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At the request of the Slovenian Chairmanship please find enclosed the 2nd Semi-Annual Report of Ms. Anastasia Crickley, Personal Representative (PR) of the CIO on Combating Racism, Xenophobia and Discrimination also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

Please note that the report of Ms. Crickley is being distributed in addition to the reports of

- Prof. Gert Weisskirchen, PR on Combating Anti-Semitism;
- Amb. Ömür Orhun, PR on Combating Intolerance and Discrimination against Muslims;

which were provided for distribution on 15 November 2005 and have been circulated under the reference number CIO.GAL/164/05.

Anastasia Crickley Personal Representative of the Chair in Office on Combating Racism and Xenophobia and Discrimination, also focussing on Intolerance and Discrimination against Christians and members of other religions.

Report to the Chair in Office November 2005.

1. INTRODUCTION

My initial reports to the Chair in Office in June provided outlines of my work and preliminary conclusions regarding priority issues to be addressed and my role in addressing them. In this report I set out to provide an overview of my activities during the whole year against a backdrop of a brief initial comment on issues of discrimination in the OSCE region, and my understanding of my mandate in engaging with them. I make some suggestions and proposals to the OSCE and other stakeholders regarding future actions to improve the various situations, identify areas for possible further work by myself and end with some concluding remarks.

This year, as already indicated, has involved a steep learning curve for me about the OSCE, its commitments, history, politics and participating states; about my role as personal representative of the OSCE Chair-in-Office in the Area of Tolerance and Non-Discrimination, and about identifying, articulating and beginning to act on possible areas for intervention within my mandate. This was outlined in the initial letter of appointment as being concerned to:

1. Promote better co-ordination of participating States' efforts aimed at effective implementation to relevant Ministerial and Permanent Council Decisions in the field of tolerance and non-discrimination and to cooperate with the Chairmanship-in-Office in this field;
2. Cooperate and coordinate with the other Personal Representatives in order to ensure that activities are complementary;

3. Cooperate and coordinate with the ODIHR in order to ensure that activities reinforce those of the ODIHR;
4. Cooperate and coordinate, as appropriate with other OSCE institutions, including the RfoM, HCNM and the Secretariat as well as with relevant international organisations and NGOs in order to avoid duplication of efforts.
5. Consult with the Chairman-in-Office in advance on all planned activities and regularly report to the Chairmanship-in-Office and the Permanent Council.

My report reflects also my own background and experience which has been associated over a number of years with addressing racism and promoting interculturalism, as well as working on a variety of community development human rights and social inclusion initiatives at local, national and international levels through policy, state, partnership and civil society initiatives. This work, which currently includes being Chairperson of the European Union's Monitoring Centre on Racism and Xenophobia, and also an ongoing involvement with the Council of Europe, has as indicated earlier, led me to believe in the effectiveness of an integrated approach in responding to all forms of racism. Within this framework specific forms of racism, and particular experiences at different times need to be named and analysed and may require directly targeted approaches if they are to be addressed.

Through the year I have been reaffirmed in my commitment to the belief re-articulated in the Cordoba Declaration that acts of discrimination pose a threat to democracy, and therefore to security in the OSCE region and beyond. I have been reminded of states' commitments to human rights and to the provision to all persons within their jurisdiction equal and effective protection of law. I have also been reminded of the extent to which religious freedom is a litmus test for democracy in any society, and of the reality that it does not exist on its own but within a frame of human rights and freedom of expression and association. I have become increasingly concerned about minorities within groups discriminated against and about misconceptions associated with the term tolerance. These concerns and

discriminations shape my comment which follows, on issues of discrimination in the OSCE region.

1.2 Overview

Regarding racism, xenophobia and discrimination, it is firstly important to say that they exist throughout the OSCE region, although taking different manifestations and forms in different states. In tackling these issues, the importance of comprehensive and well implemented legislation cannot be underestimated. In EU member states, the Race Equality and Employment Discrimination Directives provide an important framework for developing legislation albeit one that may be resisted by some member states already bound by them. Reporting obligations under International and Regional Conventions provide useful reminders and benchmarks for policy priorities. OSCE decisions can also help to provide focus and support for participating states.

There is little point in making direct comparisons between participating states where comprehensive legislation already exists and is robustly critiqued by well informed civil society organisations and those where legislation and space for civil society to critique it are developing. However, it has also become apparent through the year that even states with exemplary legislation and formal principles of equality for all – such as the US Civil Rights and Voters Acts, the UK Race Relations Acts and the French Republican tradition – have further questions to resolve in the areas of racism and discrimination. Links in many parts of the regions between issues of race, class and poverty remain extremely visible as have the limits of a multiculturalism, which facilitates people to live side by side without enough emphasis on power-sharing and mutual understanding.

Moving to interculturalism and respect is challenged by the persistent notion, sometimes reinforced by the media, that migrants are “taking our jobs” rather than making essential contributions in a region of falling birth rates and greying populations. Even as new challenges emerge, old issues remain to be addressed. The past year has seen little discernible improvement in the overall position of Roma, Sinti and Travellers throughout the region. Issues around freedom of religion and belief remain unaddressed but, again, it would be unhelpful to make direct comparisons

between parts of the OSCE region where long-standing traditions regarding these freedoms pertain and participating states where they are now beginning to emerge.

Overall implementation of measures, legislation and international, including OSCE commitments in the field of discrimination above, remains a key challenge. In that context, it is essential also for the work of the OSCE that concerns about security and addressing terrorism are not given licence to contradict such initiatives. It is increasingly evident that tolerance needs to be replaced with respect as the benchmark of a region of evolving identities and societies. Change did not begin with the new millennium and identities and societies did not remain stagnant throughout the last

2. MY MANDATE

My mandate outlined in the original letter of appointment, and further discussed in the early February meetings with the Slovenian Chair in office Staff, and ODIHR, involved a number of general support, awareness raising, cooperation and coordinating functions. In attempting to come to grips with it over the past year, I have been very excited by the possibilities it might hold for furthering work to confront and address racism and discrimination, given the opportunities to engage with OSCE institutions and participating states. On the other hand, I have been daunted by the realities of a part-time new position with as many perceptions as possibilities, and by the challenges that the reasonably required coordination poses for myself and my equally part-time colleagues, whom I would also like to thank for their support of a newcomer to an organisation more familiar to them.

I believe that there can be considerable merit in employing a thematic approach across the diversity of the OSCE region and in striving to support, raise awareness about and reinforce the work already undertaken by OSCE and ODIHR in participating states.

It is clear however, particularly in a situation when discriminations are being addressed through various mandates, that human rights issues and complexities within each need to be taken on board. Issues of internal minorities cannot be addressed in a

frame of only discrimination against a particular religion, but these may have an important resonance for me in attempting to focus on racism and discrimination.

I have taken a cautious information gathering approach to my work and sought to reinforce and build on knowledge and strengths I already have. In my view the keys to progress on the issues my mandate is concerned with will be in:

- implementation of agreed decisions, initiatives and legislation;
- engagement and participation of all stakeholders at all stages;

increased rigour in putting distance between political economic concerns and human rights and discrimination issues.

3. ACTIVITIES

3.1 OSCE Events

During the year as a newcomer to the Organisation, I made particular efforts to participate in and contribute to OSCE events both in terms of my mandate and to endeavour to familiarise myself with and become familiar to the various stakeholders. At the May Human Dimension Migration Seminar, the September Police Experts Meeting and the October Roma Conference spaces for free and frank discussion and consequent learning were created, and well used by some participating states and regions. Each event had a clear link to an OSCE/ODIHR programme. The Cordoba conference, though different, was also useful, and underlined OSCE's concern to directly facilitate the inclusion of NGOs. A challenge into the future, it seems to me, is to ensure that such large scale events benchmark, rather than replace participating state implementation of OSCE commitments.

Alongside participation in OSCE events, the Human Dimension Implementation Meeting and Permanent Council, I have met and begun to engage with the staff of the High Commissioner on National Minorities. I participated also in the Helsinki Seminar to mark 30 years since the Helsinki Final Act. Throughout the year, I have

been in dialogue with the staff of ODIHR to whom I am most grateful for their insights and support.

3.2 Other Events

In the second half of the year I judged it to be appropriate to participate in a number of other events and meetings as part of my mandate. My particular objectives on these occasions were to raise awareness regarding issues of discrimination and racism throughout the region on the one hand, while enhancing knowledge about the OSCE and its potential as a transatlantic community, to promote communication and interculturalism and address racism. These occasions, which included a British European Conference and an address to the European Network against Racism in Brussels reinforced my view that while there may be little awareness about the OSCE (including official levels) there is a willingness to engage with it albeit tinged, in the west of the region particularly, with slight scepticism regarding capacity to deliver outcomes.

From my prior involvement with the European Union Monitoring Centre on Racism and the Council of Europe, I am, as previously indicated, aware of the potential for either collective cooperation or divisive competition between agencies sharing responsibility to respond to racism in various parts of the OSCE region. During the year, I have sought to enhance cooperation and overall added value through bilateral meetings with the various agencies and through participation in and work for inter-agency engagement, which has now led to a number of practical cooperation initiatives.

This work, which requires account to be taken not only of different remits but also of different organisational cultures, is low profile but crucial. It raises important questions about duplication, including for the OSCE in terms of data collection areas that ODIHR may be tasked with. It also exposes discourse and policy vacuums regarding the links between statelessness and racism, and regarding the important need to link addressing racism with addressing terrorism.

3.3 Initiatives

During the year I have been particularly concerned to facilitate and enhance civil society engagement with the OSCE in the spirit of the Helsinki Act and the various Decisions and Initiatives. Towards that end I have with the particular support of the ODIHR organised Roundtable Discussions with NGOs concerned to address racism and promote interculturalism and human rights at European, US and Participating State Levels. Further discussions are required with NGOs in the east of the region. All need to be actively engaged in deliberations about the future in order to give real voice to OSCE civil society participation commitments.

In all participating states east of the United States and Canada, the problems faced by Roma, Sinti and Travellers are increasingly visible. The discriminations and racism they experience have been well documented and in a number of instances national strategies and plans and regional commitments including the OSCE Action Plan, have been put in place to address them, but implementation remains a challenge. During the year I have sought to further familiarise myself regarding the barriers and initiatives to address discrimination against these groups, including through direct engagement with the groups themselves. Issues of identity denial and negative differential treatment are prevalent and there are instances of links with sub-regional conflicts and policies. Further work is needed to support the actions of the OSCE Contact Point in this area, and to ensure that these issues are integrated alongside other discriminations and manifestations of racism and xenophobia.

3.4 Country and Other Visits

In my initial report, I outlined a thematic rather than country by country approach. This remains a priority for me but I have been able to inform it by brief and useful recent visits to the USA and the UK. These reports are forthcoming and have already been referred to earlier in the paper. They were both particularly useful, but raised questions on the need to be careful of multiplying visitations to countries, or any idea of equivalence with international treaty bodies visits and reports. They also amplified the need for clear and realistic and understood objectives to be set for such visits, and for such realism to incorporate an understanding of the limitations, as well as the possibilities of OSCE engagement.

3.5 Discrimination against Christians and members of other Religions

Regarding the inclusion in my mandate of discrimination against Christians and members of other religions I have already pointed to issues around freedom to practice (or change) religion and state regulation of religion. My work through the year, including meetings with Holy See representatives in the Vatican, members of the Advisory Panel on Freedom of Religion and Belief and with a variety of groups wishing to talk regarding their views on discrimination against themselves in this area, has been largely concerned to familiarise myself with the diverse complexities involved.

There are regional differences depending on the extent to which OSCE commitments are embedded both in legislation and peoples' assumptions. The terms and conditions for religious organisations also vary. I believe in a future focus on open ongoing state religious dialogue to be important. Work in this area needs also to support and integrate with that of the Panel on Freedom of Religion and Belief of ODIHR.

4 RECOMMENDATIONS

4.1 In the section on my mandate, I have already outlined some general suggestions for the future. Additionally, I believe that the realities of institutional discrimination need to be made more visible. The unique regional space of the OSCE needs to be invoked realistically by participating states, in order to reanalyse and address the issues, which form the backdrop to recent disturbances in various states.

4.2 I have made recommendations regarding my areas of activity in the section above. In addition, while stressing the importance of civil society engagement and dialogue with governments, it is also important for independent civil society organisations not to be confused with governments, so that the creative tensions generated can bring progress for all. Governments also need to recognise and validate the right to differ.

The media and the owners, controllers and profit makers of the various media forms throughout the region need to urgently re-examine their ethics and principles of operation, in order to eliminate any capacity for incitement and ensure good practice at this time.

5. CONCLUSION AND THE WAY FORWARD

Recent events underpin the need for urgent action and rethinking regarding the issues covered by my mandate.

In engaging with the future, I need to take this on board and also OSCE and Chair in Office Responses to it. There is much concrete work to be done in the areas I have already identified but also I believe an immediate need to engage more directly with the issues as they emerge is essential for any future work I may undertake. I would also like to engage more with the east of the OSCE region.

Finally, I believe realistic cooperation and coordination between the personal representatives is essential, that our work needs to reinforce that of OSCE and ODIHR and the priorities of the Chair in Office and in return be fully supported by them.