

**STATEMENT BY THE EUROPEAN UNION AT THE
OSCE SUPPLEMENTARY HUMAN DIMENSION MEETING ON
POLICIES AND STRATEGIES TO FURTHER PROMOTE
TOLERANCE AND NON-DISCRIMINATION**

Vienna, 14 and 15 April 2016

Combating all forms of discrimination and promoting tolerance contribute to the universal promotion and protection of fundamental freedoms and rights like freedom of expression, freedom of religion or belief or freedom of association, which are priorities for the European Union (EU), both internally and in its external relations. These efforts are vital in ensuring full respect for the inalienable principle of the inherent dignity and rights of all human beings, enshrined in the Universal Declaration of Human Rights in 1948 and a founding principle of our Organization. Full engagement in this regard alongside the full exercise of fundamental rights and freedoms is an essential factor in security and co-operation in Europe. This Supplementary Human Dimension Meeting gives us an opportunity to reaffirm the importance of these commitments as well as to reflect on how best to implement them.

Our Organization, the OSCE, is rich in diversity: geographic, cultural, ethnic, religious and linguistic. It is our duty to ensure that this diversity is a boon and not an instrument of conflict. Whatever their cause, manifestations of intolerance and racism are factors in tension and instability. The EU, both on its own soil and beyond its borders, has seen a worrying increase in certain violent forms of intolerance, especially over the past few years. Fertile ground for these forms of intolerance that the difficult global economic situation is and exacerbated by the current refugee and migrant crisis though they are, so must we oppose them with all the more persistence and determination today.

To that end, these acts that go against the grain of our commitments must be sanctioned, but also prevented through tackling their underlying causes. This work calls for a comprehensive and inclusive approach based on education about tolerance and the universality of human rights, on combating exclusion and all forms of discrimination as well as on access to justice for the victims of these acts of violence.

The commitments we made in Copenhagen (1990) as well as in Madrid (2007) serve as clear and plain benchmarks for the importance of combating all forms of discrimination, on any grounds whatsoever. They remind us that it is imperative to ensure that fundamental rights and freedoms apply universally to all human beings, in law and in practice.

The OSCE has adopted a wide range of commitments in this regard. The participating States benefit from the sterling support of the Office for Democratic Institutions and Human

Rights in implementing them in full. Particular recognition is due to the Office's training activities concerning hate crimes, and the publication of its annual report on that subject, which serves as an additional tool to guide national plans against discrimination.

Within the EU, Article 21 of the Charter of Fundamental Rights prohibits any discrimination based on sex, race, colour, ethnic origin, religion or belief. A robust legal framework has also been developed over the years against racism, xenophobia and hate crimes at the EU level. The European Commission closely monitors the transposition and implementation by Member States of the relevant European legislation, in particular the Framework Decision on combating racism and xenophobia through criminal law, which establishes the framework for a joint response to hate crimes and speech, ensuring that these are punishable by effective penalties.

This instrument, introduced in 2008, provides that Member States must make public incitement to violence or hatred directed against a group of persons or a member of such a group defined on the basis of race, colour, descent or national or ethnic origin punishable by criminal penalties, including when the offence is carried out by the public dissemination or distribution of tracts, pictures or other material (hate speech). In all cases, for any offence, Member States must ensure that racist or xenophobic motivation shall be considered an aggravating circumstance or, alternatively, the courts must be empowered to take such motivation into consideration when determining the penalties to be applied (hate crime).

The Commission is also working extensively on strengthening victims' rights. The Directive on victims' rights adopted in 2012 grants a wide range of rights to victims, including access to justice, compensation and the return of property, as well as the right to receive appropriate information, support and protection. There is a particular emphasis on victims of hate crime.

We should like to stress that the universal nature of human rights also means that States are responsible for ensuring that equality, non-discrimination and protection from violence are also in force for LGBTI people, as well as anyone facing discrimination on any other grounds.

By way of conclusions and recommendations for the OSCE, the EU, while acknowledging that some forms of discrimination and xenophobia are specific, would like to stress the importance of adopting a comprehensive approach and of addressing cross-cutting issues in combating intolerance and discrimination, protecting everyone alike, whatever their characteristics.

In that regard, we should like once again to express our concern about a tendency in the OSCE to take a fragmented approach to combating intolerance, thereby diluting our commitments and dividing the international community in this crucial area. Implementing our commitments at the level of communities and favouring the fight against some types of discrimination at the expense of others could carry significant risks of unhealthy competition among the victims of intolerance and discrimination, heightened tension among communities and feelings that certain forms or grounds for discrimination are being overlooked.

In the current situation, our best defence against the cycle of hatred is to reaffirm our unity based on shared principles including opposition to all forms of intolerance, which

means affirming the equal dignity of all human beings and combating intolerance against others because they are different – in any way whatsoever.

These principles are at the heart of the OSCE's commitments and must guide our work within the Organization more closely than ever from now on.