OSCE Office for Democratic Institutions and Human Rights

**OHCHR Workshop on enhancing co-operation between the UN and regional mechanisms for the promotion and protection of human rights**

Geneva, 21-22 October 2019

## Panel 1: Taking stock of developments in co-operation between UN and regional human rights mechanisms since 2016

Panelist: Christie Edwards, Deputy Head, Tolerance and Non-Discrimination,

OSCE Office for Democratic Institutions and Human Rights

Excellencies,

Distinguished experts of the United Nations, regional and sub-regional human rights mechanisms,

Members of national human rights institutions, representatives of civil society, delegates, ladies and gentlemen,

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination.

OSCE participating States recognize that manifestations of discrimination and intolerance such as racism, xenophobia and hate crime threaten the security of individuals, communities and societies and may give rise to wider scale conflict and violence that undermine international stability and security.

The UN human rights framework complements the OSCE commitments on addressing intolerance, discrimination, anti-Semitism, intolerance against Muslims and members of other religions, racism and xenophobia, and both institutions can create synergies working on this issue of mutual interest.

Namely, OSCE participating States strongly condemn racial and ethnic hatred, anti-Semitism, xenophobia, and discrimination, as well as persecution on religious and ideological grounds, and have committed to combat these phenomena in all their forms (Copenhagen Document 1990). In recognition of this, since 2003, OSCE participating States have established a normative framework of legislation and Ministerial Council decisions to reflect their commitments to address these phenomena and to promote mutual understanding with the adoption of Ministerial Council Decision 4/03 on Tolerance and non-Discrimination. This commitment was further reinforced with subsequent MC Decisions 12/04, 10/05, 13/06, 10/07 and 9/09.

With regard to Roma and Sinti, the OSCE has long recognized that Roma and Sinti are particular targets of racial and ethnic hatred as well as the need to promote their integration in democratic society (Copenhagen Document, 1990). The 2003 Action Plan on Improving the Situation of Roma and Sinti in the OSCE Areas devotes an entire chapter on combating racism and discrimination against Roma and Sinti and provides a framework to address violence against them. Concerned by the continued racism, discrimination and violent manifestations of intolerance against Roma and Sinti, in 2009 the OSCE participating States committed themselves to step up their efforts in promoting tolerance and combating prejudices against Roma and Sinti people as well as to unequivocally and publicly condemn any violence targeting Roma and Sinti, and to take all necessary measures to ensure access to effective remedies (MC Decision 8/09). In 2013, the OSCE participating States extended the normative body commitments in this area. They underlined the need to address racist and bias-motivated violence against Roma and Sinti and acknowledged the particular vulnerability of women and girls to violence and harassment. Moreover, they recognized the need to build the capacity of law enforcement authorities to identify, record, investigate and prosecute hate crimes against Roma and Sinti (MC Decision 4/13).

ODIHR assists OSCE participating States, various national, racial, ethnic and religious communities, civil society organizations and national human rights institutions in protecting and promoting the full range of human rights and fundamental freedoms for all, “without distinction as to race, sex, language or religion.” ODIHR also works closely with States and civil society groups to counter racism and xenophobia and other forms of intolerance.

ODIHR has developed a collection of resources and programmes to raise awareness about discrimination, hate crimes, anti-Semitism and other forms of intolerance, including against Muslims, Christians and members of other religions. Through advising on policy and the training of law enforcement personnel and educators, ODIHR works to build the capacity of governments in preventing and responding to this problem. ODIHR also works to increase the ability of civil society to monitor and report on hate crimes and incidents.

Regarding co-operation with the UN on addressing racism and xenophobia, with thematic priorities that include countering discrimination, combating impunity and early warning of human rights in situations of insecurity, the OHCHR’s influence on the discussions and decisions of global bodies such as the Human Rights Council is of great value in its ability to both complement and enhance ODIHR’s daily work with government and civil society actors.

ODIHR convenes OSCE human dimension meetings, including those that focus, inter alia, on combatting racism and xenophobia and promotion of tolerance and mutual understanding. Addressing racism and xenophobia frequently features on the agenda of OSCE’s annual Human Dimension Implementation Meetings (HDIM), Europe’s largest annual human rights conferences. The HDIMs bring together hundreds of government officials, international experts, civil society representatives and human rights activists to take stock of how states are implementing their commitments in the human dimension, in other words, the core values that promote respect for human rights and fundamental freedoms. The 2019 HDIM, held in September, featured among its introducers also Dr. Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief, and Dr. Dalia Leinarte, Member of the Committee on the Elimination of Discrimination against Women (CEDAW). In 2018, HDIM discussions on the situation of Roma and Sinti were introduced by Ms. Rita Izsák-Ndiaye, Member of the United Nations Committee on the Elimination of Racial Discrimination (CERD). OHCHR also participated and took floor in two working sessions focusing on racism and xenophobia of the 2018 HDIM.

With regard to OSCE Supplementary Human Dimension Meetings (SHDM), most recently, in April 2019, the SHDM focused on “Upholding the Principles of Tolerance and Non-Discrimination including in the Promotion and Protection of Freedom of Religion or Belief.” It offered a platform to the OSCE participating States, intergovernmental organizations, educational experts, religious or belief communities and civil society to discuss the progress made by participating States in implementing OSCE commitments to address all forms of discrimination, including racism, xenophobia, anti-Semitism, intolerance against Muslims, Christians and members of other religious or belief communities.

ODIHR and OHCHR also co-operate on the level of capacity building. A representative of OHCHR participated as co-trainer in ODIHR’s “Training for Activists Addressing Racism and Xenophobia against People of African Descent,” held in Warsaw, 12-13 September 2018. Also, ODIHR will conduct a training on hate crime for OHCHR fellows focusing on the situation of people of African descent in December this year.

With regards to the co-operation with other UN agencies, ODIHR cooperates with UNESCO on guidelines addressing anti-Semitism and intolerance against Muslims through education and we are currently exploring possibilities of further co-operation for joint fundraising in the area of human rights education, as well as a joint workshop in December on educational materials for tolerance and non-discrimination.

ODIHR has also been working closely with the United Nations Office on Drugs and Crime (UNODC) and its Commission for Crime Prevention and Criminal Justice (CCPCJ) on the issue of addressing hate crime. Together with the UN Office on Genocide Prevention and the Responsibility to Protect, we are co-organizing a working meeting on “Addressing Intolerant Discourse, Hate Speech and Hate Crimes in the Visegrád Group,” to take place in Prague on 22 November this year.

Importantly, UNHCR contributes significantly to ODIHR’s annual Hate Crime Report and therefore its staff and partner organizations regularly participate in the ODIHR’s annual Workshop on Hate Crime focusing on data collection and monitoring. ODIHR partnered with UNHCR and extensively co-operated in implementing ODIHR’s project “Building a Comprehensive Criminal Justice Response to Hate Crime”. The partnership consisted of UNHCR providing information on hate crime against refugees, speaking at the national workshops and supporting national developments resulting from the project

ODIHR would like to recommend establishing closer co-operation between our institution and the UN, where OSCE human dimension events could be an excellent opportunity to further include the UN experts on the matter.

ODIHR also hopes to further co-operate on addressing racism and xenophobia with OHCHR and the Working Group of Experts on People of African Descent.

Furthermore, as possible topics for the OHCHR to address as a priority to maximize its impact on the enjoyment of all human rights for all, ODIHR recommends the following thematic areas:

• Address hate crime, intolerance and discrimination;

• Building law enforcement capacity to identify and investigate hate crime;

• Develop methods of co-operation between law enforcement and civil society organizations.

ODIHR remains at the disposal of OHCHR and other UN agencies for further co-operation on these and other topics within our mandate in addressing racism and xenophobia.

Thank you.

## Panel 2: Standards and norms: International and regional legal framework – mechanism for protection against racism and discrimination – co-operation between regional and UN mechanisms, CSOs and NHRIs

Panelist: Christie Edwards, Deputy Head, Tolerance and Non-Discrimination,

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The past years have evidenced a trend away from a global culture for the respect of human rights. In 2017 and 2018, civil society organizations and governments reported to ODIHR that right wing and populist movements in North America and Europe have committed numerous hate crimes. While this has, in turn, resulted in a broader and more visible dialogue on the existence and impact of hate crimes throughout the OSCE region, it also threatens to reorient the focus of ODIHR’s work from proactive to reactive.

Occupying the vast area in fulfilling human rights left open by government, civil society has globally been put on the defensive in this work. The OSCE region has unfortunately not been spared this challenge as groups active in the promotion of tolerance and non-discrimination and the identification of hate crimes are often branded as agitators and accused of destabilizing societies. The subsequent withdrawal of many groups from the regional discourse has resulted in a lack of transparency and given license to the persecution of vulnerable groups. Additionally, human rights defenders from civil society addressing racism and xenophobia are also often themselves victims of hate crime motivated by racism and xenophobia, by association.

Within such an environment, ODIHR conducts capacity building on combating racism, xenophobia and hate crime for both national institutions and civil society. ODIHR’s comprehensive, holistic training approach is premised upon principles identified through data gathered through focus groups with victims and targeted communities of hate crimes and other forms of intolerance. The core of this approach is to focus upon the needs of victims and their communities and to ensure that state representatives appreciate the impact of these phenomena on victims, their communities, and society as a whole and to ensure that they treat the incidents with the importance and severity they demand.

ODIHR’s capacity building workshops and events addressing hate crimes, hate speech, anti-discrimination, xenophobia and other forms of intolerance mainly involved training police officers to combat hate crimes and hate incidents through its well-known *Training Against Hate Crimes for Law Enforcement* (TAHCLE) programme. The programme is designed to improve the ability of law enforcement personnel to recognize, understand and investigate hate crimes, and has been (fully and partially) conducted in a number of participating States.

Additionally, ODIHR has organised and conducted a series of capacity-building workshops for prosecutors under its in-house trainings for prosecutors — Prosecutor Against Hate Crimes Training (PAHCT) programme. On improving national systems to collect data on hate crimes, ODIHR supports government officials in designing and developing monitoring mechanisms and data collection systems on hate crime.

ODIHR also convenes a civil society capacity building workshops on combating racism, xenophobia, hate crimes and other forms of intolerance. Wecollect information and statistics on our hate crime reporting website, available at hatecrime.osce.org. Annually published hate crime reporting consists of available information on hate crimes and incidents, government and civil society initiatives, and hate crime laws in all the 57 participating States.

Within its overall mandate of assisting OSCE participating States in their efforts to implement human dimension commitments, ODIHR reviews national draft and adopted legislation to assess its compliance with international standards and OSCE commitments. ODIHR opinions analyse potential discriminatory provisions in relevant draft and adopted legislation, draft national action plans, concepts or strategies. Moreover, ODIHR reviews numerous pieces of anti-discrimination and hate crimes legislation and recommended improvements to key provisions of the respective draft laws or laws.

Recent examples include the Interim Opinion on the Draft Law of the Republic of Armenia on Ensuring Equality before the Law (6 September 2019) and the Opinion on the Draft Law "Hate Crimes and Holocaust Denial - Amending and Supplementing Certain Acts" of the Republic of Moldova (26 April 2019), all available on ODIHR’s online legislative database [www.legislationline.org](http://www.legislationline.org).

As mentioned in the previous session, ODIHR cooperate with the mandate holders of UN special procedures, and in the context of OSCE’s Human Dimension Implementation meetings we hosted the UN Special Rapporteur on Freedom of Religion or Belief this September in Warsaw. Additionally, members of the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD) also spoke in the 2019 and 2018 HDIMs respectively.

In 2018, ODIHR also submitted a statement for the “Thematic report on racial discrimination in the context of nationality, citizenship and immigration” for the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Regarding the Universal Periodic Review, ODIHR is a regular contributor, including information relating to addressing racism and xenophobia.

In addition to human dimension meetings, ODIHR also organizes numerous other national and international events on topics relating to tolerance and non-discrimination, including racism and xenophobia. All of our activities of this type, involving co-operation with UNESCO, UNHCR and UNODC as described in the previous panel, include representatives on national institutions, civil society organizations. As an illustration, in ODIHR’s forthcoming working level meeting, scheduled for 22-23 October 2019 in Geneva and focusing on “Addressing Intolerance, Discrimination and Hate Crime: Responses of Civil Society and Christian and Other Religious Communities,” will include among its participants also the representatives of OHCHR working on minority issues, freedom of religion or belief, and anti-racial discrimination.

We hope to further strengthen our co-operation with OHCHR, especially its special procedures, on issues relating to racism and xenophobia.

ODIHR remains at the disposal of OHCHR and other UN agencies for further co-operation on these and other topics within our mandate in addressing racism and xenophobia.

Thank you.