



**Remarks by Paul LeGendre
Director, Fighting Discrimination Program
Human Rights First**

**OSCE/ODIHR 2009 Human Dimension Implementation Meeting
Side Event on “Preventing and Responding to anti-Muslim Hate Crimes”**

October 5, 2009

Headquarters
333 Seventh Avenue
13th Floor
New York, NY 10001
Tel: 212.845.5200
Fax: 212.845.5299

Washington D.C. Office
100 Maryland Avenue, N.E.
Suite 500
Washington, DC 20002
Tel: 202.547.5692
Fax: 202.543.5999

www.humanrightsfirst.org

Human Rights First’s Fighting Discrimination Program has been engaged in an effort since 2002 to combat the full spectrum of violent hate crimes across North America, Europe, and the former Soviet Union. We document the problem and advocate responses from governments in line with their international obligations to combat discrimination and other forms of intolerance.

We operate from the premise that hate crimes are different from ordinary crimes. Hate crimes are particularly pernicious forms of discrimination in that they are attacks on individuals and property that send a message of fear to entire communities who share a similar identity.

Individuals who fear violence cannot move freely in towns and cities, much less participate fully in the larger society. Even where hate crimes don’t involve severe violence, the result may be progressive marginalization and exclusion, largely barring those under threat from the exercise of rights taken for granted by others. The right to live and worship where and how one pleases, to participate fully in political life and to enjoy economic, social, and cultural rights are all affected.

State responses

Hate crimes can be particularly destructive when there is either no response or an inadequate response by the government.

States have obligations, under international human rights law, to protect individuals from discrimination, especially in its most violent forms.

Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of racial discrimination (CERD) all contain important obligations. States have likewise undertaken political commitments in regional intergovernmental organizations and

structures, such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE) and the European Union (EU).

Within the OSCE context, one of the commitments that has been reiterated consistently is the need for states to maintain reliable information on hate crimes.

The Data Deficit

Indeed, one of the first steps states must take to address hate crime is filling the data deficit. As concerns hate crime targeting Muslim individuals and property, we know from media, NGO, and other reports that intimidation, harassment, and physical assaults against Muslims as well as attacks against mosques and other symbols of Islam have become all too frequent occurrences. However, there are too few documented and systematically collected statistics to help us to understand longer-term trends and assess the effectiveness of governmental and other efforts to stem this violence.

The European Union's Fundamental Rights Agency reports that only 12 of the 27 EU countries produce "good" or "comprehensive" data on racist crimes and violence. And even fewer countries disaggregate to provide more data on crimes specifically motivated by intolerance toward Muslims.

The preliminary version of the ODIHR report being presented today reveals that only 13 governments collect data on anti-Muslim crimes, while only one government actually submitted that data. Our own research similarly shows that very few governments are able to offer even a glimpse of the reality of anti-Muslim hate crimes in their countries.

But even the best data collection systems will be of little help as long as underreporting remains endemic, hindering efforts by governments to collect data that reflects reality. Among the reasons for the failure to report are that victims complain of lack of understanding from the police, argue that the police do not take low-level harassment seriously, are afraid of reprisal, and fear going to court. Young people have a potential role to play in broad-based campaigns that raise the awareness of the problem of hate crimes and encourage victims to report them.

In the absence of official statistics, reporting on incidents by nongovernmental groups can be extremely helpful in that it provides some information on the nature and extent of violence against Muslims, compensating in part for the absence or incomplete nature of official data.

Recommendations

Governments have the preeminent role to protect people from discrimination and hate crimes. HRF has developed a ten-point plan for governments to address hate crime comprehensively. The full plans are available; a few of the points include:

Acknowledge and condemn violent hate crimes whenever they occur. Senior government leaders should send strong, public, and consistent messages that violent hate crimes will be investigated thoroughly and prosecuted to the full extent of the law.

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.

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.

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.

Intergovernmental organizations like the OSCE have an important role to play as well. States should also contribute to institutional responses from organizations like the OSCE. States should:

Strengthen the ODIHR's tolerance and non-discrimination work by:

- fulfilling their commitment to collect data on hate crime, provide it to the ODIHR, and make it available to the public.
- ensuring that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating states are taking part in this program.
- ensuring political and financial support for capacity building programs for civil society organizations and representatives to document and combat hate crime.

Undertake immediate preparations for a high-level conference on combating hate crimes in 2010 in order to generate political support for the implementation of tolerance and non-discrimination commitments. Action must be taken immediately to identify a host country, develop an agenda and proposed outcomes, and take steps to ensure high-level participation, with the goal of developing a common program of action to better respond to hate crime.

Encourage the personal representative on combating intolerance against Muslims to make regular country visits to investigate the problem of hate crime and the government response and to make his findings public.

In conclusion, it is worth reiterating that hate crimes against any one community should never be seen as a problem of that community alone. Hate crimes challenge fundamental human rights and should be addressed as such. In that spirit, community groups have an interest in joining forces, together with human rights organizations, to strengthen measures to combat hate crimes against all.