

ANTI-SEMITISM, RACISM AND DISCRIMINATION IN THE OSCE REGION

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION

JULY 22, 2014

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JULY 22, 2014

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC.

The hearing was held from 10:03 a.m. to 11:03 a.m. EDT in Room 562 Dirksen Senate Office Building, Washington, D.C., Senator Benjamin L. Cardin, Chairman of the Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe. Hon. John Boozman, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Rabbi Andrew Baker, Personal Representative of the CiO on Combating Anti-Semitism, Organization for Security and Cooperation in Europe; Alexey Avtonomov, Personal Representative CiO on Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, Organization for Security and Cooperation in Europe; Professor Talip Kucukcan, Personal Representative of CiO on Combating Intolerance against Muslims, Organization for Security and Cooperation in Europe; and Azra Junuzovic, Deputy Chief of Tolerance and Non-Discrimination Unit, Organization for Security and Cooperation in Europe.

HON. BENJAMIN CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN: Well, let me welcome you all to the Helsinki Commission. I expect we'll be joined shortly by some of my colleagues from the House side of the Commission. They have a little bit longer walk from the House side to get over here, but we welcome our three personal representatives to the OSCE chair on the tolerance agenda, and we always look forward to this hearing to get an update as to the circumstances within the OSCE region on tolerance.

Quite frankly, we think it's more critical at this moment because of world circumstances, and we very much look forward to this hearing. The Helsinki Commission has worked long and hard on the tolerance agenda, and we take special note of our role in the creation of these three Personal Representatives to the OSCE Chair-in-Office.

It was the work of the Helsinki Commission many years ago, first concentrating on the rise of anti-Semitism—and I do want to acknowledge the work of three of my colleagues—Congressman

Hoyer, the chairman emeritus of the Helsinki Commission, Congressman Hastings, who was the Chairman of the Helsinki Commission for a good part of time, and Congressman Smith, who is now the House Chair of the Helsinki Commission. All three are laudable members. I take pride in my own participation in having the Helsinki Commission concentrate on the rise of anti-Semitism to take that work to the OSCE parliamentary assemblies, and I remember many discussions with colleagues from other countries as to what we could do on an action agenda to combat anti-Semitism, and it led up to the Berlin conference on anti-Semitism that took place 10 years ago.

The work that was accomplished at that Berlin conference—and many of the people that are here were part of that, and I was proud to be part of the U.S. delegation to the Berlin conference and the good work came out of that meeting 10 years ago. There was an acknowledgment by the countries in the OSCE that there was a problem, and they needed to do something about it. So an action plan was adopted that included Holocaust education—to what good police work is involved in dealing with tolerance, the requests for information concerning hate crimes in all of our states was part—came out of the Berlin Conference. The responsibility of government leaders to speak out against intolerance came out of the Berlin Conference, and the Personal Representative for Combating Anti-Semitism was one of the results of the—of the Berlin Conference.

As we know, we now have three Personal Representatives dealing with not just anti-Semitism, but dealing with anti-Muslim activities and dealing with xenophobia and racism and anti-Christian activities, and ODIHR—they're here today has been the focal point for the coordination of the work dealing with tolerance.

So today, we are updating what is happening, and we're at the 10th anniversary of the Berlin Conference, and we anticipate later this fall that there will be a gathering in Germany to assess where we have been in regards to combating anti-Semitism. And the other forms of intolerance—and I very much believe that they're—all three related—a community that's vulnerable to hate crimes against Jews is a community that's vulnerable towards hate crimes towards people of African descent is a community that is vulnerable to hate crimes against Muslims. It's a community that's vulnerable to hate crimes against Christian minorities, so it's all—and hate crimes against the Roma population. They're all very much related to these issues.

But let me just point out, in regards to anti-Semitism, some of the most recent events that have me extremely concerned. There was the EU fundamental rights agency, last year, that did a survey that found that in three European countries—Hungary, France and Belgium, between 40 to 48 percent of the Jewish population is in fear of their own safety, so much so that they are considering emigrating to Israel. That's an alarming number.

The Anti-Defamation League surveyed 100 countries and said there is persistent anti-Semitic prejudice in the countries that were surveyed. We've seen violence in the United States—in Kansas, three people were killed at a Jewish community center. In May, in Brussels, three people were killed outside of a Jewish museum. So

it has really—we've seen the outbreak and concern. I had a friend who recently came back from France and told me that he could sense—he's Jewish, and he could sense the anti-Semitism as he was visiting that country—the outward feeling that you get when you know that you're not welcome in certain places.

So it is a major area of concern, but here is what really has me concerned. Ten years ago, when we were talking about the tolerance agenda in Berlin, we knew that we had a problem with communities, but we knew that governments were on our side. They were prepared to take action to fight the intolerance. Today, we see governments taking actions that support the intolerance and are not openly working to fight intolerance. That is of great concern because I don't want to say we're at where we were leading up to World War II, but the problems leading up to World War II is when governments took direct action to support intolerance and prejudice, and we see those signs developing today in Europe, and that has us gravely concerned.

In Hungary and Greece, extremist parties are associated with street militias. We know in Greece the problems of the Golden Dawn party in regards to open anti-Semitism. In Hungary, the Jobbik party, which is the second most significant party from the point of view of representation in that country, has taken direct steps to promote anti-Semitism.

In Hungary, we've seen not only a monument that was erected to glorify a World War II anti-Semite, but we also see, in the middle of the night, Hungary set up a memorial to the 1944 German occupation in a way that was offensive to the Jewish community. So there are direct governmental issues, and then, on June 2nd, the Supreme Court issuing a finding in Hungary that basically says that you can't criticize the Jobbik Party. These are all areas of grave concern.

The State Department report verifies a lot of what we are saying here—the rise of xenophobia and anti-Semitic Jobbik Party, which has called for the creation of a list of Jewish public officials, repeated the historic blood libel against Jews and labeled Jews as a national security risk. So there are reasons for us to be concerned about what's happening by governments, not just communities—not just individuals, but what's happening by governments. We're seeing laws that are passed that inhibit Jews from being able to practice their religion on Kosher foods, on wearing a head covering. We've also seen it against the Muslim communities, we know, with the Burka restrictions that have been imposed that are offensive to Muslims and insulting to Muslims.

So we are concerned about what is happening in the tolerance area—not only as it relates to Jews but as it relates to minorities, as it relates to the Roma population, the Christian population. I'd note that ODIHR is going to have a meeting this fall of people of African descent leaders. We appreciate the leadership that has been demonstrated there.

The purpose of this hearing is to determine how we, the United States—how the Helsinki Commission, which, over a decade ago, led the charge in regards to OSCE's sensitivity to tolerance—how we again can provide the leadership so that OSCE can be a leader in government responsibility for promoting tolerance for all people.

And with that, let me turn it over to Senator Boozman, and thank you very much for being with us today.

HON. JOHN BOOZMAN, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. BOOZMAN. Well, thank you, Mr. Chairman, for holding this very important hearing, and I certainly want to associate myself with your remarks. I think, in the interest of time, what I'd like to do is ask unanimous consent to put my statement in the record with votes and things like that, and then go ahead and—

Mr. CARDIN. I thank you very much, and I should point out, as Senator Boozman has already pointed out, that there will be a series of votes on the Senate floor beginning at around a quarter of 11:00 this morning, which—we will try to continue the hearing, depending upon the House participation, and I don't know what the vote situation is in the House, but if not, we will have to take a recess at that particular time.

So with that in mind, let me turn to our three Personal Representatives who are here, and once again, thank you very much for being here, and thank you very much for your commitment on these issues. Rabbi Andrew Baker, the Personal Representative for Combating Anti-Semitism, well-known to our commission. Professor Talip Kucukcan—we thank you very much for being here—the Personal Representative on Combating anti-tolerance and discrimination against Muslims.

Alexey Avtonomov—sorry for how I must have mispronounced that—the Personal Representative on Combating Racism, Xenophobia and Discrimination, and also focusing on Intolerance and Discrimination against Christians and Members of other Religions, you have a broad agenda in dealing with all those particular issues. And Azra Junuzovic from the ODIHR. We appreciate you being here. We understand that you're a resource to answer the really tough questions that the three Personal Representatives wish to defer to you. So we appreciate your presence here and we appreciate the work of ODIHR.

With that, we'll start with Rabbi Baker. As is the practice of our commission, your full statements will be made part of the commission record. You may proceed as you wish.

RABBI ANDREW BAKER, PERSONAL REPRESENTATIVE OF CIO ON COMBATING ANTI-SEMITISM, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Mr. BAKER. Senator Cardin, thank you very much. And thank you for your leadership in this entire issue. As you yourself, in your remarks, indicated—and I have a memory going back those 10 years and more—much of what has happened at the OSCE in the creation of now a full department at ODIHR to deal with tolerance and nondiscrimination leading up to significant conferences and the creation of our respective mandates really started here, and started with your efforts and that of your colleagues. And without that, I think none of this would have really emerged. So it really is a personal pleasure to be here.

While it's a personal pleasure, we meet at a very difficult time. The ongoing conflict right now in Gaza has sparked anti-Israel

demonstrations in many places, with notably large numbers of angry protesters in several European capitals. Many are carrying placards and spewing rhetoric that's clearly anti-Semitic. A week ago in Paris, crowds shouted "Death to the Jews" and laid siege, literally, to a synagogue with 200 worshippers inside. It led the Interior Minister to impose a ban on some of these demonstrations, though they have still continued. You've had similar outbursts in other European capitals—cities, in Germany, in the U.K., in Italy.

As you noted, at the Berlin conference 10 years ago a declaration was adopted, and that declaration stated that we, the collective countries, participating states then numbering 55, declare unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism. While events taking place today in the OSCE region show how important it is to remember those words and to remind governments that they are part of that collective statement, they're a rebuke to those who would still seek to somehow excuse the anti-Semitism or rationalize it. And they're a clear call to political leaders to speak loudly and act quickly to condemn the anti-Semitic attacks and ensure that all available legal measures are taken to prevent further outbreaks.

I'm pleased to note that even today at the meeting of EU foreign ministers in Brussels, there was a collective—a joint statement by three ministers—those of France, of Germany and of Italy—that essentially expressed this same position, that there is no place for anti-Semitism and that this—these demonstrations must be curtailed when they turn into anti-Semitic acts and expressions, and that they said we will do everything in our countries together to ensure that all of our citizens can continue to live unmolested by anti-Semitic hostility, and in peace and security, which was an important intervention at this time.

I would like to have—I would have liked at this meeting to be able to report to you on an extensive experience in this role as a Personal Representative. We are already six months past our appointment by the current Chair-In-Office. This is, unfortunately, our first joint visit to be taken. Another is scheduled in September for Denmark. We hope to have still another later in the year to Russia. But I think the importance of these issues show that there's much more that we could have been doing during these months that have already passed.

I would like as well to point out—and you have a more complete report of this in the record that I did make my own visit to Ukraine in late April. It was responding to really what was an extraordinary situation at the time and the heightened attention that was being given and different parties making charges of anti-Semitism. That report has been completed. It's been issued. You have a full copy of it, which, if you'd like, we can—we can discuss in further detail. But one of the critical issues was separating out anti-Semitism that was really being fomented by provocateurs, by outside actors, from what was more indigenous, shall we say, to Ukraine. There are of course other troubling developments in this issue, in this area throughout the OSCE region, which I would at least quickly like to highlight.

You mentioned the violence that took place earlier this year, the murders in Brussels at the Jewish museum. Frankly, it heightened the very real problem of Jewish community security. This is something that the OSCE took up at a high-level expert conference a year ago in Berlin resulting in a series of civil society recommendations—again, something you’d find appended to my full testimony. But what happened in Brussels points out the dilemma that Jewish communities confront. They have an enormous security burden. It’s a combination both of potential terrorist attacks and what we see now, radical jihadists returning from Syria looking for local targets, trained, armed and, again, radicalized by that experience.

Even when I met in my role with officials in the Interior Ministry of Belgium, they acknowledged that the security level, the threat level facing Jewish institutions, was similar to that facing the American embassies or the Israeli embassy in Brussels. But they have nothing like the security needed or the security that those institutions receive, so more really must be done to address this issue of community security.

And as you noted, 10 years ago was the seminal Berlin conference of the OSCE and declaration that was issued at the time. And I’m pleased to be able to say that there will be a high-level 10th anniversary event. It is scheduled for Berlin. It should take place on November 11th through the 13th. It will include, at the beginning, a very full and robust NGO civil society forum. As you recall, that was a significant component 10 years ago. I’ll be in Berlin next week, hopefully to try and finalize the logistical aspects of this. But it’s an event all the more looking at what’s taking place today that should be a focus of energy, attended by, I would hope, another American delegation and by governments at a high level.

We do know and expect the German foreign minister to preside; the Swiss Chair-In-Office, Federation Foreign minister, also to be present. And I hope our government will be there at an equally high level, again to be able to reiterate, to look back at the commitments that were made but in many cases unmet by various governments, and hopefully to try and focus attention and continue this really ongoing struggle.

So let me thank you for this opportunity. And let me, as I close, just pay a special word of thanks to Representative Steny Hoyer, who was—as you said, he was here at the beginning, but he was really here before the beginning, I think—in moving these issues. So it’s really wonderful to see him here today. Thank you, Senator.

Mr. CARDIN. Thank you, Rabbi Baker.

Before Congressman Hoyer arrived, I referred to him as the Chairman Emeritus of the Helsinki Commission, and I think that is the appropriate title for Congressman Hoyer. During the days of the Soviet Union, he was the most outspoken member of the United States Congress on standing up for the rights of people within the Iron Curtain that had no voice, but for the work that was done here, and I was proud to be part of many of those delegations to Eastern Europe at the time to stand up for basic rights and—under the leadership of Congressman Hoyer, and the tolerance agenda clearly was forwarded by his leadership when he was chairman of the U.S. Helsinki Commission. So I’m going to inter-

rupt at this moment and give Emeritus Chairman Hoyer an opportunity to be heard.

**HON. STENY HOYER, MEMBER FROM THE STATE OF
MARYLAND**

Mr. HOYER. Well, thank you very much, Chairman Cardin, and Senator Boozman, thank you very much for being here. Rabbi Baker, thank you for your comments, and witnesses, thank you for your not only being here, but for your focus, your energy and your intellectual power being applied to the issue of racism, anti-Semitism, and discrimination on the basis of irrelevant aspects of personality or gender or place. It's critically important that we live in a country that expresses a view that all men are created equal, and endowed by God with inalienable rights. Protecting those rights is an ongoing, daily experience for those of good will who want to see a world in which that principle is respected. So I am very pleased to be here with you. When I retire from Congress—Rabbi Baker, you said I was here before the beginning—I am old, but I was not here before the beginning. (Laughter.) But I appreciate what you meant by that, and thank you very much.

But I have been involved in this process for a very long time, and when I retire from Congress 20 years from now or thereabouts, I will look back on—one of the most important aspects of my—some—now 34 years in the Congress of the United States—was my service on the Commission on Security and Cooperation in Europe and my participation with other nations, mainly in Europe on trying to bring the principles—particularly Basket III of the Helsinki Final Act to realization as realities in countries, not simply articulated principles.

I also want to take the liberty of—I think you saw me come in and embrace a number of these staff members with whom I have worked almost all of my Congressional career and who have brought such extraordinary expertise to this effort and such passion to this effort, so I thank them very much for their continuing service. And those who are new, I thank them as well for involving themselves.

I want to thank the Commission for conducting this critical hearing, as well as to extend my gratitude to the three witnesses, and to you, Madam Secretary, each of whom serves a critical function in advancing the OSCE's mission of protecting freedom and democracy. The Soviets thought that the Helsinki Final Act, signed in 1975, were simply words. Vaclav Havel gave a speech to a joint session of Congress in which he said he thought Czechoslovakia and Helsinki activists were empowered that ultimately led to the fall of the Iron Curtain. Nowhere is that mission, signed onto in '75, more visible today than in Ukraine, where OSCE personnel have helped oversee elections, monitored the border, and reported on key security developments. OSCE is, in fact, on the front lines of the somber work of collecting bodies from the wreckage of Malaysian flight 17 and securing the crash site.

In the Helsinki Final Act, signed in '75, the participating states made this declaration: the participating states will respect human rights and fundamental freedoms, including the freedom of

thought, conscience, religion or belief for all, without distinction as to race, sex, language or religion.

It went on to say that they recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor in the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves, as among all states.

The Helsinki Final Act, of course, was a reaction to the horrific concept that how a nation treats its own people is not the business of any other nation. We have rejected that thought, that we have adopted, essentially, the international premise that we are our brother's keeper. Your work, as Personal Representatives to the OSCE on these issues is integral to the organization's overall effort.

Never has your work been more important—and I speak of the OSCE and this commission—anti-Semitism and other forms of racism and xenophobia have been on the rise in recent years in the OSCE region, the region where it least ought to be on the rise. It ought not to be on the rise anywhere at any time for any justification, but least of all in Europe and in this nation. In recent days, we have seen disturbing protests in France and elsewhere that have included anti-Semitic attacks.

I sent a letter last week to the president of the Abravanel Synagogue in Paris expressing solidarity with his congregation in light of an incident on July 13th in which a mob protesting Israel's defensive actions against Hamas besieged the synagogue and began throwing stones and other objects at the building and its security guards.

We have seen this play before. It must not have another act. At the same time, we hear too frequently of anti-Semitic and other racist chants at sporting events across the continent, as well as entertainers who make comments disparaging the Holocaust and celebrating Nazism, one of the most horrific ideologies pursued by mankind. We've seen what these forces can do, and we must never forget the tragedies of the 20th century that took so many innocent lives.

Russia's proxy war to defend minorities, as they call it, in Ukraine, is particularly offensive in light of this history. It cuts to the very order the OSCE and its supporters. The first and second World Wars were instigated, in part, as a result of the pretext of protecting ethnic minorities abroad. My view is that this Commission—this country—people who express the principles of freedom and justice and fairness need to speak out and to act out to prevent this growth and the manifestations of this hate that it reflects. I thank the Commission for continuing to make this issue a priority and for making a strong stand against these forms and any forms of hatred that threaten to undermine our freedom.

Thank you, Mr. Chairman.

Mr. CARDIN. Congressman Hoyer, thank you so much for your—for your statement. More importantly, thank you for your commitment to the tolerance agenda. We will now turn to Professor Kucukcan, and we look forward to your comments.

**PROFESSOR TALIP KUCUKCAN, PERSONAL REPRESENTATIVE
OF THE CIO ON COMBATING INTOLERANCE AGAINST MUS-
LIMS, ORGANIZATION FOR SECURITY AND COOPERATION IN
EUROPE**

Ms. KUCUKCAN. Well, thank you very much, Mr. Chairman. I am thankful to those who are organizing the Commission for giving us the opportunity to express our views and share our recommendations. I will be reporting on what's happening with the Muslims in the OSCE region. First, I would like to share the findings of some of the large-scale research carried out by the EU Fundamental Rights Agency, Pew Research and Gallup that show intolerance against Muslims, and also, Islamophobia, is on the increase in the OSCE region.

This is taking place, in fact, in the context in which Islam and Muslims are seen in a monolithic fashion, and the perceptions, especially perpetrated by the leading political figures in some countries and in the media—especially in recent years—in social media are contributing to the rise of monolithic and essentialist perceptions of Muslims. And in those perceptions, what we see is that Islam and Muslims are usually associated with violence and intolerance, and Muslims are seen as incompatible with Democratic values, and Western values are usually seen as superior when it comes to Islam.

And the Runnymede Trust Report, which was established in Britain in the 1960s, also indicates that there are widespread misinformed and biased views of Muslims, and sometimes, of course, those views and perceptions are translated into acts among the public. And also, Muslims especially, where they are in minority, are seen as not being able to integrate into the society—especially, this is the case in France and in other places where some of the Muslim traditions are not allowed to be practiced, like ritual slaughtering, head scarf issues like the Chairman has alluded to, and also circumcision issues. These are fundamental rights of the Muslims but, in some cases, they are not able to practice. I think there are similar issues with the Jewish communities around these areas.

Maybe one can also see that some areas can also be seen with other communities, especially when it comes to ethnicity, race and religion. These are the issues that should be brought together. And maybe cooperation could be established in order to fight intolerance and discrimination on the basis of faith and religious belongings in the OSCE region.

These essentialist perceptions also led to the securitization of Islam and Muslims in Europe and elsewhere, even in this country, especially since 9/11. And what we see is that there's a trend towards the securitization of Islam, representing Muslims as threats to Democratic values. Therefore, what we have seen in those areas, is that anti-terror laws curtail some of the civil liberties, and religious profiling has started in some of the OSCE countries.

In Germany, for example, we have never seen before the search of the mosques. In the last couple of years, we have seen the rise of intelligence gathering on mosques and imams in several countries that have also, I think, a violation of basic human rights for

Muslims. These kinds of profiling and intelligence gathering on the basis of religion continue in different degrees today.

Despite the fact that Muslims are concerned, also do not approve the radical views, especially as seen in the last Pew poll which indicate that more than 80 percent of Muslims are concerned with radicalism and they do not approve of it. But generally in the media, in the political discourse, Muslims are seen as extremists and I think time to time that leads to feelings of intolerance against Muslims in many places.

And especially in the last European Parliament's elections, we have seen the rise of far-right movements and racist parties in Europe. And they have—especially in three countries, Britain, France and Denmark—they have expressed a hatred against Muslims and other minorities. And social media is an important site where one should look at very carefully.

There are, of course, different sites where we can see the intolerance and anti-Muslim activities in the world. For example, instances of anti-Muslim rhetoric by politicians and public figures posting on the Internet and other forms of social media. The nexus of intolerance, hate—or crime—one might call it cyberhate and intolerant discourse against Muslims is an issue that participating states need to address.

While acknowledging the challenge for participating states to ensure the freedom of expression, they also have a duty to promptly renounce hate speeches by public officials and ensure robust intervention whenever comments expressed pose a threat to Muslim individuals and communities. What we see actually in many European countries and in OSCE countries, there is not a regular reporting of the hate crimes against Muslims. I think only in several countries—Austria, Serbia, Sweden and the United States—do you have such activities.

Therefore Muslims are not able to—or not encouraged to report some of the assaults and threats against imams or physical attacks on Muslim women wearing head scarf and desecration of mosques and other Islamic sites simply because they believe that their complaints will not be taken on board by the authorities. I would like to end up with a set of expectations and recommendations that could be taken further.

First, it should be acknowledged that the intolerance against Muslims is not a problem of—only for Muslims. It is a human rights problem concerning everyone. Second, integration policies, especially in places where Muslims are the minority, should address the social and economic needs of Muslims in the countries that they are residing. Especially after the economic crisis in many countries, we see that minorities, including Muslims, are becoming targets increasingly.

The third, senior government leaders should send immediate, strong, public and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance against Muslims will be investigated thoroughly and prosecuted to the full extent of the law.

Fourth, recognizing the particular harm caused by violent crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes against

Muslims. We have seen, for example, that is a welcome development in many countries, the Holocaust or denial of Holocaust or anti-Semitism is a punishable crime. Therefore, Islamaphobia or hatred against Muslim on the basis of religion should be a punishable crime as well.

Fifth, governments should ensure that those responsible for hate crimes against Muslims are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system and that the record of the enforcement is well-documented and published. Sixth, governments should maintain official systems of monitoring and public supporting to provide actual data for informed policy decisions to combat violent hate crimes against Muslims. These are taking place, but on a very minor level, not sufficient enough.

Seventh, governments should conduct outreach and education efforts to Muslim communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement buddies. Lastly members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities, including Muslims. Thank you for your attention.

Mr. CARDIN. Well, Professor, thank you for your testimony. I think your recommendations are extremely important to us and we know that we've taken the issue of hate crimes, that you need to know—you need police training and you need to be able to identify hate crimes. And we have to have statistics on it. And that's one of the major efforts that we've made in the United States at the national level. And we thank you so much for your testimony.

We now turn to Mr. Avtonomov. Thank you very much for being here.

**ALEXEY AVTONOMOV, PERSONAL REPRESENTATIVE OF THE
CIC ON RACISM, XENOPHOBIA AND DISCRIMINATION, ALSO
FOCUSING ON INTOLERANCE AND DISCRIMINATION
AGAINST CHRISTIANS AND MEMBERS OF OTHER RELIGIONS,
ORGANIZATION FOR SECURITY AND COOPERATION IN EU-
ROPE**

Mr. AVTONOMOV. Thank you very much for giving me the floor and thank you for the invitation. I think it's very important for us just to have a joint visit in the United States and to discuss all these problems. Thanks, I would like just to turn to my colleague and thank Helsinki Commission for this meeting and for the discussion.

My mandate is one of the most—the vastest, the broadest among all three Personal Representatives. And that is why I don't mean just to repeat what they have already said. And I think that it's very important just to stress that the hate crimes and the hate speech is rising all the time. And not long ago, when the thought that xenophobia and hate crimes might be eliminated completely, but unfortunately during the last years, especially during the economic crisis period, we noticed that there was a constant rise of the

hate speech and trying to blame all the problems upon those who are minorities from this or that point.

I mean, just ethnic minorities, language minorities, religious minorities and so on and so forth. And so it's a great problem. I'm very thankful to ODHIR, who is preparing annual reports on the hate crimes. And this report gives us a lot of information in this field and shows that all the—all the problems are more acute during the economic crisis and so the economic difficulties also make a great contribution to the rise of xenophobia and discrimination and hate crimes.

I'm very grateful just that Romani ethnicity was mentioned as well because they are also victims. During the second World War they were, along with Jews, they also were victims and proclaimed just to be eliminated completely—they were two nations who were proclaimed by Nazis to be eliminated—Jews and Roma. It's also problem for us. I'm trying just to find information about Roma from the United States. I understand that probably there is not any problem, but we know that we need some information to understand what is going on.

I am very grateful for any other information about, for example, people of African descent, all efforts and all affirmative actions that were just made by the United States. Still in this field, especially in the field of justice assistance to the OSCE, to provide some—to provide research work and roundtables dealing with people of African descent, all efforts and all affirmative actions that were just made by the United States. Still, in this field, especially in the field of just assistance to the OSCE to provide some—to provide research work and roundtables dealing with people of African descent, I think that's important, and the United States shows us an example.

Because of the information that were collected inside the United States, we know better the situation now as well actions in favor of—in favor of elimination of discrimination of people of African descent, but still are narrow. And we receive information from different NGOs that the structural discrimination still exists in the United States and in many other countries of the OSCE. But I think that the collection of information is one of the main tasks, just to understand—to understand the problem and just to find the solution for them—for the problem.

So I think that, as well, Christians are considered to be dominant religion in the majority of OSCE countries, but still—but actually we're faced with the problems of anti-Christian actions as well, and not only from a—anti-Semitic but as well anti-Christian, which is probably surprising. But I think that any problem which is not faced by the people, and the problem which is not tried to be resolved, may arise and may bring us to the difficult situations.

Unfortunately, the majority of the OSCE countries, despite of the fact that they proclaimed collection of data, didn't collect enough data. And I know that only a few countries are collecting the data. And according to the—to the Holy See, for example, during the last—during the—during the previous year there were 12 actions in the OSCE countries which has anti-Christian nature, different actions in the different fields. But I think that the struggle against any kind of xenophobia and intolerance may bring us to the situa-

tion of better understanding of different religions, different ethnic groups and different linguistic groups, which is very important.

So I don't mean just to be very talkative. We don't have a long time to discuss all the questions. So that's why—let me just to thank once more the Helsinki Commission for this invitation and for the discussion. Thank you very much.

Mr. CARDIN. Well, thank you, all three of you, for your contributions. And it's good to have all three of you together. I know that's the desire of the Chair-In-Office that we share the information from all three of the Representatives, so we appreciate that.

I want to start, if I might, on an issue that has been brought up, and that is when international events occur it is used at times to justify intolerance. And I recall very vividly after the attack on our country on September the 11th that the Muslim community was particularly vulnerable. I was very proud of leaders of our country appearing openly with the Muslim community to express support and to act in a responsible manner. I've called—I visited several mosques during that period of time.

And I think that it's important that leaders stand up during these particular moments. I remember during the Berlin conference, the intervention by the Vatican dealing with no justification for historical events for anti-Semitic activities, and I thought that was an incredibly important moment in dealing with dispelling international events as justification for intolerance. Recently, obviously with the problems between Hamas and Israel, that could affect, as Rabbi Baker has pointed out, the anti-Semitism in Europe particularly but also anti-Muslim activities in the United States.

So are we seeing government leaders take positions very clearly that there is no justification for anti-Muslim or anti-Semitic activities during these upticks of international events that could be used to justify such actions? Where are the leaders, Rabbi Baker?

Mr. BAKER. Well, we've seen some responses. I guess the question is, how quickly did they come, how forcefully, and by how many? Several people referenced what has gone on in France. And you did have, over the weekend, a very strong statement by the French Prime Minister, another statement by President Hollande. But as you pointed out, French Jewry, the largest community in Europe, has an enormous level of anxiety, even questions about their future in the country. So these are important statements.

I referenced earlier a joint statement by three foreign ministers. But for the most part, I think these almost are the exceptions. It's not quick and genuine to see these responses. They still need to be encouraged. I think the culture may be a different one than what we're used to in the United States where a lot of church leaders, opinion leaders, others more reflexively will speak out. I think that's something that we're trying to—trying to push, trying to encourage, again, reference to that declaration 10 years ago.

One of the other dilemmas, just to let me cite—even with these strong words, what we've seen in places—France again a good example—political leaders sometimes describe this as a manifestation of intercommunal tension, as though these are two minorities outside of the mainstream who are somehow battling with each other. Nothing could be further from the truth.

First of all, it separates them, certainly Jews in France, from understanding, as full and longtime citizens of the country, and also suggesting a kind of equivalency here, which is, frankly, not the case. So I think words are important, speaking out quickly is important, but also caution in trying to somehow deflect this as though these are intercommunal fights when in reality they're not.

Mr. CARDIN. Are we doing enough in the United States with leadership to protect the Muslim community during these times?

Ms. KUCUKCAN. Certainly there has been responsible leadership, but also the research indicates that there has been some religious profiling, et cetera. I think when we compare the United States to European countries, we have seen that the United States provides a wider atmosphere for freedom of religion for organizations, for, you know, communities, et cetera, et cetera. But the 9/11 has a spillover effect all over the world. I think that is what matters.

And maybe the United States overcomes this issue, but if you look at some of the OSCE countries, still we see that Muslims are seen as a threat, if you look at the laws and regulations, especially anti-terror rules for example. Yes, of course these states are responsible to protect the nations and citizens, but that should not be at the expense of, I think, civil rights. That's my observation. Thank you.

Mr. CARDIN. Several of you mentioned hate crimes in your presentations. And of course ODIHR is responsible to get statistics on hate crimes among the OSCE states. So perhaps I could start with—you have the largest agenda of any of the three Personal Representatives. How satisfied are you of the information that is currently available by collection by ODIHR? And then perhaps I'll allow you some rebuttal time. Yes? Or maybe it's not rebuttal; maybe it's supportive time. Yes.

Mr. AVTONOMOV. So, I—even on mine, I think just also to contribute to what my colleagues said, what is necessary actually? It's not only just collection of data, but I think it's not necessarily just only punishment of those perpetrators—which is important, of course—but it is only some kind of the struggle of post-action. I think what is very important actually, it is just promoting tolerance and understanding in the educational system.

In my opinion, it's not quite enough efforts in the OSCE countries just to promote this mutual understanding of the diversity and mutual understanding of different communities. So separation of community is one of the ways just to promote intolerance while cooperation among different communities. Understanding their identities, their own identities, and recognizing the identity of others are the most important just to overcome for these problems and to promote tolerance, first of all, because tolerance is—this is the best way to—the cooperation. The first step is tolerance but the next is cooperation and solidarity among different communities without—with different identities, and maintaining these different identities and diversities.

So thank you very much.

Mr. CARDIN. Let me see first if Senator Boozman wants to make a comment, because I know he's going to need to leave to the floor soon because there's a vote on.

Mr. BOOZMAN. Let me just ask one question.

Rabbi Baker, we understand from a report by Human Rights First, coming out this week, that Russia has been courting the anti-Semitism far right parties across Europe, and that eight of the far-right parties that were elected to the European Parliament in May are avowedly pro-Russian. At the same time Moscow is accusing the nationalists in Ukraine of being anti-Semites, and it is turning a blind eye to anti-Semitism in its own youth organization, Nashi. Do you have any insight into how Russia is using the anti-Semitism issue in Europe and to the extent that Russia supports anti-Semitic European parties? And how might the United States respond?

Mr. BAKER. Well, of course, I realize there is a challenge in responding to Russia on so many fronts these days, this is hardly first among them. But it really was to a degree one of the reasons that I made a visit to Ukraine in late April because we saw there certain charges, accusations, and we saw a number of violent anti-Semitic incidents, which, frankly, had really been absent in Ukraine for some time. So part of the difficulty was sorting through what clearly appeared to be, and at least in these violent incidents, provocations that, according to most sources and certainly virtually everyone in the Jewish community in Ukraine, were probably traced to at least pro-Russian elements in society. And clearly, the Russian media reporting on events in Ukraine twisted many things out of basic reality to suggest, again, a much higher degree of anti-Semitism in the country and rhetorically painting the interim leaders at the time as being Nazis and right extremists.

Here again I think there is an element in Ukrainian society, a nationalist element, that has been anti-Semitic, that has posed challenges, certainly to a correct view of history and the Holocaust in Ukraine. But I think this has been enormously exaggerated as well, as its reach for those nationalist strongly anti-Semitic reasons, its reach in society has been quite, quite limited. And so ironically, Jews in Ukraine were expressing a high degree of optimism in the future for the Jewish community provided that the larger challenge with Russia would be resolved or settled. So I think there was a lot in the arsenal coming from some of these pro-Russian voices—again, related to, perhaps stemming from sources in Moscow—that clearly exaggerated and exacerbated the situation—at least vis-à-vis Ukraine; I don't have quite the same intelligence when it comes to other countries.

Mr. BOOZMAN. Thank you, Mr. Chair.

Mr. CARDIN. Thank you.

Ms. Junuzovic, would you just brief us as to the status and how satisfied ODIHR is on the information you're receiving from the member states on hate crimes?

AZRA JUNUZOVIC, DEPUTY CHIEF OF TOLERANCE AND NON-DISCRIMINATION UNIT, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Ms. JUNUZOVIC. Thank you very much. I would gladly do so.

I would like to add that we've been tasked to serve as a collection point for the information on hate crimes in the OSCE region, and we've seen that since 2008, when we started publishing our re-

ports, there has been an improvement in the level of the awareness by the participating states, which on one hand should be acknowledged and should be applauded, but at the same time, what we are seeing that is being done throughout the region, it's not enough. Very often the data that we receive on hate crimes that are targeting Jews or Muslims are very scarce. They are not very comprehensive. There is no clear disaggregation of data, and very often it's not clear where further actions need to be taken.

I should also add, when it comes to data collection, yes, it's immensely important, but it's also immensely important when it's put into context, that we need data to be able to formulate adequate policies so that for example, when a tax on Jewish places of worship or Muslim places of worship or Christian places or worships and—when they take place, that this data is used to protect the communities and individuals at question.

So I think for us, data that we receive is certainly not enough, and what we see as really important is that we continue training police, prosecutors, criminal justice system, that they are able to recognize and monitor hate crimes, and that also we are able to train civil society so that they have the capacity to also work together with the criminal justice system on trying to address this issue adequately.

Thank you.

Mr. CARDIN. Well, what I would offer to you is the help of this Commission to further the—your work. We recognize some countries are doing a great job; others are doing a mediocre job. And I think it's important to share best practices. And I would invite the help of our Commission and our embassy in Vienna to do what we can to share what countries need to do on police training and on compiling information so that the work of our Personal Representatives can be more informed.

Ms. JUNUZOVIC. Thank you very much for your support. And I should also just use this opportunity to thank the U.S. government for the ongoing support that we have received on many different fronts, also with the financial contributions to our work. And we will certainly will be relying on your support.

Mr. CARDIN. One of the greatest challenges here is how we divide the right of freedom of speech, freedom of expression, freedom of political participation with intolerance activities. And that's particularly difficult for the United States because we have the constitutional protections in our First Amendment to guarantee those rights to all of our citizens. And I think where the three of you can be most helpful to us is helping us with guidance as to when you cross the line on your unalienable rights to express your views and participate in the political process and when you are involved in activities that need to be condemned and spoken out against because of its anti-Semitic, anti-Muslim, anti-tolerance issues. So any way you could help us in that, I would certainly appreciate that.

I have just an additional comment to make, and if you want to respond, Rabbi Baker, I'll give you a chance. And that is: In Hungary, why would 48 percent of the Jewish people there feel like they're unsafe? Is there—here we have a NATO ally, a country that we thought was a—on a strong path towards the principles of OSCE—48 percent, the largest in Europe. Largest Jewish popu-

lation, large Jewish population there. That's a huge number of people that feel their government's not there to protect their rights to be Jews.

Mr. BAKER. Yeah, I think you're referring to the FRA survey where 48 percent had suggested they considered emigrating during these last several years. And as you say, it's the largest Jewish community in Central Europe—100,000, 120,000 or more—where there's been a genuine revival, really, of Jewish life and activity.

I think it's a combination of two general pieces. First, we've seen the rise of the Jobbik party, an extremist, far-right, anti-Semitic party. So it's taken what was really a vicious anti-Semitic, crude anti-Semitic rhetoric you might have heard only on street corners and brought it right into the halls of parliament. But you also have a government, a center-right government, as it will describe itself, the Fidesz government, which has both courted the votes of the Jobbik party, so in political campaigns plays a certain—within limits one has to say, but a certain nationalist card, and also has in various often public ways suggested that there ought to be a somewhat different historical narrative about the Holocaust, which adds to the insecurity and uncertainty that Jews in Hungary feel, as though even this history is no longer settled. So there have been some provocative acts and statements.

And it leads, again, to a sort of message that says—and Hungary, by the way, is a very homogenous society, so Jews and Roma are perhaps identified as almost the only minority groups. But the Jews in Hungary are very Hungarian-focused, assimilated community, one that has done so with pride. So these efforts to somehow push them outside the mainstream of Hungary—Hungarian population, thought, culture—has I think been a main contributor to the sense of anxiety that was reflected in this survey.

Mr. CARDIN. Yeah. Well, let me thank you for those comments. And I thank all four of you for your participation here.

It—for your convenience, we're going to adjourn the hearing rather than keep it open during—via lengthy recess; it would take at least 45 minutes. But I do have other questions for you, and I assure you that through the Helsinki Commission, we will be in touch to figure the best agenda to move forward. I think Congressman Hoyer said it best that the Helsinki Final Act is probably best known for its advancements of human rights. And quite frankly, I think the work of the three Representatives are critically important to that. I know that Chair-In-Office is looking at ways to make the—this—your work more efficient and effective, and I can assure that the U.S. Helsinki Commission will weigh in very strongly to maintain a focus on the agenda that the three of you represent. We strongly support your mission. We strongly support the work that you do. We want to give you more tools rather than less to be able to accomplish your objectives. And with that, again, we thank you very much for your work. We thank ODIHR for its presence here. And the committee will stand adjourned.

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

In 2002, the continuing phenomenon of anti-Semitism—indeed, its intensification—prompted me to work with other members of the Helsinki Commission and the OSCE Parliamentary Assembly to push for the OSCE to treat anti-Semitism and anti-Jewish violence as specific region-wide phenomena, particularly in light of the Holocaust. As a result of these efforts, in 2004 the OSCE convened a conference on anti-Semitism in Berlin. That meeting was a pivotal event in the effort to combat acts of extremism.

Most importantly, it produced a declaration that condemned acts motivated by anti-Semitism and other bias-motivated hate crimes, led to an OSCE commitment to monitor and collect hate crimes data, and paved the way for the appointment of three Personal Representatives appointed annually by the OSCE Chair-in-Office to focus on combating anti-Semitism, discrimination against Muslims, racism, xenophobia and other forms of religious intolerance, especially when that intolerance manifests itself in acts of violence.

Unfortunately, the challenges before us have not abated in the past decade. I am most profoundly alarmed by the increased instances of violence targeting people who are Jewish, who are believed by their attackers to be Jewish, synagogues, or other Jewish community buildings. On Passover eve in April, three people were murdered in Kansas outside of Jewish community centers. Three more people were murdered at the end of May at the Jewish Museum in Brussels. These attacks come when the pain and terror from the 2012 murder of four adults and three children at a Jewish school in Toulouse is still so profoundly felt. Last week, two synagogues in Paris were attacked. These horrible incidents illustrate that the physical protection of Jewish communities and their institutions is critical and more must be done to prevent such atrocities.

I am also alarmed by the electoral successes of extremist parties in a number of European countries—not only in the most recent European Union Parliament elections, but in national and local elections as well. Two countries in Europe, Hungary and Greece, have extremist parties associated with street militia. All of Greece's Golden Dawn MPs are now facing a variety of criminal charges, from attacks on immigrants to one case of alleged murder. The racist remarks of a Polish MEP in the European Parliament last week illustrate continuing prejudice towards people of African descent in the region.

Most dangerously, extremism has also bled into the “mainstream.” Years of anti-Roma rhetoric crudely stereotyping Roma as criminals, sometimes voiced by officials at the highest levels of government, has fueled an escalation of vigilante attacks and other repressive measures against Roma.

While acts of violence may be our greatest concern, they are not our only concern. We should pay particular attention to the patterns of intolerance that contribute to a climate in which violence may ultimately flourish. Measures to restrict the production of halal and kosher food, to ban male circumcision, to restrict religious head coverings or other symbols of faith or even architectural features such as minarets—are discriminatory. But more than that, I believe that the political discourse that has accompanied the debates over these measures has actually contributed to intolerance and bigotry.

Clearly, 10 years after the adoption of the 2004 Berlin Declaration and a decade into the OSCE's work on these specific issues, a great deal remains to be done. I hope the OSCE participating States meet this fall to review, re-examine, and re-

commit to efforts to combat anti-Semitism and other forms of bigotry. The escalation of violent acts clearly demonstrates that more concrete action is needed.

Finally, I want to thank the Swiss Chair-in-Office for supporting the work of the three Personal Representatives and committing early in this year to facilitating this hearing.

PREPARED STATEMENT OF HON. CHRISTOPHER SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

More than a decade ago, I and my colleagues on the Helsinki Commission began efforts to address intolerance in the OSCE region. In 2002, I chaired a Commission hearing on anti-Semitism to address a spate of violent attacks on the Jewish community in France and elsewhere in the OSCE region.

Following that hearing, I and fellow Commissioners joined other OSCE parliamentarians to begin a concerted effort to press for an OSCE solution. Our efforts resulted in the OSCE's appointment of the three Personal Representatives who are here today, the establishment of a Tolerance Unit at ODIHR in 2004, and the convening of regular conferences over the following years monitoring efforts to combat anti-Semitism and other forms of intolerance in the region.

The first of these conferences was the seminal Berlin Conference which for the first time recognized and set agreed upon standards by which OSCE participating States should combat anti-Semitism. These OSCE efforts were further complemented by legislation I advanced here in the United States creating a Special Envoy to Monitor and Address Anti-Semitism around the world within our State Department.

Though this year marks the tenth anniversary of the Berlin Conference, the recent murders in my own country, Belgium, and France targeting the Jewish community sadly attest to the continued presence of anti-Semitism in the region. Additionally, reports from the Department of State's Special Envoy at subsequent hearings I have held in the House Foreign Affairs Committee indicate that attacks on synagogues, Jewish cultural sites, and cemeteries are a global phenomenon with no signs of abating. Similarly, in my role as a member of the Interparliamentary Coalition for Combating Anti-Semitism's Steering Committee, I have identified the continuance of anti-Semitic rhetoric by elected officials as a catalyst for intolerance in the region.

Beyond commemorating the tenth anniversary of the Berlin Conference, there must be a concerted effort by OSCE participating States to strengthen efforts to combat anti-Semitism.

In addition, these efforts must be paired with other OSCE work. Roma continue to be subjected to profound prejudice that, as Pope Francis recently observed, leaves Roma especially vulnerable to abuse, including new forms of slavery. Last fall fourteen men attacked and attempted to throw an Afro-Swedish father, walking with his 18 month old son over a bridge in Malmo, Sweden. Attacks on Muslim women in the United Kingdom have skyrocketed. Intolerance against Christians remains a grave problem. Although the most deadly forms of anti-Christian acts have occurred outside the OSCE region, anti-Christian views also find expression within the OSCE participating States.

I look forward to your testimony today to determine not only continuing challenges in your respective mandates, but also given the OSCE's decade long fight, how best to address the problem moving forward. I welcome your review and thoughts on the matter.

PREPARED STATEMENT OF HON. ALCEE HASTINGS, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

“frankly it is to protect the industry of the north from the competition of the cheap labor from the south and four million human lost jobs. Well it was four million n-word, but now we have twenty million Europeans who are the negros of Europe, twenty million young people are negros from Europe. We are treated like negros and we must destroy the minimum wage”

—quote by MEP Janusz Korwin-Mikke, July 18 European Parliament debate on the minimum wage

This quote is from a public debate that took place last Wednesday in the European Parliament and a shameful example of the continuing prejudice in the OSCE region that makes today’s hearing so necessary.

Mr. Chairman, I am pleased to welcome the Personal Representatives here today to not only discuss their work in Europe, but also the numerous issues impacting minority communities in our own country that they will be addressing during their official visit to the United States.

It is timely that your visit to assess tolerance and discrimination in the United States is taking place this month on the 50th anniversary of the Civil Rights Act. A historic piece of legislation, the Civil Rights Act was signed into law July 2, 1964 by then President Lyndon B. Johnson to outlaw major forms of discrimination on the basis of race, ethnicity, gender, national origin and religion in areas ranging from voting to employment and education. Despite many advances, our country is still far from realizing the goals of that legislation.

Our Supreme Court recently reversed laws that have long protected minority voting. African-American, Latino, and Native Americans continue to experience disproportionately high unemployment, incarceration, and poverty rates. Moreover, according to the most recent government reports, African-Americans and migrants make up the bulk of hate crimes victims in this country. Images of a wave of children trying to cross the U.S. southern border—under the most desperate and dangerous circumstances—have been exploited to fuel already high levels of anti-migrant prejudice in some circles in this country. These are all issues that will be rightly reviewed by the United Nations Committee on the Elimination of All Forms of Racial Discrimination (CERD) this August when our country comes before the Committee.

The racial profiling of minorities, migrants, and Muslims in cities and at borders continues. Muslims, Sikhs, Jews and others continue to be targets of violence and hate as displayed by the tragic murders at Jewish centers in Kansas earlier this year—a testament to the need for participating States to adopt a set of concrete measurable actions to combat anti-Semitism during this year’s commemoration of the tenth anniversary of the landmark Berlin Conference. As one of the original members of this Commission to call for the OSCE to address the problem of anti-Semitism in the region, I cannot underscore enough the need to move beyond words to *action* to address the problem.

Increased physical attacks on Muslim women in concert with the European Human Rights Court’s decision to uphold France’s ban on face veils a measure directed against Muslim women—and efforts in several countries to adopt laws that would hamper the production of kosher and halal foods, have challenged the notion of welcoming cities for members of minority religions in several OSCE states.

Last year our Commission hosted events with both Romani and Black (African Descent) leaders from Europe who similarly requested assistance to address the unabated violence and continuing discrimination impacting their communities. A review of the OSCE’s 2003 Roma Action Plan revealed that despite the passage of a decade, the situation of Europe’s 15 million Roma had not drastically improved. Testimonies we heard last year from Black European leaders during the tenth anniversary of the OSCE’s first racism conferences revealed similar findings. The ODIHR’s Annual Hate Crimes Report and the EU Fundamental Rights Agencies findings that Roma and people of African descent are the greatest victims of violent hate crimes underscores the negative experiences of these communities.

The shameful use of anti-Black racist remarks during last week’s parliamentary debate by the far-right Polish MEP underscores the need for more efforts in the OSCE region to combat racism generally and specific initiatives for people of African descent.

I *reiterate* earlier calls for a US-led international anti-racism fund that could address issues of violence and discrimination faced by minorities and migrants and, for a global State Department office that focuses on issues of people of African descent to complement ongoing tailored State Department human rights efforts for women, religious freedom, anti-Semitism, Muslims, youth, the LGBT community,

and the disabled. As the world begins preparations for the International Decade for People of African Descent beginning in 2015, it is imperative that specific initiatives be tailored to address anti-Black racism in my country and abroad in addition to generally strengthening global efforts to fight racial discrimination.

Additionally, the OSCE needs to adopt a proactive strategy to promote diversity and inclusive policies and practices in the region to meet 21st century demographic changes that are leading the entire region to be more racially, ethnically, religiously, and otherwise diverse. The OSCE could and should assist in the development of inclusive political leadership and counter recent election gains by political parties on prejudiced platforms.

I look forward to reading a final report of your country visit to the United States and follow up conversations to discuss how we might join efforts to combat discrimination in this country and throughout the OSCE region.

Thank you.

PREPARED STATEMENT OF HON. STENY HOYER, MEMBER OF CONGRESS FROM THE
STATE OF MARYLAND

Thank you, members of the Commission, for this opportunity to make a statement. I want to thank the Commission for conducting this critical hearing as well as to extend my gratitude to the three witnesses, each of whom serves a critical function in advancing the OSCE's mission of protecting freedom and democracy.

Nowhere is that mission more visible today than in Ukraine, where OSCE personnel have helped oversee elections, monitor the border, and report on key security developments. OSCE is on the frontlines of the somber work of collecting bodies from the wreckage of Malaysian Flight 17 and securing the crash site.

OSCE also continues to be focused on the scourge of racism and discrimination. In the Helsinki Final Act, signed in 1975, the participating states made this declaration: *The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion. . . . [They] recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor in the peace, justice, and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all states.*

Your work as personal representatives to the OSCE on these issues is integral to the organization's overall effort. Never has your work been more important.

Anti-Semitism and other forms of racism and xenophobia have been on the rise in recent years in the OSCE region, and in recent days we have seen disturbing protests in France and elsewhere that have included anti-Semitic attacks. I sent a letter last week to the president of the Abravanel Synagogue in Paris expressing solidarity with his congregation in light of an incident on July 13, in which a mob protesting Israel's defensive actions against Hamas besieged the synagogue and began throwing stones and other objects at the building and its security guards. At the same time, we hear too frequently of anti-Semitic and other racist chants at sporting events across the continent as well as entertainers who make comments disparaging the Holocaust and celebrating Nazism.

We've seen what these forces can do, and we must never forget the tragedies of the twentieth century that took so many innocent lives.

Russia's proxy war to 'defend minorities'—as they call it—in Ukraine is particularly offensive in light of this history. It cuts at the very order the OSCE and its supporters protect. The first and second world wars were instigated, in part, as a result of the pretext of 'protecting' ethnic minorities abroad. Russia is now using that same argument to tear at the very heart of the international order for peace and stability that was established over the last century at the cost of many American and allied lives—and we cannot let that happen.

That's why today's hearing is so critically important. I thank the Commission for continuing to make these issues a priority and for making a strong stand against these forms of hatred that threaten to undermine our freedom.

PREPARED STATEMENT OF RABBI ANDREW BAKER

At the outset I want to express my appreciation for the role that you, Senator Cardin and Representative Smith, have played in particular and the Helsinki Commission more generally. My memory and experience go back long enough to know firsthand that so much of the OSCE and ODIHR work on fighting anti-Semitism and combating intolerance more generally—activities that include the first international conferences, important declarations, monitoring and police training programs, educational initiatives, and even my own current position and that of my two colleagues—can really be traced back to the hearings and resolutions and advocacy efforts that you initiated here. So it is a special pleasure and privilege for me to be present this morning.

The ongoing conflict in Gaza has sparked anti-Israel demonstrations in many places, with notably large numbers of angry protesters in several European capitals. Many are carrying placards and spewing rhetoric that is clearly anti-Semitic. A week ago in Paris crowds shouted “Death to the Jews,” and laid siege to a synagogue with two hundred worshipers inside, leading the Interior Minister to ban further demonstrations. But unauthorized demonstrations in France, Germany and elsewhere still continue.

Ten years ago the participating States of the Organization for Security and Cooperation in Europe (OSCE) meeting in Berlin adopted the Berlin Declaration, which stated in part that, “[We] declare unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East never justify anti-Semitism.”

Events taking place today in the OSCE region show how important it is to remember those words. They are a stern rebuke to those who would seek to excuse the anti-Semitism or rationalize it. And they are a clear call to political leaders to speak loudly and act quickly to condemn the anti-Semitic attacks and ensure that all available legal measures are taken to prevent further outbreaks.

I would have hoped that as we are already halfway through our current mandate I could report to you on the findings of our OSCE country visits, which is a major component of our work. Unfortunately, we have so far not undertaken a single, joint visit until this one to the United States. A second visit has now been scheduled for Denmark in September. Other countries have been identified, and I know that the Swiss Chairmanship is hopeful that we might also pay visits to Russia and Turkey. But so far nothing more has been fixed. The Swiss have facilitated discussions with the UN in Geneva and the Council of Europe in Strasbourg in the belief that we might learn from their experience and take advantage of the information they have gathered. This may prove to be true, but it will only be truly demonstrated via our own country visits.

I should point out that I did make a special visit to Ukraine on my own in late April, as a way of responding to the extraordinary situation at the time and the heightened attention that contesting parties were giving to charges of anti-Semitism. That report has been completed and issued and is appended to this testimony. I should note that one of the special challenges was to separate anti-Semitic incidents that were determined to be provocations by outside actors from what might otherwise be attributed to local elements. My visit occurred at volatile time. (An OSCE military monitoring mission was being held hostage in eastern Ukraine.) And I am grateful for the assistance provided to me by the Swiss Chairmanship that made the visit possible.

Of course there have been other important and troubling developments with regard to anti-Semitism in the OSCE region which I would like to address.

The murder of four people at the Jewish Museum of Brussels in June apparently carried out by a self-radicalized Islamist extremist reminded us of the special security needs confronting Jewish communities in Europe. In many ways it was similar to the murder of three young children and a father that was carried out in Toulouse, France in 2012. I had the opportunity to address issues of security with authorities in both Belgium and France during country visits undertaken last year. While I believe they are aware of the dangers confronting Jewish communities—although the new challenges posed by radicalized Jihadists returning from Syria are only beginning to sink in—they and most other OSCE participating States have not really adjusted to this new reality. This issue was taken up at length in June 2013 in Berlin at a high level expert conference, *Addressing the Security Needs of Jewish Communities in the OSCE Region: Challenges and Good Practices*. A summary report of the conference is appended to this testimony. (<http://www.osce.org/odihr/105253?download=true>) Although not binding, the participants offered a number of important recommendations to participating States which are only more relevant in light of recent developments.

Members of this Commission will recall that ten years ago this year the OSCE organized a high level conference on anti-Semitism which was hosted by the German Government in Berlin and also issued the important Berlin Declaration. I know you were interested in marking this important anniversary and using it as an opportunity to reexamine the problem and to secure renewed commitments by governments. I am pleased to report that under the current Swiss Chairmanship a high level event has now been scheduled for November 12–14, and it will again be hosted by the German Government in Berlin. Both Swiss Foreign Minister (and OSCE Chairperson-in-Office) Didier Burkhalter and German Foreign Minister Frank-Walter Steinmeier will be present, and we hope that other participating States—including the US—will also attend at a similarly high level. The Berlin gathering will also include an expanded NGO forum with special attention given to student participation.

Among the issues scheduled to be discussed in Berlin are the security challenges facing Jewish communities, responding to hate on the Internet, the role of political leadership in the fight against anti-Semitism, the impact of growing opposition to ritual circumcision and kosher slaughter, and (with particular relevance to the current situation) the impact of the Middle East conflict on European Jewish communities.

I welcome the opportunity to discuss any of these issues with Members of the Helsinki Commission.

COUNTRY VISIT: UKRAINE,

REPORT OF THE PERSONAL REPRESENTATIVE OF THE OSCE CHAIR-IN-OFFICE ON
COMBATING ANTI-SEMITISM,

RABBI ANDREW BAKER,

APRIL 27–30, 2014

Although organized on short notice, I met with a wide range of Jewish leaders and representatives in Ukraine, including rabbis, organizational directors, researchers and student activists. They are not of a single opinion but surprisingly there was a general agreement on several broad issues. Not all of them were active participants in the Maidan demonstrations, but all do view the ensuing developments, including the ouster of the Yanukovich regime and the new government quite positively. Notwithstanding the situation in Crimea and in the east of Ukraine and the uncertain geopolitical developments, they are largely optimistic that given the opportunity Ukraine may now be ready to forge a genuinely pluralistic society.

Provocations and Propaganda

In the last decade there have been relatively few reported incidents of anti-Semitic violence. Thus, the fact that four such incidents have occurred since January this year has been a cause for concern. These included two knife attacks on individual Jews leaving synagogue services in January and an arson attack and anti-Semitic graffiti on two synagogues. Additionally, on April 15, Donetsk Jews were presented with leaflets containing what looked like an edict demanding that they register before the new, self-appointed regional authorities or face the confiscation of their property. Because of their rarity and occurring at a time of political upheaval these incidents received significant international attention. Russian media in particular claimed that the January attacks were a result of the presence of ultranationalists who had come to Kyiv to participate in the Maidan demonstrations.

However, by all accounts of Jewish leaders each of these incidents is believed to have been a provocation, either launched by the previous Yanukovich government or by pro-Russian nationalists. To date no one has been apprehended and charged in these attacks, although government officials are taking investigative measures and believe they will be successful in doing so. Meanwhile, Jewish community leaders insist that there is no credible evidence to tie these incidents to either the right wing Svoboda Party or ultra-nationalist Right Sector, despite the accusations from abroad.

These Ukrainian Jewish leaders also shared their irritation at the public comments being made by some Jewish voices in Russia, which described a far more precarious state of affairs for the Jews of Ukraine than the reality on the ground would indicate. They suggested that such comments were the result of coercion on the part of the Russian government or simply that some of them have had long-time, close relations with the Kremlin. Many Ukrainian Jewish leaders signed an open letter to Russian Federation President Putin charging him with misrepresenting the prob-

lem of anti-Semitism in Ukraine. A few of these leaders reported that they were now being pressured to rescind their signatures.

This problem has not been confined to misreporting or exaggerating the degree of anti-Semitism. They also report a campaign in the Russian media that has intentionally twisted the truth and offered entirely new fabrications. For example, television stories portrayed Jews in Crimea in the aftermath of its annexation by Russia celebrating the Passover holiday, with the message that only now could they do so freely. Although the vast majority of Crimean Jews supported the Russian takeover, they had long been free to practice their religion without any difficulty. Russian media carried select accounts of rabbis voicing fear and concern, but presented them in entirely false ways. Thus, the Rabbi of Simferopol who had publicly opposed annexation and as a result was fearful of remaining fled the Crimean peninsula. Russian television reported his departure but described it as occurring because of Ukrainian anti-Semitism. The Rabbi of the Choral Synagogue in Kyiv warned his congregants at the height of the violence in the Maidan demonstrations to stay away from the city center. His warnings were repeated in news accounts and elsewhere, but presented as though he were calling for Jews to leave Kyiv or even the country entirely.

Danger from Right Wing Parties

There continue to be anti-Semitic incidents in Ukraine that cannot be blamed on outside elements. Researchers from the Euro-Asian Jewish Congress (EAJC) monitor these (largely non-violent) incidents of anti-Semitism in Ukraine and publish regular reports. Anti-Semitic and xenophobic attitudes are also present in Ukrainian society. But how significant a problem this is and to what degree it poses a genuine threat are subject to some debate within the Jewish community. The nationalist, Svoboda Party is most frequently cited as a source for political, anti-Semitic rhetoric. Its leaders frequently use a derogatory term for Jew—much like “kike” in English—in their public speeches. They were also responsible for presenting an anti-Semitic nativity play during the December demonstrations at the Maidan. The party’s stronghold in Western Ukraine and its veneration of Stepan Bandera, a World War II nationalist who was allied with the Nazis, have been the source of some tension with the Jewish community.

Svoboda emerged during the demonstrations as one of the three opposition parties to eventually forge the government. Some Jewish leaders believe the Maidan events genuinely served to moderate Svoboda’s nationalist and anti-Semitic ideology, and they maintain that a real change in the party’s thinking has occurred. Others are more skeptical, suggesting that they were only being careful in their public statements because of the intense international scrutiny. One observer maintained that for now the party had the only enemy it really needed—Russia—but if and when things change, it will again find Jews to be the ready scapegoat. There were still others who maintained that this debate missed a larger reality. They cited opinion surveys showing a significant decline in the party’s popularity, suggesting that it might not even secure enough votes to remain in Parliament. According to these analysts, the party’s support was never due to its nationalist—and anti-Semitic—agenda, but instead it received the votes of those who wanted to protest against the Yanukovich government, and now this is no longer a basis for support.

The Right Sector is a collection of extremist and neo-Nazi groups that gained prominence at the Maidan when its militants confronted the violence of the state authorities. The current government shuns them, and the Jewish community has little contact with them. However, the Right Sector leaders have also been careful in their public actions. They initiated a meeting with the Israeli Ambassador to assure him that they would refrain from making any anti-Semitic appeals. Right Sector members were among the first to respond to the appearance of anti-Semitic graffiti on a Holocaust memorial in Odessa with a well-publicized clean-up campaign. Most Jewish leaders believe these are only temporary tactics and do not really expect Right Sector members to temper their extremist views. But at this point their numbers appear to be too small to have any impact on the coming elections.

Longer-term concerns

Both Jewish organizations and other NGOs say that most anti-Semitic incidents and hate crimes more generally likely go unreported in Ukraine. This is due to a general lack of trust in the police, a record of corruption, and police officers’ inability in knowing how to identify and how to respond to such incidents. In the aftermath of the Maidan demonstrations and February crack down by the previous regime on the demonstrators, overall trust in the police reached a new low. The new authorities have a significant challenge in restoring trust and developing the necessary competence.

Physical Security

Until recently violent, anti-Semitic incidents had been quite rare. As a result, little attention had been given to increasing the physical security of synagogues and other Jewish institutions. However, the attacks of this year have changed the thinking of community leaders. Whether they stem from outside provocateurs (as most believe) or from local Ukrainian sources, they have created a new level of concern. As a stopgap measure and with the support of private donations, Jewish communities are installing security cameras and hiring their own security guards. So far this has been limited to major cities, such as Kyiv, Odessa, and Dnepropetrovsk, but such protection is still lacking in many smaller communities. How active and responsible police authorities will be in the event of an attack is uncertain. (The Reform Rabbi of Kyiv does say that an alarm at the community's new synagogue and meeting space is connected directly to the police and will bring a response in three minutes.) Clearly, a comprehensive review of both the immediate and long-term security needs of Jewish community institutions is in order.

Changing Attitudes of Ukrainians and Ukrainian Jews

For some of the young, Jewish students who volunteered their time to participate in the Maidan demonstrations, it was their first experience of revolutionary change. For some older members of the community who remember both 1989 and 2004, it was a third occasion. And yet both groups seem to share a sense of guarded optimism and a belief that this time Ukraine could "get it right." They see in their own participation and the acceptance with which it was greeted evidence that the new leaders of Ukraine—and Ukraine society more generally—is ready to accept the model of a diverse and pluralist Ukraine, one where minorities are fully valued and integrated. They experienced few if any anti-Semitic encounters; far more frequently they were welcomed and embraced. Several made special note of the success of the recently appointed governor of the Dnepropetrovsk Region, Ihor Kolomoysky, whose Jewishness is well-known. Kolomoysky's success and use of his own funds to equip the region's military and police have made him a hero especially among nationalists in Western Ukraine. He has proven that it is possible to be both Jewish and a Ukrainian patriot.

Jewish representatives have also noted that the leaders of the new government are outspoken in their condemnation of anti-Semitism. They have reacted quickly and strongly, in contrast to previous governments. They also report that a number of younger municipal leaders, such as the mayors of Lviv and Rava Ruska, have promoted an inclusive, non-nationalist agenda. Despite Svoboda's local political strength, it was prohibited from participating in the Lviv Maidan demonstrations. Both mayors also announced special, Russian-speaking days to promote the bilingual nature of the country.

Confronting the Holocaust in Ukraine

Jewish scholars in Ukraine have described exchanges in the past with their non-Jewish colleagues where the Holocaust is referred to as "your history" while Ukrainians point, for example, to the Holodomor (Great Famine) as "ours." This too may be changing in the aftermath of the Maidan demonstrations, where one Holocaust scholar believes that there may now be a new willingness to accept all of this as Ukrainian history, open to study and even critical analysis. Over one and one-half million Ukrainian Jews were murdered in the Holocaust, most of whom lie buried in mass graves that are frequently unmarked and unprotected. The development of teaching materials on the Holocaust and the training of teachers are in their early stages. The International Holocaust Remembrance Alliance (IHRA), an intergovernmental body of 31 countries, has so far been unsuccessful in convincing Ukraine to join the alliance, but there is some hope that now this too may change.

Ukrainian Government Activity

My visit to Kyiv came at a time of increasing crisis, with the government confronting pro-Russian militants in several eastern cities and intense negotiations to secure the release of OSCE military monitors who had been taken hostage. In such a climate it was not always easy to focus on long-term strategies to address the problems of anti-Semitism. But I am grateful to Ukrainian authorities for arranging appropriate, high level meetings covering the full range of my mandate. (A list of the officials with whom I met can be found in the appendix to this report.)

State Security Service

A special unit on anti-Semitism and xenophobia has been established in the Security Service of Ukraine and tasked with the focus of preventing hate crimes. Its officials have already initiated meetings with civil society representatives and with the Israeli ambassador and other diplomats and are open to international coopera-

tion, advice and assistance. A telephone hot line and an Internet link exist in the Security Service of Ukraine to facilitate individual reporting of incidents, including hate crimes.

Officials spoke candidly about the challenges they face in reforming law enforcement bodies, noting that they are hampered by the corruption that was common during the previous regime.

The Chairman of the Security Service reported that they had successfully identified the source of anti-Semitic flyers that were distributed to Jews in Donetsk, which they trace to a high official of the former Yanukovich government now living in Russia. It is not clear when this evidence will be made public.

Ministry of Education and Science

Government policy provides support for the education of national minorities in their own languages. Recognizing that Hebrew is the traditional language of the Jewish people, Ukrainian schools offer some classes in Hebrew to 3,200 students, while 411 students are studying Hebrew as a second language.

Several years ago teaching materials designed to combat anti-Semitism were developed by ODIHR and the Anne Frank House in cooperation with Ukrainian civil society partners, and these materials are being used in most of the country's regions. There are additional programs that focus on Holocaust education, undertaken with the support of the governments of Switzerland and Norway and in cooperation with Holocaust education centers in Kyiv and Dnepropetrovsk. The Ministry also works with the VAAD of Ukraine in organizing visits for students to Jewish memorial sites. Ministry officials spoke about the shortage of qualified Hebrew teachers and the need for more training to assist teachers who are covering Jewish subjects.

Foreign Ministry and Ministry of Justice

New laws have been drafted and introduced as amendments to the legal code that focus on preventing discrimination. They are designed to bring Ukrainian law into alignment with European standards and will broaden the definition of discrimination and also convey additional authority to the Ombudsman Office in this area. Both Ministries anticipated that this legislation would be adopted by the Parliament in the near future.

The Ministry of Justice retains the authority to initiate in court the banning political parties which are determined to be extremist and anti-constitutional in nature or which violate other provisions of the Constitution, the Law on Political Parties, or other laws of Ukraine. Two such parties—Russian Block and Russian Unity—were banned by court decision, and the Ministry of Justice is prepared to initiate the same proceedings with regard to similar parties in all regions of the country.

There are intentions to hold a national plebiscite on June 15, which will address issues such as the unity of Ukraine, regional authority, and decentralization.

Ministry of Culture

The Minister of Culture expressed the view that the Jewish community has been an important contributor to the development of Ukrainian culture and underscored the importance of acknowledging the shared history and experience of Ukrainians and Jews.

He spoke of plans to appoint a special envoy responsible for national diversity as well as reestablishing the consultative committee on the rights of national minorities. This committee had been housed within the Cultural Ministry, but there is some discussion now about having it report to the Cabinet of Ministers, as the issues it will address cover several Ministries.

The Minister also indicated the willingness of the Ministry of Culture to study the possibility of engaging with the International Holocaust Remembrance Alliance as an observer or eventual member and said he would coordinate this with the Foreign Ministry.

Ministry of Internal Affairs

Under current practice this Ministry—responsible for policing and pre-trial investigations—does not identify citizens by ethnicity, which would appear to hamper the ability to address hate crimes in general and anti-Semitic crimes in particular. They do take note of attacks on foreigners, and three cases this year (from over 300) involved attacks on "citizens of Israel."

Authorities offered assurances that the recent, violent incidents of anti-Semitism are being investigated and the perpetrators will be successfully identified and prosecuted. However, no information was provided on who these suspects are or when any public announcement is likely to be made. In light of the international attention that these cases have received, I urged the Ukrainian government to make public the evidence it has as soon as it has been verified.

In 2012, the Ministry of Internal Affairs signed a memorandum of understanding with ODIHR to launch the implementation of the Training Against Hate Crime for Law Enforcement (TAHCLE) to provide police training on dealing with hate crimes. In light of the multiple challenges that have been voiced during this visit—the previous corruption in the police force, the reluctance of citizens to report hate crimes, and the limited skills and experience the police now have in responding to hate crimes—there should be strong interest in engaging with ODIHR to implement this training. Officials spoke of resuming this cooperation when the overall situation in the country improves.

OSCE COMMITMENTS

Since the OSCE held the first conferences on anti-Semitism in 2003 and 2004, participating States assumed responsibility for addressing this problem, as provided for in subsequent Ministerial Council Meetings (MC Decisions No. 12/2004, No. 10/2005, No. 13/2006, No. 10/2007, No. 9/2009, and No. 3/2013). In particular, they pledged to enact a comprehensive set of measures to respond to violent manifestations of anti-Semitism as well as committing themselves to implement educational activities to raise awareness about anti-Semitism and promote remembrance of the Holocaust. The commitment to address and respond to anti-Semitism and other biases has been part of the OSCE's work in the human dimension of security. It is further reflected in the declarations issued at OSCE High Level Conferences in Berlin (2004), Cordoba (2005), Bucharest (2007) and Astana (2010). The full texts of these MC decisions and OSCE declarations, along with relevant declarations of the OSCE Parliamentary Assembly can be found here: <http://tandis.odihr.pl/?p=ki-as,dec-sect>

RECOMMENDATIONS

- The Government of Ukraine in particular and the unit on anti-Semitism and xenophobia in the Security Service of Ukraine should avail themselves of the assistance of ODIHR and the Personal Representative in evaluating the security needs of Jewish community institutions and other relevant recommendations that were presented at the June 2013 OSCE Expert Meeting, *ADDRESSING THE SECURITY NEEDS OF JEWISH COMMUNITIES IN THE OSCE REGION: CHALLENGES AND GOOD PRACTICES*. (<http://www.osce.org/odihr/105253>)
- The Ministry of Internal Affairs should renew its cooperation with ODIHR in the implementation of police training to address hate crimes, as provided for in the 2012 Memorandum of Understanding, and should avail itself of ODIHR assistance in data collection on hate crimes.
- ODIHR is also prepared to provide hate crime training for new staff members of the Ministry of Internal Affairs and the Security Service of Ukraine who will be dealing with hate crime and anti-Semitism.
- The Ministry of Culture and Ministry of Foreign Affairs should engage with the current chair (United Kingdom) of the International Holocaust Remembrance Alliance to secure observer status and eventual membership in IHRA. ODIHR in cooperation with IHRA would be prepared to help organize a meeting in Ukraine to take stock of existing initiatives and explore avenues for multilateral cooperation in the area of Holocaust education and research.
- The Ministry of Education and Science should extend the use of ODIHR teaching materials on anti-Semitism to encompass all the regions of Ukraine and ensure that sufficient training is provided for the needed number of teachers.
- Government officials should continue to speak out strongly and swiftly in response to incidents of anti-Semitism and other manifestations of intolerance.
- Government authorities are encouraged to complete and make public the findings of investigations into the violent anti-Semitic attacks that occurred earlier this year.

PREPARED STATEMENT OF ALEXEY AVTONOMOV

AL in police responses and a lack of capacity of NGOs to monitor and report on the phenomenon contribute to the problem of under-reporting. Only Czech Republic, Poland, Serbia and Sweden provided information on hate crimes targeting Roma and Sinti. Information from eight NGOs provided information on anti-Roma incidents in 12 participating States is also presented below.

Information provided to ODIHR highlights some major concerns over the past year such as the intolerant discourse where racist and xenophobic rhetoric stigmatising migrants and Roma, foreigners and migrants, and People of African Descent by portraying them as causes of country's economic woes and as threats to society. Worryingly, many victims do not report these incidents to law enforcement or the authorities. Excessive force against or ill-treatment of Roma, including, for example, in the course of evictions or during stop-and-search actions by the police, can contribute to a lack of trust in the authorities. This, combined with a lack of means and knowledge on the part of Roma communities to monitor and report hate crimes means that these are likely significantly under-reported. Additionally, during the recent campaigns for the European Union Parliament elections in May 2014, public and political discourses focussed on "immigration" as a political and social problem that needed to be addressed. This rhetoric provided succour to far right political parties and interests as evidenced by the subsequent successes of many of these parties in their respective elections.

Whilst acknowledging the challenge for participating States to ensure both freedom of expression and freedom of association, they must also make sure that people and communities feel secure and safe. Responses to these particular developments need to be robust, expeditious and clear. Authorities and political leaders need to abstain from using intolerant rhetoric and to firmly and unequivocally condemn *all* instances of hate speech in public discourse. They should also utilise the expertise of ODIHR to assist them in prevention and responses to hate crimes, hate speech, discrimination and all forms of xenophobia. The US Mission to the OSCE has provided significant support to ODIHR in this regard. They have generously provided financial support for a variety of PAD projects starting in 2011 with the Roundtable for People of African Descent in Vienna, as well as providing logistical and planning support (along with the US Helsinki Commission) for the PAD study tour in November 2013. Ambassador Baer met with the Civil Society representatives who were recipients of US funding to discuss the implementation of their respective projects combating racism and xenophobia faced by PAD communities on the occasion of the International Day Against Racism in March 2014.

HATE ON THE INTERNET

The OSCE have long recognized the danger of unfettered hate on the internet and tasked ODIHR to be "the link between the use of the Internet and bias-motivated violence" (MC Decision 9/09)—whilst acknowledging the challenge for participating States to ensure the freedom of expression, they also have a duty to promptly renounce statements by public officials and ensure robust intervention whenever comments expressed on the internet present a threat. For example, some of the incidents such as neo-Fascist rallies in some Roma neighbourhoods mentioned earlier, are organized and promoted online. Monitoring of these activities by law enforcement and civil society organizations is paramount in tackling this mendacious activity as well as ensuring that authorities can fulfil their tasks of providing security to all citizens and communities.

GENDER AND DISCRIMINATION

Through their experiences conducting focus groups with victims ODIHR recognised that there was a need for a stronger gender perspective in combatting racism and xenophobia in the OSCE region. ODIHR subsequently conducted a workshop for women of African descent in Warsaw in May, 2014. The two-day workshop covered many topics—structural racism, access to healthcare, mental health, domestic violence, lack of representation by African women (role models in public and political spheres), female genital mutilation (FGM) and many others. Many recommendations were presented specifically to OSCE. These include:

1. ODIHR Training specifically for women of African descent
2. Multicultural training for education and health personnel and officers
3. African women participation in local grassroots politics and community representation—local governments, state authorities, law enforcement, judiciary, etc.

ANTI-ROMANI RHETORIC, RACIALLY BIASED POLICY MEASURES AND VIOLENCE

The OSCE/ODIHR Status Report 2013 on the implementation of the Roma and Sinti Action plan notes negative trends in the proliferation of anti-Romani rhetoric, hate-speech, violence and biased (racist) policy measures in the OSCE region. The Status report covering the period between 2008 and 2013 notes a disturbing number of hate crimes against Roma, the use of extremist anti-Roma rhetoric, and continuing reports of police ill-treatment. The downward trends are linked to migration of Roma and Sinti who leave their homes seeking better employment opportunities and economic conditions in other countries, the scapegoating of Roma and Sinti in the context of economic difficulties and the rise of far-right political parties in some participating States which capitalize on anti-Roma sentiment among majority communities. The report notes that these parties—and, in some instances, mainstream parties as well—used anti-Roma rhetoric, including the motif of “Gypsy criminality” for electoral gains. Mainstream media also reflect negatively on Roma and Sinti leading to further intolerance.

INTOLERANCE AGAINST CHRISTIANS

Bias against individuals on the basis of religion can take various forms. The extent and nature of attacks motivated by bias against a particular religion are influenced by a number of factors, including the minority or majority status of that religion in a given territory. Successive ODIHR hate crime reports have indicated that graffiti and vandalism against places of worship, the desecration of cemeteries and arson attacks against churches are some of the more common types of crimes motivated by bias against Christians and members of other religions.

In 2012, 35 participating States stated that they collect data on hate crimes motivated by anti-religious bias. Four participating States further disaggregate this data into sub-categories, such as “non-denominational”, “Catholic”, “Protestant”, “other religions”, or “Jehovah’s witnesses”. However, only seven countries provided information on this category of hate crime in 2012. The Holy See reported anti-Christian incidents in 12 participating States in 2012.

PREPARED STATEMENT OF PROFESSOR TALIP KUCUKCAN

In concert with ODIHR's annual report on hate crimes and ODIHR's workshops for Muslim communities on hate crimes, concerns were repeatedly raised that verbal assaults and threats against imams, physical attacks on Muslim women wearing headscarves and desecration of mosques and other Islamic sites are often not reported to the police, because Muslims believe that their complaints will not be taken seriously or that they will be victimized again. The latest annual report from ODIHR notes that only four States reported hate crimes against Muslims. These include Austria, Serbia, Sweden and the United States, while NGOs reported hate-motivated incidents in 14 countries. However reports from Muslim communities suggest there are a number of unreported incidents throughout the region.

Intolerance against Muslims can also be seen in the numerous instances of anti-Muslim rhetoric by politicians and public figures, postings on the internet and other forms of social media. This nexus of intolerance—hate on the internet ("Cyberhate") and intolerant discourse—against Muslims is a burgeoning issue that participating States need to address. Whilst acknowledging the challenge for participating States to ensure the freedom of expression, they also have a duty to promptly renounce hate speech(es) by public officials and ensure robust intervention whenever comments expressed pose a threat to Muslim individuals and communities. The hostile rhetoric stigmatizing Muslims by portraying them as threats to social cohesion, who undermine social and cultural values continues to be prevalent in the OSCE region. Worryingly, despite being victims of hate crimes, many victims do not report these incidents to law enforcement or the authorities for a variety of reasons including a lack of trust in law enforcement and other state agencies. Under-reporting of anti-Muslim hate crimes and incidents is prominent and needs to be addressed by authorities.

In order to explore how to build trust and increase reporting of hate crimes by Muslim communities and enhance co-operation between law enforcement and Muslim communities in combating anti-Muslim hate crimes, ODIHR, together with the Swiss Chairmanship, held an expert conference on this issue on 28 April.

The expert conference brought together approximately 90 NGO representatives and government officials from 26 participating States. Some recommendations included suggestions to create sustainable consultation mechanisms between law-enforcement agencies and Muslim organizations in order to exchange information and views on evidence-based, comprehensive policies, strategies and programmes concerning the security of Muslim communities; to encourage the creation of alternative dispute resolution mechanisms, in particular the use of mediators, in building trust between Muslim communities and law-enforcement officers and ensuring the proper training of such people; to support civil society initiatives that seek to monitor and report anti-Muslim hate crimes, provide support for victims, raise awareness of anti-Muslim prejudice, and improve co-operation between public officials in the justice system and Muslim communities.

HATE CRIME WORKSHOPS FOR MUSLIM COMMUNITY-BASED ORGANIZATIONS AND CIVIL SOCIETY ORGANIZATIONS DEALING WITH INTOLERANCE AGAINST MUSLIMS

With the aim of enhancing the capacities of civil society to combat hate crimes against Muslims, since 2011, ODIHR has delivered five workshops for non-governmental and community-based organizations. The objectives of these workshops were to provide insight on how to recognize hate crimes; to discuss how civil society organizations can monitor, report and respond to hate crimes against Muslims, based on examples of good practices from across the OSCE region; to present and inform participants about ODIHR's tools dealing with hate crimes and intolerance against Muslims. All workshops were organized in partnership with local non-governmental organizations which had close contacts with community-based organizations. In total, 147 civil society representatives and community leaders attended these workshops.

EMPOWERING MUSLIM WOMEN

Taking into account that women wearing headscarves are one of the most frequent victims of hate crimes, on 13 May 2014, in Warsaw, ODIHR held a focus group meeting on Muslim women. The event brought together 17 Muslim women activists from 13 participating States. They discussed prejudice against Muslim women, their experience of discrimination and hate crime and the activities that Muslim women organizations can conduct in order to raise awareness about gendered aspects of anti-Muslim stereotypes and support gender sensitive tolerance activities. They requested ODIHR's technical assistance and support for the empower-

ment of Muslim women to report and respond to violent manifestations of intolerance and discrimination against Muslim women.

GUIDELINES FOR EDUCATORS ON COUNTERING INTOLERANCE AND DISCRIMINATION
AGAINST MUSLIMS: ADDRESSING ISLAMOPHOBIA THROUGH EDUCATION

ODIHR, in partnership with UNESCO and the Council of Europe, published the “Guidelines for Educators on Countering Intolerance and Discrimination against Muslims” in October 2011. The Guidelines focus on the characteristics of intolerance and discrimination against Muslims in the school context. They provide information on the key methodological principles and approaches which must be taken into account in addressing Islamophobia through education. They offer practical strategies for educators on how to prevent and respond to the manifestations of intolerance and discrimination against Muslims. This includes, but not limited to, tackling difficult situations, in particular, when a student or a teacher experience and witness an act of intolerance and discrimination, developing codes of conduct, promoting media literacy and adopting curriculum opt-out policies. The Guidelines have been enriched with examples of good practices from across the region, on-line resources and suggested reading materials.

In partnership with UNESCO and the Council of Europe, ODIHR organized three regional meetings for educational authorities to promote the use of the Guidelines on “Countering Intolerance and Discrimination against Muslims through Education for Societies in Transition”; on “Globalization, Diversity and Social Cohesion in Educational Settings” and the third on “Challenging anti-Muslim Prejudice and Promotion of Mutual Understanding in Multicultural Societies through Education.” The objectives of these roundtable meetings were to:

1. Raise awareness of educators about the need for challenging anti-Muslim prejudice and provide information on the most effective pedagogical approaches identified in the Guidelines;
2. Share examples of good practices and lessons learnt in educational efforts to counter anti-Muslim prejudice;
3. Collect recommendations from educators on how to implement the Guidelines in national educational systems of participating States.

The outcome of these meetings was the increased visibility of the Guidelines, which led to the publication of the op-eds in a number of teacher newspapers and educational journals as well as promotion of the Guidelines on the websites of the ministries of education and educational centers. These promotion activities resulted in the establishment of a large network of educators dealing with intolerance against Muslims. Since the beginning of the project, ODIHR reached out approximately to 200 representatives of educational authorities, expert groups and activists dealing with this topic.

However, despite these activities conducted by ODIHR, it is possible to still observe continuing cases of attacks targeting Muslims and their property. Muslims are often portrayed as unable to integrate and Islam as incompatible with contemporary values. Discussion on the religious dress of Muslim women, ritual slaughter of animals or male circumcision seems to contribute to a perception that there is no place for Islam despite the fact that the OSCE region has been diverse and an example of peaceful coexistence for centuries. It is therefore necessary to continue our efforts and invest more to counter intolerance against Muslims.

PREPARED STATEMENT OF AZRA JUNUZOVIC

The Tolerance and Non-Discrimination Department focuses on increasing the implementation of OSCE participating States commitments to effectively prevent and respond to hate-motivated crimes and incidents. The Department also works with civil society organizations to build their capacity to recognize and monitor hate crimes. Furthermore, the Department also assists States to promote mutual respect and understanding, notably Holocaust remembrance.

HATE CRIMES AND COMBATING INTOLERANCE AND DISCRIMINATION

Hate Crime—In line with its mandate, ODIHR has been collecting information on hate motivated crimes and incidents and responses to this phenomenon since 2008. ODIHR makes this information accessible on its website www.hatecrime.osce.org, which was launched on 17 June. ODIHR's website reveals substantial gaps in reported official data on hate crime covering 2009–2013, underlining systematic under-reporting and under-recording of this phenomenon across the region. At the same time, reports by civil society, international organizations and the media confirm that hate-motivated incidents are still a matter of concern. In 2014, 28 participating States and 105 non-governmental organizations from 40 participating States submitted information to ODIHR. The website aims to further publicize information received from participating States. Its aim is to reach out to new audience, garner the interest of experts and civil society and attract attention to this issue. Based on its findings, ODIHR provides a key observation for each participating State. ODIHR is currently processing information for the 2013 edition of the report. In 2014, ODIHR will hold a training of trainers for OSCE, UNHCR and IOM field operations and organize annual meeting for National Points of Contact on Hate Crime from OSCE participating States.

Combating Intolerance and Discrimination—In the spring, ODIHR organized two focus groups to obtain more information about experiences of discrimination and hate crimes by women of African Descent and Muslim women. As a follow-up to these events, ODIHR is planning to organize a train-the-trainer session for female civil society activists to build their capacity to raise awareness and speak about the issue of hate crime. Many activists noted the need to build effective relationships between public authorities and affected communities. To that end, ODIHR is piloting an activity in Austria. ODIHR is also planning to organize a focus group to obtain more information about experiences of racism. In April, ODIHR, in collaboration with the Swiss Chairmanship, organized an expert conference on the security of Muslim communities. This event followed on similar event organized under the Ukrainian Chairmanship in 2013. The upcoming OSCE Chair has expressed interest in organizing a similar conference on the security of Christian communities in 2015, as attacks on religious property and community centres remain a matter of concern. ODIHR organized two training events in Moldova and Italy to build the capacity of civil society organizations. ODIHR is also planning on organizing a training workshop for civil society in Poland.

ACTIVITIES TO IMPROVE GOVERNMENT RESPONSE

Data collection—In 2014 ODIHR will publish *Hate Crime Data-Collection and Monitoring Mechanisms: A Practical Guide*. Through ten practical steps, this publication gives suggestions to policy makers, criminal justice officials and civil society on how to improve their hate crime data collection mechanisms.

Legislation—ODIHR continues to distribute *Hate Crime Laws: A Practical Guide*. Approximately 6,000 copies of the Guide have been distributed so far. It is available in six languages. In the last two years, despite ODIHR's efforts, no new requests have been received to review legislation.

TAHCLE—Training against Hate Crime for Law Enforcement (TAHCLE) builds on ODIHR's previous training programme named Law Enforcement Officers Programme (LEOP), which was implemented in Croatia and Poland. It is a short, compact and flexible training designed to be integrated with other training efforts, drawing on existing resources and curricula of police training institutions.

In Poland, TAHCLE was used to update the curriculum and training of around 70,000 police officers on how to recognize hate crimes. In Bulgaria, the Ministry of Interior signed the Memorandum of Understanding with ODIHR in 2011. The implementation in Bulgaria included the delivery of a training of trainers, the inclusion of TAHCLE in the national curriculum for police cadets and for investigators. Following the implementation, ODIHR evaluated the programme and the results were presented to the Ministry of Interior in March 2014. In total, about 3000 Police officers were trained. ODIHR is discussing follow-up activities with the Bulgarian

authorities and civil society organizations. As a follow-up to TAHCLE and as a part of a comprehensive approach to address hate crimes, ODIHR also trained civil society organizations in Bulgaria in 2013.

In Ukraine, ODIHR and the Ministry of Internal Affairs signed a Memorandum of Understanding to implement TAHCLE in 2012. In 2012–13, ODIHR took part in the work of the National Implementation Working Group (NIWG) tasked with customizing the curriculum. ODIHR has already customized the curriculum and facilitated consultation between Polish and Ukrainian officials to share experience of how TAHCLE was successfully implemented in Poland. Political turmoil at the end of 2013 led to the suspension of activities and ODIHR is now re-establishing contacts with authorities.

Montenegrin Police Academy signed the Memorandum of Understanding to implement TAHCLE in 2013 and the training of trainers session took place in November to equip 16 trainers with necessary skills to cascade the training. ODIHR conducted a follow-up visit in April 2014 to monitor implementation. TAHCLE has become an integral part of the Police Academy curriculum. Several workshops and meetings were conducted to share knowledge and skills acquired during the training. As a follow-up to TAHCLE and as a part of a comprehensive approach to address hate crimes, ODIHR also trained civil society organizations in Montenegro in 2013.

The Italian Observatory for Security against Acts of Discrimination (OSCAD) signed a Memorandum of Understanding to implement TAHCLE in May 2013. So far, ODIHR conducted six half-day workshops and trained 160 National Police and Carabinieri officers. In July 2014, ODIHR conducted a training of trainers for 29 National Police and Carabinieri instructors, who will cascade the TAHCLE programme curriculum into their training institutions.

TAHCLE programme is being implemented in Kosovo since December 2011 by the OSCE Mission in Kosovo. Around 350 police officers have been trained up to date.

Finally, four other participating States have manifested interest in implementing TAHCLE. These include Albania, Latvia, Lithuania and the former Yugoslav Republic of Macedonia. ODIHR will seek to sign a Memorandum of Understanding with at least two of them in 2014.

Prosecutors—ODIHR and the International Association of Prosecutors have developed a practical guide for prosecutors entitled *Prosecuting Hate Crimes: A Practical Guide*. It will be published in October 2014. Additionally, ODIHR developed a training curriculum to build prosecutors' skills in investigating hate crimes. The newly created Prosecutors and Hate Crimes Training (PAHCT) programme will be implemented in a similar way to TAHCLE.

Prosecutors training was first conducted in Kosovo and in Ukraine (Crimea) in December 2011. This was followed by a trial training of trainers in July 2012 in Warsaw. In 2013, ODIHR held workshops for judges and prosecutors, or prosecutors and investigators, in Bosnia and Herzegovina, Moldova and the former Yugoslav Republic of Macedonia. In 2014, ODIHR trained prosecutors in the Kosovo region¹ and Serbia. Implementation of PAHCT and the signing of the Memorandum of Understanding is currently being discussed with Bulgaria. Montenegro and Greece have expressed interest in its implementation. In October 2014, ODIHR will deliver a workshop for Greek prosecutors.

PROMOTING MUTUAL RESPECT AND UNDERSTANDING, INCLUDING HOLOCAUST REMEMBRANCE

Participating States are committed to supporting education programmes on anti-Semitism and Holocaust education. Participating States have also committed to promote remembrance of the Holocaust. In this regard, participating States were encouraged to draw on ODIHR's expertise. ODIHR has developed technical-assistance programmes in co-operation with a number of partners, including the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, the Yad Vashem International School of Holocaust Studies in Israel, and Anne Frank House in Amsterdam.

The following materials have been prepared by ODIHR:

Teaching Materials to Combat Anti-Semitism—developed in co-operation with the Anne Frank House; they aim to raise awareness among students on stereotypes and prejudices against Jews. (available at <http://tandis.odihr.pl/?p=ki-as,tm>);

The Guide Addressing Anti-Semitism: Why and How? A Guide for Educators, developed with Yad Vashem; the Guide provides educators with facts, background information and good practices regarding how to address anti-Semitism in the classroom. (available at <http://www.osce.org/odihr/70295>);

Preparing Holocaust Memorial Days: Suggestions for Educators is a set of recommendations for teachers on how to plan commemoration activities connected with

annual Holocaust Remembrance Days. The Guide will be updated in 2012 (available at <http://www.osce.org/odihr/17827>);

Guidelines for Educators on Countering Intolerance and Discrimination against Muslims—developed with UNESCO and the Council of Europe: The Guidelines have been developed to support educators in primary and secondary education as well as in non-formal education to counter intolerance and discrimination against Muslims. They are intended for education policymakers and officials, teacher trainers, teachers, principals and head teachers, staff in teacher unions and professional associations, and members of NGOs. (available at <http://www.osce.org/odihr/84495>)

Teaching materials on combating anti-Semitism are available in 15 languages and the implementation of teaching materials continues. In 2014, ODIHR supported the organization of a meeting for the Anne Frank House and partner organizations on designing online interactive tool on bias and discrimination. ODIHR is also preparing a brochure to publicize lessons learned on the implementation of the teaching materials. Currently, ODIHR is negotiating a Memorandum of Understanding with the Italian Ministry of Education.

Following the organization of three promotional roundtables, organized with the Council of Europe and UNESCO, ODIHR has presented the Guidelines to the Swedish authorities. ODIHR is now working with the Greek Ministry of Education to launch the Greek version of the Guidelines. In the fall, ODIHR and the Council of Europe will organize a workshop on combating hate speech and intolerance against Muslims aimed at assessing the scope of the issue.

HOLOCAUST MEMORIAL DAYS

In 2012, ODIHR published a report “Holocaust Memorial Days in the OSCE Region”. It provides a country-by-country overview of the official commemorative activities that take place in OSCE participating States on Holocaust remembrance days. The publication shows that 37 OSCE participating States have established an official memorial day dedicated specifically to the Holocaust. ODIHR is preparing an updated version of this publication that will be launched on 27 January, the International Day of Commemoration in Memory of the Victims of the Holocaust.

ACTIVITIES IN 2015

ODIHR will continue assisting OSCE participating States in meeting human dimension commitments in the field of tolerance and non-discrimination to address the issue of hate crime. ODIHR will also, upon request, assist OSCE participating States in reviewing legislation pertaining to hate crimes and their alignment with international standards and OSCE commitments. Activities will include roundtables, workshops and training to exchange good practice and experience. They will be conducted in close co-operation with OSCE Field Operations and external ODIHR partners.

ODIHR’s priorities for 2015 include the delivery and implementation of TAHCLE and PAHCT training activities, enhancing co-operation with participating States by improving the number of countries that report to ODIHR on hate crimes and work with civil society, with a particular focus on women. ODIHR will also seek to engage and explore opportunities to work with parliaments to raise awareness about the role of parliamentarians in addressing hate crimes and reaching out to affected communities. ODIHR will also explore how to facilitate contact and dialogue between authorities and groups affected by manifestations of intolerance and hate crimes.

As regards promotion of mutual respect and understanding, ODIHR will work with at least one participating State and sign a Memorandum of Understanding to implement the teaching materials on combating anti-Semitism. ODIHR will also continue to work with Moldova and engage with another participating State to promote Holocaust remembrance. ODIHR will reach out to participating States to promote the use of the Guidelines for Educators on Countering Intolerance and Discrimination against Muslims and, pending availability of funds, engage with educators to explore the use of the Guidelines at the teacher training colleges.

OPPORTUNITIES AND CHALLENGES

The OSCE emerged as the leading international organization in addressing hate crimes, intolerance and discrimination in the region. The tools developed by ODIHR and the recently launched hate crime reporting website have been recognized as unique resources available to participating States, civil society and experts and have furthered awareness-raising efforts on the dangers and impacts of hate crimes. ODIHR’s training programmes, built on the principles of partnership, flexibility and collaboration, have attracted the attention of participating States.

However, despite these opportunities, the OSCE faces continuous challenges. Genuine political will to implement commitments to strengthen responses and prevention of hate crimes is lacking in many cases. Budgetary constraints hamper successful operation of ODIHR's programmes, in particular, TAHCLE, programmes for people of African descent and education activities on combating intolerance against Muslims.

STRENGTHENING TOLERANCE AND NON-DISCRIMINATION

Recommendations to enhance the role of tolerance and non-discrimination are related to providing additional resources for ODIHR's programmatic activities, particularly TAHCLE and PAHCT.

The Department's role should be strengthened to serve as a mediator and dialogue facilitator between authorities and civil society organizations to build trust and improve the security and stability of societies.

While ODIHR has a mandate to serve as a collection point on hate crimes, ODIHR could be given the mandate to examine its key observations and dialogue with authorities to identify potential mechanisms for implementation of commitments in this area which would not be dependent on a formal invitation from a participating State.

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