

CONSOLIDATED SUMMARY OF THE CSCE HUMAN DIMENSION SEMINAR ON TOLERANCE

WARSAW, 16 - 20 NOVEMBER 1992

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I. INTRODUCTION

The CSCE Human Dimension Seminar on Tolerance took place on 16 - 20 November 1992 in Warsaw. The Seminar was organized by the Office for Democratic Institutions and Human Rights. This seminar was the first in a series of specialized meetings organized by the ODIHR in accordance with the decision of the CSCE follow-up Meeting in Helsinki 1992.

The topic of the first seminar was Tolerance; the role of educational and cultural institutions and the media in promoting tolerance, the role of local authorities in promoting tolerance and legal issues and legal enforcement.

The Seminar was not mandated to produce negotiated texts, but summary reports of the moderators of two of the discussion groups were presented in the final plenary meeting.

II. AGENDA

1. Formal opening of the Seminar.
Opening statement by the Director of the ODIHR.
2. Introductory contributions by participants.
3. Discussion on tolerance and non-discrimination and their vital role in the achievement and preservation of stable democratic societies.
4. Closing contributions by participants.
5. Formal closure of the Seminar.

III. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES

1. The Seminar opened on Monday, 16 November 1992 at 15:00 in Warsaw. It closed on Friday afternoon, 20 November 1992.
2. All Plenary meetings and Discussion Groups were open.
3. Agenda items 1, 2, 3, 4 and 5 were dealt with in the Plenary.
4. Agenda item 3 will be dealt with in the Plenary, as well as in the three Discussion Groups :

DG1: The Role of Educational and Cultural Institutions as well as of Media in Promoting Tolerance

Topics included:

- teacher training;
- multi-cultural curricula;
- role of ethnic or religious associations;
- mass media.

DG2: The Role of Local Authorities in Promoting Tolerance

Topics included:

- multi-cultural relations in towns and cities;
- involving the community in policy formulation;
- practical problems;
- early warning or problem areas.

DG3: Legal Issues and law Enforcement

Topics included:

- legislation and jurisdiction concerning offenses relating to intolerance;
- training of law enforcement officers;
- monitoring offenses relating to intolerance;
- community/law enforcement relations.

5. Meetings of the Plenary and of the Discussion Groups were conducted according to the attached work programme.
6. The Plenary Meetings and the Discussion Groups were chaired by a representative of the ODIHR
7. The Moderators were invited to facilitate implementation of the agenda of each Discussion Group.
8. Standard CSCE rules of procedure and working methods will be applied at the Seminar.

IV. PARTICIPATION

The Seminar was attended by a total of 185 participants. Representatives of 43 CSCE participating States attended. Among the participants were also delegations from a nonparticipating State, Japan, 4 international organizations and 17 non-governmental organizations.

IV. SUMMARY OF PROCEEDINGS

During the course of the week, three Discussion Groups met. The topics were divided as follows:

Discussion Group 1: The Role of Educational and Cultural Institutions as well as Media in Promoting Tolerance.

Moderator: Mr R.A. Durler of the Swiss Foreign Ministry.

Discussion Group 2: The Role of Local Authorities in Promoting Tolerance.

Moderator: Colonel Ronald M. Joe, U.S. Army.

Discussion Group 3: Legal Issues and Law Enforcement.

Moderator: Mr Richard Kornicki, Head of Race Relations Division of the UK's Home Office.

SUMMARY OF THE MODERATOR'S REPORT (DG 1)

Most participants highlighted the important contribution minority groups make toward our societies. In the context of education the promotion of tolerance should be implemented in various ways. Teacher-training is of a high priority as the growing mobility is about to change settlement patterns considerably and hence tuition must be adapted accordingly. Multi-cultural programmes are being realized in the schools of many countries. Yet the degree of economic and social development plays a major role in the definition of needs thus leading to a whole variety of different approaches.

the leading role that the media play in the perception of tolerance was generally acknowledged. The

wireless was considered a good means for communication which has not been realized everywhere. The call for participation of minority groups in the media was widely supported. The regional and local development of the mass media must include a vast range of participants from all the strata of society. The CSCE should deal with the promotion of tolerance in the media more intensively (a seminar on free media will be held later in 1993).

Numerous proposals were made to improve the promotion of tolerance in education and in the media. The gradual change and adaption of school-books and of curricula found wide support. Where this is not possible education to tolerance should be integrated into existing curricula. There was a call for an unproved implementation of international and national norms in the field of tolerance. Both the Council of Europe and the Commission of the EC presented their programmes in this field and said they would take the concrete proposals made at the Seminar into due consideration. Many participants supported the suggestion to create a data-base in the field of education for the exchange and update of information. A proposal which may be difficult to realize was the creation of an agency for journalists in the frame work of the CSCE. Further there was the appeal to found national commissions for tolerance. Some countries already have bilateral or multilateral commissions for the settlement of specific problems among minority groups. Finally there was a call to declare November 9 World-Tolerance-Day (Crystal Night in 1938 and Fall of the Berlin Wall in 1989).

R. A. Durler
Moderator DG 1

DISCUSSION GROUP 3 - LEGAL ISSUES AND LAW ENFORCEMENT

Introduction

Five main themes emerged in the discussions:

1. The place of law In a democracy;
2. The value of statistics
3. Training
4. Public opinion
5. Alternative approaches

The place of law in a democracy

The discussion group noted that the rule of law is the basis of democratic life. It underpins democratic freedoms, and where possible those freedoms should be preserved as far as possible (for example, many felt that free speech should not be curtailed unless it involved a threat of violence). In dealing with problems of intolerance the general criminal law obviously has wide use and as applicable to crimes such as assault; in a racially motivated assault the racial element can, perhaps, be reflected not in the charge, but in the sentence on conviction. Specific racial crimes could be considered under the criminal law, such as racial assault; however, a number of countries which had such provisions commented that in practice they were little used by prosecutors since it was difficult to prove the racial element of the offence.

The underlying difficulty noted by the discussion group in this area seems from the fact that intolerance is a denial of basic democratic principles: the problem is for a democracy to devise ways of dealing with types of behavior which do not recognize democratic values.

Value of Statistics

A vigorous debate produced completely opposing approaches to this question. Some argued that monitoring and statistics were necessary to establish the needs of minorities and to check on the response to those needs of employers, housing agencies, the criminal justice system etc. Others felt that such monitoring was a violation of privacy and there was a wide recognition of the danger of misinterpretation of statistics (for example, the presence of disproportionate numbers of ethnic minorities in prison does mean that they are by nature more criminally inclined). If statistics are to be used their function must be to provoke an exploration of the causes behind the data. Three stages were identified:

1. To use statistics to identify an apparent problem which needs explaining;
2. To investigate the causes which produce such a statistical result;
3. To decide on the appropriate action to deal with the causes.

There was a feeling that openness was something which should be valued in a democracy and we should not seek to hide information which is, or could be, made available. A secretive approach would only give rise to speculation and false assumptions. However, it was clearly essential that minority communities must be consulted and involved when any monitoring programme is being devised, and statistics should never be presented without at the same time presenting the interpretation essential to them.

Training

The group took note of detailed expert work carried out under the auspices of the Council of Europe concerning police training, the conclusions of which were circulated to delegates. In addition to those points the group stressed that training of the police in this area should be seen as a continuous part of police life, not as an "extra" for the training school only. The use of local community policing techniques, involving officers patrolling and getting to know a small area, was felt to have a major training value. The importance of training with other agencies involved in responding to minority issues was also noted.

Public Opinion

The group noted that the law cannot run too far ahead of public opinion. Public education was therefore vital and could involve publicity campaigns, schools programmes, and other means covered by discussion group 1. The key point to note was that all measures, whether statutory or informal, must be rooted in local culture and values if they are to survive and be effective.

Alternative Approaches

The group recognized that resorting to law was an expensive and slow procedure for the victims of intolerance. While legal sanctions were necessary to underpin the promotion of good community relations, alternatives should also be considered where appropriate. A range of possibilities was looked at including:

1. Codes of conduct for professions;
2. Advice and help from voluntary bodies, community organizations, churches, etc.;
3. Mediation schemes where both parties accept the services of a conciliator.

There was considerable interest in the group in the use of mediation schemes, whether set up on a statutory

or informal basis.

Conclusion

The group noted that CSCE states have very different problems and that there was no one answer applicable at all, nor was there a foreseeable time at which we could say we no longer have a problem. But there was a common recognition of the need to regard legal sanctions as part of a much wider process of formal and informal measures applicable to different aspects of intolerant behavior.