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Racism, Xenophobia and Discrimination, also focusing on Intolerance and
Discrimination against Christians and Members of Other Religions.**

Report to the Chair in Office November 2008.

1. Introduction and Initial Comments

1.1 It has been a privilege and a challenge for me to continue to serve as Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions over the past year.

1.2 It is indeed a privilege to seek to contribute to an international organisation where participating states through unanimous Decisions and Commitments have created an agreed framework for striving towards freedom from racism and discrimination, and freedom of religion and belief. These are universal human rights which all participating states have committed to formally also as members of the United Nations and some as members of the Council of Europe. The eve of the 60th Anniversary of the Declaration of Human Rights on December 10th is a timely opportunity to focus on progress.

1.3 Over the past year I have been impressed by the efforts of some participating states to live up to these commitments, impressed by the work of State officials and particularly impressed by the contribution of civil society organisations in sometimes life threatening circumstances. Yet even a cursory glance at reports, media coverage and analysis indicates a growing concern about protection from discrimination and hate crime and an increasing need to address intolerance and discrimination against religious believers throughout the OSCE region.

Therein lies part of the challenge, I believe, for participating States and those who represent them at all levels, as well as for myself. Bridging the gap between political discourse and defence of state laws, policies and practice or the lack of them on one hand and the reality of the daily impact of discrimination and intolerance for so many on the other, is getting harder. These issues, as I previously indicated, are exasperated by ongoing confusion between political and religious ideological statements, as well as increased designation of religious overtones to what might have previously (perhaps questionably) have been considered cultural matters.

It is a privilege and a challenge also to have a mandate which in its very title is open to a variety of legitimate and relevant interpretations. It is challenging to stay within the boundaries of what is possible given the human suffering caused by all the issues covered and the time constraints of an honorary part-time role.

During the year my contribution has again been informed by and reflective of a number of principles and understandings, which I outline below. I do so in the knowledge that these principles are sometimes mistakenly pitted against each other. For me they are not contradictory but complimentary and it is essential that this complementarity and relatedness is understood and acted on.

From the start of my mandate I have sought to articulate and follow an approach which is both integrated and targeted. By integrated I mean acknowledging the essential commonalities and connections between all forms of racism and discrimination including discrimination of Christians and members of other religions as well as the ways which they reinforce each other. By a targeted approach I mean acknowledging that things have to be named and have direct strategies if they are to be addressed – the progress which was made for women globally in the twentieth century came from the recognition of discrimination against women and the consequent measures put in place to seek to address it. Alongside a commitment to an integrated approach with targeting I have also sought to avoid hierarchies of oppression, which reflect dominant political concerns rather than timely responses to major current issues.

1.4 Focusing on dominant political concerns inevitably means that some issues will never get the consistent priority required regionally and nationally to make a difference. There I refer in particular to the deep-seated and persistent racism and discrimination experienced by Roma, Sinti and Travellers throughout the OSCE region and beyond. I am also aware of the fickleness of political priorities and the danger that when they shift, there can be a left over assumption that the issue is resolved. Current and ongoing Anti-Semitism provides a clear contradiction to this.

1.5 This year I have remained challenged to link the parallels between the areas of rights transgressions and discrimination I am concerned with, while also maintaining the targeted approach that is essential, if issues, which could be otherwise buried, in general goodwill (masking real resistance) are to be addressed.

2. Activities in 2008

2.1 At the start of the year in the light of the mandates of Personal Representatives, of the priorities for the year set out by the Chair-in-Office and with reference to the work I had undertaken in the previous period, I set out aims for 2008 *viz*

1. To promote a focus in the OSCE and its region on the impact, as well as implementation of policies, laws and practices, which address discrimination and promote human rights for marginalized and discriminated against groups.
2. To support an integrated approach to the areas of my mandate while recognising the need to name particular issues, including the gender dimension, in various forms of discrimination so that they can be made visible and addressed.
3. To promote a holistic approach to addressing discrimination against religions and promoting freedom of religion and belief in line with the Chairmanship's focus on freedom of expression, assembly and association.
4. To enhance participation by civil society organisations in the OSCE and to reinforce their work.

5. To enhance and reinforce initiatives to address the discrimination experienced by Roma and Travellers throughout the region, and promote their participation.
6. To build awareness of the OSCE and foster co-operation and co-ordination in responding to the areas of my mandate with colleagues, OSCE institutions and intergovernmental organisations.
7. To use the opportunity of European Year of Intercultural Dialogue to promote integration practices, policies and processes, which help create an intercultural reality for our diverse region, recognising also differences in the region.

2.2 Again, the honorary and part-time nature of the commitment inevitably meant that not all issues and aims received the same attention. However, by addressing the mandate in the first instance through bringing to bear on it the insights that I have from my own particular expertise and experience I sought to focus my contribution. This approach for my part is evident, both in the work that I have been able to undertake during the year and in the short assessment of the issues, recommendations and conclusions I make in the report. That I am not equally expert in all areas is clear but there are enough parallels in manifestations of discrimination to make a reasonable commentary possible.

2.3 Overview of Activities

Towards fulfilment of these aims, and in response to a number of requests as well as unfolding concerns, I engaged in a number of activities during the year.

During the year I worked with the ODIHR, its Advisory Council on Freedom of Religion and Belief and other international initiatives to promote freedom of religion and belief and address discrimination against believers through a co-ordinated international approach. I also contributed to seminars in Berlin (March) and Geneva (June) towards this end. Towards similar international cohesion also in the area of racism and other forms of intolerance, I contributed to international events throughout the region, with partners in Jordan, Morocco and Beijing. I worked to strengthen working co-operation

with the Council of Europe and the European Union through, in particular, the EU Fundamental Rights Agency.

Attendance at conferences and other events, including also a briefing to the Washington Helsinki Commission provided opportunities to engage with relevant national state and non-governmental organisation actors across all the areas of my mandate, including in the Russian Federation, Slovakia, the USA and Finland. Work on Roma and Traveller issues involved, among other things, participation with European Roma Rights Centre planning, at the OSCE Human Dimension Implementation meetings on Roma, and as part of the OSCE visit to Italy in July. Work on Roma issues, on racism in general, on the specific discriminations experienced by migrants, and on promoting intercultural dialogue continued also through engagements with regional, national and local civil society organisations. These were also instrumental in helping generate awareness about the OSCE and ways to engage with it.

Specific awareness raising activities were undertaken in Ireland through a seminar involving also ODIHR, followed by regional meetings. I also addressed a national meeting in the UK for this purpose. Intercultural dialogue was promoted through many of the activities and specifically through contributions to Irish events and a Council of Europe conference. Minority education will be taken up at the UN forum before the end of the year.

3 Analysis

3.1 As well as through the activities indicated above, this short review of the issues I have encountered is informed by the many reports produced by OSCE institutions and other documents which are sent to me from a variety of expert sources across the region. At the outset may I again repeat the obvious. There remains a worrying gap between the politically binding human dimension commitments of the Helsinki Final Act which are reflected in my mandate, and their implementation in practice across the various issues and parts of the OSCE region.

3.2 With regard to religion and discrimination against members of religious groups there remains a clear differential in the experience west and east where registration procedures and practices sometimes create and maintain difficulties especially for small groups. Pragmatic responses which ignore, underplay or perpetuate discrimination against Christians and members of other religions in order to maintain “political balance” with other faith groups may serve very short term political goals. They are however contrary to human right principles and Helsinki Commitments and in the end may serve no long term purpose even for the groups they were meant to favour.

3.3 The OSCE, through ODIHR and its panel has at its disposal expert advice for participating states when drafting religious legislation. It is important that this advice is sought and the independent legislative reviews it produces published and duly taken on board. It is I believe particularly important that OSCE leaders show the way in this regard. In welcoming the upcoming Kazakstan OSCE Chairmanship in 2010, I urge the Kazak authorities to continue to actively engage with the ODIHR, including through publication of their legislative review. I also encourage them, in the spirit of the OSCE vision of participating states and civil society engaging in a dialogue of equals, to actively include civil society organisations in their deliberations.

I am conscious also that good advice, legislative reviews and open consultation while valuable tools which should be used, cannot in themselves produce good legislation. In this regard I await, with some anxiety, analysis of the recently passed Religion Law in Kyrgyzstan.

3.4 In the west of the region, particularly in EU member states, the past year has seen lively debates about the role of institutional religion in public life. Sensitive questions, not always well handled by the authorities, have been raised around education in the UK and Ireland and around secularism in France. Continuing questions are also raised regarding minority Christian groups and dimensions of the position of the Greek Orthodox Church in Turkey. Quite clearly the role of religion and belief in participating states is not static and demands also evolving responses.

In acknowledgement of this I am glad to be associated with the ODIHR initiative to organise a Roundtable on Discrimination against Christians and members of other religions as a practical project to help pinpoint the issues and name the challenges in non-partisan and forward looking ways. I have also been glad during the year to publicise the role of education and teaching about religion and religions (as well as rather than instead of the teaching of religion) in line with the Toledo Guiding Principles.

3.5 In considering racism, discrimination and intolerance as well as discrimination against Christians and members of other religions I frequently encounter the mistaken assumption that all within the group discriminated against are the same – identical Christians, Muslims, Roma rather than men, women and children, from different classes, with different sexual orientations and with different experiences of privilege or discrimination within their own group. This overarching issue of vulnerable groups is I believe one which requires our attention if we are to seriously tackle any form of discrimination. It is fraught with conflicting views about the role of women and sexual orientation to name but two, but by putting human right principles before traditions we can I believe begin to take steps.

3.6 In considering issues of racism during the year I was struck by the challenge we face to go beyond the culture of responses created by the awful events of 9/11 without downplaying the realities of the racism experienced by European Muslims which that horrific occasion made visible. Education and awareness raising processes to help identify and understand the disconnection between our perceptions of ourselves individually and collectively remain crucial. I was heartened by examples of good practice and initiatives by employers in the EU region to counter work place discrimination and raise awareness. However, I remain very concerned at the silence of political leaders throughout the region in championing the positive contribution of migrants to national and local economies and to essential maintenance of their societies' infrastructures.

This at best acts as a barrier to their full participation. At worst it gives implicit condolence to the acts of discrimination and hatred towards migrants and their families to

which various reports including the OSCE Annual Report on Hate Crimes in the OSCE Region give testimony.

3.7 The OSCE Report is a crucial indicator of the continuing pattern of brutal attacks on visibly identified groups but as with the EU wide data collected by the Fundamental Rights Agency, it needs to be enhanced by more systemic data collection in participating states. Different traditions and cultures also pose challenges in this area (for example, only the USA, Ireland and the UK ask ethnic questions in their census).

For the EU member states the data available shows a very uneven transposition of the Racial Equality Directive and differences in the degree to which combating racial and ethnic discrimination is taken seriously. The UK has the most effective legislation and applied the most sanctions. Situation testing of job offers in Paris demonstrated that applicants of Moroccan origin received five times fewer positive answers than perceived majority applicants.

3.8 The realities of racism manifest themselves in different but persistent forms throughout the region. In the United States, African Americans who constitute some 13% of the population are estimated to be about 40% of the homeless persons with home ownership 25% below that of White Americans. In the USA too the post hurricane Katrina era has begun to raise questions about difficult issues of such as environmental racism which require further analysis and attention throughout the OSCE region.

In the Russian Federation, xenophobia towards perceived outsiders has not been helped by media reports stereotyping them as assaulters and the activities of some nationalist groups remain worrying. Reports of brutal hate crimes including murders of Roma are shocking and require also continued investigation at the highest level.

3.9 In my work with Roma, Sinti and Travellers I cannot but be concerned at the persistent lack of any real systematic evidence of participating states efforts to implement the OSCE's own Roma Action Plan. It is easy to focus on well reported incidents such as those in Italy which do need attention but the questions they raise including about

freedom of movement are relevant throughout the region. There are examples of good practice and the Chairmanship's focus on this area has been I believe a good catalyst. Building on it requires a comprehensive move away from blaming Roma for the discrimination they experience to the making of real progress through implementation of initiatives – such as that proposed for early education with full participation by Roma themselves.

4 Concluding Comment

My comments thus far may not seem very hopeful but in spite of the arrival of economic recession in many parts of the OSCE region this year and associated fears that it could worsen the situation of those experiencing discrimination, this has not been a year without hope.

For many in some parts of the region the election of a black American as President of the USA is a particular symbol of that hope. The inevitability of a new economic order also makes intercultural dialogue where power relations as well as polite pleasantries are dealt with more possible. There are possibilities as well as pitfalls ahead.

In making my contribution this year I am grateful for the support of the Chairmanship and the open inclusive approach adopted. I thank all who engaged with me and who helped make what I have been able to do possible. The limitations have been of time, resources and competence.

Anastasia Crickley

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