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EUROPEAN UNION

OSCE High-Level Conference on Tolerance and Non-Discrimination (including human rights youth education on TND)

Tirana, 21 May 2013

Speaking Points – Session 1

Part 1. Comprehensive approach to combating intolerance and discrimination

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

Delivered by Hendrik Van de Velde, First Counsellor, Human Rights Focal Point, EU Delegation to the International Organisations in Vienna

1. The OSCE commitments in the field of tolerance and non-discrimination concern all forms of discrimination, against any person: this is clear in many of our documents, from Vienna 1989 to Madrid 2007. The European Union wishes to underscore that the OSCE milestone documents and ministerial decisions leave no doubt that we have collectively committed to fighting intolerance and discrimination based on any ground.
2. Our TND commitments have a non-selective approach and are rooted in the basic principles of rule of law and human rights: to ensure and to provide every human person equal enjoyment of human rights.
3. If our approach did not include all forms of discrimination against any person, this would imply that some forms of discrimination or discrimination against certain persons could be considered justified or acceptable. This is contrary to basic human rights principles.
4. Let us remind that ‘all forms of discrimination’ is a notion fully reflected in the Universal Declaration of Human Rights, which states that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind. This covers discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status but also discrimination on any other ground including sexual orientation, gender identity, genetic features, age, disability etc.
5. We would also like to stress that the notion of *all forms* also encompasses multiple forms of discrimination. By this we mean the discrimination against the same individual on the basis of several distinctive traits. It is an issue of great concern in the OSCE area.
6. Only such a comprehensive and human rights-based approach ensures that the same rights are applied to every person, everywhere, without discrimination. This

should guide the OSCE in assisting participating States in fulfilling relevant commitments.

7. Only a couple of days after the international day against homophobia and taking into account the findings just presented by Mr van der Veur, the EU wants to draw attention to the situation in many participating states where gender identity and sexual orientation continue to be used as justifications for serious human rights violations, including physical assaults and undue restrictions as regards freedom of assembly and/or freedom of expression. Lesbian, Gay, Bisexual and Transgender people constitute a vulnerable group and continue to fall victims of persecution, discrimination and ill-treatment, often involving extreme forms of violence.
8. In this context, the EU would like to invite you all to the side-event it co-sponsors with Canada, Norway, Switzerland and the United States tomorrow at lunchtime on the challenges and perspectives regarding discrimination against LGBTI persons. At this side-event, we will also have the occasion to come back to the EU Fundamental Rights Agency's survey just presented by the guest speaker of this session.

Mr Chair,

9. Turning specifically to racism and xenophobia, the EU has repeatedly demonstrated its commitment to fight these phenomena, and it remains high on our human rights agenda. These phenomena run counter to fundamental EU principles, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. Racism, racial discrimination, xenophobia and related intolerance, undermine those principles and are a challenge, which the OSCE participating States must face together.
10. In the European Union, racial or ethnic discrimination is prohibited by the Charter of Fundamental Rights, as well as by several Regulations and Directives. The EU has also adopted legislation which bans incitement to racist or xenophobic violence or hatred.
11. Under EU legislation, EU Member States are required to introduce laws to fight racism and xenophobia through, for example, penalising the intentional public incitement to violence or hatred on the basis of race, colour, religion, descent or national or ethnic origin; banning incitement to racial hatred in audiovisual media services and the promotion of racial discrimination in audiovisual commercial communications; prohibiting discrimination on grounds of racial or ethnic origin in many areas of life, including employment, education, healthcare, and housing; prohibiting discrimination on grounds of religion or belief, disability, age and sexual orientation in the field of employment, as well as prohibiting discrimination at border controls. In addition, all EU Member States have been required by EU law to set up a national body for the promotion of equal treatment of all persons without discrimination on grounds of race or ethnic origin. These bodies, among their other tasks, provide assistance to victims of discrimination.
12. Additionally, the EU Fundamental Rights Agency plays an important role by collecting, analysing and disseminating objective and comparable information on the situation across the EU. The agency cooperates with the OSCE, the United

Nations system (namely OHCHR, UNICEF, UNDP or UNICEF), the Council of Europe and other international organisations. This cooperation very often consists of expert consultations, conferences and seminars as well as common data collection.

13. The EU also supports a wide range of civil society organisations in their work against racism, xenophobia and non-discrimination through its European Instrument for Democracy and Human Rights, and has furthermore implemented a wide number of public awareness measures, increasing the exchange and the analysis of information on racism and xenophobia, and improving judicial cooperation and cross-border training in this area.