

**Recommendations on combating and preventing discrimination, intolerance and hate crime, developed by the participants of the OSCE Civil Society Workshop, Vienna, 7-9 April 2014<sup>1</sup>**

**To OSCE participating States**

1. Those participating States that have not ratified relevant international treaties (International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child and its optional protocol, Convention on the Rights of Persons with Disabilities and its Optional Protocol, International Convention on the Protection of the Rights of All Migrant Workers and Their Families, as well as Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms) should ratify them without delay.
2. Participating States should pass legislation criminalizing violent hate incidents and avoid passing discriminatory laws or laws that increase the prospect of hate crimes;
3. Participating States should amend legislation and practice on combating and preventing hate crimes, including systems of registration and collection of statistics on hate crimes, assistance to victims, etc., based on best practices and decisions of international human rights bodies, including opinions of the UN Human Rights Committee and jurisprudence of the ECHR over the last decade. The list of protected characteristics should be based on these decisions and include, among others, sexual orientation, gender identity, physical and mental disability;
4. Participating States should adopt comprehensive anti-discrimination / equal rights legislation, based on the best international practice, covering different manifestations of direct and indirect discrimination and including as exhaustive a list as possible of the grounds on which discrimination is prohibited, while also holding open the option for courts to add other grounds;
5. Participating States should fully implement decisions and recommendations on combating discrimination and hate crimes adopted by international human rights bodies, including judicial, quasi-judicial, monitoring and treaty bodies as well as special procedures, in the review of individual cases and in the adoption of general measures in legislation, policies and institutions;
6. Participating States should create national specialized institutions, responsible for combating and preventing racism, xenophobia and other forms of intolerance and discrimination;
7. Participating States should ensure prompt and serious investigation of all cases of discrimination and hate crimes and speak out against such incidents. Participating States should ensure via legislation and practice effective investigation of all bias motives whenever reported by victims;
8. Participating States should collect data on hate crimes at all stages, starting from the moment a crime is reported and up to the final court sentence, and ensure data is disaggregated according to bias on which the crimes were committed. Focus additional attention on cases where hate crimes are based on more than one bias (e.g. race + sexual orientation, age + disability);

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<sup>1</sup> The OSCE civil society workshop was held in Vienna on 7-9 April 2014 and was organized jointly by ODIHR and the Civic Solidarity Platform with the support of the 2014 Swiss OSCE Chairmanship. The workshop brought together almost 50 representatives of civil society organisations from North America, West and Central Europe, including Belarus, Moldova, Ukraine and Russia. Participants of the workshop in Vienna discussed three themes: prevention of torture; protection of privacy and personal data; and combating discrimination and hate crime. It was a second in a series of four regional civil society workshops that are taking place in 2014 in Belgrade, Vienna, Tbilisi and Dushanbe. The outcomes of the workshops will be compiled in a set of recommendations addressed to OSCE institutions and OSCE participating States which will be adopted as an outcome document of the Parallel Civil Society Conference on the eve of the Ministerial Council in Basel in December 2014.

9. Participating States should provide to ODIHR updated and detailed statistics on hate crimes, covering all protected characteristics;
10. Participating States should train police officers, prosecutors, judges and public servants to investigate, combat and prevent discrimination, intolerance and hate crimes, and invite ODIHR to assist in the conduct of such trainings;
11. Participating States should provide training for housing, education, employment and healthcare providers to identify discriminatory practices and introduce anti-discrimination measures;
12. Participating States should ensure that victims of hate crimes are treated in a respectful manner and provide training to all officials who come into contact with victims to ensure they treat them in such a manner. Participating States should provide training on hate crimes and victims' rights to government officials likely to deal with victims of hate crimes;
13. Participating States should establish a system to provide support to victims of hate crimes;
14. Participating States should publicly condemn and take legal action against political parties and movements inciting discrimination, hate and violence;
15. Government officials should avoid demonizing groups and peoples in public remarks;
16. Participating States should stop the practice of harassing and stigmatizing NGOs, human rights defenders and anti-discrimination activists working to combat discrimination and hate crimes and ensure their protection from threats and attacks by non-state actors;
17. Participating States should provide more support for civil society groups and activists working on issues of discrimination, intolerance, and hate crimes by allocating resources and creating opportunities to share expertise;
18. Participating States should facilitate cooperation between NGOs, community groups, law enforcement bodies and policy-makers in the field of combating and preventing discrimination, intolerance and hate crime;
19. Participating States should develop and implement effective inclusion and integration programmes for migrants and minority groups;
20. Participating States should bring National Action Plans on Roma and Sinti in line with the OSCE Maastricht Action Plan of 2003 and best practices in its implementation, ensure sufficient funding for implementation of National Action Plans on Roma and Sinti, and adopt evaluation mechanisms for assessing effectiveness of National Plans on Roma and Sinti;
21. Participating States should increase focus on disability rights, including disenfranchisement of those with mental disabilities. OSCE and participating States should strengthen their stance on legal capacity, including the link to the right to vote. States should guarantee legal capacity, abolish systems of guardianship and substitute decision-making;
22. Participating States should abolish criminal liability for consensual homosexual relations where it still exists. Participating States should adopt measures for the effective and timely investigation of hate crimes against LGBT individuals and examine motives of transphobia and homophobia in such crimes;
23. Participating States should refrain from adopting laws banning the so-called "propaganda of homosexuality" and repeal them in case they already have been adopted;

24. Participating States should pay greater attention to discrimination against children. To the extent possible, children should not be separated from their parents during detention. Teachers should receive training on non-discrimination;
25. Participating States should ensure access to justice for all residents regardless of their immigration status and guarantee the right to inclusive education;
26. Participating States should use mechanisms set up to monitor freedom of assembly to monitor discriminatory acts before, during or after public assemblies.
27. Participating States should request international legal expertise by ODIHR and the Venice Commission whenever they adopt new or amend the existing laws in the field of combatting discrimination and hate crimes.

### **To OSCE political bodies and institutions**

28. Given new challenges, OSCE political bodies and institutions should draft renewed, consolidated and deepened commitments on non-discrimination to include different manifestations of direct and indirect discrimination against protected groups, based on best practices and decisions of international human rights bodies, including opinions of the UN Human Rights Committee and jurisprudence of ECHR over the last decade. This work should be taken forward in the framework of Helsinki+40 process;
29. ODIHR should develop and promote new guidelines on combating and preventing hate crimes, including legislation, systems of registration and collection of statistical data on hate crimes, assistance to victims, etc., based on best practices and decisions of international human rights bodies, including decisions of the UN Committee for Human Rights and jurisprudence of ECHR over the last decade. The list of protected characteristics should be based on these decisions and include sexual orientation, gender identity, physical and mental disability;
30. OSCE should move beyond a focus on discrimination based on race/ ethnicity and expand the focus on discrimination based on religion. Discussion of Islamophobia should be institutionalized;
31. OSCE terminology used in the field of combating hate crimes and discrimination should be updated and refined to bring it in line with the most progressive approaches;
32. OSCE should increase coordination and cooperation between ODIHR, the Representative on Freedom of the Media, the High Commissioner on National Minorities and Personal Representatives of the CiO on Tolerance and Non-Discrimination;
33. Personal Representatives of the CiO on Tolerance and Non-Discrimination should increase visibility of their work and enhance their cooperation with civil society;
34. The OSCE Contact Point for Roma and Sinti should be strengthened. Its model should be replicated for creating similar structures for other minorities / vulnerable groups;
35. OSCE political bodies and institutions should strengthen cooperation with other relevant intergovernmental bodies addressing the issues of racism and xenophobia (EU Fundamental Rights Agency, European Commission against Racism and Intolerance, UN special rapporteur on racism, etc.);

36. ODIHR should help participating States to develop statistics on discrimination and hate crimes that will be easily comparable from state to state;
37. OSCE political bodies and institutions should urge participating States to provide funding for independent civil society groups working on issues of discrimination;
38. ODIHR should create indicators of stress as a means of providing early warning of the increased potential for hate crimes against particular groups;
39. Presentation of ODIHR's annual hate crimes report and its discussion by participating States should be included in the agenda of the Permanent Council and Human Dimension Committee;
40. The OSCE Chairmanship should publicly and consistently uphold the position that religious beliefs or traditional values cannot serve as justification for discrimination and hate crimes.

**To civil society organisations:**

41. In response to the growth of hate crimes based on more than one defining characteristic, CSOs working on discrimination against particular groups should cooperate more and be more active in condemning attacks against other minorities;
42. CSOs should publicly and consistently challenge discriminatory rhetoric and hate speech by public figures and increase their focus on awareness-raising around issues of discrimination, including through contacts with the media on proper reporting of issues related to discrimination and minority rights;
43. CSOs should recommend to governments and OSCE institutions that they update and revise the terminology in the field of combating racism and discrimination used in the OSCE documents in line with the most progressive approaches.