

**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>
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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.