

**Working Session 8 (specifically selected topic): Tolerance and non-discrimination**

*Rapporteur: Mr. Eduardo Carrasco, Counsellor, Permanent Representation of Spain to the OSCE*

**No. of statements: 49**

**Delegations: 9**

**NHRI: -**

**Civil Society: 40**

**OSCE Institutions: -**

**International Organizations: -**

**Media: -**

**Rights of reply: 14**

This working session on tolerance and non-discrimination was opened by Ms. Karoline Fernandez de la Hoz, Director of the Spanish Centre for Racism and Xenophobia (OBERAXE), Secretary General's Office for Immigration and Emigration, Ministry of Employment and Social Security of Spain, and Mr. Fiyaz Mughal, Founder and Director of Faith Matters, Founder and former Director of Tell MAMA Project.

In her presentation, Ms. Fernandez de la Hoz referred to the Spanish itinerary to combat hate crimes. It is based on 5 lines of action including the approval of Comprehensive Strategy 2011; amendment to the Penal Code in 2015; reform of the State Attorney General's Office to create positions of special prosecutors; training security forces and law enforcement officials; and awareness-raising and co-operation with public institutions and civil society. She also pointed out that collaboration between partners is essential for successfully fighting against hate crimes. At the same time reliable information allows for best strategies to address policies against hate crimes.

The second introducer, Mr. Fiyaz Mughal, stressed that coalition building is instrumental in a globalized environment as it provides more opportunities. By entering into coalitions, a foundation is set on shared values. As an example of forging coalitions, he referred to the Tell MAMA Project's work in partnership with the Community Security Trust (a charity that works on Jewish Community security) and the Gallup organization (on LGBTI issues). Mr. Mughal also stated that Tell MAMA's commitment to sending the message that the Muslim community would challenge anti-Semitism and homophobia is also critical to working together in coalition to address all forms of discrimination and hate crime. It also pushes aside narratives attempting to exclude communities of different background. He retained as key issues: looking for potential partners; co-operation with public officials, including police and law enforcement agents; political inclusion and taking advantage of the social media as a way to spread messages of tolerance and non-discrimination. Finally, he underlined that victims should be the centre of the hate crime policies.

The majority of interventions focused on the importance of promptly investigating hate crimes; compiling statistics on hate crimes and providing access to justice for victims. Others called on reinforcing the fight against hate crimes committed on Internet while preserving the freedom of speech. One delegation expressed concern over

stigmatization of the entire Muslim communities because of terrorist attacks committed by individuals. In this regard, Islamophobia was also frequently mentioned and the need to counter its negative narrative. At the same time it was stressed that all forms of religious discrimination should be addressed.

Finally, a number of civil society representatives warned against the violation of human rights under the pretext of participating States tackling terrorism.

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

**Recommendations to the OSCE participating States:**

- Actively co-operate with ODIHR and collect data; support civil society organizations in prevention of hate crimes with police, prosecutors by exchanging data and allowing for third party reporting of hate crimes; compile statistic on hate crimes and provide access of victims to justice; reinforce the fight against hate crimes committed on Internet while respecting freedom of expression; prevent hate speech and crimes through education on human rights; and promote diversity;
- Repeal all blasphemy laws;
- For Kazakhstan to bring its legislation on religious communities in line with international human rights standards;
- For Ukraine to apply Hague Recommendations on education;
- For Armenia to adopt a stand alone anti-discrimination law explicitly naming LGBTI as protected characteristic, comply the religion laws excluding discriminatory provisions and introduce definition of hate speech. Revise textbook of history of Armenian church and eliminate indoctrinations and provide opportunities for other religions;
- For Kazakhstan to establish a special department within Ministry of religious affairs and invite ODIHR to train the staff on how to ensure human rights and tolerance;
- Address all forms of religious discrimination. Provide training for law enforcement and prosecutors on agreed commitments in this area;
- For Ukraine to ensure a comprehensive approach towards tolerance and non-discrimination principles, especially when it comes to implementation of the Action Plan on execution of the National Human Rights Strategy 2020. Include sexual orientation and gender identity characteristics into the Criminal Code, as per the Action Plan.

**Recommendations to the OSCE/ODIHR:**

- Prevent Ukraine from adopting the draft law on religion which is in violation on principles of freedom of religion;
- Monitor closely the forceful deportation of discriminated Mesketian Turks of Georgia and the government of Georgia's attempts to assimilate the population;
- Include more data in its hate crime report on cases on intolerance and discrimination against Christians in Europe;

- Pay attention to attacks against Muslims in participating States;
- Train the staff of Kazakhstan's Ministry of Religious Affairs;
- Provide assistance to the Czech Republic on implementation of the Basel Declaration for religious tolerance;
- Contribute in raising awareness on notable hate crimes.