

HUMAN DIMENSION IMPLEMENTATION MEETING**22 September to 3 October 2014****Warsaw, Poland****Rapporteur's report**

Tuesday, 30 September 2014

Working session 12: Tolerance and non-discrimination II, including prevention and responses to hate crimes, aggressive nationalism and chauvinism, and Roma and Sinti issues including the implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

Rapporteur: Ms. Tatiana Shlychkova, Permanent Mission of the Russian Federation to the OSCE

No. of statements:**Delegations: 14****Civil Society: 29****OSCE Inst./Int'l Org: 1****Rights of Reply: 14**

The Working Session 12 was introduced by the *Director of ODIHR Mr. Michael G.Link*. He focused his introduction on Roma and Sinti issues, including combating racism and discrimination against them and implementing effective policy measures to bring equal opportunities for Roma and Sinti. He also stressed the importance of historical lessons in the context of the 70 anniversary of the liquidation of the so called "Gypsy camp" in Auschwitz-Birkenau" where 23000 Sinti and Roma were killed. With regards to 20 years of the creation of ODIHR Contact Point for Roma and Sinti Issues he underlined that monitoring the situation in different countries as well as collecting information, and relevant data provide good opportunities to exchange of best practices and improve Roma\Sinti policies. The Director reminded that Roma and Sinti often face evictions, residential segregation and inadequate living conditions which lead to further marginalization. He stressed the negative influence of global economic crisis, increased anti-Roma rhetoric by populist politicians. Mr.M. Link expressed concern that Roma and Sinti continue facing racism and discrimination in all areas of life. At the same time he underlined that the OSCE participating States adopted many relevant commitments, in particular the 2003 OSCE Action Plan on Roma and Sinti and MC Decision 4/2013 focused on the needs of Roma and Sinti women, youth and children, and promote measures to improve situation. Other international and regional organizations developed their strategies in this sphere. He stressed the necessity of the active participation of Roma and Sinti civil society.

The Director pointed out the importance of the implementation of OSCE commitments related to responding to and preventing hate crimes in the OSCE area, and preventing aggressive nationalism, racism and chauvinism. He concerned that individuals and communities continue to be targeted on the basis of their origin, ethnicity or religion. He also expressed gratitude for the submissions received from 32 participating States and called the participating States to

contribute to annual report on hate crimes in the OSCE region and relevant website (www.hatecrime.osce.org). In particular he emphasized the importance of contributions by partners from OSCE field operations, UNHCR and IOM and more than 100 the civil society organizations and groups, who provided information for the annual hate crime report.

The Director also provided information related to the ODIHR training workshop, special events, ODIHR' Prosecutors and Hate Crimes Training programme (PAHCT), Practical Guide on Prosecuting Hate Crime and stressed the importance of ODIHR' cooperation with his counterparts of other international organizations.

The session introducer *Mr. Thomas Hammarberg, UN Senior Expert on Human Rights in Transnistria and EU Special Adviser on Legal and Constitutional Reform on Human Rights* focused on the systematic discrimination of Roma and Sinti in large parts of Europe, in particular issues of proportional representation in public and political life, access to housing, healthcare, employment and educational attainment, including the inclusion and protection of Roma and Sinti women. He pointed out the problem of statelessness and absence of the documents to prove their identity. Besides that he underlined that xenophobia and extreme nationalistic tendencies have worsened the situation that also affected children. He noted some progress such as the adoption of national anti-discrimination laws. At the same time he stressed that there are no significant steps toward integration and inclusion of Roma\Sinti communities inter alia at the local level.

He underscored the priority of education and pre schooling as well as combating segregation in special classes with focus to needs both of Roma and Sinti children and their parents. He also underlined the necessity of studying of Roma and Sinti culture and history in public schools. He called for a comprehensive approach to all issues that affect Roma and Sinti and for political will to change the situation.

He expressed his concerns related prejudices against Roma and Sinti, in particular used by some politicians during elections campaigns, and called the participating States to reflect the countering anti-Gypsyism in action plans and strategies. He noted the Sweden experience in this field and his study visit in Romania.

44 participants made statements in the Session, out of which 29 intervened as Non-Governmental Organizations and 1 international organization. 14 participants made use of their right to reply.

Several participants stressed the importance of historical lessons, including Holocaust and mass-extermination of Roma and Sinti. They underscored that hate speech leads to hateful acts and sends the negative message to society.

Some participants pointed out the Roma\Sinti issues, the enhance efforts to their inclusion, access to education, housing and healthcare. They provided information related implementation national programmes of integration of Roma\Sinti, concrete measures aimed on social inclusion, political participation, access to education and protection of victims of hate crimes. The educational programmes related to history and culture of Roma\Sinti as well as their tragedy during World War II noted by some participants as a factor of promoting tolerance and mutual understanding. They welcomed the data collection in addressing hate crimes and the website realized by ODIHR.

A number of participants stressed that TND is a cornerstone of human dimension and has link to security. They brought up the issues of Islamophobia, Anti-Semitism, Christianophobia as well as other forms of religious intolerance. Recent cases of human rights violations affected persons belonging to religious and ethnic minorities were a cause for concern expressed by certain participants. Some participants stress the importance of social dialogue within society and dialogue with authorities to combat xenophobia and prejudices and to promote reconciliation. Several participants told of promoting both tolerance and non-discrimination and the freedom of expression.

Some participants described a negative trend in parts of the OSCE region related to rise of aggressive nationalism, neo-Nazism, xenophobia and chauvinism. They noted that the prevention of aggressive nationalism is not properly addressed and it is affected the rights of national minorities and violent manifestation of extremism. They also underlined that societies are losing immunity to chauvinism and aggressive nationalism. They concerned of the rise of extreme radical groups used Nazi ideology, stressed that it is unacceptable to allow meeting and assembly of neo-Nazis and encouraged to take concrete measures to counter these phenomena. One participant urge to do not associate state linguistic policy with aggressive nationalism.

Several participants raised issue of persecutions of and attacks on anti-fascist activists, human rights defenders. Some participants called to release all political prisoners.

Several participants encouraged for close consultations with ethnic and religious communities. The needed of anti-discrimination legislation was noted by some participants. They stressed that no one should suffer violence for any grounds. They pointed out that politicians are responsible for the negative rhetoric. They also noted that LGBT need for protection against discrimination and disappointed of absence of relevant OSCE commitments.

Several participants noted that attacks against minorities are common in the conflict area. They concerned of cases of persecution of some ethnic groups. Besides that they mentioned that Middle eastern conflict patterns are replicated to OSCE region. Also, several delegations pointed to the need to counter hate speech and hate crimes in order to prevent raising tensions and a culture of impunity. They stressed that perpetrators of hate crimes should be brought to justice.

Some participants raise problem of foreign fighters and risks of spreading extremist ideas as well as heighten terrorism.

In the right of reply section, some of the allegations regarding discriminatory practices and other violations of rights were refuted. Participants condemned intolerance and underlined their commitment to protect national and religious minority from hate crime. Allegations of sympathy to extremist and Nazi ideologies were rejected. Information related to prosecution radical leaders and criminals, including those linked to hate crimes, was provided. The internal character of the conflict in one area of OSCE region was noted. The lack of commitments related to some vulnerable groups were aloud.

Recommendations to the OSCE participating States:

- Ensure full implementation of commitments to prevent discrimination and intolerance;
- Make efforts to prevent hate crimes by enhancing educational programs and awareness rising campaigns;
- Improve national legislation on incitement of hatred and combating hate speech;
- Monitor hate crimes and hate speech, collect data and statistics on these violations in particular in cooperation with ODIHR;

- Develop strategies and national plans to combat discrimination against Roma and Sinti in all spheres, including education, and to raise awareness of the Roma holocaust, in particular through studying Roma\Sinti history in school curricula;
- Enhance actions for Roma and Sinti integration based on comprehensive approach and social inclusion including by providing registration and identification documents for Roma and Sinti
- Encourage wide dialogue within society on issues related the needs of religious and national minorities;
- Withdraw the reservations to the International convention on the elimination of all forms of racial discrimination, in particular to article 4;
- Condemn racism and Nazism, hatred in politics and hateful statements;
- Take measures to prevent the whitewashing of Nazi regime criminals;
- Consolidate the investigation of extremist groups and to ensure that Nazi activists should be subject to criminal prosecution;
- Refrain from repression against human rights defenders, including anti-fascist' activists and their families;
- Consider the enhancing of the capacity of ODIHR in the context of combating hate crimes;
- Enhance Roma and Sinti public and political participation and involvement in decisions that affect them;
- Combat discrimination against migrant Roma in particular against women and girls
- Enhance implementation of Roma and Sinti Action Plans at the local level;
- Consider enhancing activities to provide opportunities to Roma and Sinti youth to act as role models in public schools;
- Respond to the ODIHR's request for information on Roma and Sinti.

Recommendations to the OSCE, its institutions and field operations:

- OSCE institutions should pay attention to negative tendencies throughout the OSCE region in regard to extremist ideologies;
- OSCE executive structures should continue to monitor hate crimes and hate speech, collect data and statistics;
- OSCE executive structures should address the requests of the OSCE participating States to promote integration of national minorities inter alia Roma and Sinti, including through social inclusion, education and countering prejudices;
- OSCE executive structures should support activity of NGO relevant in national, religious and hatred issues as well as in promoting tolerance and mutual understanding;
- ODIHR should arrange more regional meetings and workshops to promote trust and reconciliation.
- OSCE ODIHR should address discrimination against Roma and anti-Roma rhetoric and violence;
- OSCE executive structures should continue activities related to Roma and Sinti integration.