

**OSCE High-Level Conference on Tolerance and Non-Discrimination
(including Human Rights Youth Education on Tolerance and Non-Discrimination
Tirana, 21 – 22 May 2013**

ENGLISH only

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ILGA-Europe, the European branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, is an umbrella organisation with a membership of over 400 European, national and local level NGOs in Europe

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

Thank you Mr. Chair,

This conference is very timely – just a few days after IDAHO, the International Day against Homophobia and Transphobia, 17 May – a day where we commemorate all those that have lost their lives as a result of or have been victims of homophobic or transphobic violence. To find out that bias and hate based violence are a daily reality for LGBT people throughout the OSCE region, one only needs to watch the news.

Only in the last week a gay man was murdered in New York in a homophobic attack, two men were threatened and attacked in London, and a peaceful gathering of 25 LGBT activists in Tbilisi, Georgia was attacked by 10.000 people after a public call by religious leaders, leaving 17 people injured. From the FRA report presented last week, ILGA-Europe's Annual Review and its submission to OSCE-ODIHR 2012 Hate Crimes Report with factual country-by-country data on homophobic and transphobic incidents recorded in 2012 a clear pattern emerges of a high level of violence and bias crimes against LGBTI persons across all countries of the OSCE.

- Violence against LGBTI persons tends to be especially vicious and shows a high degree of cruelty and brutality and include beatings, torture, mutilation, and sexual assault.
- There are serious violations of freedom of expression, freedom of peaceful assembly and association, including through proposed "anti-propaganda" legislation in the Russian Federation and Ukraine.
- Perpetrators are state and non-state actors, such as police, health authorities, prison guards, neighbours, friends and one's own family
- Trans people are the most vulnerable: In the last five years 71 murders of trans people have been documented in Europe. Nearly every trans person experiences harassment, abuse and violence in public.
- Legal gaps: protection in many States is insufficient and responses by authorities are inadequate
- There is a significant level of underreporting due to distrust of the police, fear of reprisals or threats to privacy, or failure to recognize motives of perpetrators by the police.

There are however also significant positive developments at national and international level of States and international fora taking up :

- ILGA-Europe commends States that have recently taken steps to recognise both homophobic and transphobic hate crimes in their legislation, such as Georgia, Serbia, Malta and France,

and only last month Albania.

- Also the adoption of the Victims Directive by the EU and the implementation of the Council of Ministers Recommendation of the Council of Europe are important steps towards improved protection of LGBTI people against violence and discrimination.
- At the UN level, the 2011 Council resolution, the UN High Commissioners report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, and the UN Secretary General Ban-Ki Moon expressing his commitment on several occasions, show that these violations of human rights deserve more specific attention.

In view of these developments ILGA-Europe calls on the OSCE to support an inclusive approach. The OSCE has an important commitment in combating any form of intolerance and discrimination and bias based violence.

ILGA-Europe considers it essential to affirm that manifestations of all forms of discrimination and intolerance threaten the security of individuals and societal cohesion and may give rise to wider conflict and violence on a wider scale.

In that respect, the Ministerial Decision on combating hate crimes in December 2009 (MC.DEC 9/09) took the right approach in providing the following definition of “*hate crimes*”, by acknowledging that these are all “*criminal offences committed with a bias motive.*”

ILGA-Europe considers it is high time for the OSCE to strongly reject and condemn all manifestations of racism, xenophobia, discrimination and intolerance, including against (*inter alia*) lesbian, gay, bisexual, trans and intersex (LGBTI) people, in particular in the area of bias violence.

May I recall The Vienna Declaration and Programme of Action that states, “while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

We therefore call on States and the OSCE to name discrimination, intolerance and bias violence on the basis of sexual orientation and gender identity and carry out their important responsibility to protect each and every citizen without making any distinction

- as human rights apply to all individuals - without distinction.

Thank you