

## HDIM 2013

### **Working Session 2: Tolerance and Non-Discrimination II – Review of the implementation of commitments on promotion of mutual respect and understanding:**

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

*Rapporteur: Mr. Jean-François Lacasse, Counsellor, Deputy Permanent Representative, Delegation of Canada to the OSCE*

The Introducer for session 2 was Ms. Salome Mbugua, Chief Executive Officer at the AkiDwA-Migrant Women's Network in Ireland. She noted that available statistics make clear that there are strong rooted prejudices and racism across the OSCE region, and that political will is required to face these. Migrant women constitute a particularly vulnerable group and, through daily life, face a number of challenges such as violence and threats of violence, sexual harassment and, difficulties to access public services. The development of responses should ensure that women's interests are taken into account and that culturally-appropriate services are developed to respond to issues such as forced marriage and sexual mutilations. She called on governments to actively promote respect for cultural diversity and improve efforts to combat discrimination, intolerance and hate crimes. This can be achieved through such measures as awareness raising, education, training of law enforcement officials, improved data collection, support for victims and strengthened legal protection.

The session also benefited from introductory words by the three *Special Representatives of the Chairman-in-Office*: Senator Adil Akhmetov on *Combating Intolerance against Muslims*, Rabbi Andrew Baker on *Combating Anti-Semitism* and Ambassador Tetiana Izhevskaya on *Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions*. Their presentations brought a number of issues to the attention of the participants: the need to improve co-operation between police authorities and communities to address the under-reporting of hate crimes, the dangers posed by the use of inflammatory rhetoric by some politicians, the new challenges posed by Internet/cyber-hate, the financial burden imposed on communities to increase their security, the challenges posed when a community faces particular prejudice from another and the debates surrounding legislation and the respect of religious traditions. The three Special Representative made a number of country visits in 2013 and appreciated the willingness of these participating States to engage with them. Finally, they encouraged States to enhance co-operation with ODIHR's experts and to make maximum use of available resources such as training and teaching guidelines.

82 participants made interventions following the introducers, including 61 made by non-governmental organizations. 12 States made use of their right of reply. Interventions were limited to one minute and a half due to the high number of participants wishing to speak.

The vast majority of participants shared the Introducer's assessment that various forms of intolerance and discrimination, notably against migrants, remain to be addressed across the OSCE space, albeit some forms are more prevalent in certain regions.

Ongoing and sometimes growing discrimination against Christians, Jews and Muslims was highlighted, as was discrimination against other faiths or non-believers. Regardless of their creed, religious communities in a minority position can face a variety of challenges preventing them from practicing their faith freely. Particular issues mentioned included: inability or difficulties with registration or re-registration required by the State, return of religious property, inability of worshipping in public, banning of religious displays, punishment of conscientious objectors, discrimination in the workplace, prevention of missionary activity and, inability of communities to self-appoint their religious heads. Vandalism and destruction of properties such as churches, mosques, synagogues and other places of worship was also identified as a serious concern for many communities.

A large number of participants raised the issue of discrimination of persons on the basis of their sexual orientation. In a number of countries, LGBTI persons facing violence and threats are unable to report incidents to the police due to fear of further discrimination. Participating States were encouraged to ensure proper legislative and law enforcement measures are in place, including by avoiding legislation that criminalizes or otherwise create a climate of fear and discrimination.

Many participants expressed serious concerns with groups attempting to reanimate or glorify Nazism. These attempts are often combined with a strong nationalist discourse and governments are not seen as fighting these trends as forcefully as they should. Notably, gaps were identified between constitutional and legislative frameworks against discrimination and the practical application of these principles in some States. Some of these issues are also reflected in a lack of protection for language and education rights, notably for Russian-speaking minorities.

A number of participants identified discrimination against Roma and Sinti as a serious concern in many States and encouraged further implementation of the *2004 OSCE Action Plan* and related national action plans.

It was noted by some participants that the media and political parties have an important role to play in fighting discrimination. Unfortunately, some countries have seen the appearance of parties promoting anti-Semitic and anti-migrant discourses.

A number of participants highlighted the challenge in ensuring that both freedom of speech and freedom of religion or belief are respected, including in relation to the use of the Internet. Two participants called for the withdrawal of ODIHR's *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims* on the basis that they hinder free speech, while a number of participants saw the *Guidelines* as a useful tool that should be further used by participating States. A few participants called for the prohibition of religious material preaching hatred, while others called on States to avoid associating terrorism and extremism with a particular religion. Some participants expressed concerns with the use of unclear terminology in OSCE discussions.

When discussing solutions and approaches to combating intolerance and discrimination, some suggested basing our efforts on the concept of human dignity. It was also emphasized that we should see this work as a long-term process and a social investment.

A number of participating States shared their national experiences and good practices in confronting hate crime and supporting tolerance and non-discrimination. Many participants spoke on the need to improve efforts on hate crime data gathering through measures such as increased involvement of civil society, development of national action plans and, enhanced disaggregation of data. ODIHR's

efforts on an OSCE database on hate crimes can however be hampered by a lack of harmonization between national practices.

Participating States were encouraged to respect and fully implement their OSCE commitments. Other suggestions included joining various instruments such as relevant Council of Europe Protocols and the Ottawa Protocol on Combating Antisemitism, as well as to hold Holocaust remembrance events.

A large number of participants welcomed the work done by ODIHR's Tolerance and Non-Discrimination Department and encouraged further co-operation between its experts and participating States. In that context, appreciation was expressed for this year's Tirana OSCE High Level Conference on Tolerance and Non-Discrimination.

Given the high number of interventions made and the limited time allowed for each delegation to speak, the list below does not constitute an exhaustive list of all recommendations. Please refer to individual statements by participants and the consolidated list of recommendations for a full list.

### **Recommendations to the participating States:**

- Further increase their efforts to implement their OSCE commitments on tolerance and non-discrimination;
- Fully utilize the ODIHR's education tools and guidelines;
- Support ODIHR and its Tolerance and Non-Discrimination Department, including through increased funding;
- Provide disaggregated data on hate crime, as well as provide data consistently;
- Speak out against hatred in politics, condemn hate crime and hateful statements;
- Condemn racism and nazism and to ensure there are no gaps between legislation and implementation;
- Participate in training and reinforce efforts to fight violence, racism and discrimination;
- Make and support efforts to confront violence towards persons based on their sexual orientation by providing meaningful responses to such violations;
- Engage further in dialogue on discrimination against LGBTI persons.

### **Recommendations to the OSCE, its Institutions and Field Offices:**

- For the OSCE to make better use of its three Personal Representatives and ODIHR's Tolerance and Non-Discrimination Department as its tools;
- For ODIHR to organize a high level event on the anniversary of the Berlin Conference on Anti-Semitism in 2014;
- For the OSCE under the 2014 Swiss Chairmanship-in-Office to combat discrimination against Muslims, including through the organization of a high-level event on the issue;
- For the OSCE to adopt a document condemning attempts to glorify and reanimate Nazism;
- For ODIHR to withdraw from distribution the *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims*;
- For the OSCE to promote the *Guidelines for Educators on Countering Intolerance and Discrimination against Muslims* across the OSCE region;
- For ODIHR and participating States to focus on issues with a security dimension;
- For the OSCE and ODIHR to avoid using contentious terms and instead use agreed-upon terms from the documents;

- For ODIHR to run training activities for prosecutors and judges;
- For the OSCE and participating States to build comprehensive strategies to combat discrimination against Roma and Sinti and to raise awareness of the Roma holocaust;
- For ODIHR to place the Roma/Sinti topic under the Tolerance and Non-Discrimination agenda item rather than the Humanitarian Issues of HDIM.