

Working Session 7: Tolerance and non-discrimination I, including:

- **Combating racism, xenophobia, and discrimination**
- **Combating anti-Semitism and intolerance and discrimination against Christians, Muslims and members of other religions**
- **Prevention and responses to hate crimes in the OSCE area**

Rapporteur: Mr. John McKane, Political Officer, United States Mission to the OSCE

No. of statements: 49

Delegations: 9

Civil Society: 39

OSCE Institutions: -

International Organizations: 1

Media:

Rights of reply: 13

During the first of three plenary sessions on promoting tolerance and non-discrimination, multiple participating States and non-governmental organizations condemned increases in xenophobic, anti-Semitic, anti-Muslim, and anti-Christian incidents, and expressed support for the OSCE's "Turning Words into Action" project to address anti-Semitism in the OSCE region.

The first introducer, Mr. Mohammed Kozbar, Chairman of the Finsbury Park Mosque, called on all participating States to embrace the integration of minority communities, address anti-Muslim hatred, and reject extremists who aim to divide communities. The second introducer, Ms. Anna Chipczynska, President of the Warsaw Jewish community, focused on the importance of Holocaust education and commemoration in ensuring the security of the Jewish community, stressing that the physical, societal, and financial security of the Jewish community is vital.

Ingeborg Gabriel, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, said that all religions can further the rights of women as equal persons with equal rights, any inter-religious dialogue should include a component on gender equality, and gender-based violence cannot be supported by traditional or religious values. Personal Representative on Combating Anti-Semitism Rabbi Andrew Baker noted anti-Semitic sentiments expressed in some participating States and called for "clear language of condemnation" from the highest levels of national governments. Baker also called on some governments not to allow racist demonstrators to threaten or commit violence against Jewish individuals or communities. Bülent Şenay, Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, stressed the urgent need to address the rise in anti-Muslim incidents, while highlighting positive work being done by law enforcement in some participating States to disaggregate and report their data on anti-Muslim hate crimes.

Several participating States and civil society representatives called on the OSCE to adopt a working definition of anti-Semitism as has been adopted by the International Holocaust Remembrance Alliance. Numerous NGOs condemned one participating State's use of its anti-extremism legislation to clamp down on unofficial religious activity not associated with the state-affiliated religion. One large grouping of participating States stressed the interconnectedness of all fundamental freedoms and called on the OSCE to adopt a single, unified approach to address all forms of prejudice and discrimination, instead of the current configuration of a focus on anti-Semitism; discrimination against Muslims; and racism, xenophobia, and discrimination against Christians and other religions. Freedom of religion and tolerance are inseparable concepts, several participating States claimed, and fundamental freedoms and human rights should never be in competition with one another.

Several speakers called on OSCE participating States the adoption of recent laws in some participating States barring religious dress as discriminatory. Some non-governmental organizations expressed anti-Muslim views during the session, prompting the moderator to repeatedly call for all participants to abide by OSCE tolerance commitments. Multiple participating States said it was unfortunate to hear so many anti-Muslim statements and noted robust OSCE commitments against intolerance and supporting free expression. Some participating States called on OSCE executive structures, like the Office for Democratic Institutions and Human Rights, to do more to combat discrimination and intolerance against Christians and Muslims.

Multiple civil society representatives and several participating States criticized one participating State for unduly restricting the rights of religious minorities whose activities were outside of state-sanctioned religious activity. Equal protection against discrimination and intolerance must be afforded by governments to non-believers as well as lesbian, gay, bisexual, transsexual, and intersex persons as well, according to several civil society representatives and participating States. One participating State made the point that, while the OSCE region faces challenges from globalization, migration, urbanization and rapid technological advances, societies and governments should embrace diversity and inclusivity.

Several interventions stressed the need for better data in order to fully understand the issues and improve our policies. Support for the role of ODIHR and the annual hate crime reporting was expressed.

The right balance between countering hate speech and guaranteeing freedom of expressing was another topic of concern during the session.

Finally, several participating States and civil society organizations expressed their hope for (a) Ministerial Council decision(s) on tolerance and non-discrimination in Vienna.

Recommendations made by participants during this session include (non-exhaustive list):

OSCE participating States should:

- Act together to condemn all forms of discrimination;
- Carefully safeguard all commitments;
- Increase efforts on the implementation of OSCE Ministerial Council Decision 9/2009 on Combating Hate Crimes;
- Ensure that each individual can enjoy fundamental human rights and has access to effective recourse in case of violation of his/her rights;
- Work together with civil society towards inclusive societies by promoting diversity, dialogue and tolerance;
- Encourage cultural and religious diversity in public debates, as well as in consultations during important legislative initiatives;
- Always condemn any call for hatred;
- Work together with ODIHR to prevent and combat all forms of intolerance and discrimination;
- Pay more attention to multiple forms of discrimination;
- Work towards a better system of reporting hate crimes and counter underreporting, by creating a climate where victims feel able to report these crimes;
- Provide disaggregated data on hate crimes to ODIHR;
- Adopt national action plans in order to prevent and respond to hate crimes;
- Acknowledge Islamophobia as a contemporary form of racism within the OSCE and implement national strategies to combat it;
- Ensure that security measures and anti-terrorism efforts are not directed at any specific ethnic, religious or cultural group, in their design, implementation or impact;
- Use the working definition of anti-Semitism adopted by the International Holocaust Remembrance Alliance (IHRA) as a common reference point in the OSCE for understanding, recognizing and addressing anti-Semitism;
- Promote education and awareness-raising to prevent intolerance and non-discrimination among police, prosecutors and teachers;
- Ensure adequate safeguards against abuse of restrictions on freedom of expression;
- Request the assistance of ODIHR in order to implement TACHLE and PAHCT at the national level;
- Promote tolerance and non-discrimination in regard to religious communities;
- Ensure that hate speech laws are not restricting the freedom of expression;
- Renew their commitment to protect freedoms of expression and association in line with international law and OSCE commitments.

OSCE Institutions, executive structures and field operations should:

- Evaluate its tolerance and non-discrimination work in light of fundamental freedoms;
- Use the IHRA working definition of anti-Semitism;
- Increase the capacity of tolerance and non-discrimination efforts and programs;

- Participate in discussions on 2014 Declarations;
- Raise awareness on growing intolerance;
- Recognize the term Islamophobia;
- Continue and further develop its work on hate crimes;
- Work together with the three Personal Representatives of the Chair-in-Office to ensure a better coherence and efficiency of their work;
- Develop a clear and just definition of hate speech;
- Facilitate exchange of experience among the participating States on prevention of and response to hate crimes and combating racism, xenophobia and discrimination;
- Strengthen co-operation with other relevant intergovernmental bodies addressing issues of tolerance and non-discrimination;
- Support regional, sub-regional and national initiatives on monitoring and protecting human rights, including the issues of tolerance and non-discrimination;
- Field operations to support interaction between public authorities and civil society on human rights monitoring and protection, including combating hate crimes and other manifestations of intolerance;
- Field operations to establish projects on teaching tolerance in the educational institutions and working together with authorities to develop human rights programs in the educational curricula.