



**Organization for Security and Co-operation in Europe  
Permanent Council**

PC.DEL/1146/03

1 October 2003

ENGLISH only

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**Netherlands Chairmanship**

# **OSCE CONFERENCE ON RACISM, XENOPHOBIA AND DISCRIMINATION**

**Vienna, 4 and 5 September 2003**

## **CONSOLIDATED SUMMARY**

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## INTRODUCTION

The Porto Ministerial Council Decision on Tolerance and Non-Discrimination, Decision No. 6, paragraph 11, urged “the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia”. (See annex for the text of the decision.). On 19 and 20 June, the OSCE organized a Conference on Anti-Semitism. On 4 and 5 September, the OSCE held a second conference on the topic of racism, xenophobia and discrimination.

The annotated agenda of the OSCE Conference on Racism, Xenophobia and Discrimination was developed in Vienna in close co-operation and consultation by a representative group of participating States, which had come together regularly since January 2003. The sustained attention from participating States in organizing the conference resulted in high-level expert keynote speakers, introducers and moderators. They set the tone for a very engaged discussion between almost 400 participants from governments, international organizations and non-governmental organizations.

The report of this conference consists of the following parts:

- (A) The annotated agenda, comprising the names of the speakers and the conceptual background on which the discussions were based.
- (B) A report of sessions 1 to 4 and the closing session, an overview of interveners, a “summary and general recommendations”, as well as additional recommendations made by delegations, either during the sessions, or after the sessions submitted in writing. The text of the interventions by the introductory speakers is attached to each of the sessions.
- (C) The annexes contain the Porto Ministerial Council Decision No. 6 on Tolerance and Non-Discrimination (MC(10).DEC/6) and the speeches of the keynote speakers in the opening session, as well as the speeches from the introducers in the working sessions.

As the interventions by the three introducers for each session are attached, the summaries of the discussions are limited to the debate following the introducers’ interventions. In accordance to standard OSCE human dimension meeting reporting, the delegations are acknowledged for their contributions, whereas the recommendations are addressed to either OSCE participating States or OSCE structures. Although most recommendations were addressed to OSCE participating States, it goes without saying that NGOs and other international organizations have a role to play in ensuring the implementation of some of these recommendations as well.

Following the closing session, a number of “general operational recommendations to OSCE structures” are specified, which were made during several of the separate sessions.

Finally, the list of participants and remaining statements handed in with the Secretariat have been integrally posted on the official website of the OSCE.

## (A) ANNOTATED AGENDA

### Opening of the Conference: Keynote session

The Tenth Meeting of the OSCE Ministerial Council in Porto urged "...the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia." The OSCE held a Conference on Anti-Semitism on 19 and 20 June in Vienna. This second Conference will cover the remaining issues to be dealt with under the Porto decision.

The main areas covered will be racism, xenophobia and discrimination, including violence and discrimination against Muslims, and those perceived to be Muslim. The Conference will examine the causes and manifestations with a focus on the common grounds related to discrimination, and look at ways of combating these problems.

The aim of the Conference will be to exchange information on the issues, identify and share good practices and contribute to developing a holistic, co-ordinated, complementary and coherent approach by the OSCE in tackling the issues. The emphasis will be on practical and concrete action at the international, national and local level. The Conference should demonstrate that the OSCE, as a region of cultural, ethnic and religious diversity, with its experience of the inter-relationship of security and the human dimension, could bring added value to the international and national efforts to tackle the issues.

Opening words: H.E. Minister Benita Ferrero-Waldner, Minister for Foreign Affairs of Austria  
Video Message from H.E. Colin Powell, US Secretary of State  
Mr. Frank Majoor, Secretary General, Netherlands Ministry of Foreign Affairs

Keynote Speakers: H.E. Minister Jean Augustine, Secretary of State, Multiculturalism/Status of Women, Canada  
Dr. Mustafa Cerić Reis-ul-Ulema, Grand Mufti of Bosnia and Herzegovina  
Lord Ahmed of Rotherham, the House of Lords, United Kingdom  
Prof. Dr. Ioanna Kuçuradi, Director of Application and Research Center for Human Rights and Philosophy, Hacettepe University, Ankara, Chair of the Turkish National Committee of the Human Rights Education Decade

Points to be addressed may include, *inter alia*:

- Why hold this meeting and why hold it now;
- Defining the problem of racism, xenophobia and discrimination and its manifestations throughout the OSCE region;
- The role of Governments in monitoring and responding to incidents.

## **Session 1: Legislative, institutional mechanisms and governmental action including law enforcement**

Moderator: Ambassador Hans Winkler, Legal Adviser, Director, Office of International Law, Ministry of Foreign Affairs, Austria

Introducers: Mr. Joël Thoraval, President of the National Consultative Human Rights Commission, France  
The Honorable J.C. Watts, former Member of US Congress  
Ambassador Rolf Ekéus, OSCE High Commissioner on National Minorities

Note taker: Ms. Nilvana Darama, First Secretary, Permanent Mission of Turkey to the OSCE

OSCE participating States have expressed on numerous occasions their commitment to strengthening human rights standards. Combating racism, xenophobia and discrimination are key components of such activities. The OSCE has considerable experience in the work on ethnic, religious and national minorities, and other vulnerable groups, and the challenges they face as the victims of all types of discrimination. The OSCE has acquired experience in the need to balance human rights safeguards with security concerns, particularly in the field of law enforcement.

A number of participating States are also in the process of transposing EU standards on non-discrimination into national legislation and establishing equal treatment bodies. This experience, and the resultant non-discrimination framework, should inform the discussion and debate. A number of OSCE participating States have also recently introduced legislation aimed at combating hate speech, incitement to racial hatred and race or religion as an aggravating factor in criminal offences.

The OSCE convened a conference on anti-Semitism in June 2003. The outcome and recommendations of this conference should be valuable in developing a common framework to tackle racism, xenophobia and discrimination in all its related forms.

Building on the work and acquired expertise of its activities undertaken by ODIHR, the HCNM and the Representative on Freedom of the Media, this session should aim to draw the governmental approaches within an overall strategy that encompasses IGO work. This strategy should set the context for action within a comprehensive and coherent framework. This session will therefore encourage discussion and debate on the principles, key components and main actors of a legislative and institutional framework, highlighting good practice and the role of independent specialized bodies.

Points to be addressed may include, *inter alia*:

- Appropriate anti-discrimination legislation and national experience with criminal prosecution of violence;
- A discussion of hate crime legislation and good police practices;

- Law enforcement and the judiciary, including training;
- Government policies and practices at national, regional and local levels, including the examination of the role of independent specialized bodies.

## **Lunch**

Speaker: Rt. Hon. Bruce George, MP, President of the OSCE Parliamentary Assembly

## **Session 2: The role of governments and civil society in promoting tolerance**

Moderator: Mr. Gert Weisskirchen, Member of the Bundestag, Germany

Introducer: Ms. Beate Winkler, Director, EU Monitoring Centre on Racism and Xenophobia  
Ambassador Claudio Moreno, former President of the Italian Interministerial Committee for Human Rights, Italy  
Prof. Barbara John, Former Commissioner for Integration of Foreigners, Berlin, Germany

Note taker: Mr. Stuart Adam, Second Secretary, UK Delegation to the OSCE

The OSCE acting in concert with its participating States has highlighted the fundamental role and responsibility of Governments in activities to counter racism, xenophobia and discrimination. Governments through legislative measures, institutional mechanisms and policy and practice define the context for the development of human rights and human security safeguards and protection. Experience and practice has demonstrated that in certain areas of activities, Governments, when co-operating in partnership with civil society bodies and intergovernmental organizations can enhance the effectiveness of such activities.

A number of OSCE participating States have developed mechanisms to monitor, report and assess the situation of racism, xenophobia, and discrimination including the role of independent specialized bodies at the national and regional level. The session can discuss and debate the opportunities presented by such developments, identify their main activities and responsibilities and ways to enhance the co-operation of such bodies at the national and regional level. The session can encourage those participating States that have yet to establish such bodies to do so.

A number of OSCE participating States have developed national action plans (NAPs) to combat racism, xenophobia, and discrimination. These plans establish a general framework for comprehensive and coherent approaches that include co-operation with civil society and the various communities of those subject to racism, xenophobia and discrimination. Building on this experience and expertise this session can examine and assess the approaches developed through NAPs with a view to highlighting good practice.

In addition, several participating States have at the community level encouraged racial and religious groups to develop policies and practices that promote tolerance and equality. This seminar session can report on the successes of these programmes, as well as discuss and debate suggestions to improve the overall efficiency of these local community activities. Furthermore, a particular emphasis for this discussion could be the involvement of local authorities and community actors in the design, implementation and review of activities to combat racism.

Points to be addressed may include, *inter alia*:

- The role of governmental bodies, IGOs and NGOs in reporting, monitoring and combating racism, xenophobia, discrimination and intolerance;
- Co-operation among independent specialized bodies at the national and regional level;
- The effectiveness of dialogue as a mechanism to support understanding and mutual respect;
- Inter-faith and inter-cultural dialogue and development of civic tolerance building programmes.

### **Session 3: The importance of education**

Moderator: Ms. Jolanta Ambrosewicz-Jacobs, Ph.D, Member of the ODIHR Advisory Panel on Freedom of Religion or Belief, Jagiellonian University, Krakow, Poland

Introducer: Mag. phil. Manfred Wirtitsch, Director, Department for Political Education, Federal Ministry for Education, Science and Culture, Austria  
Mr. Michael Steele, Lieutenant Governor of the State of Maryland  
Monseigneur Guy Harpigny, Bishop of Tournai, Belgium

Note taker: Mr. Karl Olson, Adviser, US Mission to the OSCE

OSCE participating States have recognized that human rights and human security are inextricably linked as promotion and implementation of human rights are an integral part of human security. Human rights education and learning can make a vital contribution to human security, being a strong instrument for conflict prevention and the prevention of human rights violations. Human rights education is also an instrument to support respect for diversity, culture and equality and enhances OSCE values by rooting them in different cultural traditions, taking into account the cultural diversity of communities and societies within a universal human rights framework.

Education is key to strengthening society and improving the opportunities of individual members of society by improving knowledge, building capabilities, raising awareness and providing skills to meet the future challenges of societies. Education contributes to building a stake in society for all members irrespective of their racial, ethnic or religious backgrounds and countering social exclusion. This session could discuss elements of educational strategies in support of social cohesion, respect for diversity and the promotion of tolerance, in particular the role of governments,

educational institutions both through the development of curricula aimed at practitioners and target groups and training practices for State authority officials.

A number of participating States have supported initiatives to promote intercultural education, equal access to education and developed curricula which takes into account a diverse classroom. In addition, a number of participating States continue to support human rights training programmes aimed at State authorities.

This session can debate and discuss strategies and approaches to ensure equal and effective access to education for all, identifying issues that prevent this realization and good practices in dealing with them and make recommendations. Participants could discuss the effectiveness of human rights education initiatives and point ways forward to meet the various challenges of providing human security within diverse societies.

Points to be addressed may include, *inter alia*:

- Human rights education and training to support human security;
- The role of education in promoting tolerance;
- Teacher-training programmes;
- Teaching of history;
- School curricula;
- Elimination of discrimination tendencies and prejudices in society.

### **Closing day address**

Speaker: Minister Vartan Oskanian, Minister for Foreign Affairs of Armenia

### **Dinner**

Speaker: Sir Peter Ustinov, Institut für Konfliktforschung, Vienna

#### **Session 4: Information and awareness–raising: The role of the media in conveying and countering prejudice**

Moderator: Ambassador Michael Fedotov, Secretary of the Union of Journalists of the Russian Federation

Introducer: Ms. Heléne Loow, Historian, Swedish Board member of the EUMC, Sweden  
Mr. Gérard Kerforn, MRAP, France  
Prof. Vojin Dimitrijevic, Director, Belgrade Centre for Human Rights, Member, European Commission for Democracy through Law (Venice Commission)

Note taker: Mr. Frédéric de Touchet, Counsellor, Permanent Representation of France to the OSCE

The OSCE participating States recognized the importance of freedom of expression and the role of media when they established the institution of OSCE Representative on Freedom of the Media. Freedom of expression is a basic civil and political right and a fundamental component of democratic societies. Experience in the OSCE region has demonstrated that the media can either play a positive or a negative role on the issues of racism, xenophobia and discrimination.

The advent of new technologies has introduced a variety of challenges such as hate speech on the Internet, and the sale and the distribution of prohibited racist material. The OSCE Conference on Freedom of the Media and the Internet in June 2003 addressed a number of these issues and the results of this discussion should inform this session of the conference. Within the context of these previous discussions, this session can consider ways to uphold the freedom of speech, while countering racism and xenophobia. In addition, the discussion can identify potential methods for the media to regulate itself, and ways to sponsor co-operation among the media, the government, and IGOs, in order to meet the current challenges.

Information dissemination and awareness raising on activities and developments to counter racism and xenophobia is a major part of government publicity campaigns to reach civil society in general. Experience has demonstrated that where governments take the lead and disseminate a clear message they can enhance legislative and institutional developments and contribute to improving understanding about policy and the broader values of human rights, non-discrimination and tolerance. This session can examine examples of successful campaigns to combat racism and help set information and awareness raising within a comprehensive and coherent framework.

Points to be addressed may include, *inter alia*:

- Public opinion and role of the media, including new technologies (*inter alia*, the Internet);
- Information campaigns on tolerance and their effectiveness;
- Reporting and interpretation of developments in the OSCE area;

- Problems regarding the dissemination of hate speech and racist materials and ways to counteract this.

### **Closing session: Development of conclusions and recommendations**

In this session the four moderators will summarize discussions and key recommendations made in the sessions on how the OSCE participating States and OSCE structures can strengthen their efforts to combat racism, xenophobia, and discrimination. The results of the conference will be brought forward to the Human Dimension Implementation Meeting in Warsaw in October 2003, where a day will be dedicated to discussing prevention of discrimination, racism, xenophobia and anti-Semitism.

In order to more accurately reflect the results of the meeting, participants are encouraged to submit in writing to the Chairman-in-Office any recommendations they wish to make. It would be helpful if participants could specify for whom the recommendations are intended, for example, individual OSCE participating States, the OSCE as a whole, OSCE structures and institutions, such as the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, or OSCE field operations.

## **(B) REPORT OF SESSIONS 1 TO 4 AND THE CLOSING SESSION**

### **Session 1: Legislative, institutional mechanisms and governmental action including law enforcement**

After the speeches of the three introducers (see Annex 2), the following delegations participated in this discussion (in speaking order): Germany, Israel, Council of Europe, Italy (on behalf of the European Union, the acceding countries Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia and the associated countries Bulgaria, Romania and Turkey aligned themselves with this statement), European Roma Rights Centre, Ireland, United States of America, Azerbaijan, France, Romania, Turkey, Bulgaria, Croatia, Poland.

#### **Summary and general recommendations**

During discussions, the participants expressed concern over manifestations of racism, xenophobia, discrimination and intolerance in the OSCE region and called for global action to fight against these phenomena. It was also largely recognized that no country was immune from racism. The interventions then focused on recommendations how to prevent, combat and overcome racism, xenophobia and discrimination. Special attention was given how to do this regarding the adoption and implementation of legal measures, education and the establishment of specialized institutions.

Regarding legal measures, speakers pointed out that the countries they represented had constitutional principles safe-guarding that all persons are equal before the law. However, speakers criticized that regional and international regulation and conventions were in some cases not adequately implemented. In addition, many speakers stressed that, although the quality and quantity of legal measures and institutional mechanisms alone cannot prevent or protect against racism, there are important tools representing a strong signal to society what is not to be tolerated as well as the framework for further action.

Speakers repeatedly pointed out that an increase in intolerance towards the Muslim community could be detected since 9/11. In this respect, important initiatives preventing the “backlash” of intolerance were stressed. Politicians, security and justice personnel and media must give strong and clear signals to raise awareness that there is no collective responsibility for these crimes. Therefore, steps must be taken to strengthen the dialogue between different cultures, amongst others to combat Islamophobia.

Participants also pointed out that the government is just one player in the fight against racism. To make this combat effective, the pro-active engagement of the civil society and NGOs is indispensable. In addition, new forms of manifestations of racism were addressed such as hate speech on the Internet, as well as the importance of innovate and effective regulations for the integration of foreigners in countries of immigration.

## **Additional recommendations**

### *To OSCE participating States*

#### Germany

- Participating States should develop a determined, sustained and long-term strategy involving both government and civil society actors that addresses the root causes of racism, xenophobia and discrimination.

#### Israel

- Participating States should promote national legislation against racism, xenophobia and discrimination.

#### European Union

- Participating States should apply in full the International Convention on the Elimination of All forms of Racial Discrimination;
- Participating States should examine their legislation to combat racial hatred and discrimination, with a view to assessing its effectiveness and making necessary changes. This review should include, where they do not exist, the establishments or designation of bodies to promote equal treatment and combat racial discrimination and racism. National human rights institutions must also play a significant role in this regard.

#### European Roma Rights Centre and the International Helsinki Federation for Human Rights

- Participating States should take actions to transpose the Race Equality Directive and the other EU anti-discrimination directives without delay;
- Participating States should involve relevant beneficiaries — racial and other minorities in the drafting of anti-discrimination legislation;
- Participating States should review criminal legislation and introduce racial motive as an aggravating circumstance punished by stiffer sentences;
- Participating States should elaborate and make public the criteria according to which crimes are investigated to determine if they have been perpetrated on grounds of racial motives;
- Participating States should ensure that law enforcement officials, prosecutors, judges and lawyers be provided with training necessary to enable the successful application of legal provisions aimed at combating racist and other racially based discrimination.

Ireland

- Participating States should develop action against racism, at national or international level, in a two-fold way; it should address the prevention of a culture of racism and respond effectively to racist incidents and attacks;
- Participating States must continually strive to meet the universal standards that were laid down in the International Bill of Human Rights and re-affirmed by the World Conference in Vienna.

United States of America

- Participating States should review laws and eliminate those that directly reinforce discrimination;
- Participating States should focus on using education and economic measures to empower minority communities to help themselves. Encourage minority communities to play a leadership role in fighting racism and discrimination;
- Participating States should at all levels react strongly, swiftly, unequivocally and publicly in response to cases where acts of racism, xenophobia or discrimination occur to ensure not only that those perpetrating such act are punished, but also that everybody knows such behaviour is unacceptable and will not be tolerated;
- National and regional authorities should develop outreach programmes to isolated, insular and vulnerable communities, both to educate them on issues of racism and discrimination, and to show that government is directly involved in improving the situation;
- Law enforcement authorities should anticipate and prepare for potential flare-ups of racist or discriminatory behaviour, such as anniversaries of significant events or provocative visits to volatile areas;
- Participating States should ensure the “three C’s” among the various levels (national, regional, local) of law enforcement: Communication, Co-operation and Co-ordination. This must be both vertical (between different levels) and horizontal (between jurisdictions of the same level);
- Leadership in combating racism and discrimination must be both “top-down” and “grassroots”. National authorities, beginning with the head of State or Government must set the example, while civic organizations must work at the community level to reach the individual citizen. This approach must be comprehensive, encompassing every aspect of society, including, but not limited to law enforcement and the criminal code, employment, education, housing, and public accommodation;

- Participating States should provide law enforcement explicit guidance on when racial or ethnic “profiling” is or is not justified and appropriate (e.g., appropriate when a crime or crimes are associated with specific ethnic criminal gangs).

### Azerbaijan

- Participating States should strongly condemn the persistence and resurgence of racism, xenophobia, chauvinism, aggressive nationalism and directly linked to them extremism, aggressive separatism and terrorism based on national or racial prejudice and state that these phenomena, in all their forms and manifestations, can never be justified in any instance and any circumstances;
- Participating States should underline with alarm severe challenges, which racism, xenophobia, chauvinism, aggressive nationalism and directly linked to them extremism, aggressive separatism and terrorism pose to democracy, human rights, rule of law, stability of legitimately constituted government, integrity of civil society and its economic and cultural development;
- Participating States should be urged to undertake all necessary measures to eliminate any possibility for creation and activities on their territories of organizations and groups as well as activities of individuals aimed against political independence, territorial integrity of a sovereign State or at aggravation of interethnic relations;
- Participating States should condemn incitement to ethnic and religious hatred and violence;
- Participating States should confirm that rights and freedoms of persons belonging to national minorities constitute an integral part of human rights and fundamental freedoms. A State on whose territory national minority exists should respect the rights of persons belonging to such minority to equality before the law, afford them full opportunity for the actual enjoyment of human rights and fundamental freedoms and in this manner protect their legitimate interests in this sphere. In the exercise of their rights and freedoms persons belonging to national minorities shall respect the legislation of the State they reside in and respect the rights of others, including the rights of majority of the population;
- Participating States should stress that the compliance of minorities with their commitments before the State of their settlement as well as respect on the side of that State for their rights is an important factor of peace, security, stability and democracy;
- Participating States should prioritize restoration of the rights of persons affected by manifestations of racism, xenophobia, chauvinism, aggressive nationalism and directly linked to them extremism, aggressive separatism and terrorism being in itself a matter of direct concern for the whole OSCE community and should be properly addressed at the political level in the OSCE;
- Participating States should evaluate violent or any other forced religious and cultural assimilation as inadmissible and all participating States should promote conditions in which all

members of diverse multiethnic and multicultural societies can express their cultural identity and manifest their religious beliefs, subject only to such strict limitations as are prescribed by the international law;

- Participating States should promote careful preservation of cultural and religious monuments and punish those responsible for acts of intolerance aimed at the destruction of properties of cultural and religious heritage.

#### France

- Participating States should, with the fight against racism, imply constant vigilance on the part of the legislator.

#### Turkey

- Participating States should work towards the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, including full compliance with the obligation in respect of the timely submission of periodic reports to CERD;
- Participating States should adopt specific national legislation and administrative measures, or strengthen the existing ones where necessary, to combat all forms of racism and racial discrimination;
- Participating States should also consult Civil Society representatives, particularly the representatives of the vulnerable groups in the preparation of such legislation and measures;
- Participating States should criminalize racist abuses and violence, as well as incitement to racism and hatred and allegations of such crimes should be effectively investigated, the perpetrators should be brought to justice and the victims should receive remedies;
- Participating States should ensure effective implementation of relevant legislation and administrative measures at national, regional and local levels. Government programmes should include explicit references to anti-discriminatory policies;
- Participating States should give public officials, particularly law enforcement and judicial staff specific training to be sensitized with human rights, tolerance and non-discrimination and to develop cross-cultural understanding and communication skills;
- Participating States should monitor the conduct of public officials at all levels with a view to identifying and eliminating all forms of racist and discriminatory practices;
- Participating States should address racist behaviour or the use of racist language by public officials with disciplinary and criminal measures;

- Participating States should have law enforcement units that act promptly and decisively to prevent and respond to all forms of racist attacks;
- Participating States should pay particular attention to racist abuses in detention centres and prisons;
- Participating States should establish specialized national bodies, including monitoring units and ombudsman institutions, where necessary, to observe and assess the situation and to deal with complaints arising from racist and discriminatory acts;
- Participating States should inform the Society in general and members of the vulnerable groups in particular of existing anti-discriminatory legislation and practices, as well as of their rights and options to resort to legal and administrative tools against any racist abuse or violence;
- Participating States should develop a uniform statistical method conducive to data comparison among participating States in terms of racist and hate related crimes;
- Participating States should make statistics related to racist and hate related crimes public;
- Participating States should institute a Special Rapporteur on Racism, Xenophobia and Discrimination to oversee and monitor the performance of participating States.

#### UNHCR

- Participating States should enshrine comprehensive equal rights and non-discrimination in their constitution and all relevant legislation (including non-nationals, such as asylum seekers, refugees, returnees, displaced people and stateless persons);
- Participating States should take measures to combat racism, racial discrimination and xenophobia directed against asylum seekers and refugees. In this respect, credible and up-to-date public information on the numbers of those in need of international protection, where that protection is being provided and in what form, has an important part to play in redressing some of the commonly held myths about refugees and asylum seekers;
- Participating States should pass and implement equally comprehensive non-discrimination legislation, complemented with adequate complaints, legal resources and remedy provisions;
- Participating States should effectively and openly condemn perpetrators of racist and xenophobic violence through courts of law, human rights commissions and ombudsmen offices. The judicial system and penal institutions must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold;
- Participating States, which have introduced in their legislation provisions granting indemnification to victims of crime, should make sure that such provisions and benefits are

also available to non-national victims of racist crimes and xenophobic acts. In particular, such provisions should be offered to refugees;

- Participating States should fully comply with their reporting obligations with the UN Treaty Monitoring Bodies and in particular to include into their reports a proper analysis of the situation of refugees, asylum seekers, and other displaced persons;
- Participating States should regularly report on problems and progress in this field.

Joint NGO and National Bodies Statement (Asyl im Not, Germany; Board of Deputies of British Jews, United Kingdom; Casa Diritte e Sociali, Italy; Centre for Interethnic Co-operation, Russia; Citizens' Watch, Russia; December 18, International NGO; European Council of WIZO federations; International League for Human Rights, International NGO; International Network Against Cyber Hate; Landelijk Ongedocumenteerden Steunpunt (Nat. Support for undocumented people), the Netherlands; Magenta Foundation, the Netherlands; Migrants Rights International; Moscow Helsinki Group, Russia; Movimiento Contra la Intolerancia, Spain; National Bureau against Racial Discrimination (LBR), the Netherlands; National Consultative Committee on Racism and Interculturalism, Ireland; Never Again Association, Poland; Northern Ireland Council for Ethnic Minorities, Northern Ireland; Paz y Cooperación, International NGO; PICUM, the Platform for International Co-operation on Undocumented Migrants; Public Initiative Support Centre, Turkmenistan; Simon Wiesenthal Centre Europe; SOVA Centre for Information and Analysis, Russia; Tajikistan Foundation, Russia; UNITED for Intercultural Action, European Network; United Jewish Community of Ukraine; ZARA, Austria)

- Participating States should adopt and enforce in full a comprehensive body of legislation prohibiting discrimination in all fields of public life and providing civil, criminal and administrative remedies for breach thereof. Participating States should ensure adequate protection of Roma, migrants and other particularly vulnerable groups against racially motivated crimes, racially motivated violence and abuse and promptly bring to justice individuals responsible for this kind of acts;
- Participating States should establish an effective enforcement body empowered both legally and through the provisions of adequate resources to effectively secure full compliance with anti-discrimination law;
- Participating States should declare, pursuant to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, that the State accepts the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals and groups concerning violations to the Convention. Ensure that views and recommendations of the CERD Committee with regard to Member States and decisions on individual complaints are fully complied with;
- Participating States should proceed with speedy ratification of Protocol No. 12 to the European Convention on Human Rights with a view to its timely entry into force;

- Participating States should ratify and comply with the UN Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, which entered into force on 1 July 2003;
- Participating States should integrate a human rights perspective in the elaboration on migration management policies and to give academics and NGOs an active role in relevant debates;
- Participating States should ensure full compliance of the non-refoulement principle and use independent NGO reports as core information when determining threat to the safety of a concrete individual;
- Participating States should abolish the concept of safe countries and ensure that each individual has access to a fair and unbiased consideration of his or her asylum application;
- Participating States should adequately support people who are waiting in countries for the settlement of their refugee status or residence permit or should be allowed to get employment;
- Participating States should ratify all relevant international treaties, including the FCNM. They shall refrain from selective non-recognition of particular groups as minorities and denial of protection for them. Governments shall refrain from using the goals of minority protection for any kind of domestic or international political manipulations. The governments shall guarantee that the fight against terrorism and recent anti-immigration stances will not have a negative impact on minority protection and counteraction to racial discrimination;
- Participating States should adopt and implement in full Roma-specific policies providing detailed plans and adequate funding for action aimed at remedying the currently unacceptable human rights situation of Roma in Europe. Governments of States with existing plans should ensure that implementation is thorough, and that actions thus far undertaken are effective as Roma rights policy.

#### Norway

- Participating States should adopt national legislation prohibiting both direct and indirect discrimination, establishing a shared burden of proof and effective sanctions and enforcement procedures;
- Participating States should establish special bodies safeguarding ethnic equality;
- Participating States should elaborate a National Plan of Action to Combat Racism and Discrimination. Target areas, such as education, working life, public services, the judicial system, the Internet, local community, and strengthened legal protection should be included.

#### Poland

- Participating States should create a general guideline for prosecutors in cases of hatred crimes.

#### *To OSCE structures*

##### European Union

- Participating States should must improve the analysis of the phenomena of racism, xenophobia and related intolerance and be able to track its manifestation. That means participating States need better facts and figures on the situation throughout the OSCE area. For this purpose, OSCE human dimensions institutions should co-operate with the United Nations, the European Union and the Council of Europe's anti-racism mechanisms in a comprehensive approach which could include also exchanges of information and statistics on racist or xenophobic hate crimes and related data in the whole OSCE area;
- Participating States should examine how the OSCE, and in particular ODIHR, can play a more active role in combating manifestations of racism, xenophobia and religious discrimination, as well as other forms of related intolerance. The OSCE should work closely with the United Nations Committee on the Elimination of Racial Discrimination (CERD) and its anti-discrimination unit, the EUMC and ECRI, making best use of data produced by them, avoiding unnecessary duplication of effort and cost.

##### Turkey

- OSCE institutions should pay attention to and monitor in accordance with their mandates, the manifestations of racism, racial discrimination, xenophobia and related intolerance in the participating States. Also, they should diversify the scope and broaden the geographical focus on their relevant project activities;
- The OSCE should closely follow the relevant work carried out in other international organizations and undertake joint projects where possible.

Joint NGO and National Bodies Statement (Asyl im Not, Germany; Board of Deputies of British Jews, United Kingdom; Casa Diritte e Sociali, Italy; Centre for Interethnic Co-operation, Russia; Citizens' Watch, Russia; December 18, International NGO; European Council of WIZO federations; International League for Human Rights, International NGO; International Network Against Cyber Hate; Landelijk Ongedocumenteerden Steunpunt (Nat. Support for undocumented people), the Netherlands; Magenta Foundation, the Netherlands; Migrants Rights International; Moscow Helsinki Group, Russia; Movimiento Contra la Intolerancia, Spain; National Bureau against Racial Discrimination (LBR), the Netherlands; National Consultative Committee on Racism and Interculturalism, Ireland; Never Again Association, Poland; Northern Ireland Council for Ethnic Minorities, Northern Ireland; Paz y Cooperación, International NGO; PICUM, the Platform for International Co-operation on Undocumented Migrants; Public Initiative Support Centre, Turkmenistan; Simon Wiesenthal Centre Europe; SOVA Centre for Information and Analysis, Russia; Tajikistan Foundation, Russia; UNITED for Intercultural Action, European Network; United Jewish Community of Ukraine; ZARA, Austria)

- OSCE should concentrate more on legal standards rather than on conflict prevention. In this respect, the mandate of HCNM should be revised and this institution's capacities strengthened. The OSCE should actively promote the Hague, Oslo and Lund Recommendations and pave the way to transform the Hague and Oslo Recommendations into legally binding documents (for instance, as protocols to the FCNM). The OSCE and the CoE should actively promote ratification of the FCNM and the European Charter for Regional or Minority Languages.

## **Session 2: The role of governments and civil society in promoting tolerance**

After the speeches of the three introducers (see Annex 2), the following delegations participated in this discussion (in speaking order): Norway, Italy, Holy Sea, Moldova, the International Helsinki Federation for Human Rights, Uzbekistan, Ukraine, Russian Federation, Italy (on behalf of the European Union, the acceding countries Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia and the associated countries Bulgaria, Romania and Turkey aligned themselves with this statement), the Simon Wiesenthal Centre, the International Personnel Academy of Ukraine, Turkey, Canada, the United Jewish Community of Ukraine, UNHCR, Slovenia, United States of America, Switzerland, Greece (right to reply), and Ukraine (right to reply).

### **Summary and general recommendations**

Participants in this session stressed the importance of inclusion of civil society in the dialogue on how to combat racism, xenophobia and discrimination. It was more than once pointed out that legislation cannot deal with the problem of intolerance alone; other actors have to be involved in this process as well. Legal measures have to be completed by projects and programmes that increase the capability of civil society in order to combat racism, xenophobia and discrimination. Some speakers called upon States to adopt and implement national anti-discrimination legislation and to create a national body that could monitor anti-discrimination law and its implementation. In this respect, several States had examples of good practices in the country they represented. It was also encouraged that the OSCE should bring together various monitoring mechanisms and bodies, and to promote interfaith and intercultural dialogue.

Some speakers called upon international and regional organizations to work closer together in order to fight racism, xenophobia and discrimination. Since several organizations focus on the problems relating to racism, xenophobia and discrimination, it would be of great use if these organizations came together. It was also stated that an improved co-operation between international organizations and their members could assist and encourage individual governments to deal effectively with intolerance.

Several speakers pointed out the role civil society played in combating intolerance and its related fields after the terrorist attacks in the United States on 11 September 2001. Due to programmes that included civil society, some regions have been able to increase the "backlash" of

tolerance. By awareness-raising in teaching about the Islam, people have still been able to live together after the attacks.

### **Additional recommendations**

#### *To OSCE participating States*

##### Norway

- Participating States should adopt national legislation prohibiting both direct and indirect discrimination, establishing a shared burden of proof and efficient sanctions and enforcement procedures;
- Participating States should establish specialized bodies safeguarding ethnic equality.

##### Russia

- Participating States should define islamophobia as a new form of racism;
- Participating States should elaborate programmes for ethno-cultural adaptation of migrants. A pilot programme could be elaborated with the assistance of the OSCE.

##### European Union

- Participating States should endorse interfaith dialogue as one of the pillars of its approach to combating all forms of intolerance;
- Participating States should take stock of existing initiatives and developments on racism, xenophobia and discrimination, identifying effective action and share best practices and make this available to the OSCE human dimension institutions. This can be supported through enhanced co-operation between the relevant mechanisms of the EU, the Council of Europe and the OSCE;
- Participating States should, in the effective follow up of the European Conference against Racism held in Strasbourg on 6 October 2000, which encouraged governments to develop national actions plans, involve action at the national and regional levels to tackle contemporary racism and to promote a fair and inclusive society;
- Participating States should pay attention to the forthcoming UNHCHR Regional Seminar on Implementation of Conclusions of the World Conference against Racism (Durban, 2001), which will take place in Prague from 24 to 26 September 2003;
- Participating States should unite all of society in order to fight racism, xenophobia and discrimination as well as their related violence.

##### Turkey

- Participating States should strive to eliminate all forms of institutionalized racism, as well as racist and discriminatory tendencies in the society, through effective action combining educational, criminal, economic and social measures;
- Participating States should strive to ensure that human rights and dignity of all individuals residing on their territory are respected and that they are protected from all forms of discrimination and racist violence;
- Participating States should send strong and clear messages that racism will not be tolerated in whatever form it may be;
- Participating States should have government representatives, political personalities and high-level officials publicly condemn racism, xenophobia and discrimination;
- Participating States should encourage well known personalities, academicians, artists, representatives of profession groups and society organizations to initiate and/or join public campaigns to denounce racism, xenophobia and discrimination;
- Participating States and civil society should take pro-active positive approach to fight against racist rhetoric, bias, prejudice, discrimination and to promote multiculturalism and humanitarian values in the society;
- Participating States and civil society should collaborate in conducting counter racism strategies and projects;
- Participating States, IOs and civil society organizations should promote and help conduct inter-religious and multi-cultural dialogue as a means to promote tolerance, understanding and mutual respect;
- Participating States should be systematic in their efforts in the fight against racism, xenophobia and discrimination.

#### Canada

- Participating States should work closely with community organizations. Through these partnerships, progress can be accomplished.

#### UNHCR

- Participating States should encourage the development of a strong and independent advocacy by NGOs in order to sensitize the public and officials on problems of racism, ethnic discrimination and xenophobia;

- Participating States should make officials and politicians, in recognition of the influence they exercise on public opinion, more responsible and accountable for their public statements. They should reflect and be made aware that they could contribute to social tensions.

#### United States of America

- Participating States should adopt a body of law that will provide punishments for acts of discrimination and racism, and develop implementing mechanisms to enforce those laws. Mechanisms should include a government-supported Commission on Human Relations that can formally hear complaints of discrimination in employment, education and the rental and sale of housing, and judge the worthiness and provide penalties for violations.

#### Azerbaijan

- Participating States should underline that the inter-religious and intercultural dialogue remains essential within the OSCE region and should be devoted to establishment of trust and consolidation of the fights against extremism and intolerance.

#### *To OSCE structures*

#### European Union

- Participating States should examine ways to extend co-operation between OSCE's human dimension institutions and the European Monitoring Centre on Racism and Xenophobia, Council of Europe's European Commission against Racism and Intolerance and the United Nations' Committee on the Elimination of Racial Discrimination;
- OSCE human dimension institutions would also set up a database on good practices and policy from the OSCE participating States, IGO partners and civil society and make this database available to the public.

#### Canada

- ODIHR should seek to identify communities at risk of experiencing a backlash, should consult with authorities on such risks, and draw attention to the need for proactive development of materials on minority culture or belief for public consumption.

### **Session 3: The importance of education**

After the speeches of the three introducers (see Annex 2), the following delegations participated in this discussion (in speaking order): Morocco, Jordan, UNHCHR, Italy (on behalf of the European Union, the acceding countries Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia and the associated countries Bulgaria, Romania and Turkey aligned themselves with this statement), Italy, Norway, Finland, Belgium,

UNESCO, Social Aid of Hellas, Romania, Council of Europe, Austria, United States of America, France, Turkey and Azerbaijan,

### **Summary and general recommendations**

In this session, special focus was laid on education. Speakers pointed out that authorities should review all school curricula to identify and remove racist, xenophobic and discriminatory materials. Moreover, it was emphasized that human rights education should be offered at all levels, and that the way of teaching should be appropriate relating to the age of the pupil/student. It was also stressed that relevant and important materials in the scope of education should be free of charge for schools.

Relating to human rights education and anti-racist, anti-xenophobic and anti-discrimination education, representatives stated that within this education programme, it was important that presentations from representatives of discriminated communities are included. Moreover, it was pointed out that a study of atrocities resulting from intolerance would be of great importance. States and governments also have to think how they want to teach human rights. In this context, it was mentioned that one could think of on-line games and informal education instead of traditional learning books.

Several participants drew attention to the need of not only educating children, but police, armed and security forces, teachers, government workers and judges (etc.) as well. Options that were mentioned in order to give form to this “in-service training” were police-to-police peer education, including between and to minority police officers, NGOs and members of the communities concerned. It was also pointed out that one should be aware of the stereotype attitudes. Guidelines should be set up in order to deal with the stereotype images and its related prejudices regarding certain groups. Another speaker pointed out that different ways of communication should be involved in this training (i.e., the use of body language).

With an eye on education, the media was called upon to use Public Service Announcement (PSAs), existing out of unsold advertising space in print, broadcast and other media, for anti-racist, xenophobic and discriminatory campaigns. Moreover, it should report on implications of discrimination. Civil society should offer seminars in discrimination and unacceptable workplace behaviour. Students on their part should participate in cultural ceremonies and festivals, and study abroad, including in non-traditional communities.

The OSCE was called upon to task ODIHR to keep records of anti-discrimination laws and policies in participating States and to collect and analyse statistical data through an information exchange with other international organizations such as the EU and the Council of Europe.

### **Additional recommendations**

*To OSCE participating States*

Norway

- Participating States should elaborate a National Plan of Action to Combat Racism and Discrimination. The plan should consist of target areas, such as education, working life, public services, the judicial system, the Internet, local community and strengthening of legal protection.

#### Finland

- Participating States should safeguard the participation by people belonging to minority groups when issues are discussed related to them;
- Participating States should give constant attention to the problems concerning the living, employment and housing of the Roma. This should also be done at a local level. Neither must the prevention of discrimination and supporting the Romany culture be forgotten;
- Participating States should support the Roma by good political will by adopting legislation that will ensure their rights and by encouraging them to use their rights and opportunities. In practice it means concrete support in co-operation with Roma communities.

#### Social Aid of Hellas

- Participating States should adopt a Global Action Education, focused on: global participation, ethics, operational research, empowering the global communications;
- Participating States should pay special attention to improve curricula, adding new textbooks and other educational materials including the new technologies, presenting History as the “Ascent of Human Beings” and not only focus on battles and wars.

#### Austria

- Participating States should make human rights and anti-racism teaching mandatory in the curricula of all primary and secondary schools in Europe;
- Participating States should involve teachers, law enforcement officials (including armed and security forces), the judiciary, religious leaders, political party and trade union officials, non-governmental organizations, and officials of government and public institutions in human rights education.

#### United States of America

- Discrimination and racism have been the primary cause of violent crime worldwide. The OSCE should continue to remind world leaders of the importance of combating racism as a means of maintaining an orderly and productive society;
- Participating States should recognize that the segregation and oppression of any given population also has dire consequences on the economy of that nation;

- The OSCE should take the responsibility to educate world leaders on the perils of segregation and discrimination, as well as of the importance of providing all citizens equal access to education and economic opportunity;
- OSCE should help participating States to facilitate, as part of a National Action Plan (NAP), the establishment of national standards in the following areas:
  - (a) The Classroom:
    - (i) Start Young: Administer anti-discrimination programmes and seminars in K-12 classrooms in order to teach youngsters the importance and richness of diversity and the consequences of intolerance;
    - (ii) Offer global studies/multicultural courses on the subjects of racism, xenophobia and discrimination;
    - (iii) Teach realistic history courses on the atrocities resulting from intolerance;
    - (iv) Require teachers to go through special training courses on anti-discrimination and objective teaching;
    - (v) Encourage and solicit cultural awareness projects, including participation in cultural festivals and ceremonies.
  - (b) The Media:
    - (i) Conduct educational campaigns on cultural awareness, history, diversity and the repercussions of prejudice and discrimination, which can be launched in the form of documentaries, televised or radio programmes, or short anti-discrimination advertisements or public service announcements;
  - (c) On the job:
    - (i) Encourage employers to offer in-house or retreat-style seminars on discrimination, and on acceptable and unacceptable workplace behaviour;
    - (ii) Enforce strict anti-discrimination policies;
  - (d) Religious institutions:
    - (i) Pulpits should be effective “bully pulpits” in preaching the importance of equality, human rights and tolerance;
    - (ii) Faith-based organizations should offer educational seminars on the reality and effects of racism, xenophobia and discrimination;

- Participating States should prepare age - specific materials for elementary through secondary school and college students to educate them about the diverse groups in their locale and inform them of relevant civil and human rights laws and responsibilities under these laws;
- Participating States should form structured civil and human rights commissions and agencies at the national level, as part of the government structure;
- Participating States should urge local authorities to establish human relations commissions at the local level, and encourage the national agencies to support their work through relevant co-ordinated activities, such as providing professional development, opportunities to network and share promising practices;
- Participating States should assign departmental liaisons to provide a dedicated line of contact and communication to different racial, ethnic, and cultural groups in order that their concerns be communicated before they escalate and in order to further the cultural competency of the government workers;
- Participating States should recognize NGOs and the valuable contributions they make to a civil society; work in closer collaboration with them in the design and implementation of programmes to prevent and eliminate racism and discrimination; and assist NGOs in handling the civil and human rights complaints brought to them by populations they represent, as well as bolster their infrastructure for more effective institution building by the NGOs themselves and provide opportunities for the NGOs to inform the government about critical issues;
- Participating States should encourage the development of programmes to build the cultural competency of governmental service providers so they have a rudimentary understanding of the background of the different populations seeking governmental services;
- Participating States should develop community-based assessment of civil rights health, which can be conducted in a voluntary, non-judgemental way for a community to evaluate its own conditions, according to its own terms and perspectives;
- Participating States should promote alliances of law enforcement agencies, community organizations, and civil rights groups to combat hate crimes and bias incidents, focusing on community responses victim support, community policing, law enforcement training, data collection, and education and public awareness (including media relations).

#### Turkey

- Participating States should review school curricula, textbooks and teaching methods at all levels with a view to eliminating prejudices, negative stereotyping and racist and discriminatory elements;
- Participating States should include in their educational curricula and social programmes at all levels, as appropriate, knowledge of, and tolerance and respect for, foreign cultures, peoples and countries;

- Human rights education should be part of school curricula starting from early stages of education;
- Ethical education of human rights should be used as an effective tool to combat racism and discrimination, especially in preventing younger generation from acquiring racist tendencies;
- Human rights education should not be confined to children, but should also address adult members of society. Targeted education programmes should be regularly undertaken for politicians, teachers, media and civil society representatives, law enforcement officers, judges, prosecutors, prison staff, customs and immigration officers, health and social welfare services personnel and other officials;
- Participating States should take all appropriate measures to eliminate obstacles limiting the access of children to education;
- Participating States should ensure safe school environments, free from violence and harassment motivated by racism, racial discrimination, xenophobia or related intolerance.

#### Azerbaijan

- Participating States should prevent propagation in education programmes of ideas based on racial or national prejudice, hatred and discrimination.

#### UNHCR

- Participating States should invest in providing strict guidelines and training to civil servants (particularly law enforcement officials);
- Participating States should take the lead in promoting inter-cultural activities where all sectors of the community participate in and learn from each other in the spirit of mutual respect and co-operation. Major institutions at all levels of social life should be targeted, including the family, schools, colleges and universities, the workplace, religious institutions and leaders.

Joint NGO and National Bodies Statement (Asyl im Not, Germany; Board of Deputies of British Jews, United Kingdom; Casa Diritte e Sociali, Italy; Centre for Interethnic Co-operation, Russia; Citizens' Watch, Russia; December 18, International NGO; European Council of WIZO federations; International League for Human Rights, International NGO; International Network Against Cyber Hate; Landelijk Ongedocumenteerden Steunpunt (Nat. Support for undocumented people), the Netherlands; Magenta Foundation, the Netherlands; Migrants Rights International; Moscow Helsinki Group, Russia; Movimiento Contra la Intolerancia, Spain; National Bureau against Racial Discrimination (LBR), the Netherlands; National Consultative Committee on Racism and Interculturalism, Ireland; Never Again Association, Poland; Northern Ireland Council for Ethnic Minorities, Northern Ireland; Paz y Cooperación, International NGO; PICUM, the Platform for International Co-operation on Undocumented Migrants; Public Initiative Support Centre,

Turkmenistan; Simon Wiesenthal Centre Europe; SOVA Centre for Information and Analysis, Russia; Tajikistan Foundation, Russia; UNITED for Intercultural Action, European Network; United Jewish Community of Ukraine; ZARA, Austria)

- Participating States should run comprehensive educational campaigns, particularly in schools of general education and for public officials, aimed at creating a climate intolerant to racism and discrimination in society;
- Participating States should without delay end the practice of segregating Roma in the educational system in schools for the mentally handicapped; in inferior ghetto schools; and in Roma-only classes in mainstream schools. Implement comprehensive and long-term desegregation plans to ensure that Roma may fully realize their right to education. Eliminate segregation of Roma in housing and ensure access for Roma to adequate living conditions. Guarantee security of tenure to Romani occupants of houses and land, ensuring, *inter alia*, a general protection from forced evictions. Guarantee due process in line with international standards related to forced evictions and ensure that victims of forced evictions are provided with adequate alternative housing.

*To OSCE structures*

United States of America

- The OSCE should task the Office for Democratic Institutions and Human Rights (ODIHR) and/or the High Commissioner on National Minorities (HCNM) with keeping records of anti-discrimination educational policies implemented in OSCE participating States and reviewing their effectiveness by collecting and analysing statistical data.

#### **Session 4: Information and awareness-raising: The role of the media in conveying and countering prejudice**

After the speeches of the three introducers (see Annex 2), the following delegations participated in this discussion (in speaking order): Moscow Helsinki Group, Amnesty International, Confederation of non States University, the European Region of the International Lesbian and Gay Association (ILGA-Europe), Holy See, Russian Federation, Anti-Defamation League of Ukraine, Italy (on behalf of the European Union, the acceding countries, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia and the associated countries Bulgaria, Romania and Turkey align themselves with this statement), France, International Network Against Cyber Hate (INACH), United States of America, Armenia, United Kingdom, Turkey, Office of the OSCE Representative on Freedom of the Media, SOVA, Holy See, and Russian Federation (right to reply).

#### **Summary and general recommendations**

Many speakers focused on the electronic media and several called for strengthened legislation or implementation of existing conventions to suppress access to web-sites that disseminate

hate-speech and racist messages. Governments were urged to take action inclusively at a national level against the misuse of Internet resources by racists. Several speakers insisted on the importance of raising awareness among internet users and called for appropriate training programmes directed especially but not only towards young people and teachers. A special emphasis was laid on the importance of a genuine co-operation with the internet industry with a view to find suitable technical and legal solutions allowing to ban the promoters of racist speeches from the Internet. It was also said that efforts should be made to elaborate an OSCE Best Practice Guide on combating the use of Internet to promote racism or anti-Semitism.

Some participants expressed doubts as to the efficiency of legal regulation of the Internet. It was stated that a legal approach was unlikely to be as effective as enhancing the offer of sites promoting human rights and more positive messages, and other means of meeting the challenge “in the market place”.

Several speakers called for the adoption of special training programmes dedicated to journalists in order to prevent further spreading of racist stereotypes. Other speakers stressed the need for the OSCE structures to receive individual complaints, either directly from individuals concerned, or through NGOs. It was also stated that participating States should create special government offices dealing with non-discrimination, which should liaise with other government authorities and civil society.

### **Additional recommendations**

#### *To OSCE participating States*

##### Moscow Helsinki Group

- Participating States should publicly condemn concrete manifestations of racism, nationalism and xenophobia and take political efforts to invigorate the work of the law-enforcement authorities against persons and, particularly, groups engaged in racist activities;
- Law-enforcement and judiciary and relevant legislative provisions should fully acknowledge a presence of a racial motive in a criminal act;
- Participating States should conduct systemic monitoring of the overall situation. In order to do this work adequately, closer co-operation with NGOs is necessary. States should use NGO data on the situation of vulnerable groups as core information and include NGOs in the process of elaborating of anti-racism and anti-discrimination policies as well as development and implementation of training and educational programmes for State officials and general population at all levels;
- Participating States should particularly ensure effective co-operation of NGOs within the framework of preparing official reports to such international monitoring bodies as the UN Committee on Elimination of Racial Discrimination and other relevant international and European agencies. States should concentrate on the implementation of views and

recommendations of those international bodies and co-operate with NGOs to provide for most effective work in this area.

#### The European Region of the International Lesbian and Gay Association

- The role of governments should also be to monitor closely and, where appropriate, implement the human rights standards established through the jurisprudence of the European Court of Human Rights — even in those cases where judgements concern other States.

#### European Union

- Participating States should give appropriate attention to data collection, awareness-raising especially among young people and teachers, and co-operation with web professionals in order to allow the screening of hate speeches without limiting freedom of expression on the Internet. The EU looks forward to further progress in that respect at the next Warsaw HDIM;
- Participating States should apply universally, fully, and effectively the International Convention on the Elimination of All forms of Racial Discrimination;
- Participating States should ensure the development of an OSCE “Best Practice Guide” on combating the use of the Internet to promote racism or anti-Semitism;
- Participating States, in close co-operation with relevant OSCE institutions and human rights NGOs, should be invited to collect data on web-sites and services responsible for racist hate speeches;
- Participating States should put a special emphasis on education of users, and especially of young people and teachers. Suitable technical and legal solutions allowing a better fight against the use of the Internet to promote hate propaganda could be reached through permanent dialogue with the professionals on the Internet.

#### France

- Participating States should monitor cyber hate and report regularly to the ODIHR.

#### International Network Against Cyber Hate (INACH)

- Participating States should hold a special OSCE meeting dedicated to the many aspects of combating hate on the Internet, including education, monitoring and legal measures;
- Participating States should promote and support agencies or organizations that handle complaints, monitor, assess and counteract cyber-hate;
- Participating States should support the founding of such agencies;

- Participating States should promote a code that defines responsible and ethical conduct by Internet Providers;
- Participating States should sign and ratify the Council of Europe's additional Protocol to the Convention on cyber crime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

#### United States of America

- Participating States should seek an agreement with elements of the media to constitute a task force made up of them and them alone to create a voluntary code of behaviour they might utilize to guide them in dealing with incidents;
- Government must use the media effectively to get out the message against racism and discrimination, including through press releases, public service announcements, outreach to diverse communities, and publicizing of criminal prosecutions in a comprehensive and thoughtful way, with an effort to highlight all cases, not just the "sexy" ones;
- Participating States should engage the media, explain policies and programmes that aim to discourage discrimination and racism while protecting the free flow of information;
- Participating States should use media outlets to conduct educational campaigns in cultural awareness, history, diversity, and the repercussions of prejudice and discrimination. These campaigns can be launched in the form of documentaries, televised or radio programmes, or short anti-discriminations advertisements of public announcements;
- Participating States should not seek to control or manage private media although the media can be an effective educational tool to combat discrimination;
- Media operations should uphold standards of fair and objective journalism, without government interference or undue regulation;
- The media should be encouraged to create a voluntary code of conduct, or self-policing mechanism for dealing with acts of racism and discrimination directed toward responsibility reporting such incidents in a way that will make clear the unacceptability of such behaviour.

#### Turkey

- Participating States should condemn the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred should be Media should be encouraged to avoid stereotyping based on racism, racial discrimination, xenophobia and related intolerance;
- Participating States should encourage media to draw up self-regulatory codes of conduct on the ethics of journalism, setting professional and ethical standards for journalists and

broadcasters, prohibiting the instigation to racial discrimination, violence, hatred and intolerance in the media while respecting freedom of speech;

- Participating States should criminalize the dissemination of racist and xenophobic material and incitement to racial hatred and violence through new information and communications technologies, including the Internet;
- Law enforcement agencies should foster co-operation in identifying, investigating and prosecuting those responsible for such dissemination taking the trans-boundary effects of electronic media into account;
- Participating States should support and encourage the use of the Internet to set up educational and awareness-raising networks to combat racism, xenophobia and discrimination;
- Participating States should ensure the establishment of anti-racist hotlines;
- Participating States should ensure that members of the print, audio-visual and electronic media should receive training to understand and combat racism.

#### UNHCR

- The media should play an essential function as a tool for positive social change as opposed to an instrument to propagate hatred and intolerance.

#### *To OSCE structures*

##### France

- ODIHR should on the basis of information provided by participating States, produce regular consolidated reports on misuse of the Internet and on effective practices and legislation to prevent on-line hate rhetoric.

##### United States of America

- The United States of America is in accordance with the OSCE stance that freedom of expression, and its corollary, freedom of the media, is one of the most basic human rights and we encourage the OSCE Representative on Freedom of the Media to continue his crucial operations.

##### Moscow Helsinki Group

- OSCE structures need a mandate for individual complaints;
- The mandate of the OSCE High Commissioner on National Minorities should be revised and this institution's capacities strengthened, including establishment of a permanent

monitoring mechanism and consideration of individual complaints of victims of racism and discrimination.

### Amnesty International

- Participating States should focus on implementation. The OSCE could convene an ad-hoc inter-agency meeting, bringing together relevant actors at the international and national levels to review States' implementation of recommendations made by expert bodies, including the Council of Europe, European Commission against Racism and Intolerance, the European Monitoring Centre on Racism and Xenophobia, the United Nations Committee on the Elimination of Racial Discrimination, and other Treaty Bodies, as well as the OSCE's own institutions such as the office of the High Commissioner on National Minorities and the Contact Point for Roma and Sinti Issues.

## **Closing session: Development of conclusions and recommendations**

The following delegations participated in this session: Turkey, United States of America, Italy (on behalf of the European Union, the acceding countries Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia and the associated countries Bulgaria, Romania and Turkey aligned themselves with this statement), United Kingdom, Moscow Helsinki Group, Russian Federation.

### **Summary and general recommendations**

In this final session, States expressed the need for a follow up meeting on the issue of racism, xenophobia and discrimination. Moreover, all participating States should follow up the recommendations made in this Conference. One speaker stated that the OSCE must draw from tools and best practices in participating Countries.

One speaker pointed out that the OSCE's priority is the protection of basic human rights. Therefore, participating States should speak out against injustices. Moreover, hate crimes must be fully investigated and prosecuted by national authorities. These authorities have the responsibility to protect individuals from the desire of some hate-filled segments of the public to do harm on others. However, this should not interfere with the freedom of speech.

Another speaker stated that new trends have to be monitored. One can think of attacks on Muslims and other religious people. Moreover, this speaker also stated that there does not exist a hierarchy of hate.

### **Additional recommendations**

*To OSCE participating States*

#### Turkey

- Participating States should undertake all efforts to reach at a concept of “us” instead of “the other”. It should be recognized that dialogue, communication, culture of co-operation and solidarity would be conducive in combating racism, xenophobia and discrimination;
- Participating States should strive, within all means at their disposal, to refrain from identifying any form of criminality, including terrorism and anything evil on cultural, ethnical and especially religious lines. Within this scope, they should condemn and counter tendencies and practices of Islam-phobia and help create an environment of tolerance and understanding, respecting international norms of human rights;
- The OSCE community should continue its efforts to combat racism, xenophobia and discrimination, also through convening similar events (conferences) in the future and be seized with this matter continuously.

#### The United States of America

- Participating States should never use the fight against racism, xenophobia and discrimination as an excuse of restricting legitimate free speech. Authorities are urged to respond to expressions of hate through public debate and the exchange of ideas, rather than through the repression of free speech;
- Participating States should submit to the Office for Democratic Institutions and Human Rights annual statistics on “hate crimes” attributable to racism, xenophobia, discrimination and anti-Semitism, to be analysed to assist the OSCE in further developing programmes to stamp out injustices;
- Participating States should speak out against injustices;
- Participating States should fully investigate and prosecute all hate crimes. In this regard, police have a special role in addressing acts of intolerance;
- Participating States should call on national authorities to make a priority of ensuring equal access to education, regardless of race or religion;
- Participating States to respect and welcome the right of victims of discrimination to use the political system to establish change.

#### European Union

- Participating States should examine how the OSCE, and in particular ODIHR, can play a more active role in combating manifestations of racism, xenophobia and religious discrimination, as well as other forms of related intolerance. The OSCE should work closely with the United Nations’ Committee on the Elimination of Racial Discrimination (CERD) and its anti-discrimination unit, the EUMC and ECRI, making best use of data produced by them, avoiding unnecessary duplication of effort and cost;

- Participating States should give appropriate attention to data collection, awareness-raising especially among young people and teachers, and co-operation with web professionals in order to allow the screening of hate speeches without limiting freedom of expression on the Internet. This issue should be further discussed at the next Warsaw HDIM;
- Participating States are urged to ensure universal, full and effective application of the International Convention on the Elimination of All forms of Racial Discrimination;
- Participating States should examine their legislation to combat racial hatred and discrimination, with a view to assessing its effectiveness and making necessary changes. This review should include, where they do not exist, the establishment or designation of bodies to promote equal treatment and combat racial discrimination and racism. National human rights institutions must also play a significant role in this regard.

#### United Kingdom

- In planning its activities to promote tolerance and combat racism and xenophobia, the OSCE should take account of trends as demonstrated by monitoring. It should for example target the upsurge in attacks on Muslims and members of other faiths, linked to recent international developments.

#### *To OSCE structures*

#### European Union

- The OSCE human dimension institutions should co-operate with the United Nations, the European Union and the Council of Europe's anti racism mechanisms in a comprehensive approach which could include also exchanges of information and statistics on racist or xenophobic hate crimes and related data in the whole OSCE area;
- OSCE human dimension institutions should set up a database on good practices and policy from the OSCE's participating States, IGO partners and civil society and make this database available to the public.

### **General operational recommendations to OSCE**

Joint NGO and National Bodies Statement (Asyl im Not, Germany; Board of Deputies of British Jews, United Kingdom; Casa Diritte e Sociali, Italy; Centre for Interethnic Co-operation, Russia; Citizens' Watch, Russia; December 18, International NGO; European Council of WIZO federations; International League for Human Rights, International NGO; International Network Against Cyber Hate; Landelijk Ongedocumenteerden Steunpunt (Nat. Support for undocumented people), the Netherlands; Magenta Foundation, the Netherlands; Migrants Rights International; Moscow Helsinki Group, Russia; Movimiento Contra la Intolerancia, Spain; National Bureau against Racial Discrimination (LBR), the Netherlands; National Consultative Committee on Racism and Interculturalism, Ireland; Never Again Association, Poland; Northern Ireland Council for Ethnic

Minorities, Northern Ireland; Paz y Cooperación, International NGO; PICUM, the Platform for International Co-operation on Undocumented Migrants; Public Initiative Support Centre, Turkmenistan; Simon Wiesenthal Centre Europe; SOVA Centre for Information and Analysis, Russia; Tajikistan foundation, Russia; UNITED for Intercultural Action, European Network; United Jewish Community of Ukraine; ZARA, Austria)

- The Chairman-in-Office of the OSCE should appoint a Special Representative whose mandate would be specifically to monitor the observance of Human Rights of Refugees and Asylum seekers by the OSCE participating States;
- The mandate of HCNM should be revised and this institution's capacities strengthened. The OSCE should actively promote the Hague, Oslo and Lund recommendations and pave the way to transform the Hague and Oslo Recommendations into legally binding documents.

#### Moscow Helsinki Group

- OSCE structures need a mandate for individual complaints.

#### European Union

- OSCE human dimensions institutions should co-operate with the United Nations, the European Union and the Council of Europe's anti-racism mechanisms in a comprehensive approach which could include also exchanges of information and statistics on racist or xenophobic hate crimes and related data in the whole OSCE area;
- OSCE human dimension institutions should set up a database on good practices and policy from the OSCE's participating States, IGO partners and civil society and make this database available to the public;
- Participating States should ensure the development of an OSCE "Best Practice Guide" on combating the use of the Internet to promote racism or anti-Semitism.

#### United States of America

- Participating States are recommended to submit to the Office of Democratic Institutions and Human Rights annual statistics on "hate crimes" attributable to racism, xenophobia, discrimination and anti-Semitism, to be analysed to assist the OSCE in further developing programmes to stamp out injustices;
- The OSCE should task the Office for Democratic Institutions and Human Rights (ODIHR) and/or the High Commissioner on National Minorities (HCNM) with keeping records of anti-discrimination educational policies implemented in OSCE participating States and reviewing their effectiveness by collecting and analysing statistical data.

#### International Network Against Cyber Hate (INACH)

- Participating States should hold a special OSCE meeting dedicated to the many aspects of combating hate on the Internet, including education, monitoring and legal measures.

Amnesty International

- The OSCE could convene an ad-hoc inter-agency meeting, bringing together relevant actors at the international and national levels to review States' implementation of recommendations made by expert bodies, including the Council of Europe, European Commission against Racism and Intolerance, the European Monitoring Centre on Racism and Xenophobia, the United Nations Committee on the Elimination of Racial Discrimination, and other Treaty Bodies, as well as the OSCE's own institutions such as the office of the High Commissioner on National Minorities and the Contact Point for Roma and Sinti Issues.



**Organization for Security and Co-operation in Europe  
Ministerial Council  
Porto 2002**

MC(10).DEC/6  
7 December 2002

Original: ENGLISH

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**2nd day of the Tenth Meeting**

MC(10) Journal No. 2, Agenda item 8

**DECISION No. 6  
TOLERANCE AND NON-DISCRIMINATION**

The Ministerial Council,

Recalling the principles of human rights and the inherent dignity of the human being, freedom of thought, conscience, religion or belief that underpin the general provisions of the OSCE human dimension commitments,

Recalling the Charter for European Security, Istanbul Summit 1999, which reaffirms full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents,

Recalling Decision No. 5 by the Ministerial Council at its Ninth Meeting in Bucharest reaffirming its concern about manifestation of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, wherever they may occur,

Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Reaffirming the internationally recognized prohibition of discrimination, without adverse distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Recalling the continuing work of the OSCE structures and institutions in the field of promoting human rights, tolerance, non-discrimination and multiculturalism, in particular by the human dimension meetings and activities, projects and programmes including those of participating States,

Stressing the positive role of multicultural and inter-religious dialogue in creating better understanding among nations and peoples,

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

1.(a) Condemns in strongest terms all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as hate speech and occurrences of discrimination based on religion or belief;

(b) Undertakes to further promote multicultural, interethnic and inter-religious dialogue in which governments and civil society will be encouraged to participate actively;

(c) Also undertakes to further promote the rights of persons belonging to national minorities;

2. Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;

3. Calls on participating States, which have not yet done so, to consider ratifying the international instruments, which address the problem of discrimination and calls for full compliance with the obligations assumed therein;

4. Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

5. Condemns, in particular, discrimination on religious grounds and undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects;

6. Condemns in particular the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom;

7. Also condemns the recent increase in acts of discrimination and violence against Muslims in the OSCE area and rejects firmly the identification of terrorism and extremism with a particular religion or culture;

8. Decides to take strong public positions against hate speech and other manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as occurrences of discrimination based on religion or belief;
9. Calls on relevant authorities of participating States to investigate promptly and impartially acts of violence, especially where there are reasonable grounds to suspect that they were motivated by aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as attacks motivated by hatred against a particular religion or belief, and to prosecute those responsible in accordance with domestic law and consistent with relevant international standards of human rights;
10. Tasks the Permanent Council to consider further enhancement of the Contact Point on Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights (ODIHR);
11. Urges the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia;
12. Tasks the Chairmanship -in-Office and the Permanent Council in close co-operation with the ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media to ensure an effective follow-up of the present decision, through increased use of tools already available to the OSCE, including the annual human dimension meetings and seminars.