

**Civil Society Preparatory Meeting
OSCE High Level Conference on Tolerance
and Non-Discrimination**

Consolidated Summary of Recommendations



Astana 28 June 2010

Please Note: The following recommendations were submitted and presented by Civil Society participants in the Preparatory Meeting before the High-Level Conference on Tolerance and Non-Discrimination in Astana, 28 – 30 June 2010.

The opinions and recommendations expressed in this document do not in any way reflect the position of and/or recommendations of the OSCE ODIHR.

Foreword

Recognizing that the respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE comprehensive concept of security, which underlines the fundamental principles of universality, non-discrimination, indivisibility and relatedness of Human Rights and calling for a consistent and non-hierarchical approach to tolerance and non-discrimination;

Acknowledging that the fight against intolerance and discrimination is interlinked to the respect of the rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief, freedom of assembly and association

Recognizing that the responsibility for promoting tolerance and non-discrimination rests with OSCE participating States in responding to intolerance with adequate policies and legislation

Introduction

We express our gratitude to the Chairman-in-Office and the ODIHR, for devising this Civil Society Preparatory Meeting and the government of the Republic of Kazakhstan for hosting and supporting it, as well as bestowing the Conference sessions with the recommendations that follow herein;

We remain ever more convinced of the need for Civil Society Preparatory Meetings, to foster the necessary cooperation and dialogue between participating States, and the many civil society actors active in the field of tolerance and nondiscrimination within the OSCE region;

Areas of concern

Expressing concern about the rise of hate motivated incidents and crimes targeting individuals because of their race, religion, ethnicity, sexual orientation, gender identity, disability and other similar factors;

Noticing that the vital role played by civil society organizations and human rights defenders in combating intolerance and discrimination is undermined by the fact that civil society activists in many OSCE states are themselves subject to violence, malicious prosecution, and other official and unofficial efforts to silence and repress them

The Preparatory Meeting for Civil Society calls upon OSCE participating States to:

General recommendations

1. Schedule at regular intervals OSCE's high-level conferences on combating intolerance to keep international attention focused on the issue.
2. Promote public-private partnership in the fight against intolerance and discrimination and to raise awareness on the positive contribution religious communities to the building and well-being of our democratic societies.
3. Continue providing *fora* for expert discussions and international co-operation on tolerance-related issues such as hate crimes.
4. Support the work of the Personal Representatives of the Chair-in-Office on combating intolerance.

SESSION I: Combating intolerance and discrimination against Muslims.

To the participating States:

5. Condemn all manifestations of intolerance and discriminations against Muslims and take preventive measures to challenge anti-Muslim prejudice and stereotypes;
6. Guarantee the right of the Muslims to practice and manifest their religion, without any discrimination, in accordance with international human rights standards. This includes the right to build mosques and dress how they want, as long as they take their decisions freely.
7. Fully respect international human rights standards while fighting terrorism, and take necessary measures in order to prevent discriminatory anti-terrorism measures, in particular racial and religious profiling.
8. Enhance their legislation concerning hate crimes against Muslims and ensure that such legislation is effectively implemented by law enforcement officers and prosecutors, by providing adequate policy guidance, training, and resources.
9. Collect and maintain publicly available data on hate crimes against Muslims. The data gathered must be accurate, comprehensive and comparable as well as disaggregated, in order to facilitate, analysis and informed policy decisions to prevent and combat such crimes and incidents;
10. Conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims of hate crimes and hate motivated incidents. This should include meetings for women involved in religious associations and who are under represented.
11. Adopt an inclusive definition of national identity, more in line with the reality and the diversity of the European people. Recognise and raise awareness of the past and present contributions of Muslims to the world and the countries they live in.
12. Develop education programmes and strategies to combat intolerance and discrimination against Muslims and ensure that school textbooks and curriculum do not include anti-Muslim stereotypes and prejudice but promote mutual respect

and understanding. Benefit from the expertise and experience of ODIHR in this area.

13. Adopt a specific OSCE Ministerial Decision on measures to combat intolerance and discrimination against Muslims at the national, regional and international levels.
14. Use the term “Islamophobia” as a form of racism and xenophobia, targeting Muslims in the OSCE decisions.

To ODIHR:

15. Support the development of a working definition of intolerance and discrimination against Muslims.
16. Produce a position paper on the prohibition of construction of minarets in Switzerland.
17. Enhance its co-operation with all intergovernmental actors, including the OIC and the UN Alliance of Civilizations, in its efforts to promote tolerance, respect, mutual understanding and non-discrimination.

SESSION II: Combating anti-Semitism.

To the participating States:

18. Implement OSCE commitments regarding monitoring, investigating, prosecuting and reporting anti-Semitic hate crimes;
19. Submit data on anti-Semitic crimes and incidents, legislative developments and good practices to ODIHR;
20. Provide adequate security to Jewish communities acknowledging that violence against Jewish communities increases in the aftermath of tensions and events in the Middle East;
21. Implement the 2004 Berlin Declaration on Combating anti-Semitism, especially to “declare unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism.”
22. Support the specialized focus within ODIHR on anti-Semitism in concert with its work on hate crimes.

SESSION III: Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions

To the participating States:

23. Collect data on hate crimes against Christians, also where Christians are a majority and give to hate crimes and hate speech against majority religions the same attention given to minority religions.

24. Deliver upon their commitments on tolerance and non-discrimination, including commitments to combat all acts and manifestations of hate, and hate crimes against persons who are members or perceived as members of minority and majority groups, through legislation, law enforcement, education, media, data collection;
25. Create a separate position of an OSCE Chair-in-Office Personal Representative dealing with racism, xenophobia and other forms of intolerance, including combating homophobia and transphobia;
26. Uphold the principle of equal treatment of Roma and Sinti in all areas, including access to education, health employment, and housing;
27. Acknowledge the relationship between unequal treatment, marginalization of minority groups and manifestations of intolerance;
28. Decriminalize homosexuality;
29. Implement the *Yogyakarta Principles on the application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* in their policies;
30. Include references to sexual orientation, gender identity and expression in the final conference declaration of the Chairmanship-in-Office;
31. Include gender and sexual orientation as grounds of discrimination in relevant legislation and in the development of policies;
32. In formulating national legislation to combat racism and racial discrimination consider ECRI's General Policy Recommendation No. 7. on *National legislation to combat racism and racial discrimination*;
33. Promote and respect the rights of national minorities, giving them the possibility to study also in their own language especially some subjects, like history;
34. Promote awareness on issues related to freedom of religion or belief for relevant state authorities, including at a local level through mechanisms of co-operation with religious communities and expert training;
35. Recognize freedom of religion or belief as essential in promoting mutual respect and understanding, in particular with regard to the right to manifest ones' religion and display religious symbols;

SESSION IV: The role of legislation, the law enforcement, data collection and civil society in combating and preventing intolerance and discrimination, including hate crimes

To the participating States:

36. Take all necessary steps to implement tolerance and non-discrimination commitments, including the recently adopted Ministerial Council Decision No. 9/09 on Combating Hate Crimes;
37. Senior government leaders should send strong and consistent messages that violent crimes, which appears to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law;

38. Enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status. Moreover, provisions of hate crime laws should include not only the victims of hate crimes, but also those associated or those who advocate on behalf of victims groups;
39. Strengthen enforcement and prosecute offenders, and provide adequate policy guidance, training, and resources to law enforcement bodies to address hate crime;
40. Maintain official systems to monitor, register and publicly report on hate incidents and hate crimes, as well as prosecutions. The data gathered must be accurate, comprehensive and comparable as well as disaggregated, in order to facilitate, analysis and informed policy decisions to prevent and combat such crimes and incidents;
41. Reach out to civil society groups who can play a role in assisting victims, documenting incidents, and building confidence in official bodies in order to increase reporting;
42. Pay a special attention to the prosecution of hate motivated accidents and hate crimes against Roma and Sinti;
43. Show continued support for the ODIHR's Tolerance and Non-Discrimination Department (TnD), in particular to encourage:
 - a) efforts to ensure that the Law Enforcement Officer Program on Combating Hate Crime (LEOP) has the support it needs and that participating States are taking part in this program;
 - b) regular meetings of the National Points of Contact on Combating Hate Crimes, with the full participation of civil society groups and representatives of specialized anti-discrimination bodies;
 - c) wide dissemination of ODIHR's publication *Hate Crime Laws – A Practical Guide* and development of guidelines on data collection;
 - d) agreements between ODIHR and participating States on programmes of technical assistance to combat hate crime;
 - e) sufficient funding for the TnD Department and its programmes and activities on hate crime through the regular OSCE budget and through extra-budgetary contributions;
 - f) ODIHR to report on the context in which hate crimes occur by highlighting the problems of discrimination, marginalization and intolerant rhetoric, including on the Internet in the annual hate crime report.

SESSION V: The role of education to promote mutual understanding and respect for diversity according to OSCE commitments

To the participating States:

44. Develop education programmes for tolerance and mutual respect and understanding, including inter-cultural education, in domestic education systems and provide adequate teacher training in this field;
45. Promote a better understanding of “the other” and focus on learning about individuals in society in order to create a truly inclusive society respecting the equality and diversity of all;
46. Acknowledge the contribution of youth to the promotion of tolerance and mutual respect and understanding and foster their active participation in society, also through informal education and web resources;
47. Respect the right of parents to ensure the religious and moral education of their children in conformity with their convictions, including through providing religious and ethics education in public schools when applicable, including the views of representatives of different groups;
48. Encourage teaching about religions, preparing curriculum promoting tolerance and mutual understanding and respect, teaching about history without demonizing any religion, ethnic or national group or civilization;
49. Ensure that school textbooks do not include stereotypes and prejudice against any groups in order to promote mutual understanding and respect for diversity. Encourage that school textbooks acknowledge cultural heritage of all groups in teaching and recognize their points of view in order to promote mutual understanding;
50. Promote and respect the rights of national minorities, giving them the possibility to study in their own language. Encourage that majority groups also learn about minorities in order to promote respect for diversity.

SESSION VI: Addressing public manifestations of intolerance in accordance with OSCE commitments and promoting understanding through open dialogue in the media, including the Internet

51. Call upon political leaders to refrain from making racist, xenophobic and intolerant statements against specific groups and to condemn intolerant speech
52. Recognize the positive role that free and independent media can have on preventing the increase of bias and prejudice and in promoting mutual respect and understanding, including through specific educational and awareness-raising programmes (possibly developed for instance through international media competitions);
53. Challenge hate on Internet, while guaranteeing freedom of expression in line with OSCE commitments;

54. Foster positive dialogue between religious communities and the media and raise awareness on language that has the potential to lead to heightened antagonism and even violence against religions;
55. Actively create an atmosphere in the public space within which freedom of religion or belief can best flourish and in which religious and belief communities can engage in full and fruitful dialogue. This space should be open to all, and the public media can play an important role in the creation of this space;
56. Ensure participation of minorities and migrants in State funded Media by encouraging recruitment of personnel from diverse background and producing programmes that present different cultural heritages and promote intercultural tolerance;
57. Combat intolerance and hate speech in an exemplary way.

SESSION VII: Strategies for promoting tolerance and understanding, interethnic and intercultural dialogue, including with respect to religion, in the OSCE area

To the participating States:

58. Support civil society in their efforts to combat intolerance and discrimination and promote co-ordination of civil society in the OSCE area, including in areas of intolerance against migrants and ethnic minorities and intolerance based on sexual orientation.
59. Promote dialogue and tolerance amongst believers of different communities, paying particular attention to consultation mechanisms to be developed at a local level and the role of civil society in inter-ethnic and inter-religious dialogue;
60. Engage in consultations with religious faiths, institutions and organizations and groups of non-believers in order to achieve a better understanding of the requirements of religious freedom. This includes enhancing dialogue and communication with religious or belief communities on matters related to places of worship.
61. Recognize freedom of religion or belief as essential in promoting mutual respect and understanding, In particular with regard to the right to manifest ones' religion and display religious symbols
62. Some participants called on participating States to treat all religions equally, avoiding to distinguish “traditional religion” and “non-traditional religion” whereas some other stressed that this distinction was necessary.
63. Some participants call on participating States to abolish blasphemy laws while others called for robust safeguards to be put in place against vilification of religion;
64. To provide political space for civil society efforts to foster inter-cultural dialogue.