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Human Rights First Statement

OSCE Supplementary Human Dimension Meeting, April 2016

Session III: Responses to Intolerance and Discrimination, Including Hate Crimes, Hate Speech and Hate on the Internet: Tools and Policies

Human Rights First is appreciative of the German Chairmanship for making tolerance a priority of the Chairmanship and for the OSCE's work on annual hate crimes reporting; training and capacity-building for governments, civil society, other stakeholders; and convening participating States, civil society, and other stakeholders to urge for the creation and implementation of actionable initiatives at the national level. The work is particularly critical this year in light of multiple intersecting issues: the global refugee crisis and the backlash in Europe against refugees, terror attacks and backlash against Muslim communities, rising antisemitism, and the rise of extremist groups exploiting divisive narratives and sowing a culture of fear and intolerance. Today's conversation is an important space for identifying how civil society, governments, and others can come together to forge good practices, build coalitions, and devise effective laws and policies to address these troubling trends.

It is an important and serious commitment that States of the OSCE have made to monitor and document hate crimes to understand the scope and nature of the problem and we credit the Office for Democratic Institutions and Human Rights (ODIHR) for holding States accountable in their annual hate crimes report. Human Rights First and the Anti-Defamation League jointly publish an annual report, released this week, to see if participating States are "making the grade;" sadly, year after year, this scorecard highlights the widespread issue of underreporting by participating States to the OSCE. Without this data it is difficult to craft responsive policies and programs. Authorities need to improve hate crime reporting, investigations, and prosecutions, and share data with OSCE's ODIHR and the public. Work also needs to be done on hate crime legislation in certain States. And it should go without saying that such legislation must be inclusive and protective of vulnerable minorities including on the basis of sexual orientation, gender identity, and disability.

Bias-motivated attacks are difficult to track. But statistics suggest that once every 90 minutes in the United States someone—or some business or institution—is attacked for bias motives; in the European Union, with a much larger population, the frequency is even higher. For many LGBT people, Muslims, Roma, Sinti, Jews, and other vulnerable

communities in the OSCE region, avoiding violence and harassment informs the choices they make in their daily lives. Commitments to human dignity and fundamental rights ring hollow without action to confront this problem. Even in countries where governments are taking significant action, such as France, Germany, and the UK, Muslims face restrictions on their right to wear headscarves in public spaces, and harassment is so prevalent, and often violent, that some Jews question whether it is safe to wear a kippah in public. Reliable data collection and reporting is an important basis for dialogue between civil society actors and governments.

Human Rights First did an in-depth study this past year on France, which we released following the deadly terrorist attacks in November and a year after the killings at Charlie Hebdo and the kosher market. Our report focused on the rise of antisemitism in France, within the context of broader and interrelated phenomena including the ascendancy of the far-right National Front party, mounting anti-immigrant and anti-Muslim sentiment, the spread of Islamist extremism, and the increasing alienation of many Muslims in France. One of our findings was that there were gaps in available data, which prevented a full understanding of the multi-vectored problem, and a need to increase reporting on hate crime victimization, radicalization, and the root causes of antisemitic violence. We also noted the rise of antisemitic hate speech on the internet and the need for greater support for civil society actors to engage in coalition-building and counter-speech actions.

Given the severity of hate crime and hate speech throughout the OSCE region, the lack of serious commitment from many OSCE countries is an astonishing dereliction. While 52 of the 57 countries have a hate crime law or sentencing-enhancement law on the books, only about half report more than one hate crime per year (which is virtually impossible). Even fewer countries report specific data – the type of crime, the target, or whether the perpetrator is punished. Even more troubling, 21 governments didn't collect any data at all. Meanwhile, NGOs, with more limited resources and reach, report a vastly more disturbing picture.

This is still unacceptable. Without comprehensive information about the nature and magnitude of hate crime, efforts to combat it will be hobbled, at best. While the problem of underreporting and incomplete hate crimes laws is not unique to Europe – and the U.S. faces its own challenges in extending inclusive hate crimes laws to all fifty states – for the sake of their citizens and societies, European governments should make good on their own commitments to combat hate crime, and tracking the problem is an essential first step.

Hate crimes are corrosive. Left unaddressed, they lead to broader society breakdown and increased violence. Communities and individuals victimized by bias-motivated violence shouldn't be left to fend for themselves. Advocates of equality everywhere should demand that governments take hate crime seriously. We all have a stake in building societies that are intolerant of intolerance.