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My background

The Ombudsman for Minorities' purpose is to prevent ethnic discrimination, promote good ethnic relations, safeguard the status and rights of ethnic minorities and foreigners, and supervise compliance with the principle of non-discrimination of ethnic minorities.

Ombudsman is an independent actor in association with – not subordinate to - the Government.

I have a small office of eight officials. Roughly two thirds of our resources are directed to work with customer complaints concerning ethnic discrimination and the rest to give training, advice to stakeholders, to cooperation with civil society organisations, media etc.

Our annual report provides a good insight to our operations. You may order it from my office (www.vvt.fi).

This presentation

Quite naturally my contribution to this meeting is based on my experiences in office as the Ombudsman for Minorities during past five years. The viewpoint is how the things look from everyday perspective in one participating state.

What that in short means is not easy to say but certainly they among others contain issues on hate criminality as well as work with civil society.

On hate crimes and discrimination

Hate crimes exist in all societies. Their content, nature and scope vary in different communities and in time. This conference will present reports, data and analysis on this. And will give the opportunity for the participants to share experiences on it.

What is common to all societies, however, is that hate crimes destroy the fundamentals of our societies and lives of individuals by denying the value of individual as a human being.

It influences thoroughly the lives of everyone, not just victims. Racism for example poisons the atmosphere of the whole of the society, even its targets seem to be only the minorities.

The inability of societies to solve their tensions and problems creates frustration. This frustration sometimes finds its way to hatred against those who are or seem to be different.

The difference may even not be of the kind which had any bearing to the lives of the others. Gay and lesbian people – to mention one – just express a very personal part of their lives – love, affection, sexuality differently. Why one should be hated because of that.

On the surface hate represents often itself as conflicts between individuals or communities. However, their background and roots are in societal structures and traditions, in lack of democracy. It results from malfunctions of state administration, nourished by poverty and lack of basic fundamental rights, not to mention most notably discrimination and lack in protection of minorities.

Discrimination has a direct link to hate motivated crimes. Discrimination leads to the isolation of the minorities from the society as whole, but also from the mutual interaction with the majority. It is then easier to see the segregated groups as something less valuable. In Europe today the situation of Roma population presents a sad example on this.

The inequalities in societies strenghtens the hate and deepens the fear. And create basis for racism.

In this light hate criminality is always a political issue and states are responsible of it.

In the fight against hate crimes one has to be prepared to proceed on several avenues: Individual conflicts have to be solved promptly and sustainably, but at the same time general societal structures – i.e democracy -and protection of minorities have to be secured.

Data

Reliable official data on hate criminality is seldom available. Finland belongs to those few ones which collect official data on hate crimes, but having followed it I can say that its reliability is not beyond critical remarks.

Lack of official data does not however mean that the phenomem did not exist.

Data can be gathered through customer contacts. Also victim surveys – be they academic or just local projects – give invaluable data of the phenomem.

And most imporantly: even we do not know officially too much about, it does not prevent us to act. Those who operate in the field know that it is a sad part of minorities' everyday life: either to face violence or harassment or to be thereatened by that everyday.

OSCE's role

In general

As hate motivated crimes are linked to democracy, the response from OSCE is wellfounded.

The governments commit themselves internationally on issues which they tend to forget. Or the commitment gives too much room for interpretation.

The monitoring reports of EU, CoE and UN bodies are quite widely published and reported – at least - in Finland. One element of the international commitment is to disseminate information on

recommendations and findings. They are indispensable material for NGOs and for specialised bodies.

In the OSCE commitments are also made by the governments and for the governments. But they are not as widely reported as some others. Maybe this could be a new and concrete commitment of the participating States. That they would be obliged more intensively to publicise the recommendations made in the framework of OSCE. Even better would be, if the EU, CoE and UN produced concerted recommendations in specific areas.

Obligation to publicise them would give media a tool to built up pressure to decisionmakers by exposing candid or neglected problems.

Another observation concerns the way the commitments are drafted. They are many. A more concise and structured way to present them would certainly help following their implementation stage.

In particular: No safe heavens for cyber crime

One of a very worrying phenomenon is hate agitation in the internet. Internet is a very powerful forum to disseminate information, ideas and emotions. More and more of people build their view of the world on the basis of internet. Internet is also a platform for racist or other hate motivated material.

It would be essential to be able more effectively to tackle the hate agitation in the internet. Yet it is very frustrating, as the most vicious are using some countries as safe havens to escape the criminal responsibility.

We would need a more common approach on what is legal use of freedom of expression and what is abuse of it.

OSCE could be useful on this issue.

Civil Society

A third observation concerns, how the civil society operators are seen in the recommendations. Their role could be more visible.

However, NGOs are invaluable player in the fight against hate motivated criminality. They pay attention to the problems, raise awareness, and test and assess the governmental measures. The NGOs have the right to disagree with the governments and governments need that.

NGOs can partners in dialogue with governments and liaising minorities with officials. NGOs can give the voice to the needs and views of the people concerned.

One of the biggest obstacles in the fight against hate motivated criminality and discrimination is that victims do not have confidence on the system. They do not trust that the authorities could help them.

NGOs can be those to assess in which situations authorities could help the victim and assist to build confidence. Good laws are no good if they are not used in practise.

NGO's can also give substantial emotional and concrete support for the victims who have been victims of discrimination or hate motivated crime. They can be much more approachable, empathetic and flexible than authorities.

But the ngos need the governments. They need funding and other kind of support. This can be concrete, like providing office premises with reasonable rents, but indirect, like securing the freedom of expression.

The ngos need authorities as partners: all the good ideas and intentions won't lead to changes in policy nor legislation if the governments are not convinced on them. NGOs alone can't make structural changes in society. If they were yet not working in cooperation, they should.

Something could be said on specialised bodies, too. They can act as mediators between NGOs and governments, empower the NGOs etc. Specialised bodies could be a new asset in working in this field.

Finally

The roots of this meeting are in Helsinki 1975. Political circumstances have surely changed, but the core of the OSCE has not lost its actuality in preserving democracy and human rights. One of the main and particular fundaments has been the dynamism that the civil society movements have provided for the OSCE expressing the voice of the peoples. That includes the right to disagree.

The civil society certainly has its role today as it had 1975.