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

10:30 – 12.30

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

Dear participants at the conference,

I gladly welcome the opportunity to address you at this high level conference. The EU Agency for Fundamental Rights (FRA) which I represent here today has conducted extensive socio-legal research in the areas which feature on your agenda today and tomorrow.

Let me first shortly introduce the work of the FRA. The European Union Agency for Fundamental Rights was set up in 2007 with the objective to provide EU institutions and the 27, soon 28, EU Member States when implementing Community law with assistance and expertise relating to fundamental rights.

The agency situates its work in the context of the Charter of Fundamental Rights of the European Union. The Charter brings together in a single document the fundamental rights protected in the EU under six titles: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice. The Charter has become legally binding on the EU with the entry into force of the Treaty of Lisbon.

The nine thematic areas of FRA's work are defined in a five-year Multi-annual Framework, which fall broadly under different chapters of the Charter of Fundamental Rights. Most relevant for my intervention today are the 4 areas **access to justice; Roma integration; racism, xenophobia and related intolerance as well as discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.**

The title of your first session today has as the overarching title "Comprehensive **approach to combating intolerance and discrimination**" and in this spirit I would like to share with you what FRA research in the area of non-discrimination and hate crime has shown.

While, as OSCE Ministerial Council Decisions have recognized, there are "specificities and uniqueness of different forms of intolerance and discrimination", FRA also found striking **similarities** in the way different communities are discriminated and affected by intolerance. In the following I limit myself to FRA research in the areas of immigrant and ethnic minority communities, the Roma

community as well as surveys measuring the extent and nature of discrimination and victimisation in the Jewish and the LGBT communities.

Whereas research methodology differed, 4 observations could be identified among all communities:

1. Discrimination is an everyday reality for many

Based on research in 2008, the FRA's European Union Minorities and Discrimination Survey (EU-MIDIS) interviewed 23.500 people with an ethnic or migrant background across the 27 EU Member States. The survey found that **38 % of Roma job seekers** indicated that they were discriminated against because of their ethnicity when looking for work, at least once in the 12 months preceding the survey.

A FRA survey on Jewish people's experiences and perceptions of anti-Semitism (not yet published) collected data from 5,914 self-identified Jewish respondents in nine EU Member States. **One in ten of those self-identified Jewish respondents who had been looking for a job (10%) or were employed (11%) in the last 12 months said that they felt discriminated against because they are Jewish.**

2. Hate crime remains a persisting phenomenon throughout the European Union

Violence and offences motivated by racism, xenophobia, religious intolerance, or by a person's disability, sexual orientation or gender identity are all examples of hate crime, which harm not only those targeted but also strike **at the heart of EU core values of the fundamental rights of equality and non-discrimination**. In a groundbreaking report released last Friday, the FRA found that a quarter of over 93.000 lesbian, gay, bisexual and transgender respondents had been attacked or threatened with violence in the previous five years. About three in 10 of all transgender respondents said they were victims of violence or threats of violence more than three times in the past year. Fewer than one in five (17 %) reported to the police the most recent incident of hate-motivated violence that had happened to them. Tomorrow I will present these findings in more detail during a side event.

3. Rights awareness is very low

Rights awareness in the area of discrimination is on average very low among all Europeans. Ethnic and minority groups have a very low awareness of anti-discrimination legislation, as EU-MIDIS established. Only 25 % of all survey respondents said that they were aware of anti-discrimination legislation. Similarly, survey results published in 2012 revealed low levels of awareness of anti-discrimination legislation showing that only around 40 % of the Roma surveyed were aware of laws forbidding discrimination.

4. Trust in authorities is low

FRA research among LGBT and ethnic minorities show that low reporting of incidents of discrimination is not solely due to lack of rights awareness. EU-MIDIS

data showed that across all ethnic and migrant groups surveyed, 82 % of those who were discriminated against in the 12 months preceding the survey did not report their most recent experience of discrimination. The most common reason given by 63 % of the respondents for not reporting discrimination incidents was the belief that nothing would happen as a result of reporting the incident.

The results of the FRA's LGBT online-survey paint a similar picture. The most frequently cited reason for not reporting a discriminatory incident was generally that respondents who experienced these incidents were skeptical about whether reporting would make any difference. 59 % of those not reporting an incident claimed that this was one of the reasons for not making an official complaint. Homophobic and transphobic public discourse was also identified as a significant problem by many LGBT respondents.

These are just four set of findings and of course there are many more.

Now the question is, **what helps in combating the phenomena of discrimination and hate motivated violence?** I noted on your agenda tomorrow the session focusing on the role of political leadership, legislation, law enforcement, data collection in combating and preventing intolerance and discrimination and hate crimes.

And indeed, FRA research has shown that all these issues are crucial elements of a comprehensive response. However, another aspect which some EU MS have given priority is the setting up of dedicated strategies, action plans, roadmaps or the like in order to combat discrimination and hate crime.

For instance, the Netherlands, France, Belgium have a developed action plans guiding the work on the fundamental rights of LGBT persons. Similar developments have occurred at the EU level, within areas of EU competences and spheres of action; examples include the EU Disability Strategy, the Strategy for equality between women and men, and the EU Framework for national Roma integration strategies up to 2020. With regard to LGBT people the European Parliament has called on the Commission to issue an EU Roadmap for equality on grounds of sexual orientation and gender identity. This call is also supported by at least 11 EU Member States who signed a statement last week in the Hague during a high level meeting hosted by the NL government on the occasion of the International Day against Homophobia and Transphobia.

In closing.

I started my intervention by referring to the EU Charter of Fundamental Rights. This Charter sets out minimum standards to ensure that a person is treated with dignity. Whether this is the right to be free from discrimination on the basis of your age, disability or ethnic background, or the right to get access to justice, these rights should all be respected, promoted and protected. It is human dignity after all that binds us. Unfortunately many of FRA findings show that we are far away from a Europe which offers dignity to all. There is serious work to do.

I wish you success with your conference.