

# Hate Crimes and Human Rights



**HATE CRIMES ARE ACTS OF VIOLENCE** motivated by bias based on race, religion, ethnicity, national origin, sexual orientation, gender, gender identity, disability, or other similar attributes, or a combination thereof. Hate crimes include acts of defacing property, desecrating graves and places of worship, assault, murder, and intimidation—when verbal threats or threatening behavior place a person or a group of people in fear of harm.

Across the globe, hate crimes attack the very identity of the victim, and studies have shown that they can thus have psychological consequences beyond those that result from violent crimes not motivated by bias. Hate crimes also threaten whole communities who identify with the victim because of their race, religion, or other attributes, leaving many to live in fear and alienated from the larger society.

Members of communities who fear violence cannot move freely in towns and cities, much less participate fully in the larger society. Even where hate crimes do not 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 rights to live and worship where and how one pleases, to participate fully in political life and to enjoy economic, social, and cultural rights, including equality in employment, education, and access to social services are all affected. By undermining the shared value of equality, hate crimes threaten the very fabric of the increasingly diverse societies in which we live.

*Because of its consequences for individuals, communities, and societies as a whole, hate crime is a particularly pernicious form of discrimination, threatening the equal enjoyment of fundamental rights and freedoms.*

## A Human Rights Approach

### Government Obligations to International Treaty and Other Bodies

In the wake of the adoption of **the Universal Declaration of Human Rights** (1948), the international community crafted tools with which to put into practice the principles of equality and nondiscrimination, notably through international treaties by which governments accept binding obligations.

**The International Covenant on Civil and Political Rights** (ICCPR) (1966) transformed the post-war principles of nondiscrimination into treaty law. Among the rights guaranteed are the right to life (article 6) and security of the person (article 9) – rights that states have an obligation to ensure “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (article 2).<sup>1</sup> The treaty, to which 152 states are now party, requires governments to report to the Human Rights Committee on the measures adopted to give effect to the rights recognized.

**The International Convention on the Elimination of All Forms of Racial Discrimination** (CERD) (1965) obligates states to combat racial discrimination and report to the CERD committee. Racial discrimination is defined by the

Convention to mean: “any distinction, exclusion, restriction or preference based on race, color, descent, or national origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedom in the political, economic, social, cultural or any other field of public life.”

The Convention, to which 169 states are party, obliges governments to condemn and eliminate racial discrimination by both public institutions and officials and private individuals.<sup>2</sup> The CERD Committee has stressed that government action as well as inaction can violate obligations under the Convention – that there is no excuse for complacency or indifference by a government toward either public or private discrimination, particularly when it involves violence.

Regional human rights instruments, notably **the European Convention on Human Rights (ECHR)** (1953) have also contributed to the fight against discrimination through the international legal order. In particular, Protocol No. 12 to the ECHR, concerning the general prohibition of discrimination, entered into force in 2005.<sup>3</sup> The implementation of these norms, in turn, has been monitored and facilitated by **the European Court of Human Rights**.

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)**. Member states in these bodies have made political commitments, including to collect data and publicly report on hate crimes; to develop adequate legal frameworks of response; and to establish specialized human rights and other bodies to ensure the enforcement of principles of nondiscrimination.

## Transforming International Obligations into National Law and Practice

Governments have the duty to implement their international legal obligations to combat discrimination manifested in hate crimes by transforming these principles into practical action. Human Rights First has developed a comprehensive **Ten-Point Plan** for governments to combat hate crime. Some elements include:

- **Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent hate crimes – including against migrants, refugees, and asylum seekers – 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 prosecution of hate crimes against any individuals regardless of their legal status in the country is a priority for the criminal justice system.
- **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, including against refugees and asylum seekers.
- **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.

**The full Ten-Point Plan for Combating Hate Crime is available at: [www.humanrightsfirst.org/discrimination](http://www.humanrightsfirst.org/discrimination)**

### Endnotes

1 International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification, December 16, 1966, entry into force March 23, 1976, [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

2 Convention for the Eradication of All Forms of Racial Discrimination, CERD, [http://www.unhcr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhcr.ch/html/menu3/b/d_icerd.htm). Adopted and open for signature December 21, 1965, entry into force January 4, 1969.

3 “Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms,” Council of Europe, <http://www.humanrights.coe.int/Prot12/Protocol%2012%20and%20Exp%20Rep.htm>; for status of ratifications/accessions, see <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=177&CM=1&DF=&CL=ENG>.