

Working Session 6: Tolerance and non-discrimination I, including:

- Combating anti-Semitism,
- Combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions

Rapporteur: Ms. Aida Balganova, Deputy Permanent Representative, Permanent Mission of the Republic of Kazakhstan to the International Organizations in Vienna

No. of statements: 50

Delegations: 13

Civil Society: 36

OSCE Institutions:

International Organizations: 1

Media:

Rights of reply: 13

The first of three plenary sessions on promoting tolerance and non-discrimination was dedicated to reviewing the implementation of OSCE commitments related to combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions, the progress made as well as the challenges encountered, with a special emphasis on lessons learned and further potential developments and avenues of improvement.

The first introducer, Dr. Emilia Roigh, Director of the Center for Intersectional Justice underlined the importance of adopting intersectional approach to the fight against intolerance, discrimination and xenophobia, called to address any kind of discrimination with the same level of intensity and inter-community solidarity.

The second introducer, Dr Zilka Spahic Siljak, TPO Fondacija, noted the need of overcoming secular divide, translating language of human rights, including freedom of belief, into practice through legal norms and court practices and being more constructive in applying those practices. She also noted significance of adopting the rational dialogism approach through connecting and reconnecting despite ethnic or religious differences, working together without diminishing each other's roles, and applying self-criticism.

Personal Representative on Combating Anti-Semitism, Rabbi Andrew Baker, noted that anti-Semitism is no less a problem than it was 15 years ago, but nowadays we have more tools at our disposal to address it while today's environment is not the same, more complicated by immigration policies. He pointed out some progress in applying comprehensive working definition of "anti-Semitism" by some participating States and civil society organizations, and called for building on the success of the Words into Action project and redoubling efforts to develop the proper and necessary programs to fight anti-Semitism, intolerance and discrimination against Muslims, Christians and other religions.

Prof. Salvatore Martinez, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, said that restriction of freedom of religion or belief is becoming widespread, claiming that anti-Christian incidents are not perceived seriously and noting a problem of finding right balance between countering hate speech and guaranteeing freedom of expression and imposing control by participating States and bringing limits to social rights. He also underscored significance of multicultural community in addressing intolerance and discrimination.

Dr. Bülent Şenay, Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims, stressed the urgent need to address demonizing Muslims in conditions of rising anti-Muslim trends in Europe especially in times of refugee crisis, pointing out facts of underreporting and non-recording anti-Muslim hate crimes. Claiming that hostility is blurred out to ground security and society departs from equal treatment, he noted 30% rise of anti-migrant and anti-Muslim hate speech. He called on participating States not to forget country visits reports since only one report was published over last three years. Welcoming upcoming ODIHR Guidelines on Security of Muslims, he called to use civility, hospitality and responsibility for structural inclusion.

OSCE participating States and civil society representatives noted weakening of the freedom of religion or belief in the OSCE area, increasing number of hate speech and hate crimes incidents based on religious

ground, and applying discriminatory measures against religious groups, giving concrete examples and providing relevant recommendations. Some participating States shared information on their experience and best practices in addressing intolerance and discrimination on religious ground, including strengthening cooperation with civil society organizations and OSCE executive structures, and informed participants about upcoming international events dedicated to promoting interreligious dialogue. One participating State called for embracing a working definition of anti-Semitism.

One large grouping of participating States stressed importance of improving reporting on hate crimes and applying cross-cutting and holistic approach to address all forms of prejudice and discrimination, instead of segmenting commitments on anti-Semitism; discrimination against Muslims; and racism, xenophobia, and discrimination against Christians and other religions.

Multiple participating States and non-governmental organizations noted that media and social networks are abused to target religious groups and underlined particular vulnerability of women and children, expressed concerns about using anti-Muslim rhetoric for political promotion and rise of populism.

Some participating States and civil society organizations attracted attention to the issue of silencing anti-Christian hate crimes incidents since it is historically considered as a dominant and majority religion and called for taking this problem more seriously and applying OSCE commitments to majority religions as well.

One non-governmental organization expressed anti-Muslim views during the session. One participating State expressed point of order because several speakers in a row raised issues not related to the topic of the session, prompting the moderator to repeatedly call for all participants to follow the topic of the session.

One international organization expressed its concern over increased incidents of anti-Muslim attacks and sentiments, reminding of Human Rights Council Resolution 1618 on global consensus on how to combat negative stereotyping, stigmatization and discrimination based on religious ground and introducing appropriate action plans.

Some civil society representatives called for equal protection against discrimination and intolerance to non-believers and LGBT representatives. Exchange of views on restricting FoRB in relation with current conflict situation in the OSCE area also took place.

One participating State called for not using the OSCE platform by organizations which propagate violence against Christians and Jews.

Hope for adopting (a) Ministerial Council decision(s) on tolerance and non-discrimination against Christians and Muslims in Milan was expressed. Recommendations made by participants during this session include (non-exhaustive list):

OSCE participating States should:

- monitor cases of intolerance and discrimination based on religion or belief, including anti-Semitic, anti-Islamic, and all other discriminatory attitudes closely, and, when publicly expressed, to address them firmly in accordance with OSCE and other international human rights commitments;
- adopt strategies to combat intolerance and discrimination, hate speech and other forms of harassment, to draw on ODIHR's expertise and include measures to train law enforcement, prosecution, and the judiciary in rights-compliant responses to hate crime;
- advance FoRB domestically and internationally with the inclusion and respect for individuals and communities;
- continue to mobilise respect for right for FoRB as apposite approach to strengthening social cohesion reinforcing public trust and respect for human rights in enhancing national security and public safety;
- ensure legislation pertaining registration of religious organizations embracing principles of article 18 of ICCPR;
- embrace the working definition of anti-Semitism, partner with civil society, report the data diligently;
- better utilize OSCE ODIHR Tolerance and non-discrimination instruments to put our common commitments into practice;
- respect rights of Muslims, discourage and prevent physical and verbal attacks, introduce new legislation measures to combat effectively Islamophobia;
- continue to improve efforts on data collection through measures such as increased involvement of civil society, disaggregated data and development of national action plans. To this end, the National Points of Contact are called upon to collect, maintain and make public disaggregated data on hate crimes perpetrated against members of different religions, in accordance with Ministerial Decision No. 9/09;

- guarantee freedom of religion and belief by protecting the right to manifest those beliefs: through expression, speech, association, conscience, and parental rights;
- remove obstacles hindering full implementation of FoRB within the National territory of the States, by banning the imposition of greater obligations for minority religions in the dissemination of religious literature, opening of places of worship, the right to give children a religious, spiritual and philosophical education, the granting of spiritual assistance in prisons and facilities for hospitalisation and treatment;
- improve data collection and reporting on crimes against Christians;
- develop and adopt FoRB related legislation in accordance with the OSCE Guidelines on Freedom of Association;
- repeal blasphemy laws;
- combat discrimination of employees, and introduce penalties for a discriminatory treatment of hijab wearing employees in the private sector;
- introduce adequate protection against hate crimes, hate speech, discrimination and intimidation resulting from negative stereotyping of religions;
- adopt legislative, administrative and organizational measures to create effective anti-discriminatory institutions, mechanisms and procedures and adopt a definition of discrimination.

OSCE Institutions, executive structures and field operations should:

- monitor and analyse in concrete terms violations of everyone's freedom of religion or belief and interlinked freedoms of expression, assembly and association in the OSCE region;
- mainstream freedom of religion or belief work within all human rights for all perspective;
- stress implementation of all fundamental freedoms, including to be free from torture;
- insist in line with human dimension commitments that the most effective challenge to intolerance and discrimination is to fully implement fundamental freedom commitments;
- use tools such as the EU Guidelines on the promotion and protection of freedom of religion or belief, the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities and on Freedom of Association, the OSCE Guidelines on Freedom of Peaceful Assembly, and on the Protection of Human Rights Defenders;
- remind participating States of their responsibility to act on their commitments;
- prepare the action plan on how to combat discrimination against Muslims;
- put instruments prepared within Words Into Action project into practice;
- collectively work on better reporting hate crimes and collecting comprehensive data;
- ODIHR should follow up to Yerevan Conference on preventing conflicts, hate crimes against Christians, members of other religious groups and its recommendations.