



United States Mission to the OSCE

Session 1: Combating intolerance and discrimination against any person, including racism, xenophobia and aggressive nationalism, in accordance with the existing OSCE commitments

As delivered by the United States Delegation
to the OSCE Tolerance and Non-Discrimination Conference,
Tirana, Albania, May 21, 2013

We are asked to address ourselves to the need for a comprehensive approach to intolerance and discrimination (TnD). Taking a comprehensive approach requires us to examine the many kinds of intolerance and discrimination to which persons are subjected as well as the multiple ways the participating States must work, collectively and individually, to protect the human rights, human dignity and physical safety of all individuals.

Combating intolerance and discrimination in any form against any person is in complete accordance with existing OSCE commitments. Guiding Principle VII of the Helsinki Final Act states that: “The participating States will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development.”

Combating intolerance and discrimination is critical to the protection of the human rights, fundamental freedoms, and inherent dignity of all. We reject the notion that only certain categories of human beings are to be treated with dignity, that only certain categories of human beings have rights, and that only certain categories of human beings should be protected from violence.

Subsequent sessions will be devoted to tolerance and discrimination against Christians, Muslims, Jews, and members of other religions. In this session I will discuss the prejudice, discrimination and violence often faced within the OSCE region by Roma, persons of African descent, lesbian, gay, bisexual and transgender individuals, persons with disabilities and migrants. These problems are ongoing, they are serious, and, in many cases, are matters of risk or loss of life.

This year marks the fourth year convictions remain outstanding for the 2009 murder of five year old Robert Csorba, who was shot when his family tried to flee their burning home during one of a series of attacks that year on Roma in Hungary. Earlier this month (May 2013), the appointment of Italy’s first Cabinet Minister of African descent, Cecile Kyenge, was met with death threats and racial slurs, while the Racist Violence Recording Network reported an

increase in attacks on migrants in Greece. In addition, over thirty Bangladeshi migrant workers in Greece suffered gunshot wounds when their foremen shot at them.

While we commend some Italian politicians' denunciation of the racism experienced by Minister Kyenge and hope the Greek Parliament's recent efforts to adopt stiffer penalties for racist offenses will be swiftly adopted and implemented, these and other events are painful reminders that we must move beyond conferences and *act* to stem the rise in racism, anti-Roma discrimination, and other forms of xenophobia in the OSCE region. It is extremely regrettable that the OSCE was not able to adopt a Ministerial Decision on Strengthening Efforts to Combat Racism and Xenophobia that would have called for a region-wide approach to address serious and ongoing tolerance and non-discrimination challenges.

Discrimination and violence against Roma are serious human rights challenges in Europe. According to a recent survey published by the EU's Fundamental Rights Agency, a significant proportion of Roma said that they have experienced discriminatory treatment because of their ethnic origin. An earlier report by the Agency indicated that on average one in five Roma respondents were the victims of racially-motivated crimes, and the majority of those surveyed did not report their victimization to police. Participating States need to do a better job of responding to violence against Roma, including identifying when crimes are racially motivated. Strengthening relations between law and enforcement and Roma communities is a fundamental step. ODIHR's publication *Police and Roma and Sinti: Good Practices in Building Trust and Understanding* is a valuable resource from which participating States can draw to make progress in this area.

In advance of the Supplementary Human Dimension meeting on the Roma Action Plan, we urge the Chairmanship to work with ODIHR to collect and disseminate information on States' efforts to improve the situation of Roma, including information on budgets and strategies for Roma inclusion in the planning and implementation of state-sponsored projects. Additionally, we urge the development of annual benchmarks to measure States' progress in implementing the Action Plan, especially in the justice sector. We also view the OSCE's "Roma Youth Initiative: Youth for Change" as a pilot effort that can assist in identifying and building capacity among Roma implementation partners for future actions following this meeting.

We applaud ODIHR's recent anti-discrimination work with civil society representatives advocating for the rights of individuals of African descent – a population of 7-10 million in Europe alone. As a follow-up to this conference, we urge the OSCE Chairmanship to work with ODIHR to publish a report on racism and xenophobia in the OSCE region that includes a focus on African descendants. Skin color prejudice and racial bias continue to be linked to numerous violent attacks on non-white citizens and migrants in the OSCE region.

For our part, in the United States we engage in a variety of efforts to combat racism and xenophobia, foster inclusion of diverse populations, and prevent and prosecute hate crimes.

The Constitution of the United States promises equal justice under the law and freedom for all. The Civil Rights Division of the Department of Justice enforces laws designed to give meaning to that promise. We see every day that, despite the great progress we have made as

a nation, longstanding civil rights challenges endure. At the same time, new challenges have emerged as America changes and grows. Today the Civil Rights Division works to address both, bringing 21st century tools to bear to combat discrimination in all its shapes and forms, including homophobia.

Just two weeks ago in Russia, a horrific hate-motivated killing was committed against a 23 year-old gay man in Volgograd. Police arrested two men who have admitted to sodomizing, beating, and burning the victim, and eventually crushing his skull with a rock. Investigators have confirmed that their motive appeared to be homophobia. Anti-LGBT initiatives like homosexual “propaganda” laws and bans on LGBT assembly suggest that homophobia is officially sanctioned, and may encourage those who would act violently on such prejudice.

My own country has witnessed similar shocking crimes, such as the brutal murder in 1998 of a gay man named Matthew Shepard in Laramie, Wyoming.

It took more than 13 years for a hate crimes law covering sexual orientation and gender identity to become law in the United States, in 2009. And our work is not finished.

To date, the Civil Rights Division has indicted 14 cases under the new Matthew Shepard & James Byrd, Jr. Hate Crimes Prevention Act (HCPA), four of which were motivated by the actual or perceived sexual orientation of the victim.

The brutal killing of Matthew Shepard not only prompted domestic action, it also prompted initiatives such as the Presidential Memorandum on International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons.

Ending violence and discrimination against lesbian, gay, bisexual, and transgender persons is a global challenge, and one that is central to our commitment to protecting and promoting universal human rights. While there have been some promising developments, in too many places throughout the OSCE region people are killed, beaten, and harassed because of their sexual orientation or gender identity. In too many places LGBT people are bullied at school, and discriminated against in housing and employment.

Persons with disabilities are another vulnerable group of concern. Across the globe and in our OSCE region persons with disabilities face continuing challenges, notably the lack of legal protections in a number of countries, leaving them excluded from schools, jobs, public transportation, elections, health care, and public buildings. And, in countries where laws are in place, they are often inadequate or not enforced. While we welcome the increased attention within the region to the rights of persons with disabilities, we remain concerned about high levels of stigma and discrimination, and the high incidence of hate crimes on the basis of disability. We all have work to do to ensure that persons with disabilities are not subjected to violence and abuse, that data in this regard is accurate, and that the justice system is accessible and responsive to persons with disabilities in offering appropriate redress.

Migrant workers are subject to discrimination in employment and in society, lack of sufficient legal protections, harassment in the workplace, and, in some cases, severe

vulnerabilities to labor exploitation, including forced labor. Human rights groups have documented a rise in assaults on migrants in several countries. There also has been a steady rise in Russia of discrimination and societal violence, mainly from skinhead groups and nationalist organizations, against migrant workers and other persons from the Caucasus and Central Asia.

In closing, when we let differences of religion or race, creed or culture, place of origin or sexual orientation, disability or ethnicity obscure our common humanity, we ultimately obstruct the path to a more hopeful future for all. The letter and spirit of our OSCE commitments challenge us to see beyond our differences, look to our common humanity, and take action to protect the dignity, rights and safety of every individual.