that education is crucial to long-term efforts to combat intolerance. But, even if we could imagine a day when educational efforts manage to root out all intolerance, we must recognize that this is far from the case today.

Intolerance is widespread, present in all OSCE societies. And the roots and histories of each form of intolerance are unique, as we heard so clearly in yesterday's various sessions. Yet, when individuals are targeted for violence because of their ethnicity, religion, sexual orientation, gender identity, or other immutable characteristic – in other words when they are the victim of hate crime – there are common solutions.

Those solutions are the subject of this panel. The title of this panel is a long one – because there is no one-stop shop to combating hate crime. It requires political leadership, legislation, law enforcement, data collection, and an engaged civil society.

The body of commitments in these areas is significant. In my view, more commitments are not needed. What is needed are the more effective implementation of existing commitments, particularly those on combating hate crime that Ministers signed on to in December 2009.

Let's look briefly at each of the subjects of this panel in turn:

### **Data Collection**

Perhaps the most repeated of the OSCE's tolerance and nondiscrimination commitments regards data collection. Indeed, efficient systems of monitoring and data collection are paramount. Without adequate monitoring, it is impossible to identify emerging trends or hate crime hotspots, develop strategies for prevention and protection, and determine which groups are most susceptible to violent hate crimes. Public reporting on the response to hate crimes is a necessary mechanism that ensures that adequate legal tools and resources are in place to investigate and prosecute such crimes and to reassure the public that efforts are being made to provide protection from such pernicious forms of discrimination.

In the United States, the annual hate crime report of the FBI, while by no means perfect, is the most comprehensive assessment of the level of hate crime there. Its release every fall serves as an opportunity for academics, government agencies, and civil society groups, Human Rights First among them, to analyze the data, draw conclusions about the level of hate crime in the U.S., identify shortcomings in government responses, and engage in a public debate about how to advance progress.

At the level of the OSCE, the best equivalent of the FBI data is the ODIHR's annual hate crime report. This report is the most comprehensive review of hate crime across the OSCE region. It compiles the data from across the OSCE area, allowing for a better understanding of the problem and an opportunity to assess shortcomings. Together with the Anti-Defamation League, Human Rights First has for several years sought to extract from that report what we see as the key conclusions. The latest such paper is on the tables outside.

The chart – with all the blank spaces – is the most glaring example of where this report is not living up to its potential, in large part because states are not collecting data or submit information about their practices that is not backed up by actual data.

A few things the report reveals:

- Among the 30 states that contributed information to this latest report, racist and xenophobic attacks are better recorded than other types of hate crime. Strikingly, information on anti-Roma hate crimes is almost nonexistent. Data from states on hate crime against LGBT persons is also very weak. The information that is available comes primarily from NGOs.

- There is a discrepancy between the number of states who claim to collect data versus the very few who actually submit it.
- There is a discrepancy between what NGO and IGOs submit versus the governments themselves.
- It is an unfortunate truth that what we know about hate crime comes more frequently from NGO monitors than from the governments who have taken on commitments to monitor and respond to hate crime.

## **Legislation**

States have also repeatedly committed to developing an adequate legal framework, including by adopting and implementing specific hate crime laws.

The hate crime concept is a simple acknowledgement of the greater seriousness of crimes motivated by bias based on race, religion, ethnicity, sexual orientation, gender identity, or other prejudice and hatred that harm whole communities. A society's commitment to combat such crimes can be illustrated through the enactment and enforcement of hate crime legislation.

We have seen considerable progress on this front and a number of countries have adopted new laws in the last several years. Yet, there are still some 20 OSCE countries still have no express provisions to treat hate crimes as the more serious crimes they are. Even among those that do, they are often not comprehensive. For example, hate crime laws in only 17 OSCE states include sexual orientation bias; far fewer include gender identity bias.

Albania is the latest country to adopt provisions that extend sexual orientation to its hate crime provisions. That is a most welcome step and I would encourage the Albanian authorities to establish a program to train law enforcement officers to understand and implement these important, new provisions.

## **Law Enforcement**

Hate crime laws are of little use without law enforcement officials who are trained to identify and record bias motivations and criminal justice officials who are trained to prosecute such cases before a court of law.

Many countries have instituted programs to train law enforcement, although there is limited readily available public information on these programs. We would therefore welcome the opportunity to hear in the discussion to follow about their effectiveness and where shortcomings remain.

On an OSCE-wide level, there are also at least two opportunities to advance law enforcement expertise. The first is through the ODIHR's TACHLE program; the second, more indirect training opportunity comes through consistent participation in the annual meeting of the National Points of Contact on hate crimes.

Both of these programs require support from states. The TACHLE program requires financial and political support on the one hand and requests from states for the training on the other. An effective NPC network requires a commitment by states to identify and appoint dedicated law enforcement officers and criminal justice officials eager to engage and share best practices with their colleagues from across the region.

I took part in the November 2012 meeting of the NPCs and can attest to the potential of this forum to expand the knowledge of state representatives in combating hate crime.

### **Engagement with Civil Society**

One of the most important areas in combating hate crime involves engagement with civil society.

States have made commitments to cooperate with civil society – but engagement should not be seen just as the fulfillment of a commitment, but as a way to more effectively combat hate crime.

The simplest form of cooperation involves opening the door for NGOs to make you aware of a case, to share their own data, to offer policy recommendations. Cooperation can expand to much more deeply institutionalized cooperation. I would encourage all here today to think about where they are in their cooperation with NGOs and think through how to return to capitals and either take a first step toward engaging NGOs and vice versa or deepening an already existing collaboration.

Here are just a few examples where I believe civil society has added unique value to efforts to combat hate crime:

In the **United States**, hate crimes are a serious and continuing problem, although the government has taken meaningful steps over several decades to prevent and respond to hate crime. The response continues to evolve with strong input from a well-established hate crime coalition made up of a cross-section of community and civil rights groups.

In 2009, new federal hate crime legislation was adopted. The adoption of the legislation was a long road and was in part ultimately successful because of the broad base of support that was developed by both government supporters and civil society activists.

Since its adoption, members of the hate crime coalition have worked closely with law enforcement in developing and updating training and outreach materials to assist in the implementation of the mandate – which now includes collecting hate crime data on crimes directed against individuals because of their gender or gender identity, and hate crimes committed by or against juveniles.

Several years ago, in **Ukraine**, NGOs and IGOs worked together to document a sharp rise in hate crime targeting a range of “visible minorities,” including people of African and Asian origin and Jews, as well as people from the Caucasus and the Middle East. Asylum seekers, refugees, and labor migrants have been among the principle targets of these hate crimes.

At the time, the government still hadn't recognized the nature nor the extent of the problem. The systematic data collected by a wide range of groups that became known as the Diversity Initiative played an important role in encouraging the government to take action in key cases and to adopt some broader measures toward better responding to hate crime. I believe that the current ODIHR law enforcement training program in Ukraine will further contribute to those efforts.

In **Greece**, a similar coalition of more than 20 international and domestic groups has more recently come together as part of a Racist Violence Reporting Network to document the sharp rise in cases of hate crime violence against immigrants. The hundreds of cases reported by this network stand in sharp contrast to the very few reported officially by the government of Greece.

Governments across the region should see these efforts by civil society to better document hate crime as an opportunity to enhance their own knowledge and understanding of the nature and prevalence of hate crime.

### **Political leadership**

Let me conclude with a few words about political leadership, without which most of what I just talked about is not possible.

Political leadership is much needed in a few ways:

- to publicly condemn individual cases and ensure prompt investigations
- to ensure support for the types of longer-term reform needed to introduce legislation, data collection, engagement with civil society, etc.

More generally, political leaders have an important role to play in consistently and publicly countering manifestations of hatred and affirming and enforcing the dignity and rights of all.