

## HDIM 2012

### **Working Session 14: Tolerance and non-discrimination II: Review of the implementation of commitments on promotion of mutual respect and understanding:**

- Prevention and responses to hate crimes in the OSCE area;
- Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions;
- Combating anti-Semitism;
- Combating intolerance and discrimination against Muslims.

*Rapporteur: Mr. Ömer Numan Doğrukol, Second Secretary, Permanent Mission of Turkey*

The Session was heavily attended. The first hour was dedicated to remarks from the moderator, introducer, and three Personal Representatives of the Chairperson-in-Office (CiO) on Tolerance, resulting in the time for interventions to be reduced to two minutes.

77 interventions were made after the introducer, of which 58 by civil society and non-governmental organizations. In addition, 14 participating States made use of their right of reply.

**Hate crimes and hate discourse.** Concern was expressed about continuing hate crimes occurring in the OSCE region. The failure of participating States to adequately implement OSCE hate crimes commitments was a central theme, with many civil society speakers citing the need for participating States to collect disaggregated hate crimes data and to report the data to ODIHR. A large number of participants spoke in support of ODIHR's hate crimes training for law enforcement and tolerance education programs. Several speakers raised concerns about growing intolerance and xenophobia fueled by statements from political leaders, opinion makers, media broadcast and content on the web and called for taking action against the rise of far-right extremist groups. A number of speakers called on participating States to monitor and prevent incitement of hate on the Internet and in the media. CiO Personal Representative Adil Akhmetov underlined that freedom of expression should be exercised in a responsible manner. The need to better investigate violent crimes against Muslims, Jews, Christians among other belief groups and punish those who are responsible was stressed as well.

**Racism and xenophobia.** Several speakers called for an increased focus on racism and xenophobia, including by ODIHR and the CiO Personal Representatives. A number of NGOs called for organizing a high-level conference on Islamophobia and discussing ways to develop a definition for this phenomenon. A number of delegations noted that racism and xenophobia should be among the priorities of the OSCE. One delegation called for a Ministerial Council Decision in Dublin on this topic, while another mentioned its preference for a decision focusing on combating Neo-Nazism.

**LGBT.** Speakers noted violence targeting the LGBT community and called on participating States to make necessary adjustments in legislation in order to include the prohibition of discrimination on gender identity basis. Additionally, restrictions on freedom of assembly of LGBT groups were raised. A new legislation in one participating State was especially noted as discriminatory and a step backward. The participating State in question utilized its right of reply to note that there was no legislation in that direction adopted in the country. Another participating State informed the participants using its right to reply of a prospected legislation

on same-sex marriages.

**Discrimination against Christians.** Discrimination against and marginalization of Christians was mentioned by a number of speakers. A number of participants argued that they were discriminated against because they were Christians attempting to provide a counsel to persons with unwanted homophobic feelings. CiO Personal Representative on Combating Racism, Xenophobia, Discrimination and Intolerance against Christians and members of other religions Catherine McGuinness briefed the participants on her recent and upcoming country visits. One participating State noted that Christians were the most discriminated against in the OSCE region.

**Discrimination against Muslims.** Several organizations – mainly from Western Europe – voiced increasing concerns with stereotyping of and prejudice towards Muslims, in addition to failures of implementing commitments relating to discrimination against Muslims. Specific concerns included the equation of Islam with terrorism, stereotypical portrayals of Muslims in the media, and the proliferation of legislation across the region seeking to restrict the religious practices of Muslims, including clothing. In particular, concerns were raised on repercussions of a controversial video recently posted on Internet and referred to as offensive. Several NGOs drew attention to the rise of anti-Muslim and anti-immigrant sentiments in the face of economic crisis and called for remedies. ODIHR's recent publication on guidelines for educators on discrimination against Muslims was praised and speakers stressed the need for wide and effective implementation of guidelines contained in the publication. One participating State requested ODIHR and other relevant institutions to increase its activities in order to address the full range of its tasks.

**Anti-Semitism.** Criticism of Israel was cited as a form of anti-Semitism by several organizations and calls to implement the Berlin Declaration and utilize the EUMC working definition of anti-Semitism were made. The CiO Personal Representative on Combating Anti-Semitism, Rabbi Andrew Baker and a number of other speakers noted the importance of increased focus on safeguarding the security of Jewish communities and called for a high-level technical conference to discuss ways to enhance security of the members of Jewish community. Rabbi Baker also suggested a conference be held on the 20<sup>th</sup> anniversary of 2004 Berlin Conference on anti-Semitism.

**Religious Freedom.** Several speakers noted regulations by participating States that impeded religious practice, including cumbersome registration requirements and bans on religious materials in addition to government-led campaigns against religions viewed as non-traditional. One participating State utilized its right of reply to dispute concerns raised to its anti-Sect laws and noted that legal suits could be filed in cases where the laws were misused. Concerns were also raised on violent attacks against worship places carried out by far-right groups. Several NGO representatives from Jehova's Witnesses community drew attention to incidents of discriminatory attitude and manifestations of intolerance in a number of participating States.

#### **Recommendations for participating States:**

- Support and increase funding for the work of ODIHR and the three Personal Representatives on Tolerance, including in the areas of racism and xenophobia;
- Comply with OSCE human rights, tolerance, and hate crimes commitments, including monitoring and reporting on hate crimes and the collection of disaggregated data;

- Make better use of ODIHR's capacity to raise awareness on discrimination, xenophobia and intolerance;
- For incoming Ukrainian Chairmanship to organize a high-level conference on combating manifestations of Islamophobia and clarification of the phenomenon;
- Utilize ODIHR's guidelines for hate crimes legislation, law enforcement and other hate crimes and anti-discrimination trainings;
- Partner with civil society to monitor and address hate crimes and discrimination;
- Strengthen co-operation in addressing hate discourse, including by political leaders, in the media, and on the Internet;
- Provide better assistance and access to justice for victims of hate crimes, including for LGBT communities.

**Recommendations for ODIHR/OSCE Institutions:**

- Extend the scope of its projects of assistance to the participating States in meeting their commitments on discrimination against Muslims, including hate crimes reporting;
- Tackle the issue of addressing causes of hate crimes and radicalization that leads to terrorism.