

**Report by U.S. Senator Benjamin L. Cardin
Special Representative on Anti-Semitism, Racism and Intolerance**

**Annual Session, Helsinki
July 5-9, 2015**

On March 9, 2015, Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCE PA) President Ilkka Kanerva (MP, Finland) appointed U.S. Senator Benjamin L. Cardin to serve as the OSCE PA's first Special Representative on Anti-Semitism, Racism and Intolerance (SRARI). On April 26-27, the attached report was submitted to the OSCE PA Bureau. Following are the activities from April 28 – July 5.

Activities:

From April to July, SRARI Cardin, with the support of the U.S. Helsinki Commission, initiated consultations with OSCE and U.S. government officials, as well as civil society organizations across the OSCE region. The consultations focused on his mandate with an emphasis on ensuring security for Jewish communities, anti-Muslim backlash/discrimination, and discriminatory policing. To date, these consultations and outreach have included meetings by SRARI Cardin or staff with:

- *June 24, 2015* – SRARI Cardin submitted a statement for the U.S. Congressional Record on his mandate and need to further efforts to combat intolerance in the OSCE region.
- *June 18, 2015* – SRARI Cardin introduced the Baltimore Act (Building and Lifting Trust In Order to Multiply Opportunities and Racial Equality), which prohibits racial profiling, restores voting rights and jury service for nonviolent former felons, reclassifies some low-level drug felonies as misdemeanors, eliminates the sentencing disparity between crack and powder cocaine, supports removing criminal status on job applications, encourages law enforcement share training and crime data with the U.S. Justice Department, and provides money for body cameras for police.
- *June 10, 2015* – SRARI Cardin, in his capacity as Ranking Member of the Senate Foreign Relations Committee introduced provisions included in Senate State Department Authorization legislation to:
 - Provide State Department funding to support U.S. and European civil society work with youth to combat anti-Semitism and other forms of intolerance.

- Support consultations between the governments of the United States and the European Union on a Joint Action Plan to combat prejudice and discrimination towards racial, ethnic, and religious minorities, including addressing anti-Semitism.
 - Expand career opportunities for minorities in the United States in international affairs.
 - *May 22, 2015* – sent correspondence to Serbian OSCE Chair-in-Office Ivica Dačić requesting a High-Level Conference focused on combating racism and xenophobia, including a focus on discriminatory policing and African descent populations in the OSCE region.
 - Launched a Roundtable Speakers Series in the Senate:
 - *May 15, 2015* – Rokhaya Diallo, Journalist, on developments in France and the role of youth and free media in countering intolerance.
 - *June 10, 2015* – Michael Whine, ECRI Board Member on the security of Jewish communities, and recent UK responses to anti-Semitism and coalition efforts.
 - *July 5-9, 2015* – coordinated activities with members of the U.S. Delegation to the OSCE PA to introduce amendments on combating anti-Semitism and racial discrimination in the OSCE region.
-

Appendix I

Mandate of the Special Representative on Anti-Semitism, Racism and Intolerance

The mandate of the OSCE PA Special Representative on Anti-Semitism, Racism and Intolerance is to:

- Raise awareness in and report to the OSCE Parliamentary Assembly on the persisting problem of prejudice and discrimination in the OSCE area, including anti-Semitism, other religion- and race-based intolerance and other forms of intolerance;
- Raise awareness in and report to the OSCE Parliamentary Assembly on the track records of OSCE participating States in combating these problems;
- Advise the Assembly on the implementation of its agreed policies in these matters as well as on the development of new policies and strategies, including on how to protect the individuals and communities affected;
- Seek to promote dialogue and exchange of best practices within the Assembly on combating these problems; and
- Communicate with relevant actors within the OSCE who work on combating prejudice and discrimination in the OSCE area, including anti-Semitism, other religion- and race-based intolerance and other forms of intolerance.

**Report by U.S. Senator Benjamin L. Cardin
Special Representative on Anti-Semitism, Racism and Intolerance**

**Bureau Meeting, Copenhagen
April 26-27, 2015**

On March 9, 2015, Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCE PA) President Ilkka Kanerva (MP, Finland) appointed U.S. Senator Benjamin Cardin to serve as the OSCE PA's first Special Representative on Anti-Semitism, Racism and Intolerance (SRARI).

Activities:

In April, SRARI Cardin, with the support of the U.S. Helsinki Commission, initiated consultations with OSCE and U.S. government officials, as well as civil society organizations across the OSCE region. The consultations focused on his mandate with an emphasis on ensuring security for Jewish communities, anti-Muslim backlash/discrimination, and discriminatory policing. To date, these consultations and outreach have included meetings by SRARI Cardin or staff with:

- *April 9, 2015* – Jiri Dienstbier, Minister for Human Rights, Czech Republic
- *April 14, 2015* - Ira Forman, U.S. Special Envoy to Monitor and Combat Anti-Semitism
- *April 16, 2015* - Rabbi Andrew Baker, OSCE Personal Representative on Combating Anti-Semitism
- *April 20, 2015* - Glyn Ford, former Member of the European Parliament (an author of initial European Union anti-racism efforts)
- *April 8, 21, and 22, 2015* - SRARI Cardin convened conference call dialogues with civil society on “Jewish communities in the OSCE region,” and “Discriminatory Policing in the OSCE region.” Additionally, SRARI Cardin held meetings with U.S. civil society that focused on civil rights in the United States, including discriminatory policing.

In total, the meetings included more than fifty civil society representatives from the following countries: Austria, Belgium, Canada, Czech Republic, Denmark, France, Greece, Germany, Hungary, Moldova, Netherlands, Norway, Poland, Romania, Russia, Slovenia, Slovakia, Sweden, United Kingdom, and United States.

OSCE Region Travel:

- *April 24-26, 2015* – SRARI Cardin visited the sites of the Paris and Copenhagen tragedies and conducted meetings with government officials and civil society. In France, SRARI Cardin met with Prefect Gilles Clavreul, Head of the Inter-ministerial Delegation against Racism and Anti-

Semitism (DILCRA), who outlined the forty measure action plan on “Mobilizing France against Racism and Anti-Semitism,” released by the government on April 17, 2015. In Denmark and France, SRARI Cardin had other consultations with Jewish, Muslim, African descent, interfaith, and other community leaders on Jewish security, as well as civil society coalition efforts to combat all forms prejudice and discrimination.

Legislative Initiatives:

- *April 22, 2015* – SRARI Cardin introduced the [End Racial Profiling Act \(ERPA\) - S.1056 in the U.S. Congress](#), which prohibits racial profiling at federal, state, and local levels of government, mandates law enforcement bias training, requires data collection on all police stops, creates procedures for receiving, investigating, and resolving profiling complaints, and also prohibits discriminatory profiling by law enforcement on the basis of ethnicity, national origin, religion, gender, gender identity, or sexual orientation. The legislation would strengthen recent U.S. government efforts to address profiling.

Findings:

Prejudice and discrimination continue to be ongoing problems throughout the OSCE region. The Paris and Copenhagen tragedies have illustrated continuing issues of anti-Semitism and anti-Muslim prejudice and discrimination in the OSCE region, while high profile incidents of African-American deaths by police in the United States have indicated continuing racial disparities in the U.S. justice system that have also been found to exist elsewhere in the OSCE region. Gains by political parties that espouse hate have contributed to mainstream political parties’ acceptance of exclusionary ideas and policies that in turn further support a climate of intolerance in the region. Below are findings from consultations with civil society, OSCE and government officials and other stakeholders.

Jewish Security:

“Europe doesn’t need more legislation or declarations. What is needed is to close the gap between fine words and the ‘on the ground reality’ where governments are failing to abide by the agreements they’ve entered into.” –civil society dialogue participant

Security is a primary concern for many Jewish communities in the region in the aftermath of the Paris and Copenhagen tragedies. Security for synagogues on days of worship and for Jewish schools is a particular priority.

While leaders are speaking out against anti-Semitic acts, the general public is often not. For example, many French citizens view anti-Semitism as a problem related to the Middle East rather than a French problem. Increasing public support to address hate and changing anti-Semitic attitudes by engaging and educating youth, far-right and far-left political constituencies, and Muslim populations are considered paramount to addressing security concerns and preventing future tragedies.

Education on the Holocaust and Jewish communities in schools has the ability to counter anti-Semitic attitudes and inaccurate information on the internet and from other sources. Unfortunately, schools

and educators are often ill-equipped to address issues of prejudice and discrimination, difficult topics such as the Middle East crisis and/or anti-Israel attitudes, and other topics that may emanate from such discussions in the classroom.

Efforts specifically targeting anti-Semitic attitudes in Muslim communities should take into account the heterogeneity of the community, including religious (or secular), ethnic, and linguistic differences, especially given there is no one person to speak for the Muslim community. Youth efforts have demonstrated some success in combating anti-Semitic attitudes and building coalitions against hate with Muslim and other communities.

Hate speech and the internet are often cited as culprits in spreading prejudice. Current efforts by France, Russia, and efforts by other OSCE participating States to control and police the internet for hate (as variously and sometimes expansively defined), and penalize hate speech, offer opportunities to evaluate the actual impact of such legislative tools versus other efforts.

Recommendations to address the problem include:

- Implementing OSCE participating State commitments on tolerance, including those made at the Berlin +10 Conference, and implementing existing legislation that would assist in securing Jewish communities and combating hate;
- Strengthening partnerships and enhanced communication between Jewish communities and law enforcement at local, state, and regional levels;
- Educating Jewish civil society about existing legal instruments that can assist in combating anti-Semitism and ways to advocate their use;
- Documenting prosecutions of hate speech laws and their focus;
- Supporting youth and coalition efforts with Muslim and other populations; and
- Equipping schools and educators with curricula and other tools to teach about Jewish communities while also being able to address issues of prejudice and discrimination that may arise.

Anti-Muslim Backlash and Discrimination:

In the aftermath of the Paris and Copenhagen tragedies, anti-Muslim hate crimes have increased significantly, especially against Muslim women who wear head coverings. Even so, communities report that law enforcement responses to anti-Muslim hate crimes have not increased.

Muslims are stereotyped as being terrorists, even though only a tiny fraction of Europe's Muslims engage in terrorist acts and non-Muslims (e.g., Brevik in Norway) have also engaged in terrorism. Members of majority and other non-Muslim groups who commit mass murders and other heinous acts are often not labelled as terrorist, and in some instances have been described as persons with mental health issues in need of medical assistance. Measures would be more successful if they were associated with a few bad actors and not entire Muslim communities.

Focusing broadly on Muslims as a source of anti-Semitism or terrorism may contribute to the very kinds of discrimination and profiling that erodes community confidence in law enforcement and contributes to inter-ethnic or inter-religious conflict.

Integration and inclusion measures for disenfranchised communities that include significant populations of Muslims have been proposed in France in the aftermath of the tragedies and in other participating States in recent years. The recently unveiled French anti-racism plan to focus on national pride and citizenship for society at large, teach about religions in schools, penalize hate speech, and other efforts will test the efficacy of such measures. Hopefully, these initiatives will foster measurable reductions in societal prejudice and discrimination at a time of heightened societal tensions.

Recommendations to address the problem include:

- Increasing responses from lawmakers and politicians to anti-Muslim prejudice and violence, including speaking out;
- Improving relationships between law enforcement and Muslim communities;
- Addressing stereotypes about Muslims, in part by changing ‘the narrative’ such that Muslims are not viewed as security threats;
- Implementing OSCE participating State commitments on tolerance; and
- Collecting data on anti-Muslim discrimination and utilizing data to elicit policy responses.

Discriminatory Policing:

Despite recent high profile events in the United States, discriminatory policing is not just a U.S. issue, nor is it a new issue. Discriminatory policing is an ongoing issue in many OSCE States including Belgium, Italy, France, the Netherlands, Germany, Greece, Hungary, Slovakia, and Russia with documented cases in some States going back decades. Members of Black/African descent, Romani, Muslim, North African, Asian (South and Central), and “migrant” populations are disproportionately impacted by discriminatory policing in the OSCE region.

Discriminatory policing within many OSCE participating States is manifested in various ways, such as: police lists of members of a community specifically because of their ethnic identity, raids on communities (e.g., Roma, migrants), racial /ethnic profiling/ unlawful stops, use of excessive force, wrongful imprisonment and/or detention, and even death.

In the aftermath of the Paris and Copenhagen tragedies and efforts to address the foreign fighter phenomenon, Muslim communities are concerned that discriminatory policing within individual countries (and at borders) is increasing. Increased discriminatory policing towards migrant (and perceived to be migrant) communities has also been linked to the adoption of more restrictive immigration measures in some participating States.

In addition to violating civil and human rights and eroding trust between law enforcement and vulnerable communities, discriminatory policing has been found to hamper, not help, efforts to catch criminals.

Recommendations to address the problem include:

- Instituting measures to implement national laws and international standards prohibiting discriminatory policing;
- Bias training for law enforcement using domestic and OSCE institution expertise;
- Collecting uniform data on police stops, arrests, and prosecutions across participating States that allows for monitoring by civil society;
- Advancing transatlantic civil society efforts to exchange information and capacity to fight the problem; and
- Recognizing discriminatory policing as both European and North American issues.

Future Activities:

Research and consultations with OSCE and government officials and civil society in the focused areas of Jewish security, anti-Muslim discrimination, and discriminatory policing will continue with the goal of developing recommendations for OSCE Parliamentarians and other stakeholders that can assist in combating prejudice, discrimination, and associated violence in the OSCE region. Additionally, SRARI Cardin intends to optimize opportunities for further activities toward his mandate at the Annual Session of the OSCE Parliamentary Assembly, OSCE Human Dimension Implementation Meeting, as well as other stakeholder and U.S. government meetings that include a focus on tolerance issues.

Plans for future consultations include:

- Talip Küçükcan, OSCE Personal Representative on Combating Discrimination and Intolerance against Muslims
- Alexey Avtonomov, OSCE Personal Representative on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions
- Dunja Mijatović, OSCE Representative on Freedom of the Media
- OSCE Office of Democratic Institutions and Human Rights (ODIHR) Tolerance Department
- OSCE ODIHR Contact Point on Roma and Sinti Issues
- Other OSCE, participating State, parliamentary, and civil society representatives

Recommended Resources:

- <http://tandis.odihhr.pl/>
 - <http://hatecrime.osce.org/>
 - <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm>
 - <http://www.state.gov/j/drl/rls/irf/>
 - http://fra.europa.eu/sites/default/files/fra-2015-paper-01-2015-post-paris-attacks-fundamental-rights-considerations-0_en.pdf
 - <http://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>
 - http://www.cops.usdoj.gov/pdf/taskforce/Interim_TF_Report.pdf
 - <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013>
-

Appendix I

Mandate of the Special Representative on Anti-Semitism, Racism and Intolerance

The mandate of the OSCE PA Special Representative on Anti-Semitism, Racism and Intolerance is to:

- Raise awareness in and report to the OSCE Parliamentary Assembly on the persisting problem of prejudice and discrimination in the OSCE area, including anti-Semitism, other religion- and race-based intolerance and other forms of intolerance;
- Raise awareness in and report to the OSCE Parliamentary Assembly on the track records of OSCE participating States in combating these problems;
- Advise the Assembly on the implementation of its agreed policies in these matters as well as on the development of new policies and strategies, including on how to protect the individuals and communities affected;
- Seek to promote dialogue and exchange of best practices within the Assembly on combating these problems; and
- Communicate with relevant actors within the OSCE who work on combating prejudice and discrimination in the OSCE area, including anti-Semitism, other religion- and race-based intolerance and other forms of intolerance.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, WEDNESDAY, JUNE 24, 2015

No. 102

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

COMBATTING ANTI-SEMITISM, RACISM AND INTOLERANCE

Mr. CARDIN. Mr. President, as our Nation continues to mourn the tragic loss of life at the Mother Emmanuel AME Church in Charleston, I wish to discuss international efforts that can assist in addressing the prejudice and discrimination that fuels violence and acts of extremism in our country and abroad.

Following the horrific attacks in Paris and Copenhagen earlier this year, the president of the OSCE Parliamentary Assembly, Ilkka Kanerva, appointed me to serve as the assembly's first special representative on anti-Semitism, racism, and intolerance. As a Member of Congress, the US Helsinki Commission, and the OSCE Parliamentary Assembly, I have long fought to counter prejudice and discrimination and to advance more effective measures against hate crimes. I was therefore extremely honored that President Kanerva entrusted me with this responsibility.

Given the breadth of my

mandate, I am focusing my work this year on three areas: first, the urgent issue of anti-Semitism and community security; second, discrimination against Muslims and anti-Muslim backlash; finally, in light of events in our own country and the salience of these struggles for minorities in Europe, discriminatory policing.

As my first initiative, I visited the sites of the Paris and Copenhagen tragedies in April, where I met with people directly affected by the violence as well as government officials and civil society representatives. In my consultations with Jewish, Muslim, African-descent, and other community leaders, we discussed Jewish community security and civil society coalition efforts to combat all forms of prejudice and discrimination.

The horrific attacks in those two capitals — simultaneously targeting Jewish communities and expressions of free speech—underscored the urgent need to address security threats to Jewish individuals and communities. The pervasiveness of anti-Semitism is one of the main reasons I last year called on the OSCE to hold a High Level Conference to mark the 10th anniversary of the seminal OSCE Berlin Conference on Anti-Semitism and adopt a

ministerial decision calling on all 57 participating states of the OSCE to implement commitments to combat anti-Semitism. In this vein, I recently led efforts to provide funding for U.S. and European civil society to work with youth to combat anti-Semitism and other forms of intolerance.

Of course, we must be vigilant to ensure that such efforts do not degenerate into anti-Muslim backlash. Measures that are framed in ways that fuel anti-Muslim prejudice will ultimately be counterproductive. Moreover, we need diverse coalitions working together to address the threats we face today. This month, fringe extremist parties from seven different countries formed a block in the EU Parliament. They are now eligible to receive EU money to disseminate toxic views that combine anti-Semitism with anti-Muslim bigotry.

I have also introduced legislation to end racial profiling in the United States. The End Racial Profiling Act, S. 1056, prohibits racial profiling by law enforcement, mandates law enforcement bias training, requires data collection on all police stops, and creates procedures for receiving, investigating, and resolving profiling complaints. Tragic

events in Baltimore and New York, North Charleston and Ferguson, and elsewhere around the country have shown us that Federal legislation finally ending racial profiling is essential.

It is also essential that we restore confidence between communities and the police, and the criminal justice system at large. To that end, I have also introduced the “Baltimore Act,” S. 1610 named after my home city, to provide strategies and resources to strengthen police-community relations and restore justice.

Discriminatory policing is undoubtedly a challenge that many governments face. In some European countries, minorities are 10 times more likely to be stopped by the police than members of the majority. In France—the country with some of Europe’s largest Muslim and Black populations—police officers were recently acquitted in connection with the death of two teenagers. That incident 10 years ago sparked riots across France; the acquittal this year has prompted protests and comparisons with Ferguson. In Germany, a human rights group is petitioning the government to end profiling after a Black student was arrested solely because his skin color led them to presume he was in the country illegally. In Slovakia, 10 police officers were acquitted

in February of forcing Romani boys to strip and fight each other, even though this notorious incident was captured on cell phone video. As we know from our own experience, racial bigotry, if unaddressed, only metastasizes.

The United States and our European partners have a lot to learn from one another. We have learned—and continue to learn—from the civil rights struggle and, as a country founded and built by people seeking freedom and opportunity, about immigration and integration. Many European countries are working hard to address discrimination and advance civil rights through the creation of national human rights institutions and targeted strategies. Additionally, there are many lessons learned from hate-based violence reduction and gun laws.

The United States and Europe have worked on both sides of the Atlantic to address issues of prejudice and discrimination and foster diversity, but on a largely ad hoc basis. I recently introduced provisions in the Senate for a Joint Action Plan between the United States and European Union to formalize and coordinate such consultations and ensure that the necessary experts and stakeholders from the public and private sectors are involved. It would also improve transparency and

access to information generated by these exchanges. I have also urged the OSCE chair-in-office to convene a high-level conference on racism and xenophobia to elevate understanding of these issues and advance additional concrete steps by the OSCE participating states. The recent events in Charleston, Paris, and Copenhagen underscore the urgent need for shared efforts to combat hate and foster inclusion on both sides of the Atlantic.

In 1991, just days after the failed Moscow coup, the United States met in Russia with other OSCE participating states. Our countries agreed that “issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order.” Such matters are “of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned.” That is as true today as it was 20 some years ago. It is in that spirit that I will continue to work with other parliamentarians to combat anti-Semitism, racism, and other forms of intolerance—in the United States and elsewhere in the OSCE region.
