



**United States Mission to the OSCE**

**Session 10: Tolerance and non-discrimination II**

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.

*As prepared for delivery by Ambassador Robert Pearson  
to the OSCE Human Dimension Implementation Meeting  
Warsaw, October 6, 2008*

Mr/Madam Moderator:

The United States welcomes the opportunity to review our shared commitments to combat anti-Semitism; intolerance and discrimination against Muslims; racism; xenophobia; and discrimination against Christians and members of other religions and to discuss ways to better ensure implementation of these existing commitments.

The OSCE's tolerance work is a priority for the United States. We applaud the progress that has been made since the appointment of the Chairman in Office's Three Personal Representatives on Tolerance and the establishment of the Tolerance and the Non-discrimination Unit in ODIHR. These efforts have played a valuable role in awareness-raising, monitoring, and maintaining pressure and support to combat intolerance and hate crimes. ODIHR has worked to provide the tools necessary for OSCE states to monitor, implement, and sustain progress in these areas.

We should remember that the OSCE launched its tolerance work in response to several brutal attacks on members of Jewish communities in the OSCE region. As OSCE participating States, we made specific commitments to combat anti-Semitism, as well as all hate crimes, including by gathering and reporting data on such crimes. The United States strongly supports the continuance of the important work of the Personal Representatives and targeted work at ODIHR, which cannot be successful without increased action by the participating States. However, twelve OSCE states have failed to provide basic data on hate crimes and the majority of OSCE states have yet to fulfill the basic OSCE commitments to monitor and report on violent hate crimes, in line with these commitments.

In our view, while the ODIHR effort to deal with hate crimes is an excellent work in progress, significant challenges remain. The OSCE meetings held on this issue have shown that there is no consensus within the OSCE on such fundamental issues as the definition of a hate crime. Data collection on hate crimes is spotty. Even countries such as the United States that have collected hate crime statistics for fifteen years candidly admit to serious shortcomings that prevent accurate trend analysis. It was clear at the expert meeting organized by ODIHR in Helsinki on June 16-17 that the progress on legislation, law enforcement, judicial training and even societal acknowledgement of the problem is diverse and varied.

The limited data that is available provides a picture that is at times alarming. Over the past two years, more than 100 persons have been murdered in the Russian Federation in apparent racially motivated crimes because of their race or ethnicity. More than 9 racially or ethnically motivated murders and 100 violent attacks have taken place in Ukraine. The United States is not immune from violent hate crimes. The Department of Justice's Federal Bureau of Investigation's 2006 report recorded three murders and 860 incidents of aggravated assault that were motivated by bias on the basis of race, religion, sexual orientation, ethnicity or disability. In light of these common challenges across the OSCE region, the United States believes it more important than ever for participating States to address this issue.

The lessons learned from the June ODIHR Hate Crime meeting in Helsinki suggest that it may be time to focus attention on realistic, specific targeted initiatives that will help address the problem of core definitions, suggest appropriate levels of legislation to meet OSCE commitments, and a sharing of best practices.

The United States is fully committed to combating hate crimes. We are concerned, however, that some States condone steps to curtail fundamental freedoms such as the freedoms of expression, assembly and association in order to effectively battle hate crimes. Criminalizing speech or limiting freedoms of association and assembly in order to fight hate crimes goes far beyond our current OSCE commitments, and is an approach the United States Government could never accept.

Political leaders have an obligation to speak out against hatred and ignorance. But we believe it is not a useful function for governments to criminalize offensive speech and seek to imprison or punish their citizens for voicing offensive opinions. Although freedom of expression that threatens the public good is not absolute, prohibitions should be restricted to, for example, forms of expression that threaten the public good by inciting *imminent violence or other unlawful activity* -- and should not be restricted merely for being offensive.

Non-violent forms of discrimination also remain a problem throughout the OSCE region. This year's Supplemental HDIM on National Institutions Against Discrimination, highlighted that, even when laws do exist, victims of violent and non-violent discrimination are often unaware of these statutes and/or lack the legal and/or financial support to utilize them.

Despite these continuing problems, many positive efforts should be noted. Romania hosted a Regional Conference on Combating Anti-Semitism on September 18, following pledges it made while hosting the 2007 OSCE tolerance meeting. In Ukraine, President Yushchenko has spoken out against hate crimes, and government agencies are developing national action plans and special security units on combating racism.

We have also been engaged in a number of efforts this year in the fight against intolerance and inequality. United States government initiatives have included: the release of the Contemporary Global Anti-Semitism Report by the United States Special Envoy to Monitor and Combat Anti-Semitism; an event last month co-hosted with civil society focused on anti-terrorist financing and charitable giving for Arab and Muslim communities in preparation for Ramadan; the release of religious discrimination guidelines in the workplace by our Equal Employment Opportunity Commission; and joint public events with members of the U.S. Congress with two of the Personal Representatives and ODIHR's Advisors on combating anti-Semitism and discrimination against Muslims.

We would like to commend the Tolerance and Non-discrimination (TND) unit for its excellent work on developing projects and education materials on combating anti-Semitism. This program provides practical training and curriculum development materials that have a direct impact in promoting tolerance and, in our view, should be emulated by the advisors dealing with discrimination against Muslims, Christians, and members of other religions.

OSCE participating States have consciously and correctly limited the scope of OSCE interest in the area of tolerance and non-discrimination to those that could threaten the security of the region. Expansion of OSCE commitments beyond these priority areas would dilute OSCE tolerance programs and projects and would duplicate activities of other organizations. We believe the ODIHR tolerance unit should remain focused on commitments where we have achieved a consensus—combating anti-Semitism, intolerance and discrimination against Christians, Muslims and members of other religions, and racism, xenophobia and related intolerance.

The United States supports convening a high-level meeting in 2009 to review the implementation of OSCE commitments on tolerance, as was done in 2007 and the reappointment of the Chairman in Office's Three Personal Representatives on Tolerance.

Thank you.