



Statement
OSCE Conference on Tolerance and the
Fight Against Racism, Xenophobia and Discrimination
Brussels, 13 and 14 September 2004

The Jacob Blaustein Institute for the Advancement of Human Rights welcomes the convening in Brussels of a high level OSCE conference addressing the region-wide efforts to combat racism, xenophobia and discrimination.

BACKGROUND: OSCE AND THE COPENHAGEN COMMITMENTS

In the landmark Copenhagen Concluding document of the 1990 meeting on “the Human Dimension”, the Conference on Security and Cooperation in Europe proclaimed commitments to safeguard the rights of members of ethnic minorities against xenophobia and discrimination. It further sought to ensure and strengthen democratic governance. Among the many commitments adopted, Participating States agreed to “take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including antisemitism.”

Thereafter, other concerns about the need to combat racism, antisemitism, xenophobia and other forms of discrimination were affirmed. However, despite the repeated flare-ups of xenophobia, racism, antisemitism, and aggressive nationalism and the repeated references to this problem in OSCE summits and meetings, little attention within the OSCE institution was devoted to combating discrimination, except the focal points, staff, mandates, reports, conferences and action plan regarding the rights of Roma and Sinti.

Following a surge of antisemitic incidents across Europe, the OSCE Parliamentary Assembly in Berlin convened a side meeting and adopted a declaration on antisemitism in July 2002. The OSCE then began to address racism, xenophobia and discrimination, as well as antisemitism in a

series of decisions and meetings. The 2002 Porto Ministerial Conference adopted Decision 6 on tolerance and non-discrimination. In 2003, there were conferences on antisemitism and on racism, xenophobia and discrimination in Vienna. Following the Vienna process, the Maastricht Ministerial Council adopted Decision 4 on tolerance and non-discrimination. A second set of conferences were convened – last April in Berlin to address antisemitism and this week in Brussels to address discrimination, racism and xenophobia.

At these meetings, top officials representing both Participating States and the OSCE Secretariat have condemned the recent increase in bias incidents in the OSCE region and called on authorities to investigate promptly acts of violence. Participating States have committed to collect and keep statistics on hate crimes, including antisemitism, and to inform ODIHR about existing hate crimes legislation. The ODIHR was tasked to “serve as a collection point” for these statistics, and to report regularly including to the Human Dimension meeting. To our knowledge, the ODIHR has written States about this responsibility, but there has been no public, written report on their responses. In order to monitor states’ progress, much more must be done.

RECOMMENDATIONS FOR MEETING OSCE COMMITMENTS

The Jacob Blaustein Institute for the Advancement of Human Rights (JBI) conducted a study to examine the implementation of OSCE’s Copenhagen commitments regarding discrimination and antisemitism. We surveyed all 55 Participating States and received 32 responses. The study concluded that “at a minimum, states have pledged that they ‘will’ take action that can be characterized as ‘effective’ in actually offering individuals and the communities concerned some form of protection....In Article 40.1 of the Copenhagen document, the states emphasize the importance of laws in providing protection, not only in a general sense, but in a very specific context of protecting against “any acts” that fall into the prohibited area of incitement to violence.”

The study offers a series of recommendations that can also address the need to increase measures of combating forms of discrimination, intolerance and antisemitism. The Jacob Blaustein Institute recommends that Participating States:

- Bring their domestic legislation into conformity with international norms on non-discrimination, both within the framework of recommendations from European institutions and including the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
- Develop a more clear-cut framework for legislating against hate crimes and creating precedents and deterrents in court cases and to establish a system of monitoring incidents of racism and antisemitism in their own countries, as encouraged by the OSCE Ministers meeting in Porto and then in Maastricht.
- Re-visit their educational programs, both those teaching remembrance of the past, including the Holocaust, and those addressing general intolerance, with a renewed focus on combating contemporary forms of racism and antisemitism.
- Revisit the commitments they affirmed in Copenhagen and to take new and vigorous steps to implement them in practice.

- Create two special representatives, one on racism, and the other on antisemitism within the OSCE based on the model of the special representative on press freedom.

THE NEED FOR A SPECIAL REPRESENTATIVE

The Jacob Blaustein Institute for the Advancement of Human Rights urges the creation of two new OSCE mandates at a senior level. These individuals, serving respectively as the Special Representative on Antisemitism and Special Representative on Discrimination, should be appointed by the Chair in Office.

The nature of antisemitism in Europe and elsewhere in the OSCE region is ever changing and yet rooted in a unique history. Likewise, the nature of discrimination and xenophobia in this age of terrorism has many different dimensions than in the past. Each must be addressed separately. Appointing Special Representatives could help diminish new incidents and violence, and ensure that States take action to meet their OSCE commitments.

Distinct from the assignment to the ODIHR to gather data from various countries that track antisemitic incidents and compile information on the impact of hate crime legislation, the Special Representatives would serve to advocate for the promotion of tolerance. They could use information gathered by the OSCE ODIHR and encourage national leaders to focus on taking steps to implement commitments made to increase tolerance and address the problems of antisemitism and discrimination.

Participating States have an important role to play in the process. They have committed to collect and maintain reliable information and statistics about hate crimes motivated by racism and related discrimination within their territory. They should report such information to the ODIHR and make this information publicly available. They should examine the possibility of establishing within countries appropriate bodies to promote tolerance and to combat all forms of racism, xenophobia, discrimination, antisemitism or related intolerance.

Lastly, parliamentarians also have a vital role in these processes. Participating States and ODIHR should also work with the Parliamentary Assembly to determine appropriate and improved ways to review periodically the problems of racism, xenophobia, discrimination and antisemitism.

Copies of the JBI report, [After The Promise: Keeping OSCE Commitments to Combat Antisemitism](#), can be found at:

<http://www.ngoforumberlin.org/pdf/JBIAfterThePromiseCopenhagenApril2004.pdf>

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