

**HUMAN DIMENSION IMPLEMENTATION MEETING**  
**22 September to 3 October 2014**  
**Warsaw, Poland**

**Rapporteur's report**  
Tuesday, 30 September 2014

**Working session 13: Tolerance and non-discrimination II (continued), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds**

*Rapporteur: Ms. Anne Helene Marsøe, Permanent Delegation of Norway to the OSCE*

**No. of statements:**

**Delegations: 11**

**Civil Society: 61**

**OSCE Inst./Int'l Org: 0**

**Rights of Reply: 13**

Working session 13 focused on tolerance and non-discrimination (continued from session 12), including combating racism, xenophobia and discrimination, also focusing on intolerance on religious grounds. The session was moderated by: *Mr. Michael Whine, European Commission Against Racism and Intolerance (ECRI)*. The topic was introduced by the three OSCE Personal Representatives of the Chairperson-in-Office: 1) *Mr. Alexei Avtonomov, Personal Representative on Combating racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of other Religions;* 2) *Rabbi Andrew Baker, Personal Representative on Combating Anti-Semitism;* 3) *Professor Talip Kucukcan, Personal Representative on Combating Intolerance and Discrimination against Muslims.*

Their introductory presentations brought a number of issues to the attention of the participants: The need to collect accurate data and to have precise statistics related to discriminations; that data collection is important to address under-reporting of hate crimes, highlighting the complexity of hate crimes and that it happens for several reasons. It was further stressed that the gender aspect specifically needs to be taken into account, as well as the groups of committing hate crimes. It is not a country specific problem; the whole OSCE area is affected with hate crimes and discrimination. Hate crimes was categorized as a threat to peace and stability.

It was further stated that there is a worrying trend to securitize Jews and Muslims. It was referred to that when some organizations organized demonstrations, they had been confined by the police to closed areas or stopped altogether. Even though the police acted out of concern for their safety, the result was that long-standing principles of freedom of speech and assembly were challenged. It was addressed that recent events in Middle East have fuelled a surge of Islamophobia and anti-Semitism. Another contemporary issue highlighted was that in many participating

states the campaign to ban ritual circumcision, often initiated by children's rights activists, had a risk to turn anti-Semitic and anti-Muslim. Therefore important that such debates were done in a careful manner. Attention was also drawn to plans for marking the tenth anniversary of the Berlin Declaration on Anti-Semitism November this year. Lastly, the representatives referred to recent cooperation with other agency on tolerance and non-discrimination issues, initiated by the Swiss Chairmanship, and stressed the importance of further enhancing such cooperation and that it increased the possibility for tangible results.

The three Special Representative have in 2014 made country visits to the US, and Denmark, and will after HDIM visit Russia.

Several participants raised their concerns and echoed the views of the presenters on their worries for the increasing discrimination against Christians, Jews and Muslims, and religious minorities – and recent attack against places of worships.

A number of participants brought up the challenge in ensuring that both freedom of speech and freedom of religion or belief are respected, including in relation to the use of the Internet.

Participants also raised their concerns with regard to persecution based on faith or belief. Policies should foster tolerance. It was called for OSCE members to make sure people can have their rights protected without discrimination, promote Human Rights and tolerance. Condemn calls to hatred. Co-operation is needed to prevent all forms of discrimination.

In the further debate it was mentioned that African communities in participating states, and especially women of African descents, often face not only trauma and poor living conditions, but continues to be discriminated against in the society. This include in their work situations, competition for jobs, education, and suspicion/attention by the police. Asylum seekers were also pointed out as a group that is exposed discrimination, hate-crime and to institutional violence. Many called for that this group needs protection against such incidents. It was also expressed that "Islam" needs to be separated from the concept of "terrorism". Muslims should not be asked to take position on terrorist attacks they have nothing to do with. It was called for measures to deal more effectively with anti-Muslim feelings.

Sexual orientations were also highlighted as a cause for discrimination and high level of violence. It was called for specific attention to this issue as currently lack of priority on this in the OSCE.

The discussion also pointed out that solutions and approaches to combating intolerance and discrimination must be found as religious freedom continues to decline. It was called for that this must be a priority, as it is a basic freedom of all individuals. Linkages to the concept of human dignity were highlighted. However, other participants had a diverse view, and proposed that a group within OSCE should be established to discuss these questions. Worries for extremists was expressed, and with regard to returning foreign fighters. It was argued that they could present a risk for danger and for fostering more violence in their home community/country. Another concerned raised was the current "death-trap" at sea. Especially many of African

descents are experiencing this trauma. It was also pointed out that this particular Mediterranean area problem is extremely complex and complicated, as the system in place is also being “abused” by the migrants who purposely get pregnant in order to avoid being deported. It was called for increased attention to this complex problem and pointed to that prevention is better than having to cure.

A deep concern was raised about the policies of the government of one particular participating State, related to recent arbitrary registration of religious communities. This had resulted in deregistration of otherwise legal churches. The State in question used its right to reply and stated that its 2011 Act on religion provides a generous framework for religious freedom and that the state will consider the ruling of the European Court of Human Rights and reviews the law accordingly. It was argued that this issue is not about registration, but cooperation between State and religious group.

A number of participating States and NGOs shared national experiences, good practices and recommendations on how to better confronting hate crime and supporting tolerance and non-discrimination. Given the high number of interventions made and the limited time allowed for each delegation/NGO to speak, the list below does not constitute an exhaustive list of all recommendations. Kindly refer to individual statements by participants and the consolidated list of recommendations for a full list.

#### **Recommendations to the participating States:**

- Further increase their efforts to implement their OSCE commitments on tolerance and non-discrimination;
- Further support ODIHR financially to ensure that it properly can accomplish its mission/mandate;
- Reaffirm the protection of LGBTI against intolerance;
- Send high level representatives to the upcoming Berlin conference on anti-Semitism and strengthen efforts on all fronts of discrimination;
- Continue to work on preventing hate speech as well as hate crime through measures such as education;
- Continue to work with ODIHR and provide data to the Hate Crime Database, and continue to combat under-reporting of hate crimes by disaggregating data, address reverse-discrimination and redefine anti-religious acts;
- Continue to speak out against hatred in politics, condemn hate crime and hateful statements;
- Make sure that actions taken to protect against TnD issues, hate crime, discriminations etc. not are undermining- or are in conflict with other human rights;
- Make and support efforts to confront violence towards persons based on their sexual orientation by providing meaningful responses to such violations; and
- Address discrimination problems related to minority groups as asylum seekers, women of African decedents, and tackle the problem related to foreign fighters returning home and the risk of increased hate-crime, non-tolerance and risk of violence.

**Recommendations to the OSCE, its Institutions and Field Offices:**

- OSCE should host an event to combat discrimination against Atheists and non-believers;
- OSCE should facilitate robust and inclusive debates on related TnD contemporary issues;
- OSCE should create a panel to deal with anti-Semitic, anti-Muslim, Racist and Xenophobic crimes across Europe and North America;
- OSCE should dedicate more resources/effort/priority to assist participating States to fully implement existing commitments on Tolerance and Non-Discrimination TnD);
- OSCE should create a TnD focused working group for Russia and Ukraine;
- OSCE should increase its attention on hate crimes and discrimination against Muslim women;
- OSCE should assist participating with preventive measures, as “prevention is better than having to cure”;
- ODIHR should continue its efforts to address the issue of hate speech;
- OSCE should contribute towards having TnD issues included as a priority in the agenda for 2015;
- OSCE should ensure that rights to religious beliefs don’t undermine other rights;
- OSCE should contribute towards finding a solution to issues surrounding the rights of migrants in the Mediterranean area, raising specific concerns for women;
- OSCE should hold a regional Central Asian conference on tolerance and non-discrimination on religious grounds;
- OSCE should continue supporting efforts to engage civil society to counter all forms of intolerance; and
- ODIHR should continue its work with Women of African Descent.