

2011 OSCE Human Dimension Implementation Meeting
WORKING SESSION 13: Tolerance and Non-Discrimination II
October 4, 2011

Statement by Human Rights First

Participating States should take steps to implement official commitments to combat hate crimes by introducing an adequate legislative framework; establishing systems of monitoring and reporting of incidents; and implementing police training, educational, and community engagement programs that would contribute to a more robust response to the problem. These are all steps that have long been a part of the increasing body of OSCE commitments, including in the 2009 Ministerial Decision 9/09 on Combating Hate Crime.

States should take advantage of the instruments made available through the Tolerance and Non-Discrimination Unit of ODIHR (TnD) and continue supporting ODIHR's mandate on combating hate crime, in particular by participating in and providing sufficient funding through the regular OSCE budget and through extrabudgetary contributions for:

- efforts to ensure that the Training Against Hate Crimes for Law Enforcement (TAHCLE) program has the support it needs and that participating States are taking part in this program;
- agreements between the ODIHR and participating States on programs of technical assistance to combat hate crime;
- the ODIHR to convene regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized antidiscrimination bodies, and consider as a topic in future meetings the building of trust and cooperation between law enforcement agencies and victims, their communities, and civil society groups;
- increased cooperation between ODIHR and other international organizations and United Nations bodies, including the U.N. Refugee Agency, OHCHR, and U.N. Special Procedures mandate-holders.

Data collection and effective implementation of legislation

The implementation of the Ministerial Decision 9/09 on Combating Hate Crime is necessary to ensure an adequate response to hate crime and a recognition of the danger posed by hate crime to national security, stability, and unity. The shortcomings in government responses revealed by ODIHR's annual reporting must be addressed.

States should submit data to ODIHR, make it available to public, appoint a National Point of Contact for Hate Crime, disaggregate data by bias and incident type, and seek ways to enhance reporting of

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incidents to the police in order to avoid submitting data that differs significantly from the numbers reported by nongovernmental organizations and the media.

The participating States that have yet to adopt criminal laws to expressly address violent hate crimes should do so, and the process should include consultations with community groups, nongovernmental partners, and ODIHR.

States must respond vigorously to hate crimes against all vulnerable groups, which means that governments should speak out forcefully against all violent hate crimes; take measures to hold the perpetrators of such violence accountable before the law; and to examine shortcomings in existing monitoring and reporting systems as well as legal frameworks for addressing such crimes.

An Overview of Bias-Motivated Incidents

- **Racist and xenophobic violence** has been on the rise in a number of OSCE countries in recent years. Although comprehensive and systematic data collection systems are unavailable in most OSCE states, government monitoring systems in a number of countries showed moderate to high rises in the overall numbers of hate crimes.
- **Roma and Sinti** face violent hate crimes and a myriad of other forms of public and private discrimination throughout Europe. A pattern of violence is directed at causing immediate harm to Roma and physically eradicating the presence of Roma in towns and communities in many parts of Europe. Racist violence against Roma remains gravely underreported. Roma routinely suffer racist assaults in city streets and other public places as they travel to and from homes, workplaces, and markets.
- Across the region, attacks motivated by **religious hatred** continue to occur, creating an atmosphere of anxiety that obstructs individual rights to freedom of religion and belief. Virtually every religious community in the OSCE region has been subjected to acts of vandalism and other serious property damage, while individuals associated with religious groups have also been targeted for violence. The desecration of graves and cemeteries remains a common problem.
- Looking back at the past decade, the first ten years of the new Millennium have seen some of the highest levels of violence **antisemitic violence** since the end of World War II. The decade began with a dramatic upsurge of attacks in 2000 and ended with a forceful wave of antisemitic incidents that swept over much of western Europe in January 2009. Continuing high levels of antisemitic violence have occurred against a background of proliferating antisemitic discourse in both the public and the private sectors, promoted in many countries by local and national leaders and mainstream media.
- **Refugees and migrants** are victims of xenophobic violence and discrimination in the OSCE region. Refugees and asylum seekers from Africa, Central Asian migrant workers, and Muslim immigrants are among many groups affected by this violence, which takes the form of attacks on individuals and property, such as temporary housing for refugees. **Anti-immigrant** rhetoric is intensifying in many countries as immigrants are blamed for political, economic, and societal ills. In its most extreme form, xenophobia has taken the form of bias-motivated violence. Refugees, asylum seekers, and migrants are among the principal targets of racially and religiously motivated violence as they are often easily distinguished by their appearance, language, religion and customs.
- While adherents of all religions are victimized by violent ultranationalist groups, a high level of violence is directed toward religions deemed “**nontraditional**.” Private acts of harassment and violence against members of minority religions and faith communities usually occur in the context of public policies and pronouncements restricting the freedom of religion of those professing nontraditional faiths. As a result, individuals associated with “nontraditional” religious groups become more vulnerable and visible targets for violent acts motivated by prejudice and intolerance.

- Continuing violence based on **sexual orientation and gender identity** bias, though still largely unseen, is an intimidating day-to-day reality for LGBT individuals, as well as others who are targeted because they do not conform to stereotypes of gender identity or simply advocate for LGBT rights. Very few countries collect and publish data on the issue or even list LGBT as a form of hate crime in their criminal law provisions. Gay pride parades and events in a number of countries in Eastern Europe continue to result in political diatribes attacking people of minority sexual orientations from political leaders, inadequate police protection, and acts of harassment and violence against the participants. Homosexuality remains criminalized in two OSCE Member States, Turkmenistan and Uzbekistan.
- The problem of **anti-Muslim violence** is complex, due to the multiple dimensions of discrimination involved. A single act of violence or discrimination may encompass intolerance based on the victim's religion, ethnicity, or gender. However, intolerance is often directed at Muslims and other minorities expressly because of their religion. The effects of acts of hate violence are exacerbated by the fact that they are taking place against a background of a climate of hostility toward Muslims. Obstacles to freedom of religion, widespread discrimination, and anti-Muslim rhetoric in mainstream media and political discourse are an important part of the context in which violent acts are being perpetrated. Intolerant public discourse that goes unchallenged fosters indifference to abuses committed against members of minority groups and promotes impunity for perpetrators of violent hate crimes against them. Such factors erode the confidence of victims of hate crime to report their victimization to the authorities and seek justice from the police and the courts.

Representative Examples of Bias-Motivated Violence

- On September 10, 2011, an organized attack on Pakistani immigrants allegedly took place in Athens, **Greece**. More than 25 immigrants were reportedly wounded, and four of them were hospitalized. In March 2011, NGOs and media outlets reported on a wave of xenophobic attack on innocent migrants, refugees, and asylum seekers who were targeted by neo-Nazi and ultranationalist groups retaliating for a fatal stabbing of a Greek man in Athens.
- On August 27, 2011, a couple fled their apartment in Bialystok, **Poland**, after the flat's door was set on fire in an apparent racist attack. The husband is a Pakistani immigrant who's lived in Poland for 11 years who reported prior incidents in which he was verbally abused, harassed, and violently assaulted.
- On August 22, 2011, a 46-year-old man suffered cuts and bruises to his face in an unprovoked attack allegedly committed by a teen-age boy. The victim was walking toward his mosque in Southend-on-Sea, **United Kingdom**, at 4 AM. The police weren't able to locate the perpetrator or the four other youths that were seen in his company.
- On July 31, 2011, a transgender woman was murdered in Istanbul, **Turkey**. The victim was a sex worker, and the alleged murderer was detained by the police soon after the incident.
- On July 12, 2011, young masked men threw Molotov cocktails at the Darchei Shalom synagogue in Moscow, **Russia**. None of the bombs exploded, and no one was injured, and the attackers fled the scene. Evidence suggests that the synagogue attack may have occurred in retaliation for the July 11 Moscow City Court's sentencing of the "Sever" skinhead gang whose members were responsible for plotting terrorist attacks, as well as committing twenty-seven bias-motivated murders and several dozen nonlethal attacks, mostly on non-Slavs living and working in Moscow.
- On June 12, 2011, thousands of ultranationalist supporters gathered to protest the first gay pride in Split, **Croatia**. Counterdemonstrators quickly overpowered the police, throwing rocks, firecrackers, bottles, and trash at the marchers. While the police created a buffer zone to protect the marchers, the organizers felt this was not enough to prevent violence, which left five people injured. At least one hundred counterdemonstrators were detained and charged by the police.

- In May 2011, three Roma families from the village of Gemerská Poloma, **Slovakia**, were harassed and attacked by as many as 40 far-right supporters, who reportedly gathered in the neighborhood to beat and verbally abuse Roma residents and to destroy property.
- On May 20, 2011, ultranationalist supporters assaulted Muslims gathered for the Friday prayer at the Banya Bashi mosque in Sofia, **Bulgaria**. The attackers were reportedly shouting “Turks, get out” and throwing eggs at the believers. At least one person was injured in the incident.
- In April 2011, the Civil Guard Association for a Better Future had been “patrolling” the town of Gyöngyöspata, **Hungary**, on the pretext of providing security to citizens of Hungarian origin. Unimpeded by local police, the Civil Guard members have reportedly threatened Romani residents with weapons and dogs and have followed Roma residents from their homes. Several attacks have reportedly taken place, including a violent assault on a male Romani youth on April 26, 2011. The attackers reportedly threatened local Roma with a gun and threw stones at one of the houses in the Romani neighborhood before assaulting a 14-year-old boy.
- On April 11, 2011, a 21-year-old Jewish student was severely beaten outside his synagogue in Villeurbanne, **France**, after revealing his religious identity to the attackers. The victim was reportedly confronted and insulted by two young men who used a pellet gun and a club, hitting the victim in the head and upper body. The victim had to be hospitalized to be treated for his wounds.
- On April 10, 2011, three young men attacked a citizen of Cameroon, who suffered a knife wound, near a subway station in north Moscow, **Russia**.
- On March 24, 2011, two men, a Pakistani and an Indian, were attacked by a group of seven Ukrainian youths in downtown Kyiv, **Ukraine**. The attackers made no attempt to rob the victims.
- In January 2011, police arrested a 30-year-old man on suspicion of arson after a series of attacks on several mosques in different districts of Berlin, **Germany**. No one was injured in the attacks, but the fires caused property damage in every case. A mosque of the Ahmadiyya community was set ablaze in the early hours of January 8, and two other mosques were targeted in similar attacks late in 2010. A comprehensive police investigation led to the capture of the main suspect.
- On February 23, 2011, three youths verbally harassed and punched a rabbi at the Lausanne Synagogue in **Switzerland**. The attack took place as the victim was leaving the synagogue.
- On February 14, 2011, unidentified vandals drew swastikas on Christian religious statues in Wiltz, **Luxembourg**.
- On August 25, 2010, in New York City, **USA**, a city cab driver Ahmed Sharif was stabbed multiple times by an intoxicated passenger who allegedly asked if the driver was Muslim. The 21-year-old perpetrator was detained and charged with attempted murder, assault, aggravated harassment, and possession of a weapon. Hate crime provisions were included in the charges that were upheld in January 2011, while the trial is scheduled to resume in March 2011.

Ten-Point Plan for Combating Hate Crimes

- 1. Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
- 2. Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- 3. Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- 4. Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
- 5. Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
- 6. Monitor and report on hate crimes.** Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.
- 7. Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
- 8. Reach out to community groups.** Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- 9. Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.
- 10. Encourage international cooperation on hate crimes.** Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.