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BASEL DECLARATION

RISING INTOLERANCE, DISCRIMINATION, AND HATE CRIMES POSE A MAJOR RISK FOR SECURITY AND REQUIRE A COORDINATED RESPONSE FROM THE OSCE

*Adopted by the participants of the OSCE Parallel Civil Society Conference
Basel, 2-3 December 2014*

The OSCE Parallel Civil Society Conference-2014,

CONSIDERING that equality and protection against discrimination, racism and other forms of xenophobia and intolerance is a key OSCE value, as stated in the Charter of Paris for a New Europe (1990): “We express our determination to combat all forms of racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds,” and in the key anti-discrimination commitments in the 1990 Copenhagen Document: “...all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.” Also considering that this determination has been reaffirmed on numerous occasions since then, such as at Ministerial Council meetings in Porto in 2002, Maastricht in 2003, Sofia in 2004, Ljubljana in 2005, Brussels in 2006, Madrid in 2007, Athens in 2009 and at High Level conferences in Bucharest in 2007, Astana in 2010, Tirana in 2013, and, most recently, at the High-Level Commemorative Event in Berlin in November 2014 on the occasion of the 10th Anniversary of the OSCE Berlin Conference on Anti-Semitism;

UNDERLINING that this key value is an essential element of the human dimension, which is in turn an essential component of the comprehensive security concept underlying the Helsinki process and the OSCE;

CONSIDERING that in recent years we have witnessed a new rise of racism, xenophobia, discrimination, and intolerance across the OSCE region, which is manifested through an increase in hate-motivated violence, hate speech, and other acts of intolerance targeting ethnic and religious minorities, Roma and Sinti, migrants, LGBT, and other vulnerable groups. Some participating States have recently adopted new discriminatory laws and engaged in

discriminatory practices against these groups, in particular migrants and LGBT, violating the fundamental principle of non-discrimination enshrined in international human rights treaties and spelled out in OSCE commitments. By doing so, they are de-facto encouraging intolerance and hatred towards minorities. The problem is further exacerbated by a lack of adequate investigation of such crimes and a failure to bring perpetrators to justice, which creates an atmosphere of impunity and permissiveness;

EXPRESSING concern that among the most worrying trends in recent years has been the rise of organized discrimination, racism, xenophobia and intolerance in the form of racist and extreme-right political movements and parties across the OSCE region, both in the East and the West. It was demonstrated yet again during the European Parliament elections in May 2014. Such developments are often linked with extreme forms of nationalism or ideologies like Nazism and fascism, and create a growing risk to the security of our societies by deepening the gaps between different groups of society and giving rise to further conflicts and extremism;

EXPRESSING grave concern about a change in public attitudes towards the rise of racism, a growing acceptance of organized manifestations of racism, xenophobia, discrimination, and intolerance, and ideologies similar to Nazism and fascism and the lack of proper response by key institutions in societies, which make this one of the most serious problems in many OSCE participating States. In a number of participating States racist and xenophobic parties, some represented in national parliaments, systematically use hate speech and generate broad public response to such statements, adding to existing tensions;

RECOGNISING that while a broad consensus has existed in our societies since World War II that anti-Semitism or racism are unacceptable, other kinds of phobias are now more easily exploited by the right-wing movements and populist politicians such as intolerance towards migrants and LGBT, as these phobias are still not conventionally unacceptable in many OSCE participating States. Since they are easier and safer targets, migrants and LGBT have become the "new scapegoats." It is crucially important to remember that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law", as stated in the 1990 Copenhagen Document, and ensure that discrimination on any and all grounds is made unacceptable in our societies, be it racism, xenophobia, anti-Semitism, intolerance and discrimination against Muslims, Christians and members of other religions, Roma and Sinti, migrants or LGBT.

UNDERLINING that the roots of these developments are found in the fundamentals of society itself and should be challenged not only by effective legislation, consistent policy and sound law enforcement measures but, equally importantly, by education that discusses the value of diversity and respect for everyone's human rights, as well as the key role of society in responding to the new challenges of growing intolerance. Some OSCE participating States have developed good practices to promote diversity and combat racism and intolerance through both formal and non-formal education, which may be adapted and disseminated across the region;

RECALLING that more effective implementation of existing OSCE human dimension commitments, including those in the field of protection of rights of all persons belonging to minorities and on tolerance and non-discrimination, is one of the priorities of the Joint Work Plan adopted by Switzerland and Serbia for their OSCE Chairmanships in 2014 and 2015;

RECOGNISING efforts already taken in this respect by the OSCE ODIHR Tolerance and Non-Discrimination Programme, the Personal Representatives of the Chairman-in-Office on Tolerance and Non-Discrimination, as well as by the High Commissioner on National Minorities and other OSCE bodies and institutions;

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CONSIDERS that the OSCE needs to create a more comprehensive and consolidated programmatic and institutional framework to effectively confront discrimination, hate crime, racism, xenophobia and other forms of intolerance, which should go beyond focusing on specific manifestations of hatred or addressing discrimination against selected minorities and instead address the common roots of these problems, combat discrimination on any and all grounds, and embrace all vulnerable groups. In this regard the vast experience accumulated over the years by OSCE bodies and institutions in the field of fighting specific forms of discrimination and intolerance, such as anti-Semitism, Islamophobia and discrimination against Roma and Sinti, should be reflected upon and adapted to confront all forms of discrimination and intolerance.

NOTES that ODIHR has well-developed observation mechanisms in place to ensure implementation of commitments on fair and democratic elections. Notes that these mechanisms could be strengthened by including in their scope monitoring of the observance of fundamental rights, including the rights of minorities and vulnerable groups in the context of elections.

NOTES that civil society organisations across the OSCE have a strong knowledge and experience in combatting racism, xenophobia and intolerance and have developed and effectively implemented unique methodologies in this area. Their experience should be put to use by the OSCE and its participating States.

URGES the OSCE Ministerial Council to explicitly re-affirm existing OSCE commitments to combat all forms of discrimination, racism, xenophobia, intolerance, and hate crimes, and to review these commitments in order to address new forms and manifestations of these phenomena so as to protect all minorities from discrimination on any and all grounds without exception. The OSCE Ministerial Council and other OSCE bodies and institutions should also initiate measures to evaluate the implementation and effectiveness of existing OSCE programmes in this field.

CALLS ON the participating States to intensify their efforts to implement OSCE commitments in the field of confronting racism, xenophobia, anti-Semitism, intolerance, and discrimination against Muslims, Christians and members of other religions, Roma and Sinti, migrants or LGBT, including by fully cooperating with relevant OSCE bodies and institutions to review existing domestic legislation and policies, repeal discriminatory laws, develop new policies to effectively address contemporary challenges.

ENCOURAGES the OSCE bodies and institutions to take concrete steps without delay to develop appropriate and effective mechanisms and tools for combatting and preventing, intolerance and discrimination against Muslims, Christians and members of other religions,

racism, xenophobia, anti-Semitism Roma and Sinti, migrants and LGBT and in doing so take into account the following recommendations that emerged from civil society workshops held across the OSCE region in 2014:

- OSCE political bodies should develop a comprehensive OSCE action plan to combat racism, xenophobia, discrimination on all grounds, hate crimes and other forms of intolerance, in order to pool resources and enhance cooperation between various stakeholders within the OSCE framework, as well as to improve cooperation with other relevant international institutions;
- Personal Representatives of the Chairman-in-Office on Tolerance and Non-Discrimination should increase the visibility of their work and enhance their cooperation with civil society (including seeking increased media coverage of their country visits, wider dissemination of their reports and more active participation in international and national events on topics relevant to their mandates, including those organized by NGOs);
- ODIHR should develop comprehensive guidelines for the participating States on addressing racism, xenophobia, discrimination on all grounds, hate crimes and other forms of intolerance through education and youth policy, including specific methods for anti-racism education, building on its experience of developing educational materials in the field of the teaching of anti-Semitism , Holocaust education, education against Islamophobia and human rights education for various social and professional groups;
- ODIHR should develop recommendations on the review of school curricula with the goal of removing elements that may promote negative stereotypes, incite hatred and intolerance, and strengthening measures to combat bullying;
- ODIHR, together with the Venice Commission, should examine the legislation of participating States for discriminatory provisions targeting religious and ethnic minorities, Roma and Sinti, migrants, LGBT, and other groups, and issue recommendations upon results of this examination; participating States should request such examinations and follow their recommendations;
- ODIHR should organize expert consultations on ways to address violations of fundamental rights, including incitement to hatred, in the context of elections in participating States, by using, inter alia, existing tools such as ODIHR election observation missions and the Panel of experts on political party regulation;
- The Representative on Freedom of the Media should develop and promote guidelines for participating States on combatting hate speech in the media and the Internet as well as by public officials and politicians, while also upholding freedom of expression.

In our times, we witness the ideology of racism and intolerance being incorporated into political movements and parties and discrimination increasingly practiced by governments. In the past this has led to the gravest and darkest pages of human history. It has long been a priority of many organisations and societies to prevent this from happening again. Now these old risks are emerging in a new form, as societies are rapidly changing. This forces us once again to make combatting discrimination, racism, xenophobia and intolerance a priority.