



**Civil Society Preparatory Meeting
OSCE High Level Conference on Combating
Discrimination and Promoting Mutual Respect and
Understanding**

Bucharest 6 June 2007

**Consolidated Summary of
Recommendations**

Foreword

1. The main purpose of the Civil Society Preparatory Meeting is to provide civil society with an opportunity to discuss current issues and priorities related to discrimination and the promotion of mutual respect and understanding across the OSCE region, and to prepare recommendations to the OSCE participating States, the OSCE institutions and civil society on Combating Discrimination and Promoting Mutual Respect and Understanding.

Introduction

2. We express our gratitude to the Chairman-in-Office and the ODIHR, for devising this Civil Society Preparatory Meeting and the government of the Republic of Romania for hosting and supporting it, as well as bestowing the Conference opening with the recommendations that follow herein;
3. We remain ever more convinced of the need for Civil Society Preparatory Meetings, to foster the necessary cooperation and dialogue between participating States, and the many civil society actors active in the field of tolerance and non-discrimination within the OSCE region.

Areas of concern

4. Hate crimes and intolerance-based violence and discrimination remain pervasive in all OSCE participating States, miring our peaceful coexistence and disregarding commitments taken by mutual consent;
5. The alarming rise of hate-motivated violence in certain parts of the OSCE region calls for more active involvement and action on the part of Governmental agents, intergovernmental agencies and civil society, perceived as insufficient by many;
6. In some participating States, the collusion and complicity of Government agents in the perpetration of hate crimes; the institutional prejudices at the judicial and investigative level; and the poor training for criminal justice professionals and police dealing with hate victims remain a matter of concern;
7. The increase of racist, xenophobic, homophobic and discriminatory public discourse, especially during electoral campaigns is a worrying trend;
8. The internet is increasingly used as a tool to incite hatred, to disseminate intolerant and hateful content, especially to influence youth through denial of historical facts such as the Holocaust, to recruit and exercise command and control over youth and as a manual for terrorism to propagate extremism;

Recommendations

To the participating States

9. We remind OSCE participating States of their commitments in combating violent manifestations of intolerance and promoting mutual respect and understanding and more especially of their obligations under Permanent Council Decisions n°607 to monitor and combat anti-Semitism, n° 621 on Tolerance and the Fight against Racism, Xenophobia and Discrimination, n° 633 on Promoting Tolerance and Media Freedom on the Internet;
10. States must:
 - comply with international standards relevant to discrimination and hate-motivated crimes, thus acknowledging all grounds of discrimination
 - acknowledge the gravity of hate crimes and respond accordingly

- provide support for civil society and local authorities in preventing and responding to hate crimes
 - to remain available and understanding of the dialogue with civil society, and support initiatives for the development of coalitions and networks in combating all forms of hate crimes and hate motivated incidents, including hotlines monitoring and handling hate on the Internet
11. We recommend that the principles of tolerance, mutual respect and understanding be included in school curricula and that non-formal education in this area be developed in cooperation with civil society that should promote the use of critical thinking in learning environments
 12. We recommend that the OSCE and the participating States adopt standard guidelines on academic responsibility and the protection of students from harassment, discrimination and abuse in the academic environment. We also encourage universities to have clear and well-publicised grievance procedures for reporting and addressing problems related to intolerance and discrimination;
 13. We recommend the establishment of training programs for officials and employees in public sectors such as education, law enforcement, parliament and government to create a broader understanding of the fundamental mechanisms of intolerance against targeted groups;
 14. We call on participating States to take adequate awareness raising measures on the rights of potential victims in cases of discrimination or violent manifestation of intolerance;
 15. We recommend the establishment, where appropriate, of national specialized bodies dealing with manifestations of discrimination and intolerance;
 16. We stress the important role of political leaders, elected officials, state officials and civil society in denouncing public manifestations of intolerance with a loud and clear voice and in a timely manner;
 17. We recommend that participating States develop policies in cooperation with trade unions and employers' federations aiming at increasing the employment of ethnic and religious minorities and education for tolerance

To the OSCE

18. We urge the OSCE to continue to call upon participating States to implement commitments they have made to monitor, to report on and to combat hate crimes;
19. We recommend that the OSCE Personal Representatives on Tolerance and non-Discrimination play an active role in raising awareness of hate-motivated violence in the OSCE region;
20. We call on the OSCE to maintain and build upon the human rights structures and methodology it has established within the tolerance and non-discrimination programme of the ODIHR- the appointment of the personal representatives of the Chair-in-Office and the various law enforcement, educational and capacity building initiatives;
21. We call on the OSCE to organize a follow-up conference or follow-up events in the form of expert meetings to further study the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes, aimed at producing practical measures;
22. We call on the ODIHR to compile information submitted by participating States on the implementation of the commitments made on cyber hate during the 12th Meeting of the Ministerial Council on 6 and 7 December 2004 in Sofia;

To civil society

23. We stress the importance of civil society in collecting comprehensive quantitative and qualitative data

24.

Specific recommendations

Racism and xenophobia

25. It is important to distinguish the concepts of racism and hate crimes, make them more specific and yet broad enough to cover various grounds of intolerance falling under these categories. It is equally important to retain the focus on racist crimes and develop a relevant conceptual framework that would be based on holistic approaches. In this regard, the OSCE is invited to look into the discussions that evolve within the UN around the Durban Declaration.
26. We need effective laws for identification and punishment for hate-motivated crimes. In this regard there is a need for harmonization of approaches to combating hate crimes. Racism must be recognized as an aggravating circumstance, should it be the motive of a crime.
27. Data is vital for categorization of incidents, identification of trends and consequently for developing adequate policies and strategies for combating hate crimes. Non-reporting and non-recording of incidents remain problematic factors, and in this regard proper training of relevant law-enforcement officers is tremendous. The collection of accurate, comprehensive and comparable data on hate-motivated crimes is an important element for effective combat against hate-motivated crimes. This data must also be ethnicity and gender disaggregated to reflect these aspects of the problem.
28. Even when there are relevant laws in place, there may be serious gaps in the implementation of these laws. In this respect training to the judiciary, police and other law-enforcement officers must be made a priority.
29. Roma and Sinti are recognized as a particularly vulnerable minority group within the OSCE region. Economic aspects of discrimination must not be overlooked. In many respects members of minority groups, particularly Roma and Sinti, face limitations to their economic and social rights.
30. Also, more attention must be paid to immigrants, migrant workers and members of their families. Adequate laws must be adopted to properly protect their human rights against all forms of discrimination. The OSCE and ODIHR must pay more attention to the hate language and defamation campaigns, including the political discourse, with respect to religious and non-religious persons.
31. Christians, Muslims, Jews and members of other religious and belief communities often become victims of prejudice. Particularly the members of the Muslim community are often harassed by security and law-enforcement officers. In this regard, we recommend to the OSCE participating States to revisit their policies pertaining to security issues and ensure that these do not include discriminatory practices. In particular, the procedures for registration of religious organizations must be free from any discrimination. Religious groups – whether belonging to the majority or minority religions – must have equal rights and opportunities to practice their religions and beliefs. Also, equality of believers and non-believers must be secured.
32. The OSCE and its participating states are encouraged to continue and project implementation in the areas concerning combating hate-motivated crimes, as well as tolerance education, multiculturalism and related areas. Education is particularly

important for freeing the future generations from biases and prejudices, and in this regard, history and political sciences must be taught in educational institutions without nationalistic bias.

33. Both the international actors (including the OSCE) and individual participating States are encouraged to focus on responses to victims, particularly through education (both for the general public and within school curricula) and rehabilitation programmes. In this content, the civil society organizations must be seen as important resources and partners in coalition for transforming the relevant OSCE commitments into practice.
34. The OSCE and its international partner agencies, as well as the individual participating States must demonstrate the necessary political leadership in developing a comprehensive approaches to combating hate crimes. In this regard adequate laws, their effective implementation and training for professionals - police, teachers, journalists, the general public, as well as for the victims to stand up for their rights - were re-emphasised.

Anti-Semitism

35. We commend initiatives such as the UK All-party Parliamentary Group Inquiry against anti-Semitism and its recommendations and we encourage national parliaments and legislatures in the OSCE region to initiate similar formal high level inquiries into anti-Semitism, when and where appropriate;
36. Participating States should pay closer attention to the fact that anti-Semitic violence may be tied to organized extremist movements. Participating States should counter these movements with a range of educational and legal initiatives;
37. We recommend developing or expanding existing educational curricula in order to focus on anti-Semitism, Jewish history and current Jewish life at all levels. Holocaust education should be a standard part of the curricula and when necessary should be designed to respond to the increasingly diverse heritage of pupils throughout the OSCE region in accordance with the guidance of the International Task Force on Holocaust education, research and remembrance;
38. Recognizing that there is a correlation between violent anti-Semitic acts throughout the OSCE region and the conflicts in the Middle East involving the State of Israel, we call upon participating States to take additional measures to protect potential targets of violent anti-Semitic acts;
39. Recalling the OSCE commitment in the Berlin Conference's declaration, that no political developments, including in the Middle East and Israel justify Anti-Semitism, we call for strong and immediate public condemnation and action against attempts to target Israeli and Jewish institutions and individuals for boycotts, divestment and sanctions;
40. We call upon the OSCE to continue the institution of the Personal Representatives in the future and to ensure the focus on Anti-Semitism as a distinct form of hate. And we call on the future Chairs in Office to support their work and to maintain this focus. We call on the OSCE to continue regular high level conferences on Anti-Semitism and other forms of intolerance as well as convening high level expert meetings in between.
41. We call on NGOs and criminal justice agencies to use the working definition on Anti-Semitism of the ODIHR and the former EUMC (FRA).
42. We call on States to increase their efforts to combat hate on the internet as recommended at the 2004 Paris Meeting, which called for increased cooperation between governments and civil society across borders;
43. We call on governments and civil society to condemn and to take action against public, academic and political discourse that legitimises Anti-Semitism including

Holocaust denial or trivialisation, questioning the loyalty of Jewish citizens and anti-Semitic conspiracy theories.

Intolerance and Discrimination against Muslims

44. Recognizing the lack of financial resources affecting civil society organizations, we recommend that the participating States and the OSCE support projects aiming at monitoring and reporting hate crimes and related manifestations of intolerance as well as hate speech targeting Muslim communities
45. Recognizing their important role in fighting terrorism, OSCE and participating States should assist Muslim NGOs in proactively engaging with security agencies and law enforcement officers
46. The OSCE should assist the NGOs in building coalitions and alliances to challenge draconian laws adopted by governments
47. With the view of prevention of ghettoization, the OSCE and participating States should support Muslims to more actively participate in the social, political and cultural lives of their societies
48. The OSCE and participating States should promote measures, programmes and policies addressing the issues of discrimination and intolerance against Muslims
49. The OSCE should create more synergy between the Jewish and Muslim communities to respond together to the manifestations of Islamophobia and anti-Semitism, including on the Internet
50. The OSCE and participating States should take more concrete steps to educate Muslim women and the rest of the society on discrimination and tolerance matters
51. The participating States should formally engage with Muslim communities by making agreements with them
52. The OSCE and participating States should foster the culture of accountability among politicians in relation to responding and avoiding hate speech in political discourse
53. Governmental officials and politicians should take all necessary steps to protect Muslim NGOs demonization
54. OSCE participating States should establish consultation mechanisms on religious matters
55. All religious signs should be kept away from public schools
56. No governments should close down any charities or NGOs arbitrarily without respecting due process. Within anti-terrorism legislation participating States should refrain from legally categorizing expression or charitable giving that is not related to terrorism as “terrorism-related”
57. Governments should develop or support programmes and projects aiming to train law enforcements officials including through DVDs and other tools
58. The OSCE should increase the awareness of governments that they should refrain from identifying Islam with terrorism
59. Governments should focus more on social and economic participation of immigrants which lead to more inclusive society
60. Initiate programmes and allocate funds that enable civil society and NGOs to challenge anti-terrorism legislation and practises in the courts in order to strengthen democratic accountability
61. Civil society and NGOs should provide alternative appropriate language to public officials and the media in addressing issues of terrorism and security;
62. Civil society and NGOs should acknowledge positive steps or measures taken by law enforcement officials and governments where they occur

Intolerance and discrimination against Roma, Sinti and Travellers

63. We must combat the subtle mechanisms that exist in society which do not allow Roma to embrace their identity.

64. The term Roma should be used in public discourse
65. Anti-gypsyism needs to become a recognized concept if violent acts against Roma are to stop
66. We recommend that the participating States give particular attention to gender discrimination both within the Roma traditional structures and within the broader societies;
67. International organizations, should have regular, systematic reports of hate crimes committed against Roma
68. Effective rights protection must be put in place for victims of hate-motivated crimes.
69. The root causes of hate crimes needs to be addressed and education is the key to tackling this.
70. The ODIHR CPRSI should fulfill its mandate as a clearing house of information.
71. More coordination with the OSCE Representative on Freedom of the Media is needed to support Roma media groups.
72. Roma should work with other social groups to build their capacity to combat racism and discrimination
73. OSCE participating States should act more rigorously to implement the Action Plan on Roma and Sinti, including: human rights training for the police, condemning acts of intolerance made by public officials against Roma, enforcing laws to ensure justice for Roma victims, create special State programs that address Roma issues and resources on Roma should be devoted to infrastructure in Roma communities
74. Attention should be paid to local Roma politicians who are working with mayors in their own private self interest and not assisting integration of Roma communities.

Freedom of religion or belief, intolerance and discrimination against Christians

75. We recommend that the participating States as well as OSCE Institutions and operations recognise, in their structures and activity, that violations of the fundamental human right of freedom of thought, conscience, religion and belief are violations of the fundamental freedoms of all citizens, whatever their religious, deeply held ethical, or non-religious beliefs. Therefore we recommend that participating States and OSCE institutions and field operations, in their structures and activity, address such human rights violations in a way which does not discriminate against or in favour of any belief including the right to publicly criticise religious or other beliefs, as violations of a fundamental human right of all people.
76. We call upon the participating States to fulfil their commitments by facilitating groups, associations and communities, existing on the basis of religious or non-religious beliefs, including Christian Churches, to peacefully operate and publicly manifest their beliefs, according to their legal status and respecting their autonomy. If state registration exists as an option within a participating State, we recommend preventing discrimination and intolerance in this area by establishing fair and clear standards of recognition which do not infringe OSCE commitments and international human rights standards, as outlined in the OSCE/ODIHR “Guidelines for Review of Legislation Pertaining to Religion or Belief”
77. We assert that violence against persons, groups or communities in violation of their right to freedom of thought, conscience, religion or belief is unacceptable under any circumstances.
78. We encourage the participating States to seek to enable citizens and groups to challenge prejudices, stereotypes, denigration and hate speech expressed against all persons and communities, whatever their religious or non-religious beliefs. In this context, particular attention should be paid to the media, the public discourse of political and social leaders as well as state officials, and public training and educational programs

79. We encourage the ODIHR to address the connections between fundamental human rights and tolerance and non-discrimination issues and we recommend that this be reflected in the internal structure of ODIHR by designating dedicated staff to all the aspects of the issue such as in the Human Rights Department;
80. We support the participating States' promotion of opportunities for religious and non-religious groups within society to have the possibility of open dialogue with each other and with policy makers on all issues of public life;
81. We acknowledge the crucial role played by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief, noting particularly its legal assistance to participating States, and call for the Council to be supported and for its activities to be expanded. We call for resources to be given to enable this to happen. We recommend that the activities of the Advisory Council should be made more visible and accessible, including on the ODIHR website;
82. We recognise that the struggle for human rights, including freedom of thought, conscience, religion and belief, is a vital contribution to the development of democracy. In the OSCE area there is a great diversity of religious and deeply held ethical beliefs, so in drafting legislation participating States, including legislation affecting restitution, should ensure that such legislation does not infringe the freedom of thought, conscience or belief of citizens of different religious and non-religious belief, as outlined in the OSCE/ODIHR "Guidelines for Review of Legislation Pertaining to Religion or Belief". We recommend ODIHR to report on legislation affecting freedom of religion or belief for all. We recommend that public service broadcasters should be open to and reflect the diversity of religious and deeply held ethical perspectives held by citizens.
83. We recommend considering also the issue of migrants as well as the dimension of the relationship between migrants and resident communities in the area of freedom of religion or belief
84. We recommend increasing cooperation between the EU, the OSCE and the CoE in the area of freedom of religion or belief, we also recommend that the OSCE make better use of its resources and strengthens cooperation between institutions and field missions;

Other forms of intolerance

85. We recommend that participating States recognize and address the existence and the gravity of multiple forms of discrimination, especially when targeting women;
86. We recommend that the OSCE recognise other forms of intolerance and discrimination, such as political intolerance, homophobia, transphobia, ageism, intolerance to people with mental disability, HIV/AIDS, sex workers, unusual physical appearance, whether genetically based or acquired
87. We recommend that the OSCE participating States endorse the adoption of an Optional Protocol to the 1954 Convention related to the status of stateless persons, which would strengthen and upgrade the protection of the de-jure and de-facto stateless people
88. The OSCE should appoint a Special Representative of the OSCE Chairman-in-Office on the situation of the stateless persons in the OSCE area
89. We call upon the OSCE participating states to transpose in their national legislation and policies Yogyakarta Principles of April 2007
90. The OSCE should call all member states to ratify the International Convention on the Rights of Persons with Disabilities and to ensure that it is effectively enforced by appropriate national legislation and policies
91. The OSCE is further urged to take note of the widespread violations of the basic human rights of people with mental disabilities within the OSCE region. The

participating states should implement their commitments under the Mental Health Declaration for Europe, which was signed by 52 of the OSCE member states

92. The ODIHR should be instructed to improve its documentation about the discrimination of persons with mental disabilities. Similarly to the OSCE / ODIHR efforts in developing methodologies to document torture, ODIHR should publish a manual for independent and effective monitoring of psychiatric and social care institutions.
93. The OSCE should adopt a holistic and inclusive approach in its non-discrimination and tolerance work and keep the list of discrimination and intolerance grounds it works on open
94. We call on the OSCE to support development of a compendium of narratives of survivors of all forms of hate crimes, which should be available globally on-line and increase sensitivity and respect for human life
95. We call on the OSCE participating states to initiate separate sections within the Ombuds(woman) institution on various discrimination grounds, such as gender, sexual orientation, religion, children rights, etc.
96. We call on the OSCE participating states to recognise sexual orientation, gender identity and gender expression as grounds of discrimination and basis for hate-motivated incidents in the OSCE commitments.

Intolerance and discrimination on the grounds of sexual orientation, gender identity and gender expression

97. We believe that the OSCE is long overdue in recognising sexual orientation, gender identity and expression in existing discrimination grounds, while other international organisations, such as the Council of Europe, the European Union and even the United Nations are increasingly ahead, and so much documentation on the extent of homophobia is available
98. We call on the OSCE and its participating states to give more visibility and attention to the work on sexual orientation, gender identity and expression
99. We call on the Spanish Chairmanship of the OSCE to include references to sexual orientation, gender identity and gender expression in the final conference declaration of the Chairmanship-in-Office
100. Take all measures in the field of law enforcement and any other measures to prevent and protect people from all forms of violence and harassment, including on the grounds of actual or perceived sexual orientation, gender identity and expression
101. We call on participating States to implement all legislation necessary to introduce criminal sanctions for violence, threat of violence, incitement to violence on the grounds of actual or perceived sexual orientation, gender identity and expression in relation to any person or group in private and public spheres of life
102. Participating States should take all necessary measures of legislative, administrative and other character in order to prevent the use of the victim's sexual orientation or gender identity for justification or diminishing the seriousness of such violence
103. Participating States should provide for adequate investigation of the facts of such violence, to consider it as a potential hate crime from the beginning of the investigation
104. Participating State should prosecute, charge, try and give an enhanced sentence to the perpetrator for hate crimes on any grounds, including sexual orientation, gender identity and expression, where enough evidence is collected

105. Participating States should include hate crimes on the grounds of sexual orientation, gender identity and expression in national hate crimes data collection mechanisms
106. Participating States should implement and support awareness raising programs targeting both the general public and the potential victims of hate crimes, with the purpose of overcoming prejudices which are the basis of hate-motivated crimes
107. Participating States should ensure respect for the freedom of assembly for lesbian, gay, bisexual and transgender people by authorising their public manifestations and providing adequate protection for pride marches

Main threats and challenges faced by civil society in their activities preventing and responding to hate crimes and related manifestations of intolerance. Successful counterstrategies developed by civil society

108. Civil society faces shortages of financial and human resources, EU expansion has diverted funding sources away from new EU Member States
109. Human rights monitors and advocates are under threat, intimidation and systematic harassment by local authorities, incidents of cars set on fire, advocates contacted by police accused of extremism for articles published in the press
110. Police intervention in Roma communities generates violence, in 100 documented cases over the last decade, including violence by special intervention troops and actual shootings by police of Roma
111. Overbroad interpretation of the principle of freedom of expression can provide cover for is hate speech or incitement to genocide, this is particularly problematic in the case of the internet
112. Civil society is challenged by balancing the need to protect community customs and enforcing the law
113. Diplomatic immunity for officials from states protects incitement by government officials such as diplomats from China inciting hatred against Falun Gong
114. Lack of a private right of action for an individual to sue in court for the crime of incitement to hatred
115. Incitement counteraction can require some decoding. Antisemitism is couched in anti-zionism which is an obstacle
116. Need laws, willingness to enforce them, need advocacy to work in coalition across communities
117. Governments and local officials deny the problem of hate crime, since officials are passive, youth are brought into anti-fascist groups.
118. The misuse of anti-hate legislation by states leads laws to be enforced in a way that persecutes anti-fascist activists and brands them as extremists.
119. Lack of solidarity and competition among issues challenges effectiveness, OSCE should build forums for solidarity
120. Dialogue initiatives emanating from civil society should be used to prevent and respond to hate crimes and related manifestations of intolerance be acknowledged and supported by public authorities.
121. States should promote joint efforts that bring together diverse groups committed to dialogue and civil discourse, especially when conflict in the Middle East threatens to create a climate of fear and harassment within the university.
122. NGOs should take responsibility for forging communication channels with governments, if government isn't reaching out to civil society, civil society has to push on the door.
123. NGOs should be a catalyst for oversight bodies on the implementation of legislation

124. Government should partner with civil society in the area of tolerance education, law enforcement training and training of government officials, followed by an impact assessment:
125. Civil society has a role to play in accepting responsibility: For example: University leaders should be in the forefront of efforts against anti-Semitism on campus, Employers and trade unions have a responsibility in the workplace, and a responsibilities to hold other trade unions accountable for their actions
126. Another question that challenges civil society: unintended consequences of expanded hate crime laws, when Neo Nazis beat homeless, danger of adding ideological motivation to hate crime laws, adding political hostility as an aggravating circumstance in prosecuting hate crime. Should consider what are the limits on hate crime laws and limits on expanding scope of motivation.
127. Ways should be found to enlist sports federations like UAFA and FIFA in the fight against racism and harness their system of rules to be a positive force.

Challenges related to public discourse, especially during electoral campaigns. Role of civil society to prevent and respond to this phenomenon

Recommendations to Participating States:

128. Penal codes should include provisions punishing incitement to hatred. Punishments should be commensurate with the crime and should be strong enough to deter future violations
129. Participating States should consider granting the right to vote for immigrants, at least at municipal level.
130. Participating States should explore mechanisms to encourage broad participation in elections so as to improve representation of citizens and underrepresented groups.
131. Participating States should consider establishing policies to promote diversity in public administration, as well as implementing policies to guarantee equal access, equal treatment and equal opportunities.
132. Participating States should encourage self-regulation and Codes of Conduct for ethical behaviour of political parties and candidates during election campaigns. Adherence to codes of conduct might be more effective through the direct participation of political actors in their formulation.
133. Principles of tolerance, mutual respect and understanding should be included in school curricula.
134. Participating States should take initiatives to raise awareness of the value of a pluralistic society.

To OSCE institutions:

135. The OSCE ODIHR election observation missions should focus more in their reporting on intolerant public discourse and the negative portrayal of minorities by candidates. Such international institutions can provide support to NGOs by raising awareness of international human rights commitments and standards.

Recommendations to media:

136. Media should avoid negative portrayal of ethnic minorities, immigrants and other marginalized groups. In particular, minority media outlets can also contribute to balanced coverage.
137. Mainstream media should provide right of reply to victims of discriminatory statements.

Recommendations to civil society and NGOs

138. Civil society have the responsibility to educate various stakeholders including citizens, law enforcement agencies and media about the implications of intolerant public discourse and the value of diversity and inclusion.
139. NGOs should make efforts to increase education and participation of voters, particularly among marginalized communities.
140. NGOs should advocate for equal access, equal treatment and equal opportunities as a basis for mutual respect and understanding.
141. NGOs need to monitor the judiciary and the media for intolerant discourse and to assess on a regular basis the degree to which participating States meet their international commitments. Such monitoring exercises should be conducted also at the local level.

Legislation and data collection on hate crimes

142. Our key recommendations are: hate crime laws should be enforced and allied to clear, accountable political leadership.
143. We urge participating States to review, and amend where necessary, national legislation in order to identify and fill gaps in the protection of victims of hate crimes.
144. We recommend that participating States, if they have not already done so, enact laws that expressly address hate crimes. Such laws should recognize bias as an aggravating circumstance in the commission of violent crime and should provide enhanced penalties for crimes motivated by animus on the basis of the victim's race, religion, ethnicity, gender, sexual orientation, or other similar forms of discrimination. This list to be moved earlier in the recommendations.
145. We recommend that, in order to facilitate greater understanding of hate crime and citizens' rights, IGOs and NGOs disseminate materials on international standards and documents in local languages.

ENFORCEMENT

146. We remind participating States that they should ensure that those responsible for violent hate crimes are held accountable under the law.
147. We recommend that participating States should follow-up legislation by ensuring that all responsible authorities (police, prosecutors, judges, national anti-discrimination bodies) have the training and the resources to identify, and respond to these crimes.

DATA COLLECTION

148. We remind participating States of their commitment to monitor and report on violent manifestations of intolerance by providing quantitative and qualitative hate crime statistics on a regular basis.
149. We recommend that data is made public so that it can be raise awareness of the issue and can be used by civil society groups.
150. We recommend that participating States understand, and represent to their public, that collection and dissemination of data is a positive and necessary step in eliminating intolerance and discrimination.
151. We recommend that data on hate crimes collected by participating States must be comprehensive, and must record the attributes of the victims of hate crimes so that their data can be disaggregated on the basis of attributes. This should, however, respect standards relating to collection and dissemination of so that it data does not infringe privacy rules
152. We recommend reports about hate crime should clearly distinguish violent crimes from discrimination cases and intolerant speech. Cases involving violence should be made more visible by civil society.

153. We recommend that there should be a coordinated programme for implementation of legislation and data collection at local, national and Europe level, which should include civil society and victims.
154. We commend participating States which have robust mechanisms for collecting data on hate motivated crimes and incidents. We note that this often reveals how large numbers of such crimes and incidents are and that this reality is hidden where data is not available.
155. We commend participating States who report data on violent manifestations of intolerance periodically to the ODIHR. We call on the participating States to strengthen their efforts in this regard by institutionalizing an annual hate crime reporting mechanism through the creation of an annual return of progress on, inter alia, the implementation of their commitments on the provision of hate crime data and the training of law enforcement and criminal justice agencies.
156. We commend participating States that have introduced measures such as third party reporting and this should be standardised across the region so that it is available in all participating States. Where it exists it should be strengthened.
157. We stress that even where acts of hate are committed by minors, they need to be captured in data collection systems even if they do not result in criminal action.
158. In line with our recommendations made in Vienna, we urge participating States to publicize law enforcement agencies and specialized bodies' records on hate crimes and to share information on hate crimes with civil society in a comprehensive and timely manner.
159. Recalling our recommendation from the Vienna meeting¹: we recommend that participating States establish nation-wide networks of anti-discrimination/specialized bodies, if they have not already done so, or strengthen the existing ones to collect statistical data on hate crimes, including tracking cases through the criminal justice system but also where people can file complaints and receive help when they are discriminated against

¹ NGO preparatory Roundtable for the Tolerance Implementation Meeting : Addressing the Hate Crimes Data Deficit, Recommendations, Vienna, 8 November 2006, <http://tandis.odihr.pl/?p=cs>

Cooperation between civil society and the OSCE

To OSCE participating States:

160. We urge participating States to implement the commitments they have undertaken in relation to supporting and facilitating the work of civil society
161. We call upon participating States engage in a genuine partnership with civil society and draw on expertise available within civil society and the NGO community
162. We call upon participating States to create official means and channels of communication with civil society on national and local levels, and to explore where civil society can cooperate and where there are areas of mutual benefit
163. We call upon participating States to make available, through the OSCE and the OSCE-ODIHR, funds to assist and strengthen civil society activities, in particular in relation to project implementation and management skills.

To the OSCE-ODIHR:

164. We urge the OSCE to continue to call upon participating States to implement the commitments they have made to monitor and combat hate crimes
165. We recommend that the OSCE Personal Representatives on Discrimination and Xenophobia, Anti-Semitism and Discrimination against Muslims play an active role in raising awareness of the existence monitoring and reporting of hate motivated violence in the OSCE region.
166. We urge the OSCE to support civil society initiatives and projects addressing, inter alia, hate crimes, and in particular when monitoring and reporting of hate-crime motivated violence in the OSCE region.
167. We urge the OSCE to recognise the role of coalitions and networks in combating all forms of hate and recommend that the OSCE further strengthen the development of NGO coalitions and networks.
168. Recognizing the added value of the Tolerance and non-discrimination System, we recommend further developing this tool as a means to disseminate documents related to the field of tolerance and non-discrimination, general information on civil society working in the field of tolerance and non-discrimination and to create a discussion forum for civil society.
169. OSCE field missions should optimize the resources at their disposal in each community focussing on issues which matter to citizens and avoid proposing a pre-determined agenda.
170. OSCE field missions should have a background role supporting civil society from a political and institutional side by focussing on the governments and encouraging governments to establish mechanisms for citizen participation
171. The principle of partnership should underpin all aspects of the OSCE's work with civil society: this includes working with existing civil society organisations and leaders who can act as programme implementers, trainers, mentors and experts. In addition.
172. We encourage the OSCE and OSCE participating States to promote initiatives (in collaboration with civil society) which encourage friendly relationships, tolerance and understanding among young people and students from different origins, as recommended by the Helsinki Final Act, through international exchanges, internships, meetings and interactive forums.
173. We call upon the OSCE-ODIHR to facilitate and support civil society/NGO participation in OSCE political meetings and other platforms to address participating States; In this regard, create a "safe space" for open discussion on issues relating to the human dimension.

174. We encourage the OSCE and ODIHR to involve civil society experts to inform technical assistance to participating States including legislative reviews.
175. We call on the OSCE to develop flexible assistance programs for the specific areas of the OSCE region addressing concerns of local NGOs and building on local research
176. The OSCE-ODIHR should continue exploring innovative approaches to ensure that the immigration laws are applied in non-discriminatory means including their application to the Roma and Sinti communities.

To Civil Society:

177. Civil Society should proactively identify areas where civil society can cooperate with government and explore areas of mutual benefit; (the goals of civil society are often best served by being able to work constructively with government in policy development, service provision and monitoring).
178. Civil society should continue to hold participating States publicly accountable in relation to the implementation of OSCE commitments and international legal obligations, including on the international level where appropriate.
179. Civil society should create a body for NGOs that engages in advocacy within the OSCE. This body could possibly elect a preparatory committee to, together with ODIHR Civil Society coordinators, organise pre-meetings. This would ensure that ODIHR would provide an arena for civil society instead of being a filter.