

# THE STATE OF DIVERSITY AND INCLUSION IN EUROPE: RACE, RIGHTS, AND POLITICS

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## HEARING

BEFORE THE

## COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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# THE STATE OF DIVERSITY AND INCLUSION IN EUROPE: RACE, RIGHTS, AND POLITICS

SEPTEMBER 11, 2019

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# THE STATE OF DIVERSITY AND INCLUSION IN EUROPE: RACE, RIGHTS, AND POLITICS

September 11, 2019

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 10:14 a.m. in Room 210, Cannon House Office Building, Washington, DC, Hon. Gwen Moore, Commissioner, Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Gwen Moore, Commissioner, Commission on Security and Cooperation in Europe; Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe; Hon. Steve Cohen, Commissioner, Commission on Security and Cooperation in Europe; Hon. Emanuel Cleaver II, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Marc Veasey, Commissioner, Commission on Security and Cooperation in Europe.

*Witnesses present:* Dr. Pierrette Herzberger-Fofana, Member of the European Parliament, Germany; Romeo Franz, Member of the European Parliament, Germany; Evin Incir, Member of the European Parliament, Sweden; Samira Rafaela, Member of the European Parliament, Netherlands; Alfiaz Vaiya, Coordinator, Anti-Racism and Diversity Intergroup; Domenica Ghidei Biidu, Vice-Chair, European Commission against Racism and Intolerance; Irene Appiah, Councilor, Hamburg, Germany; Danièle Obono, Member of Parliament, France; and Olivier Serva, Member of Parliament, France.

## HON. GWEN MOORE, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Ms. MOORE. Good morning.

Mr. HASTINGS. Good morning, everybody.

Ms. MOORE. We're Helsinki Commissioners, and we really want to thank our witnesses that we had an opportunity briefly in the back to learn something about and learn what their priorities are.

The name of this hearing today is "The State of Diversity and Inclusion in Europe: Race, Rights, and Politics." It's an honor to serve the global community as a member of this Helsinki Commission, and I'm honored today to be joined today to assess the state of diversity and inclusion in Europe.

I have people who have joined me here today.

First of all, I introduce my good friend Emanuel Cleaver from Kansas City, Missouri, who is a member of the Helsinki Commission but also a member of the Financial Services Committee. He's the chairman of the subcommittee that deals with the International Monetary Fund, and with the World Bank. And so it is very, very appropriate that he's been appointed to the Helsinki Commission to carry the work of diversity and inclusion into that conversation.

I am so pleased on the left here to be with one of our longest-serving members of the Helsinki Commission, the former President of the OSCE Parliamentary Assembly—I mean the whole 57-member body of the OSCE PA, the Organization for Security and Cooperation in Europe PA—my mentor, he's been a rapporteur, and certainly been a champion on the state of diversity and inclusion in Europe, race, and—long before it became a topic that is as hot as it is today. I just want him to say hello to us for a moment before—

Oh, and we've also been joined by Steve Cohen, a commissioner from Memphis, Tennessee. Great traveling partner, but also on our Judiciary Committee, very esteemed member of the Judiciary Committee. Certainly has been very involved on the topic of diversity, inclusion, and anti-Semitism, which is a really huge problem in Europe as well as other places in the world.

So we have a full complement—even though you see only four of us sitting here, this is a full complement of members of the Helsinki Commission, that we really want to lean into this discussion. But I would be remiss if I didn't yield to Mr. Hastings for brief remarks.

**HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE**

Mr. HASTINGS. Thank you very much, Madam Chair, and my remarks will be brief.

I apologize to all of you for having other duties this morning. Someone says it's kind of hard to apologize for working, but the fact is that I do have other responsibilities.

But addressing the issues of diversity and inclusion amidst the rising prejudice and xenophobic violence that we've seen both in Europe and in the United States and elsewhere around the world from far-right extremists, when I had the opportunity and privilege of serving as president of the Parliamentary Assembly, I didn't deem it robbery to begin formulation of the structure that gives rise to us being here today, and that is interparliamentary action particularly for people who live this experience of being discriminated against. And therefore, I'm more than pleased that you all are here and thankful that we have this opportunity. And my hope is that we will have many visits together, and my suggestion in modern times is that we begin using social media in a more active way so that we can stay in contact without having to get on those airplanes to cross the Atlantic and other areas.

But thank you for being here. And thank you, Madam Chair, for presiding this morning.

Ms. MOORE. Thank you so much, Mr. Hastings, and we will carry on the work that you have started and inspired all of us to carry on.

I can tell you as an African American—I think I speak for Mr. Cleaver, too; since I'm not going to yield to you at this moment, I'll speak for you—you know, who'd have thunk it that there were concerns about racism outside of America? We had become so focused on our counter-anti-Semitic and anti-racism here in the United States that Mr. Hastings engaged us on the global nature of this scourge, and we appreciate him for that.

And today's hearing is so timely because it's taking place ahead of the OSCE's annual human rights meeting later this month, which includes a focus on how European and North American governments are responding to hate crimes and bias. But it's also taking place ahead of the European Union's first ever Anti-Racism and Diversity Week, on the heels of Roma Week, which happened earlier this year. And I'm so proud to have served as an honorary host last year of Europe's first ever People of African Descent Week, convened in the European Parliament, to honor the history and contributions of Europe's 15 to 20 million strong black population on the occasion of the International Decade for the People of African Descent.

Now, I am so pleased that the Helsinki Commission has been a supporter of those initiatives and to be joined here today by the new leadership of the European Parliament's Anti-Racism and Diversity Intergroup and other European leaders to discuss how these and other events will assist in shaping Europe's path forward in realizing an inclusive society. Here, in addition to our European hearing witnesses, we are also joined in our audience by other international delegates that we had a chance to chat with in the anteroom from Europe, from the Western Hemisphere, including the French parliamentarian Olivier Serva and the Spanish parliamentarian Rita Bosaho—and I'm so pleased that everyone here can be with us here today.

This hearing today, in context, is taking place at a time when we are receiving numerous reports from Europe of hate crimes and acts of extremism, racial profiling in cities and at borders, and discrimination at work and in the schools. The OSCE has reported close to 6,000 hate crimes in Europe over the past year—6,000 just in the last year. A recent European parliamentary study concluded that people from ethnic or racial minorities in the EU experience higher risks of economic hardship, poorer-quality housing, residential segregation, unemployment, and assault. The individual impact of such disparities is quantifiable in lost earnings, between 1.8 [billion euros] and 8 billion euros.

Americans are also impacted by disparate treatment and related violence in Europe. For years we've received reports that our diverse military and diplomats serving in Europe, students studying abroad, and tourists have all been the targets of discrimination, from being refused service in restaurants, or in the worst cases being the tragic victims of hate crimes.

So Europe, like the United States, is already diverse. And in a democracy, ethnicity, skin color, religion, gender—and I could go on—should not determine one's access to rights, protections, and

opportunity. Yet, this is what we're seeing. And increasingly, citizens in our democracies are turning against one another and people from other places simply because they look, pray, love, or think differently than someone else. And it's critical that we reaffirm democratic values by challenging rising prejudice and violence with strategies for inclusion.

And it's not just an American or European problem. Whether our countries could truly embrace diversity is a litmus test for our democracies and the transatlantic relationship. Brexit, counterterrorism cooperation, trade, migration, data use and protection—these are all transatlantic issues that ultimately impact all of us regardless of our differences. Ensuring that all of our voices are represented in policy decisions of these issues on both sides of the Atlantic are critical to show that our nations will move on. And together our nations can move forward toward a future in which diverse populations are celebrated, guaranteed human rights, and have an opportunity to participate fully in our societies. And so we're going to welcome your testimony.

Are there any of our other commissioners that would like to make an opening statement? Does anybody have anything else to say? All right.

So I want to turn this over to our expert witnesses and our panel to discuss the diverse populations in Europe. The EU anti-discrimination, diversity, and inclusion policy prescriptions, you are leading as co-presidents of the European Parliament Anti-Racism [and] Diversity Intergroup.

The Member of Parliament Dr. Pierrette Herzberger-Fofana from Germany is here with us today. She's the first woman of African descent elected as a member of the European Parliament for Germany, from the Green/EFA Party. She is the first Vice President of the Development Committee and a substitute member of the Committee on Women's Rights and Gender Equality. Welcome.

We are so happy to have with us Romeo Franz, from Germany. Romeo Franz is the first Sinto from Germany elected to the European Parliament, and he is the first Vice-Chair of the Culture and Education Committee. Thank you for joining us.

We have our Member of the European Parliament Evin Incir. She's a member of the European Parliament from Sweden of Kurdish heritage. She serves on the Committee on Civil Liberties, Justice, and Home Affairs, and on the Delegation to the EU-Turkey Joint Parliamentary Committee. Welcome here today, Evin.

We have a very old lady, 30 years old—Samira Rafaela from the Netherlands. And she is a Member of the European Parliament from the Netherlands, and a member of the Committee on International Trade and the Committee on Women's Rights and Gender Equality. And she's also part of the EUROLAT delegation. Ms. Rafaela serves as first vice president and she's an alumni of the Transatlantic Inclusion Leaders Network co-founded by the Helsinki Commission. And we are so proud that she's joining us today in her new capacity, just elected, as a parliamentarian.

Alfiaz Vaiya is the coordinator of the Anti-Racism and Diversity Intergroup, and he's going to join the panel to address any procedural questions that are related to the Intergroup. So we thank you for your expertise.



We do have witness bios available so that you can delve further into the excellent background and qualifications of our witness[es].

So this is our first panel, and so I am going to yield now to our first witness. And we're going to give you 5 minutes. We've learned here as parliamentarians that you can say an awful lot in 5 minutes, but we will make sure that every bit of your comments will be included in the record.

So, Dr. Herzberger, could we hear from you? We'll hear from you.

**DR. PIERRETTE HERZBERGER-FOFANA, MEMBER OF THE  
EUROPEAN PARLIAMENT, GERMANY**

Dr. HERZBERGER-FOFANA. So esteemed colleagues, ladies and gentlemen, it is my honor to be here with you and talk about the incredibly important topic of reparation, recognition, and justice. Europe and America alike were built off the backs of black men and women and, in the case of America, over the bodies of indigenous people. This year marks the 80th anniversary of the beginning of World War the Second, one of the darkest periods of European history, a time when hateful rhetoric and action went unchallenged, that resulted in the deaths of millions and millions of people.

There were also many other victims of the Nazi regime. Non-European victims, black, have suffered the wrath of the Nazis, nevertheless. In Erlangen, the city that I live in, in Germany, I wanted to start a debate about those victims, historic forgotten people, to gain a recognition for their plight, and justice, and for their memories. So in 2015, I founded the black history weeks and dedicate the first edition to Afro-German Holocaust survivors. For the first time ever Theodor Michael, Marie Nejar, and Gert Schramm came together to share their experiences as black Germans living in the Third Reich.

It was the first time that these three survivors participated together in such an event. Although they all lived in Germany, they had not had the opportunity to take part in such a conference together. Marie Nejar and Theodor Michael were among a group of young Afro-Germans recruited to play a role in racist propaganda films produced by the Nazi propaganda machine. Gert Schramm was imprisoned in a concentration camp until he was 15, when he was taken to Buchenwald camp, where he remained a year and a half. He was freed when the Americans came and liberate Buchenwald. It was on the 12 of April 1945. I had the pleasure to be with him that year, 2015, for the celebration. Gert Schramm died 2016, 1 year after.

There are many more stories like these, but they are often left out of political debate about the Nazis and Holocaust, in the same way that Germany tends to ignore its colonial past. We owe more to our ancestors to allow their memories and their sacrifices to be erased from the common conscious. That is why I campaigned for Theodor Michael to be awarded the Order of Merit of the Federal Republic of Germany, the highest honor in the land, an award that he was presented with in January 2018 by the Minister President of the land of Rhineland-North Westphalia.

I also wrote to both the president and Chancellor Angela Merkel on the occasion of the 70th anniversary of the end of the World

War II to request that they include mention of all of the African victims and other victims from outside of Europe who perished during the Holocaust. When I received a negative answer from the office of the president, I was disappointed, but not surprised. I don't hold out much hope for a positive response from the chancellor. The day of the memorial ceremony, on the 5th of May 2015, came. And I had heard nothing.

Then at Dachau, the first concentration camp opened by the Nazis, Chancellor Angela Merkel said the following of its victims—may I say the quotation? “There were men, women and children that came from all over Europe. They also came from many other parts of the world, from Asia as well as, and this is still little-known to the public, from parts of Africa, Congo, Senegal, and Eritrea. We commemorate the approximately 1,040 people who died, not survived, this place,” quotation ended.

The next day I received a letter from her office thanking me for the information and stated that she would use it in her speech. Finally, we achieved official recognition for our brothers and sisters who perished at the hands of the Nazis. I continue to organize exhibitions, conferences, and awareness-raising meetings dedicated to increasing the knowledge and recognition of Afro-Germans and the diaspora, because without recognition there can be no reparations.

I have one wish. On Sunday—on Saturday I pay a visit to Michael Theodor—Theodor Michael is very, very sick. And I told him that I am going to say that here at the Congress. And my wish is maybe—I don't know, it's a wish but everybody can dream—that we send him a card, on the last days of Theodor Michael in the hospital in Köln, in Cologne.

Thank you very much for your attention.

Ms. MOORE. Thank you. We're happy to hear from you now, Mr. Franz.

**ROMEO FRANZ, MEMBER OF THE EUROPEAN PARLIAMENT,  
GERMANY**

Mr. FRANZ. Dear Members of the Congress, distinguished colleagues and guests, I would like to express my deepest gratitude for the opportunity to be here today.

Please allow me to say a few words about today's date. Eighteen years ago, many innocent people had to die because of the cowardly attacks. I will never forget these cruel images in my life. But this should reinforce our conviction to fight racism and xenophobia and radicalism and terrorism even more strongly together. This is what we owe those who died as well as their loved ones. We owe those who lost their lives, rest in peace.

Europe has about 12 million Roma, the largest ethnic minority of the continent. Some 6.2 million live in the EU. And most of them hold the citizenship of an EU country. The others live mostly in the Balkan region. Our community encompasses diverse groups including Roma, Sinti, Kale, Manush, et cetera—people with Romani background. It's broadest, and my preferred term, because it allows us to address all parts of the community and depicts the diversity of the people.

Despite the fact that all EU countries have adopted anti-discrimination legislation, the majority of Roma in the EU are vic-

tims of prejudice, social exclusion, and anti-gypsyism. This means, in numbers that are provided by the EU's fundamental rights agency, 80 percent of my people live below their country's poverty threshold. Every third Roma lives in housing without tap water. Ever third Roma child lives in a household where someone went to bed hungry at least once in the previous months. And 50 percent of Roma between the ages of 6 and 24 do not attend school. In summary, the largest ethnic minority continues to face intolerable discrimination and unequal access to vital services.

The reasons for this—for the failures of EU policies so far are diverse. A central matter continues to be a history of anti-Ziganism, engraved in cultural expressions of majority society for the last 600 years, and institutionalized racism on all levels of government—regional, national, and European. Europe does not have a Roma problem, but a racism problem. The European institution, every EU country, has a giant responsibility to improve the living conditions and inclusion of the Roma. This spans over most policy fights, such as education, employment, healthcare, and housing. Europe was based on that fundamental belief that all people are born equal, regardless the color of the skin, religion, or ethnicity. And that is what must be defended and promoted by its leaders. This is what I am fighting for.

Thanks a lot, and I look forward to answering your questions. Thank you very much.

Ms. MOORE. Thank you. Very compelling.

We are happy to hear from you now.

**EVIN INCIR, MEMBER OF THE EUROPEAN PARLIAMENT,  
SWEDEN**

Ms. INCIR. Thank you so much, Madam Chair. And thank you so much, Members of the Congress. As she said, my name is Evin Incir. I come from the Swedish Social Democratic Party. Right now I am serving as a member of the European Parliament, just since a few months back. And the issue of actually diversity and anti-racism has always followed me. That was actually also one of the reasons why I, myself, engaged in party politics to start out with, and then decided to take on public offices after a while.

I myself [grew] up in one of the suburbs of Gothenburg, the second-biggest city in Sweden. And I saw how the situation of myself and my own friends were, and I saw also how the situation in the other parts of the city was. And I then decided, as a 14, 15 years old child back then, that I want to do something against it. I believe in party politics, unfortunately. And I think it's the same all over the world. Many people, many young people with immigrant backgrounds, in Europe but also in USA, do not feel like politics is actually—people who are serving within the political sphere are representing them always.

So I decided that I wanted to take on the challenge, and to do something to address the current situation. And this was 2000–2001. But the situation has even become worse, if we look at many parts of Europe. And unfortunately, in my own country, Sweden, where we see a growing right-wing extremism, more specifically called the Sweden Democrats—and as you also most probably know the Sweden Democrat representatives were here in—were here in

the U.S. and met with representatives of the Trump administration.

That shows one important thing—and that is that even the right-wing extremist organizations have understood the importance of cooperation and have started to, within Europe, talk about something more called the pan-European nationalistic movement, and it is even getting broader and broader. And this is a signal, at least to me, that if they see the importance of cooperating over the national borders, it is important also for us to even understand that part more, and make sure that we, who believe in equal societies, and democratic societies, get together and challenge the ideology that they stand for. And that's an ideology that I would very much want to see decrease rather than increase in Europe and the U.S., and globally.

So I look very much forward to continuing the dialog. And I also hope to strengthen the dialog between us in Europe and, of course, you here in the States for a better, more equal, and democratic world.

Thank you very much.

Ms. MOORE. It's just so encouraging, Mr. Hastings, to see these young people emerging. You know that no matter what happens, the work is going to be carried on. That feistiness, we love it.

And so we will continue on by now hearing from Rafaela, and congratulations to you too for just being elected to the EU. So you guys belong to the freshman class. You'll always be rabble rousing together. Okay, Ms. Rafaela, let's hear from you.

**SAMIRA RAFAELA, MEMBER OF THE EUROPEAN PARLIAMENT,  
NETHERLANDS**

Ms. RAFAELA. We're definitely going to team up. We should, yes.

Thank you very much, Madam Chair, and also to Members of Congress. I really appreciate being here. So thank you, again. And, yes, I just got elected to the European Parliament. And that has been really special to me, because since I was 16 years old, I said, Well, if I'm going into politics, I will go into the European Parliament. And often people asked me the question, but why the European Parliament, not the national parliament?

Well, first, the European Parliament, we make laws. And laws—when making law, it is extremely important that it happens inclusive, that we engage different communities in our society, that we ask them the question: What is—what is wrong in your community? What are the challenges? What do you want to be engaged in law?

And the international context is so extremely important to use when it comes to raising these questions. And that is why I wanted to go into the European Parliament. But also because I have a very international identity myself. I grew up as a daughter from a woman who has Dutch and Caribbean roots, and Jewish roots. And my father is Ghanaian, Nigerian, and Muslim. So I grew up with the understanding that there is more than borders. But also, I grew up with the understanding that not everyone in this world gets equal opportunities and equal rights.

So being in the European Parliament now I see how extremely important it is to raise the right questions when it comes to law-

making. But I also see what happens when there's a lack of representation. And that is what I have experienced during my own campaign. I said, well, my campaign will be focused on very different groups, but I want the result that they will say in the end, Well, I felt heard. I felt you were talking for us. I felt like, okay, now I have the feeling that we are getting politicians that can understand what we are going through. And even though the European Parliament, while we have a bit more diversity, we do have a lack of representation when it comes to different communities in Europe. And I think that's a problem, with the rise of racism, with the rise of discrimination.

Even in my own country we are dealing with a variety of challenges. I mean, we have politicians—actually a couple of years—we had the politicians saying, well, let's work on less Moroccans in our country. It is unbelievable that we have that in politics. And we need political leadership now in Europe saying: This is wrong. We need to end this. We need to counter it. We need to tackle it.

So therefore, as a Member of the European Parliament, I will keep working, also being part of ARDI [Anti-Racism and Diversity Intergroup], on horizontal antidiscrimination legislation. But we also need to raise our voice. We also need to make sure that we think about tactics and strategies that make other people also aware of the situation, but also feel engaged in politics, and maybe they want to go into politics also to help us build on this critical mass we need in politics.

So I'm in the committee now on international trade. I'm in the committee on social affairs and employment, and also on women's rights. And when it comes to international trade, it is so extremely important that we work, and we build on these agreements that make sure that trade can also be used for having peace in the world. And I am worried now about how it's going between the USA and between Europe, for example. We need to work on the agreements that make us better. We need to work on the agreements that foster sustainability and peace by these trade agreements.

But also when it comes to employment, what about discrimination in the work force? What about equal opportunities for youth? We are dealing now with youth unemployment in world and in Europe. And I've seen myself working for the police in the Netherlands, that when you don't work on social equality, you will get the challenges in security. I mean, that is why I studied radicalization and terrorism. I wanted to know what triggers people to radicalize. What triggers people to do these kinds of activities? And there are causes that have to do with social and economic inequality. So we really need to work on that.

And then women's rights—also, in Europe, women are not always safe. We are still dealing with the position—the social, economic position of women, but also their safety. So, I think we have a lot to exchange with each other, but at the end I think that the whole—one of the main issues is the lack of representation. We need to work on representation in politics, because these are the voices that can explain what's going on in society. These are the voices that can make sure that lawmaking is inclusive, that our agreements are inclusive. And I am really worried about the lack

of young people, about the lack of women, about people of color, LGBTI—people with LGBTI background.

So we are not there. And I think that's something that we can speak about today, share our worries, but also speak about the strategies that we can develop together.

Thank you.

Ms. MOORE. Thank you so much. And so we have a couple of remarks before we get into the Q&A period from Alfiaz Vaiya. He's the coordinator of the European Parliament Anti-Racism and Diversity Intergroup. Very important. He's going to help us negotiate this conversation. Just introduce yourself again.

**ALFIAZ VAIYA, COORDINATOR, ANTI-RACISM AND DIVERSITY INTERGROUP**

Mr. VAIYA. Good morning. Thank you for inviting us to speak again. And it's my pleasure to speak alongside such great members of the European Parliament and especially who I think in the future will become the rising stars, and the people who carry this fight in the future.

I think what's important to talk about is to put everything into context, what we're seeing in Europe. So we've had many of the different cases and incidents in Europe, but in the 28 EU member States, we see that far-right nationalist parties are now actually joining the government. So in a majority of the 28 member States, we see far-right political parties actually in government as part of the coalition. Just in the past couple of weeks, we saw the threat in Italy where actually a far-right party and a far-right leader were actually in the possibility of becoming prime minister of Italy, which actually brings us back to the dark ages of Europe. And, his policies against Roma, against Muslims, against migrants, against women, against LGBTIQ people are very worrying.

But what's even more worrying is how these far-right leaders in Europe are working with the current U.S. administration and other far-right political parties and leaders across the world. We see that in South America with Brazil. We see that in the Philippines. We see that in Europe. We see that in the United States. And that's why it's important for us to work transatlantically. It's why it's important that we bring our communities together to face this threat. As you said, the threat we face in Europe is not only limited to Europe, it's also happening in the U.S. We see—since this current administration has come to power—we see the threats to minorities.

But what is even more worrying is we see how others—for example in 2016 in the U.S. presidential elections—how the Russians used foreign interference based on the polarization, how they pitted minorities online against each other. So, if we don't deal with the polarization, we also open ourselves up to the vulnerability foreign interference will play on that polarization.

We've seen how the Russians have empowered in Europe both the far left and the far right. And we see how they're using that to cause divisions in our society. And that is something that we need to tackle. And that is why it's important for policymakers in Europe and the U.S. to wake up to the reality of racism, discrimination, and fascism, and why it's needed that we tackle it.

And it's also—in that case, what we're seeing is not attacks on one community, but on all communities. Whether it's Jewish people, whether it's Muslims, whether it's LGBTI people, whether it's people who are Roma or black. And these communities have to come together.

And that's why our role, as people working in policymaking, have to understand how we bring our communities together even if we have divisions. The shared threat is the same. It's the populism, it's the racism, it's the fascism. It may be specific to each individual community, but we have to understand that the threat is together.

And we have to say something in Europe today that—I would say that both the left and the right has been complacent. And in some cases, it's not just the right that has empowered the populists and the racists. But we've also seen on the left how the left has copied some of the policies of the extreme far right, when it comes to migration, when it comes to minorities. We see right now in Denmark, a social democrat government, a center-left government, actually enacting policies on migration that are actually very right-wing. So we also have to understand that everyone from all political sides has a duty to combat this.

And I would end here to say that in the transatlantic space, the key areas where we can work together are, of course, on discrimination, security, countering violent extremism and terrorism, migration, but also issues around employment. We can learn, and we can learn from colleagues in the U.S., but—activities in the U.S. which seek to boost the chances of minority populations to access not only good quality education but to transition into employment.

And what I would say to you today, as I've said many times before when I've been here, is that we need the congressional Foreign Affairs Committee and the Helsinki Commission to keep on pushing the State Department. In a time of cuts at the State Department, at a time where we're seeing the State Department sometimes even work with our opposition, the far right in Europe, we need Congress and the Senate to stand up and say: This is unacceptable. We need to actually empower the minorities in Europe instead of empowering the people who are against the minorities.

And the final thing I would say, which is a bit more tricky for colleagues in the U.S., is the issue of online and hate speech online. Of course, in the U.S. you have a different perception on freedom of expression. But we believe—and we've worked at the European level with the big tech companies—Facebook, Google, Microsoft, Twitter, Snapchat—to see how we can take down content within 24 hours that incites hatred. And we would like to support that to see how both working from Congress, the Senate, and the State Department, how you could support our efforts in Europe.

Thank you.

Ms. MOORE. What a great panel. And I'm sure that we have more questions than we do time. But I want to yield now to one of—the Helsinki Commission is a bicameral, bipartisan commission, and so one of our senior members in the House is my good friend, Steve Cohen. And I would yield to him at this time.

**HON. STEVE COHEN, COMMISSIONER, COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE**

Mr. COHEN. Thank you, Madam Chair. I don't know how that comes from bicameral, because we're all in the same cameral, in the House, and bipartisan—we're all Democrats. And while I don't look African American, I have the largest African American district in the United States, percentagewise. So I represent African Americans, and I understand the plight of African Americans. And I'm Jewish, so I understand the plight of Jews. But I don't have to be a Jew, and I don't have to have an African American district to understand the Roma and other discrimination, women, that goes on around the world.

The chair was quite positive and uplifting when she heard from the representative from the Netherlands and said, Oh, I'm so thrilled to see that the young are here and carrying on and continuing the fight. And that was positive, and I commend you for that. I'm a little more droll than that, cynical maybe. But my thoughts were, it's still going on. And it's gone on since the start of mankind. And discrimination and hatred and intolerance and dividing people by race, and gender, and religion, and every other way imaginable has gone on for time immemorial.

And as far as the Jewish situation in Europe, and Europe and its racism, the pogroms in Russia, Hitler and the concentration camps—and it goes back to Spain and the Inquisition.

Relative to that, the United States has been pretty good to Jews. But we've got a lot of anti-Semitism here as well. And I've been in Hungary, and I know the situation there is not good. And I've been in Poland, and I know the situation there is not good. There are problems around the world. But back to the chair and her optimism—I commend each of you for taking on your role in politics and being involved, especially the two young ones here. They're not the squad. They're the duo, I guess. [Laughs.] But you've got a great mission. Carry it on and be strong.

To Mr. Franz, let me ask you this. When I was in Hungary, I learned a lot about discrimination against the Roma. And I've seen it everywhere, and in the Balkans it's great. Are there any countries where it's better or worse in Europe? Is Roma discrimination pretty constant, or are there places that treat the Roma better and places that treat the Roma worse?

Mr. FRANZ. Thank you for this question. I think we must say discrimination in Hungary is—so we have in Hungary a president, Orbán. And the law is that when you are homeless, you go in jail. When you get social benefit and you don't worry for the community or the state, you get no social benefit. When you get no social benefit, you go homeless. When you go homeless, you go in jail.

And then they have—they say, Okay, we have for the education for the Roma people, for the Roma children we have a program. And so they have segregation in education because in the past they say the Roma children are sick in the brain. And then they need special skills. And of course, now they go to special schools, Roma schools. And when they are 14 they leave the school and they must work. But in Hungary they are from poverty-affected people, and they get no work. They must work for the social benefit.



And then you find it's not 100 percent, but I'd say 90 percent maybe. In East Europe we have the problem that more than 90 percent of our people of Romani background are without work. And you have the problem not only in East Europe, in Germany too. When you're looking for an education place, for a profession, or for a job, and you say you are a Sinto or a Sintesa or a Romani, then you have very less chance to take this job. It's really so. Or you have a chance to—and there's a chance to—*wie sagt man verstecken?*

Dr. HERZBERGER-FOFANA. Hide.

Mr. FRANZ. To hide your ethnicity. Then you have a chance. And that's—

Mr. COHEN. But I understand there's a problem, and you've described it well. But is it—are there certain countries that deal with it better and are more accepting and tolerant than others? And are there the worst? Give me the best two places for a Roma to live and have an opportunity, and the worst two.

Mr. FRANZ. My experience is Eastern Europe, Romania, Bulgaria, and this country it's very, very, very bad situation. And I think when I was in Germany or the Netherlands, it's much better. But when we have the studies in these countries in Germany too, the last studies was more than 50 percent of the German was asked about Sinti and Roma. They say, we don't like Sinti and Roma. They must—you must kick them out from the land. And we must know that my family lived more than 600 years in Germany. And we have a big problem too. We must change now the narratives in Europe.

I have seen this, that most people, or when we go to Europe in the policy, they speak from a Roma problem, Sinti problem, refugee problem. And I say no. That's a mistake. We have no Roma, Sinti, or refugee, or migrant problem. We have a racism problem in our policy and our—in the majority. That's really, really important to change the narratives. And then you can change your focus. And all the—all the strategies, what we have in the past, was paternalistic in strategies. The affected people were never a part of the conception. They don't—this was never an equal partnership.

And then now, it was the past—in the early past—we had the Roma strategy. Now at the end, the evaluations shows they failed. And why? Paternalistic approaches. The affected people was only victims. And that—I think that we must change. No paternalistic approaches. And we must take this affected people from anti-gypsyism, as an equal partner to participate—an equal partner. And I'm saying—to your question—I'm saying in East Europe we have very bad situation. But it was in the early past also Italy too. Salvini was there, and he wants ethnical data from Sinti and Roma, like the Nazis too.

Mr. COHEN. Let me ask you—because I understand what you're saying—the Roma and the Jews have often been what's called the canary in the coal mine. They first experience it, and it's a sign that there's racism coming, because they're often the first to be discriminated against. In Germany I read yesterday, and I hope it was inaccurate but I suspect it was not, that a man was named a mayor who's a neo-Nazi somewhere—I think it was near Dresden? I forget where.

How did that come to pass, a neo-Nazi appointed mayor? And is that a sign of a problem?

Mr. FRANZ. This is in a country, Hesse—called Hesse. And it's in a little village. And they have—the people on this little council was not there. And he was elected, the Nazi was, yes. But—

Mr. COHEN. Elected by the council?

Mr. FRANZ. Yes.

Mr. COHEN. So just a small group of people?

Mr. FRANZ. But now—but now they see that the media comes and sees it and now they're saying, Ah, we must take it from this place. So now they want to do this. But that your—that shows the problem that we have in Germany too. Now the last elections in Sachsen and Brandenburg shows that one party, the AfD [Alternative for Deutschland]—it's very far right—they have 27 percent from the people choice—this AfD. Twenty-seven percent. And it's—that's very—makes me very scared about the situation in east Germany.

Mr. COHEN. Thank you. And I think my time is probably short, but I do want to comment that I appreciate what each of you are doing. And I have to say, and maybe I am being—grouping people and that's wrong to do, but I was thinking back upon my experiences in Europe that a lot of women have been elected leaders in Europe. In Germany, and Lithuania, and other places have had women leaders. America hasn't quite done it. And most of the awful people have been white males. You got our president. You got your man in Poland. You got your man in Hungary. You got your guy in Brazil. The man in Turkey's not so wonderful. We got a problem.

So, women, you all got to get to work. [Laughs.] Get some of those guys out of there. I yield back the balance of my time.

Ms. MOORE. Thank you, Steve. You can see why he has a—he has a majority African American district, and he gets, like, 85 percent of the vote. So who—and I asked them why, and they said, because we know him.

I am so happy. Before I yield to my colleague to my right, I'm so happy to introduce one of our newer Helsinki commissioners, Marc Veasey, from Fort Worth, Texas. He's a member of the Energy and Commerce Committee, which deals with health care and also with energy. And also a member of the small business committee. But before I yield to him, I want to yield to my colleague, Mr. Cleaver.

**HON. EMANUEL CLEAVER II, COMMISSIONER, COMMISSION  
ON SECURITY AND COOPERATION IN EUROPE**

Mr. CLEAVER. Thank you. Thank you, Madam Chair. And I think this has been—

Ms. MOORE. Member of the Financial Services Committee, again. Yes.

Mr. CLEAVER. I appreciate the fact that all of our guests have been kind enough to come and perhaps even give us some direction.

I don't know if any of us can go right to this—to the moment that we started experiencing this new—well, it's new for this era—explosion of intolerance that is not only rising in Europe, it's almost like it's contagious. And it has made its start on these shores. But

one of my concerns—I mean, I don't know whether this is asking too much, but are there any things that you have seen, any of you, that could be used as a best practice in terms of reducing the intolerance and the division? Is there anything that you think would be an antidote for this poisonous atmosphere that has been created? Any or all of you.

Ms. RAFAELA. Thank you. I'll answer first. I right away think about my experience at the Dutch—at the Netherlands police. The Netherlands police is known for having community policing. And the essence of that is that you engage communities. That you literally go to communities, that you speak to them, that you raise the right questions. What are you dealing with? Would you like to come also to us? To see our practice? To see our work? And maybe we can think about solutions together.

And I think, now being in politics myself, I noticed that having this grassroots tactic—so make sure that you are physical as a politician or as a police officer—but as a politician, and that you engage with communities. And not only being there, but also trying to make sure that the input that you get, that you bring that literally back to the table and make sure that you create proposals, resolutions, et cetera so that also the communities see that you really do something about it.

And I think that's really necessary also to counter intolerance because, in that way, you also teach society why it is important to think about certain solutions, and why it is important to propose different kinds of resolutions. I think that when—if politicians, if people working with society are constantly not bringing the worries and thoughts of different communities back to the table, then you get this perception, this really strong perception of people thinking not being engaged. And I think that's—well, I've learned from how the police did that with the community policing. And that inspired me also partially in making sure that I'm a grassroots politician myself.

Mr. CLEAVER. Thank you.

Ms. MOORE. Thank you.

Ms. INCIR. Thank you so much. In addition to what my colleague said, I would like to highlight two things. The first—on a political level—the first is that I think that it's important that democratic parties actually understand the importance to cooperate with each other. I mean, in Sweden, for example—if I take my own country as an example—for the first time for a long time, the Social Democratic Party, my own party, the Green Party went together with the two liberal parties, the central party and the liberal party, and decided that, okay, in order to be able to not give more power or—and political influence in the hand of the Sweden Democrats, the right-wing extremist party, we need to cooperate over their blocs—so over the center-right and center-left blocs. So that was, I think, one important step to take in order to not give the extremists more influential power on policy.

However, the most important, though, I would say, is to address the root causes. And the root cause is, from my perspective, is called inequality. Because if we look at how it looked in Europe in the last decades, and we look at just two decades back to 2008—sorry—one decade back to 2008–2009, when the economic crisis hit

Europe pretty hard, that was what I would say, at least—even though, of course, it has been bubbling before that also. But the economic crisis gave power to these extremist organizations and parties to grow on. So what they started to do is to pit people with immigrant backgrounds and people with nonimmigrant backgrounds against each other.

But not only that, they also—experience from my own country—is that they go to people who immigrated to Sweden during the 1950s, 1960s, and say: Look, you were a part of building up the society. The new immigrants are part of dismantling the society. So pitting even people with immigrant groups against each other and saying that the new people are destroying the society, and the money goes to them. So if they were not here, the health care would be better, the education would be better. But what they do not say—in 2018 when we had the national election, the Sweden Democrats voted in favor of the right-wing and the conservative budget, which meant lowering taxes after taxes after taxes. And, of course, if you lower taxes it means that you cannot either build up the welfare state that secures—that the elderly have good pensions, that children have good access to good education, that we all have good access to good and quality health care, and so on, and so on.

So I think addressing the root causes is one of the best ways in the long term to make sure that these kinds of organizations and parties do not grow even stronger than they are doing right now. But the short term is also that the democratic parties instead of legitimizing these kind of forces, they should get together—the democratic parties—and make sure to find a way of cooperating.

Thank you.

Mr. CLEAVER. Thank you.

Ms. MOORE. Great discussion. Great conversation.

Before we introduce our last panel, we're going to hear from Marc Veasey. He has some questions of the panel.

**HON. MARC VEASEY, COMMISSIONER, COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE**

Mr. VEASEY. Madam Chair, thank you very much. And great to be here today to talk about this very important panel—these panelists, but then the questions that they're dealing with too I think are really timely, particularly considering everything that's going on around the world as we look for different ways that we can stabilize the world.

And I wanted to ask you specifically about hate speech, because that can really be sort of a tricky topic. I was in France recently and someone talked about how in France, when people come to the country, they really want everyone to become French, right? That they very much value their culture there. So, when people come to that country, I was told, they put a very high value on everybody becoming French. And, when you take a country like Rwanda, for instance, that had terrible atrocities committed there, obviously back during the 1990s—and of course, they have pretty much banned people talking about their ethnic background there. So you can't do that there. So they want everyone to be Rwandans.

How do you have a society, especially in Western countries—how do you have a society in places like Germany and the Netherlands, that value free speech and value free expression, with—and also allow people to have different opinions on issues that may be controversial or maybe make people—well, maybe make people uncomfortable, and also may be considered hate speech? Like, how do you—how do you balance that?

Because I know that we even have a hard time here. I mean, one of the things that our Constitution values is the fact that we have a constitution that protects speech that is unpopular, that makes people uncomfortable, here in the United States. The First Amendment was designed not for popular speech, but actually for speech that can really make people not necessarily feel good about the place that they're in. So do you have any thoughts on that, particularly with everything that's happening in Europe right now?

Dr. HERZBERGER-FOFANA. May I answer? We have in Germany what I find is much more terrible, that hate speech—how the political men now are speaking. I just—I give you some example. For example, the secretary—general secretary, he said once in an interview, it might be that Jerome Boateng—that some football star in Germany—his father is from Nigeria and his mother is a white German. And the general secretary said he might be a good footballer, but nobody wants him as a neighbor. Oh, for 3 weeks—3 weeks—on the second of August, the president of the Federal Association of Football said, in front of 2,000 people, we can stop all the problems, the climate problem, if we plant a lot of trees so the African people are stopped to make children in the night. It's terrible, something like that.

The way how the political men, usually, today in Germany are speaking is—I find it is much more terrible—is very terrible. Because when you say that in the television, yes, somebody like the minister, president who said, for example, yes, when migrant people are coming here and they stay 3 years, and then they are Catholic, and they are serving in the church, you cannot spare them out—kick them out. And a lot of things like that. And I think, first of all, we have—as political, we who are in the Parliament—we have really to demand that they are—that the way how they are speaking is not acceptable. It's not acceptable that the new elected president of the Commission, the European Commission, Mrs. Von der Leyen, said, Oh, we have to protect the way of life of Europe. It means if you aren't European, you are a threat for the country. And those type of things are not—from my point—is not acceptable.

That's why each time when somebody does something like that, I write an open letter and I publish them in the newspaper. And I think we have to increase the education and awareness of children. And I was a long—very, very long years I was a teacher in a high school. And I introduced at that time the week against racism, because we are—in Germany there's a problem. When you say, "I am German," German is white, yes? If I say, "I am a German political woman," everybody say, What, what, what? No.

And we have to increase education. So the children now, who might be from origin from Asian, from Roma, from what you want, and you said you are German, we have the same value. And that

value, you can give them in the school as a teacher. And I know what I am saying because I was very, very long years a teacher.

And if you get the children now, the young people who are going to be the political leaders in the future, that racism is the worst thing for you, first. For you, yourself, for yourself is bad, but also for your society. And it's possible today that our society, the German society, is, how we say, a multicultural society. And to be German doesn't mean you are just white, and you have some ideas about other people. I think that's a problem for us in Germany.

Hate speech is—I write that a lot of black women are targeted by very, very bad hate speeches. For myself, I didn't get—I must say, I didn't get. What I have, I was attacked from Nazi people during the campaign, a long time the campaign, I was attacked, yes. It was the Nazi people who wanted to spray on the eyes and so on. But I must say—

Ms. MOORE. You were physically attacked?

Dr. HERZBERGER-FOFANA. I was physically attacked. But I must say, really, that the people who were there to find them were shocked, because in our country, where I am living, we always said we are open. We are an open city and we are open by tradition, because in Erlangen, the first migrant people who came were the French people in the 16 years, with the Huguenot, yes? And that's why. It is possible.

So we have to give a best practice. And best practice, education, yes? Second one, best practice, this education is not just to say, yes, today we are going to speak about racism. No, make it in the school. For example, I introduced about that time what we call is a school without racism and a school with courage. And hope that can make it in the European Parliament, that all the schools in Europe might be—are going to be schools without racism, schools with courage.

It means that you involve all the children. The children are going to say, okay, we want to be a school without racism. We are going to commit ourselves and we make each year a panel, and we invite people. And so we are going to try to change our society, because the new society is a multicultural society, and it's possible that we live together. And our children—and our children have another perspective of the way of life in Europe, are not under threat a gain for everybody.

Thanks.

Ms. MOORE. Thank you. This is just really great. Okay, we're going to hear from you and we're going to move on to our second panel. But, so—but you can weigh in.

Mr. VAIYA. I think on the issue of freedom of speech, first of all, we're living in a bit of a hyperbole in the situation that there's a lot of reports about censorship and freedom of speech and hate speech. In the European—in many member States, the penal code and the jurisprudence is pretty clear on what constitutes incitement to hatred and hate speech. The IT companies—the major IT companies—have signed code of conducts which clearly stipulate what they should take down and what they can't take down. In Europe we do—have decided that while freedom of speech is something to be welcomed, it is not absolute—in Europe. And when it

starts to become incitement to hatred, that's when we have to take action.

And I think the best way to counter it—and this is a best practice—is when we're talking about changing the narrative. And it's a bit rich for me to say, working for the Anti-Racism Intergroup, to change the narrative, but we can't always be "anti." We have to start to look how we change the narrative into a more positive narrative. Europe is changing demographically, just like United States. Europe is becoming more multiracialized, right? The minorities getting out the vote, minorities becoming more integrated in terms of voting, in terms of representation, and so on. And so what we need to keep on talking about is not always just talking about the antiracism, the anti-this. What we need to start talking about is how we change the narrative into a positive narrative.

Our social welfare states, our healthcare, pensions, everything relies on more migration to Europe because of an aging population. The demographics are changing. So, we know that in the end, we have to start a talk in that kind of narrative, the positive narrative. And that actually comes back to what I would end on here to talk about, is how do we work in an intersectional way, but how do we work with different groups coming together?

So, where we have seen good and best practices, for example, is when the Jewish and the Roma community have come together in Europe to talk about the Holocaust and to take—to bring more attention to the Jewish—to the Roma victims of the Holocaust, but also to apply how what happened in the Holocaust affects modern-day life for Roma and Jewish people. How what we're seeing in Hungary, the attacks on civil liberties, on academic freedom, on civil society, on shrinking space. But also, as you say, on Jewish communities. George Soros has been attacked.

These go back to what we saw in the Holocaust. The tactics, the campaigning. And the only way we can counter that is if we come together and we start to create a new narrative together. We don't let them—we don't let them divide us, but we bring our communities together and say, okay, we're going to work through the hard discussions. If you're Muslim and Jewish, we're going to try to have the conversation about Israel-Palestine, but that shouldn't prevent us from working together as communities. We should see the bigger picture. The same thing with the black community in Europe. The same thing with the Roma community. The same thing with the LGBTI community. We need to overcome the differences and start to change the narrative to a more positive narrative, also looking at where Europe is going to end up in 2040.

Let's talk about Europe, the vision of 2040. Just like the United States, we talk about the 2040 multiracialized society vision. That's how we should be thinking about it in Europe. Thank you.

Ms. RAFAELA. If I could add only one more thing.

Ms. MOORE. One more thing. Okay. Here we go. This is a really compelling conversation. We appreciate you flying all the way over here. So go on.

Ms. RAFAELA. I totally agree. We need to change the narrative. And that means that we need to bring in people that can either change that narrative and are allowed to speak up. But it's not easy. It's not easy when you are one of the first trying to change

the narrative. But that doesn't mean you need to stop with that. So it is really important that the people that are coming in, trying to work on that narrative, trying to tell another story, trying to represent communities that are not in politics or in government enough now, that they feel supported. So it is extremely important that we—that we support. It doesn't mean that we do not need to speak up. But speaking up is really necessary. But it also comes with a lot of challenges, like also being attacked, being challenged. But we also need to make sure that these people are being protected.

So otherwise, we do have the representation, but on the other hand not speaking up, or not feeling safe to do that.

Ms. MOORE. This is very, very great. We want to thank this panel. Uh-oh. I don't want to be unfair to our other guests, because we have a very great second panel here. They've traveled far as well. So we're going to invite our first panel to stick with us. And we're going to introduce our second panel here.

We have Domenica Biidu of the Netherlands. She is vice chair of the European Commission against Racism and Intolerance and an international human rights expert.

Irene Appiah serves as city councilor in Hamburg, Germany and has been a leader on Afro-German initiatives.

We have MP Danièle Obono, who's a member of the French Parliament and a member of the Constitutional Laws, Legislation and General Administration Commission—Constitutional Commission of the National Assembly, as well as the European Affairs Commission, where she serves as bureau secretary and a member of the Overseas Territories Delegation.

And last, but certainly not least, our Member of Parliament, Olivier Serva, who's the president of the Delegation of French Overseas Territories in the French Parliament.

We look forward to your questions. I want to say to our first panel, I had many questions I wanted to ask you myself. But I really appreciated your participation. And, again, this conversation is just starting.

[Off mic]—take this time while things are being set up to thank our Helsinki staff. The woman that you see putting the placards there is Dr. Thompson. And she is—she leads all of our efforts here. And she has a marvelous staff that works with her. And we appreciate Dr. Thompson's diligence. She is—she's here now, but she's been—what, you've been to Vienna. And she's a very hard worker.

All right. We're going to get right into the second panel. And I'm not going to delay because time is waning. So let's get right to it. And Dominica Biidu of the Netherlands, let's start with you.

**DOMENICA GHIDEI BIIDU, VICE-CHAIR, EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE**

Ms. BIIDU. Thank you very much for this invitation. It's an honor to be here, and to share my experience from the point of view of the European Commission against Racism and Intolerance [ECRI], as well as my own experience as a first-generation refugee from Eritrea coming to Europe as an accompanied minor and climbing to this—to this position. So even though in Europe we don't believe



in the European dream, I every now and then say we should. And we create space.

I would like to first start to explain what we do at the European Commission against Racism and Intolerance. So what we see, that the increasing xenophobic, and populism, and hate speech is persisting, as all the other colleagues have already said, concerning in Europe one of the most challenging. If anything, over the last 2 or 3 years, the problem has grown, possibly as a result of the multiple crises Europe has been facing during the several years now of austerity policy, migration on a scale that hasn't been seen in modern history, and the related challenges of integration and increasing number of terrorist attacks.

People's fear and uncertainties have been instrumentalized by nationalistic and xenophobic movements. Racist insults and xenophobic hate speech has reached unprecedented levels and entered, in many cases, the political mainstream. The role of ECRI is of paramount importance. We have been created in 1993. We are celebrating our 25th anniversary, coming at the end of September, as an independent human rights monitoring body within the Council of Europe. We are entrusted with the task of combating racism, racial discrimination and xenophobia, anti-Semitism, and intolerance from the perspective of the protection of human rights.

We are composed of 47 independent experts, one from each member State of the Council of Europe. So it's not just the U.N.—[laughs]—it's not just the EU, but we are 47 member States. And we have close collaboration with the OSCE in our monitoring work. And we refer—cross refer on our—on each other's work. So each government proposed a member—so all members come together three times a year in our sessions. Our work consists of country monitoring and work on general themes for developing so-called general policy recommendations [GPR]. And we work with civil society.

So, just also referring to the question which was stated a while ago, one of our main issues is addressing hate speech and hate-motivated violence, and also affecting the quality and access to rights, and integration and inclusion.

We have adopted a general policy recommendation, number 16, dealing on hate speech. That puts at various finding and recommendation from countries visits an overall cohesive frame to provide advice on the various sectors, such as what we can do to combat racism in employment, education, sport, and policy. So in all our work, when we do country monitoring we look at the variety of situations in the different countries.

So, coming to hate speech, it's our general policy recommendation number 16 has the definition we are using, is that the significance is the advocacy promoting the assignment of any forms of denigration, hatred, or vilification of a person or group based on personal characteristics or status, as well as harassment, insults, negative stereotyping, stigmatization, or a threat on that basis. So that's the definition.

The forms of expression that incite are likely to incite acts of violence, intimidation, hostility, or discrimination on race, color, language, religion, belief, nationality, and national ethnic origin and descent. However, this is not an exhaustive list of personal charac-

teristics. For example, ECRI considers sexual orientation also as a ground which will be covered within this definition of protecting and combating hate speech.

So it's very important, the work we do. And what we need from the members, we are always stressing on it when we are doing our monitoring work, is to ensure that we have robust legislation in place to tackle discrimination at the constitutional level, and civil, administrative law, and criminal levels as well to apply legislation consistently and systematically. So that's a main thing we are stressing. We'd like also to ensure that independent equality bodies exist and function properly to promote equality and prevent discrimination, support people exposed to discrimination and intolerance, and promote diversity and good relations between persons belonging to different groups in society.

So here is where the intersectionality comes, and also the importance that equality body not only do this work, but they are also practicing what they preach. So inclusion within their work and framework, we see that as a very important additional thing when we are doing our monitoring work. We need to establish diversity, equity, and inclusion strategy policies, ensuring full access to basic rights such as education, employment, health and housing, as well as language and integration courses, acquisition of legal status, participation in public life, and family reunification.

We need to recognize that integration of migrants is a two-way process. But the emphasis by the state should move from integration to inclusion. Inclusion underlies the need for society not only to facilitate adoption of the migrants into society, but rather also for society to be changed in order to be able to fully accept and include the person. This can be, for example, facilitated by tolerance programs and also for intercultural awareness raising.

A friend of mine, she has created what she calls a "Keti Koti" [ph] table in which it's in realm of the commemoration of the abolishment of slavery in the Netherlands, and how we need to heal. And also in our daily life, really creating cohesive society where we are really meeting each other and going beyond the pain we have experienced. But that shouldn't be an excuse not to work together. So it means that not only on the policy level, but we are working together day to day in creating society.

So when you'd ask us, how can the U.S. help Europe in going forward to create inclusive societies, I'm very happy we are having this kind of encounter we are having today. Even though we acknowledge the dark side of our histories, as Europe, as you have said, is a colonial—it's colonialist past, it's slavery past, and also the dark side of the U.S.—we acknowledge that, like the migration and integration, for example, the internment of Japanese American, the genocide of native population and segregation laws and policies. But we are also at the same time inspired by the American resilience, and the opportunities which have made it possible to create a diverse country, and also opportunities which made it possible to create notable successes in common living and cultural diversity. So you are also our role models.

These must be preserved and further flourished with good examples. And we recognize that the U.S. is a partner and peer in our continued effort to combat racism and intolerance. And we would

like to urge the state to engage in counter-populistic rhetoric, as you have asked what can be done against hate speech. So counter-rhetoric is a very important instrument which can be used. Another thing is to foster constructive and peaceful relationships between the Western world and the Muslim countries, and between Muslim countries and Israel, because that's the root cause which is really forming so much trouble.

We need also, and really recommend, to create guidelines for practices to combat discrimination and intolerance, like, for example, our own GPR on combating intolerance and discrimination against Muslim, our GPR number 9, the fight against anti-Semitism, and our GPR 1916, safeguarding irregular present migration from discrimination. So even a person, if irregularly present in a country, doesn't mean that it's not a human person and is protected with human rights. And as the last thing I would like to recommend is also creating structures to combat hate speech, as I said, our GPR number 15.

I would like to conclude by saying that it would be very important, if it's possible, that the U.S. also seek an observer status in the plenary meeting of us, of ECRI. That would be an opportunity to deepen our transatlantic relationship and cooperation.

Thank you very much.

Ms. MOORE. Thank you so much. And please take note, our time is wasting, and I'm a very bad chair because I'm so excited about you all being here that I'm not really strictly enforcing the time limits, But we do want to hear from everywhere.

So, Ms. Appiah, *guten tag*. Welcome. She's a city councilor in Hamburg, Germany. We're happy to hear from you.

#### **IRENE APPIAH, COUNCILOR, HAMBURG, GERMANY**

Ms. APPIAH. Thanks for having me. Dear Members of Congress, I am deeply honored to receive this invitation to speak to you today and give you a small insight of being an African German political leader, born and raised in Hamburg. My name correctly pronounced is Irene Appiah.

Ms. MOORE. Appiah.

Ms. APPIAH. Appiah, coming from Ghana, originally. I'm newly elected, since May. And I became the first black councilor in a local district of a city called Hamburg, Hamburg City. According to German statistics, citizens with African nationality hold approximately 5.1 percent—that's 511,000 people—of the total German population. Our statistic in Hamburg proves that out of 46,000 registered Africans, two-third hold a German passport. In addition, from what research I could find, at least 15 percent are citizens with undocumented status.

But still, people of color [POCs], mostly Africans, Roma, and Muslims, are confronted with prejudice and discrimination. With that being said, I would like to concentrate on the timeframe since the U.N. Decade for People of African Descent has unfolded its effect. We have this word in German, "existenzangst."

Ms. MOORE. I saw that.

Ms. APPIAH. It is a little bit difficult to translate into English. However, I'm going to try. It's this fear of disappearing, this existential sort of social anxiety that has taken over like a virus of the

mind. Existenzangst has flamed the fires of xenophobic violence, discrimination and abuse throughout all of society. Attacks, which had stopped around the early 2000s, because of the recent upsurge in immigration settlement, we are now having a return of xenophobically motivated attacks, like we had in the early 1980s and 1990s, caused by hatred and ignorance, and unresolved issues that remain, but you don't really have reason for the increasing number of neo-Nazi groups who feel comfortable in verbalizing their ideology, new tone of misanthropic expression in politics—which is being reflected in rules—in some rules and regulation, and during current elections.

On a positive note, the number of parliamentarians of African descent have doubled, in some cases tripled, taking seats on all political levels. Africans are more likely to be actively included in committee bodies, unions, and boards. Activists are organizing themselves and joining forces to push diversity interests. Religious institutions, with their significant numbers of members, are the—[inaudible]—associations who need support in self-organizational efforts. Many religious leaders are unaware of the potential ecumenical public-private partnership with local, state, and federal government entities.

The average fellow citizen is slowly feeling represented. Our demands, our interests, and our needs are becoming more visible and, in some cases, even recognized. I became politically active in 2012 and have always addressed discrimination against African citizens. In 2014, when we won our district election—me missing out on a seat by 25 votes—I was still asking to phrase a paragraph for the coalition agreement, which set a focus on the African community living within that municipality. For the first time in Hamburg's history, our African community became visible in political matters. The focus was set for 5 years, and reflected on the matters of youth, social, labor, and public housing.

I then founded a working group for African Germans, mostly of democrats, but also allowing no party members to participate and push the political matter further. Another positive light of the governmental action is based on having our first African representative, Dr. Diaby Karamba, in federal parliament. In his awareness of the U.N. decade reference, he influenced the federal coalition contract by setting cultural heritage, colonialism, escape and expulsion on the federal agenda, making it the task for all cultural authorities in the country to develop measurements for recommendations.

Following, the cultural authority in Hamburg is currently developing new procedures for the recognition of colonialism within their field. The authorities have installed an advisory board, including the expertise of individuals and association members with African heritage and POCs. The existence of the U.N. Decade of People of African Descent and its fruitful network is helping to create more awareness for issues and personalities of minorities in our society.

A good example is the promotion of Representative Aminata Toure, by becoming vice president of state parliament—the first time in Germany's history to place a person of African heritage to such a high position. The charter helps establish more activities

and political organizational groups; more empowerment workshops and political debates have been initiated.

So my recommendations to the commission would be, make the impact of the U.N. charter even more sustainable. I believe it is necessary that all state parties who signed the contract of the High Commission of Human Rights must declare a commitment to take measurements in case disadvantaging gaps have been indicated by the U.N. expert working group.

I forgot one thing about the educational part—children and youth face discrimination at early ages in kindergarten, schools, in vocational trainings, and university. There is a tendency to quickly sort out schoolboys and categorize them as children with special educational needs. And what I do at the Ministry of Education—that's where I work when I'm not in politics—I develop intercultural learning action plans for schools. My observation is the majority of teachers and pedagogues are not prepared in their field of studies to handle the diversity of their students. Most of them lack social and intercultural competencies. They lack the skill to include diversity in their classrooms. So there's urgently needed to be done on that field too.

Okay. In order to have effective measurements, the state must provide statistical data of minority groups, and make us of the existing competencies of the African diaspora. Equity of minority groups can only succeed if minority councils are embodied to ensure inclusion in various boards, bodies, and institutions—especially on boards of chambers of commerce, financial institutions, boards of media houses. Minority councils, therefore, will need funds to build up in order to deal with the competitive standards and structure.

Ms. MOORE. I'm going to ask you to wrap up, though. [Laughter.]

Ms. APPIAH. The High Commission must either involve U.N. prosecutor in trials abroad or take on these cases to the European Court of Human Rights, because we have a lot of cases—unresolved cases where it's clear that the minority is not being served. Minority groups need support to build and own a media network with a transatlantic connection. I thank—

Ms. MOORE. I've been taking copious notes, really. I'm sure you have so much more to share.

Ms. APPIAH. Yes.

Ms. MOORE. But I took notes. And I am so happy now to have MP Danièle Obono, a member of the French Parliament. Bonjour.

**DANIÈLE OBONO, MEMBER OF PARLIAMENT, FRANCE**

Ms. OBONO. Bonjour. Thank you very much.

Ms. MOORE. The best of my French and German today. [Laughter.] The very best.

Ms. OBONO. That's the best beginning, at least.

Thank you very much for having me—for having us today. I'm the first-time—a first-time member of Parliament in France and a proud representative of the 17th constituency, electoral district in Paris. It's comprised part of the 18th and 19th District of Paris in the northeast.

It's a very beautiful place. Historically, it's a working-class and migrants area. It encompasses two of the poorest neighborhoods in

Paris with an overrepresentation of persons with few diplomas, large families, and single-parent families. Seven out of ten households live in public housing and the poverty rate is 31 percent, double as much as the general rate in the city.

It faces a lot of challenges, either—whether it's gentrification or homelessness crisis. There's also a beginning of crack epidemic and the way the state have failed migrant people, who have been abandoned in the district and left to die into the streets.

It's also one of the most creative, vivid, and human parts of Paris and I would cordially invite you to come and visit and go beyond the river Seine and the lights in the Saint-Germain to visit this wonderful place while you meet welcoming people and very generous people. They look like what French is now—French society has actually always been, which is multicultural with a lot of diversity. That's not what is being shown in the television or in the political scene or any other public place. But that's the reality of what France is and has been for decades and century, actually, because there is and there has always been diversity in the French population.

Nowadays, it's around 8 [percent] to 9 percent of the French population that were born foreign—in a foreign country, which is the definition of immigrants by the French Government. It's, roughly, 6 million people. It's a very stable figure, and out of those people considered immigrants in France 42 [percent] come from Africa and 37 [percent] from Europe.

You have religious diversity that has also always existed in France. The majority of French people declare themselves to be Christian, around 60 percent. Thirty percent are without religion. Six [percent] to seven percent are Muslims. One percent, roughly, are Jewish and two [percent] to three [percent] don't belong to any faith.

The problem in France so is not about diversity or discovering this diversity. It's always been there. The problem is diversity in France is used as a term that only makes sense in a society where groups of body have been marked as "others" for a long time systematically and, therefore, excluded.

It is only because the society has delusioned itself as homogenous that it is—it has to rethink itself as diverse. Europe and France has produced hegemonic ideologies aimed at justifying—[inaudible]—of goods, the restriction of cultures, enslavement of people, systematic oppression. And although this has been documented in numerous scientific researches, French Governments have successively failed to acknowledge what this tradition of marking people as "others" has for consequences.

There's an extreme control of the semantics when talking about discrimination and the refusal to see racism as a power relation—a matter of domination—the refusal to talk about race relations, the debate about—around the wording, to talk about Islamophobia or anti-Muslim racism, and the continuous talk and countertalk about anti-white racism.

Recently, we had a media frenzy when the world-famous Lillian Thuram, who is a 1998 soccer world champion—is a very esteemed figure—it's a black man, and he has been talking about racism in sport, in football. And he was denouncing white supremacy and is

being attacked by some media and sport experts, saying that it was—when he denounced white supremacy philosophy, that it was anti-white racists and all talk, rather than focusing on what black football players are being abused and called names on the field, rather than confronting that it was about accusing Lillian Thuram, who has—who has spent decades fighting against racism.

This is—this shows a small example among many how the whole situation is used against the very people who are victims of racism in France.

The refusal to recognize the numerous historically produced discriminations impacted people living in France has also led French Governments to be quite reluctant in implementing any real policy progress in matters of nondiscrimination. So the notion of diversity that is politically implemented is therefore largely a conditional one.

Diversity is a question of public image, having a photo of people read as diverse. Diversity is a question of integration. The persons read of diverse are to be accepted, make themselves good enough, respectable enough in order to make it into the preexisting space, but the space doesn't have to change. And the result of that historical and political and also economic power relation is that we as a society have failed again and again to fight systemic discrimination.

We have now numerous reports from esteemed body like the National Advisory Commission on Human Rights or the Rights Defenders that have showed how people are victim of systemic discrimination. In 2017, 1.1 million people were a victim of racist or xenophobic attacks, according to the annual report of the National Advisory Commission on Human Rights in France. Out of those, only 70 percent complaints of racist abuse and 2 percent of racist violence had been filed, and this under declaration is due to the justice system failing actually to serve justice for those victims or the police refusing to take complaints. So there is massive under-declaration of those facts.

But the very facts remain. Sixty-point-seven percent of women and forty-seven-point-six percent of men perceived as blacks, Arabs, or Asian declare being discriminated against in the professional world in the access of employment as well in the evolution of their career, according to a report by the Rights Defenders, which is an independent administrative authority working on those issue[s]. In another poll, 80 percent of young people declaring themselves to be black or Arab have been stopped for identity control by the police in the last 5 years, whereas 80 percent of the person declaring themselves white were not submitted to such control.

We have witnessed an increasing in—rather than addressing the issue—the failure kept happening. And I wanted to focus on two issues: the way the government policies have actually failed the people and increased racism and xenophobia, the anti-migrant policies implemented over the past decades.

For instance, the European country that has the most recourse to the detention of migrant people, 45–8051 people are in detention—were in detention in 2018, and those detentions include families with children, in a situation so bad that even local associations and support groups have decided not to get into those detention

center any more in order to protest against the way things have been happening.

The other issue I wanted to point out is about police brutality. There has been, over the course of 10 years, 47 unarmed men have died as a result of police intervention, due to racially based stoppages or interrogation. Out of all those cases, no police officer involved have ever been imprisoned.

Ms. MOORE. That sounds familiar.

Ms. OBONO. Yes. And despite European-level institutions condemning France on those very issue of the way the police use lethal immobilization techniques in order to arrest people that are not even accused of anything, just to search them, or the way they've been using weapons. And what used to be focused on people of color in the suburbs for years has been now used with a wider range of people, especially in the recent social movement. So we see how first targeting a specific sector of the population and then it's spread to the entire situation.

So there have been on this issue in particular—and I wanted to end on that because that's where the social movement and people have been fighting back a lot over the past years. There have been movement to reclaim—ask for justice for people, young people— young black people who've been—died being arrested by the police. People like family members and especially sisters and mothers have been standing for justice—

Ms. MOORE. We're going to make sure that we have some questions on that because I'm going to cut you off now because we want to hear from the Honorable Monsieur Olivier Serva, who is the president of the delegation of French overseas territories in the French Parliament. And we started 10 minutes late so we're going to go over a little bit. We promised to get people out of here at noon.

But we welcome your translator, Monsieur Olivier, and we look forward to your remarks, and then that'll give us a couple of minutes to ask you some questions. I have some questions that I really want to direct toward all of you on the panel.

So, Monsieur Olivier, you're on.

**OLIVIER SERVA, MEMBER OF PARLIAMENT, FRANCE**

Mr. SERVA. Thank you. I would like to speak a few words first on this day, September the 11th—

Ms. MOORE. Yes.

Mr. SERVA. —which is not ordinary. We know that it's a day of grief for the United States—

Ms. MOORE. Thank you.

Mr. SERVA. —but also for the democratic and civilized humanity. Let me thank you for receiving us on this special day of remembrance, and be assured of the solidarity of countries of the European Union and the Caribbean world. Thank you.

To fight against all form of discrimination, the persistence of some form of discrimination against minorities is a matter of concern in France, whether it concerns European countries or French overseas territories. Given my experience as a member of the French Parliament representing my island, Guadeloupe, I can bring my testimony relating to French overseas territories.



The delegation for French overseas territories within the French National Assembly, which I head, has been addressing this important issue twice since the beginning of my presidency in 2017. The last report was published in March 2019. This report highlights the difficulties related to the achievement of real equality between minorities and the rest of the population.

In most French overseas territories, economic systems keep suffering from many obstacle[s]. A significant socioeconomic gap has widened through the years with European countries. On top of arrayed economic and social precariousness, one can also add the consequences of global warming—hurricanes, tropical storms, et cetera—as well as the difficulties related to access to housing, most of the time degraded.

Inequalities in access to training led to educational inequalities. Most of the young people from French overseas territories have to travel to pursue their higher education in Europe. For those who do not have the opportunity to leave, for a student the result is a lack of motivation and high dropout rates at the local level above the national average for minorities. Less effective training at the local level also result in inequalities in access to right and to information.

Furthermore, there are inequalities of access to health for those living in the French overseas territories. The access to hospitals' care is most of the time failing, as it is usually limited to the main city. The organization of the territory is not homogenous, even though the French overseas territories need to deal with diseases such as chikungunya, Zika, or dengue fever, et cetera. This often result[s] in lower life expectancies than the national average.

Every day, discrimination is insidious, as it often hides in the details. I will back my argument with three example. Bank domiciliation—a person whose bank account is located in a French overseas territory does not have the same right as a person whose bank account is in mainland France. For instance, if my bank account is in Guadeloupe and my child is going to mainland France to study, I cannot provide a guarantee for a loan or a lease for my child.

Social security registration is also much more difficult at the administrative level for people coming from these areas of the world.

Finally, the right for civil servant—example, teachers—to transfer to a French overseas territory is much more difficult to obtain, given the small number of places available overseas.

To face these problems, the delegation of French overseas territories advocates for a number of measures to fight all forms of discrimination, such as to enhance the teaching of the history of slavery on the French overseas territories, to improve the visibility of minorities in the French media, to improve statistical tools to have a better understanding of the minority and their problem of discrimination, and the remote areas of the French overseas territories to develop public services such as health care or education services, to help our young students to stay in their territories to study for higher education. If they have to go to mainland France to study, we need to help them come back home to work and develop our territories and, by doing this, to fight against the aging of the population.

I'm fully aware that these measures have two limits. First, they face budgetary restrictions as most of them are expensive. Then, they face a form of indifference from most of the French citizens. On that particular point, we can all work and use our strength and power as political leaders to fight all forms of discrimination against minorities.

This wonderful event that is the Black Caucus is a perfect proof. Thank you.

Ms. MOORE. Wow. This has really been a great day. My name, again, is Gwen Moore. I'm a Helsinki Commissioner and I'm here with my good friend. Mr. Emmanuel Cleaver is also. I have a question, very quickly, before I close out and perhaps give Mr. Cleaver an opportunity to ask questions. Very interested in the French delegation.

You know, France wants—it is very akin to the notion that you want to protect the European way of life to talk about *égalité*, *fraternité* in France where no one can wear the hijab, where they don't get data and statistics on race, which I'm curious as to how you have so many data and statistics on race since France refuses to allow you to gather those data.

And, is that sort of a veil for protecting against those accusations of racism and discrimination? The fact that you can't really prove racial discrimination or there's no way to say you're not hiring black people? I'm just really—I've been waiting on you to get on this panel to respond to that inquiry.

Ms. OBONO. So, yes, I agree with my colleagues. All of them have pointed out the lack of statistics and in order to actually treat the problem at the—at the roots. There have been some researchers—not enough, and that's one of the problem—and what they use are the immigrant backgrounds and the nationality of the parents and the grandparents and that is how they trace back the ethnicity of the people based on that familial history.

There's a very important study, just one that's been made on that, and that showed the discrimination against people who are now French citizens but whose parents were born in foreign countries and from former colonial countries. And so the figures are there. Not enough, and that's why we need more research and money put into that, and especially to have a more precise idea of the intersection of oppression and when you talk about black women from immigrant backgrounds who face specific discrimination, especially on the economic level. So, I think it's part of the French ideology of the republic being one and only, and not seeing—

Ms. MOORE. So is there no chance that you could legislatively get the government to officially collect data? You've got a census coming up, right, where you count the people. Do you count people every 10 years like we do?

Ms. OBONO. There's a census, but it's not based on the same kind of statistic. We don't have race statistics in France. It's—

Ms. MOORE. I know, but is it possible to ever change that?

Ms. OBONO. I think it will be—[laughs]—maybe Olivier will answer because he's part of the majority.

Ms. MOORE. I mean, is that a problem that you don't collect data?

Ms. OBONO. Yes, it will be—I think it will be a very tricky, tricky debate. I don't think it—we are there yet.

Ms. MOORE. Honorable Olivier?

Ms. OBONO. We are not there yet.

Mr. SERVA. [Through interpreter.] I'm very happy to be here today.

Ms. MOORE. Mmm hmm. Okay. You're going to go to Black Caucus. Yes.

Mr. SERVA. [Through interpreter.] Because you here in the United States, you have elected a president of color so you are very forward—a forward country.

We want, just like you, to have policies with negative quotas of discriminations. Currently in France, for the reasons we talked about, there is a form—there is a huge hypocrisy because we talked—we talk about equality and fraternity. We want more diversity everywhere and especially in the forms of powers. Currently, we have trouble—

Ms. MOORE. You want to be in the majority. [Laughs.] You can introduce that. [Laughs.]

Mr. SERVA. [Through interpreter.] That's why I'm very happy we agree on that. We have to—

Ms. MOORE. Black president.

Mr. SERVA. [Through interpreter.] —do the same as you and elect a president of color.

Ms. MOORE. That's right. I heard. I understand. I just—I'm ready. [Laughter.] Okay. I did have a question. Listen, I just want to, before I turn things over to my colleague here, just say I heard everything everybody said. I was so happy to have Romeo Franz from Germany—the plight of the 12 million Roma in Europe. Dr. Pierrette Herzberger-Fofana of—the co-president of the European Parliament. I did not know that black people were German—black Germans were victims of the Holocaust. I did not, that's not part of the history and if I don't know they don't know either, right. That's what your whole educational thrust has been.

I really appreciated hearing from Evin Incir about inequality being the thing we have to tackle to get rid of racism. I'm also impressed by Alfiaz Vaiya, coordinator of the European Parliament, who talked about the—really, the capacity to deal with defining speech that's different. Hate speech and free speech are not the same thing, and that might be something that we need to look at in terms of reining in this notion that you can just say anything when we know you can't scream fire in a theater. So we might want to take that up.

Really appreciate you, Honorable Danièle Obono, for your work and your words—Honorable Olivier and Samira Rafaela, a very old lady, who said that the antidote for racism is community engagement. So I have really taken in a lot and I want you to know that having come across the pond to visit with us has been worth it for me.

I just want to yield now to my colleague, another commissioner—Helsinki Commissioner—Mr. Cleaver.

Mr. CLEAVER. Thank you, Madam Chair, and I really appreciate you calling this meeting and I have co-signed what our chair has said in thanking you for your visit and we appreciate it very much.

I just have one question. I'm wondering if in Europe, there is name calling for minority groups, be they Muslim or black or African or Caribbean.

If you look at history, in order to do damage to people first you—if you want to turn society against them to do damage—the first thing you do is dehumanize them. In Rwanda, in order to kill a million Tutsis, they became roaches. If you want to enslave people or to do what happened to indigenous people in this country, became savages or a Vietnamese became a gook.

Jewish people were supposed to be less human and more vicious. And just go all the way through history; you almost—you need to dehumanize them with something. Does that happen—I mean, for example, we had a whole community here in our country essentially called vermin, not far from here in Baltimore. So is that something that you're hearing in Europe?

Ms. APPIAH. If I may speak.

Ms. MOORE. Yes.

Ms. APPIAH. In Germany, I can definitely say yes. We're called monkeys. So, in that form, that's an animal. And, that's like the common treatment of being black. Yes, so I can confirm that.

Mr. CLEAVER. Yes. Thank you.

Ms. BIIDU. Thank you for this question. I think it's very important. Dehumanization is the first step in that triangle of hate and that happens to many societies. That's also what we do in our monitoring work. We really look at it and it's one of the points we perceive as the starting of hate and hate speech then. And what happens also is that the bad part of it is that when it's internalized by communities themselves.

So that's really a destructive part of what happens, that you think that what the—the “othering,” it's something you do to yourself and also across each other. So creating unity is the best medicine and that's what we really need to do and to create a way of seeing the human in the “other,” and that's a very long process of education.

If you may allow me, I would like to also react on the thing—

Ms. MOORE. You're the only people missing lunch. [Laughter.]

Ms. BIIDU. We don't mind. This is an opportunity we don't like to miss. As she said about the French example of statistic, that's something which is present in—not only in France, in many countries across Europe. And sometimes the reason why there is no statistics, many times, for example, in the Netherlands, it's because we have had this trauma of the Holocaust. So, they're saying because we had a good registration, that's why that this could happen.

So, the reason why it's not done is being pointed to that past. But we are visible. So it's not something that you need—not all of us, of course, but many of us are visible. So it's very important to stress on a statistic. So that's what we do also as ECRI. When we do our country visit, we stress on statistics. And also the importance—we have legislation and we have the possibility for preferential treatment. It's not called affirmative action but preferential treatment, and there are steps we should use and we can use.

The instruments are there but we really need to strategize and campaign for them that we use that instrument present to really have preferential treatment so that we would reach positions which are there for us as well.

So thank you for this question and reminding each other to do what's there.

Ms. MOORE. You guys are so awesome. We're so awesome. I'm definitely going to come to Paris and visit. I would love to come and—I'm sure Samira is going to get me to Brussels. Who was it from Sweden? Okay. My nephew lives in Sweden. He woke up one day and asked, "Why am I colored?" And so that's how we found him. [Laughter.] So, really, we're all in this together and I think that there's strength in unity. So let's go eat. [Laughter.]

[Whereupon, at 12:23 p.m., the hearing ended.]



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## **A P P E N D I X**

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PREPARED STATEMENTS

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## PREPARED STATEMENT OF HON. ALCEE L. HASTINGS

Good Morning.

I consider it an honor to serve the global community as chair of the U.S. Helsinki Commission and am honored to be joined today to assess the state of diversity and inclusion in Europe.

Today's hearing is timely not only because it is taking place ahead of the OSCE's annual human rights meeting later this month which includes a focus on how European and North American governments are responding to hate crimes and bias, but also because it is taking place ahead of the European Union's first ever Anti-Racism and Diversity week on the heels of Roma Week earlier this year.

I was so pleased to serve as an honorary host last year, of Europe's first ever People of African Descent Week (PADWEEK) convened in the European Parliament to honor the history and contributions of Europe's 15–20 million strong Black population, on the occasion of the International Decade for People of African descent.

I am pleased that the Helsinki Commission has been a supporter of those initiatives and to be joined here today by the new leadership of the European Parliament's Anti-Racism and Diversity Intergroup and other European leaders to discuss how these and other events will assist in shaping Europe's path forward in realizing an inclusive society.

In addition to our European hearing witnesses, we are also joined in the audience by other international delegates from Europe and the Western Hemisphere including French Parliamentarians Olivier Serva, and Spanish Parliamentarian Rita Bosaho. I am so pleased that everyone can be here today with us.

Today's hearing is taking place at a time when we are receiving numerous reports from Europe of hate crimes and acts of extremism, racial profiling in cities and at borders, and discrimination in schools and in the workplace.

The OSCE has reported close to 6,000 hate crimes in Europe over the past year. A recent European Parliament study concluded that people from ethnic or racial minorities in the EU experience higher risks of economic hardship, poorer quality housing, residential segregation, unemployment and assault. The individual impact of such disparities was quantifiable in lost earnings between 1.8 and 8 billion Euros.

Americans are also impacted by disparate treatment and related violence in Europe. For years we have received reports that our diverse military and diplomats serving in Europe, students studying abroad, and tourists have all been the targets of discrimination from being refused service in restaurants to in the worse cases being the tragic victims of a hate crime.

Europe, like the United States, is already diverse. In a democracy, ethnicity, skin color, religion, gender—and I could go on—



should not determine one's access to rights, protections, and opportunity. Yet, this is what we are seeing.

Increasingly citizens in our democracies are turning against one another and people from other places simply because they look, pray, love, or think differently than someone else. It is critical that we reaffirm democratic values by challenging rising prejudice and violence with strategies for inclusion.

This is not simply an American or European problem. Whether our countries can truly embrace diversity is a litmus test for our democracies and the transatlantic relationship.

BREXIT, counterterrorism cooperation, trade, migration, data use and protection—these are all transatlantic issues that ultimately impact us all regardless of our differences. Ensuring that all voices are represented in policy decisions on these issues on both sides of the Atlantic are critical to how our nations will move forward.

Together, our nations can move towards a future in which diverse populations are celebrated, guaranteed fundamental human rights, and have the opportunity to participate fully in our societies. I welcome your testimony on how we might make this statement a reality.

## PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN

Good Morning. I am pleased that we are joined today by recently elected Members to the European Parliament who are leading the Anti-Racism and Diversity Intergroup as well as other leaders from across Europe who are committed to addressing issues of diversity and inclusion in the OSCE region.

Some years ago, the OSCE was poised to adopt a Ministerial Decision to strengthen efforts to combat racism and xenophobia that would have furthered North American and European efforts to address the problem.

It didn't happen at that time, but given current events, not only is a revival of that agreement needed, but also a global effort that capacitates governments, civil society, and the private sector to address all forms of prejudice and discrimination.

As our countries become more diverse, the stability of our democracies, economies, and security are likewise dependent on strengthening policies that support inclusion and capitalize on diversity alongside anti-discrimination initiatives.

It is for this reason that in my capacity as Ranking Member of the Helsinki Commission and the OSCE Parliamentary Assembly's Special Representative on Anti-Semitism, Racism, and Intolerance, I have been working with my colleagues here and abroad to address the rise in prejudice, discrimination, and related violence we have been witnessing on both sides of the Atlantic.

At the 28th Annual Session on the OSCE Parliamentary Assembly in Luxembourg, I hosted an event entitled "Countering Hate: Lessons from the Past, Leadership for the Future," where parliamentarians from across the 57 North American and European countries that make up the OSCE region called for the adoption of an OSCE action plan to counter bias and discrimination and foster inclusion.

As part of that event, I was joined by Dr. Rebecca Erbelding of the U.S. Holocaust Memorial Museum, who emphasized that "the Holocaust did not appear out of nowhere; in fact, the Nazi Party was in power in Germany for eight years before mass killing began." She highlighted that "early warning signs" from the rise of populist leaders and simple solutions to the demonizing of minorities, propagandizing of hate, and the neglect of refugee protections were not adequately addressed at the time and ultimately became the factors that resulted in genocide.

Ladies and gentlemen, the warning signs of today are painfully explicit and undaunted by our borders. In what appears to be a worrying trend, hateful ideologies are becoming increasingly prevalent, fueling bias-motivated hate crimes and other violence with deadly consequences throughout the region, compromising the security of participating States.

Inspired by the New Zealand Christchurch gunman, the recent El Paso gunman targeted persons he perceived to be of "Hispanic" heritage because he believed they were "invading" our country and generally that Whites were being replaced globally by other ethnicities.

The Tree of Life gunman who killed 11 Jewish worshippers in a Pittsburgh Synagogue because he believed they were conspiring to

help Muslim refugees invade our country was also inspired by the New Zealand Christchurch gunman and the White nationalist who in 2011 murdered close to eighty children at a youth camp and other sites in Norway.

In other connections to Europe, there are reports that the Christchurch gunman was funded through Austrian hate organizations and covered his weapons with various white-supremacist and Islamophobic symbols and references, including the name of a political candidate in Italy who was sentenced to twelve years in prison for shooting 6 African migrants.

German politician Walter Lübcke was assassinated by a neo-Nazi at his home in June for his pro-immigrant political stance. Law enforcement is now investigating possible ties to a larger neo-Nazi network, following German law enforcement's 2015 unearthing of a neo-Nazi cell that operated for over a decade killing close to a dozen people they perceived to be migrants.

You may recall that at the 2017 "Unite the Right Rally" which resulted in the tragic murder of Heather Heyer and injuries of many others by a motor vehicle, White supremacists chanted the old Nazi slogan, "Jews will not replace us." The Hungarian Prime Minister echoed similar remarks at his demography conference last week, while we continue to see confederate flags from the United States and Nazi symbols at rallies in Poland alongside the scapegoating of LGBT+ populations.

The OSCE Ministerial Council has repeatedly reaffirmed that hate crimes pose a threat to the security of individuals and society, given their potential to lead to conflict and violence on a wider scale. Recent acts of hate crimes and extremism attest to this.

With the approach of the 75th anniversary of the liberation of Auschwitz-Birkenau next year, we must not only work towards justice for survivors, their families, and other victims of the Nazis, but we must once and for all also work to eradicate the fallacies of the racial pseudo-science used to justify the Holocaust, colonialism, slavery, and other horrific practices of dehumanization that continue to fester and divide our societies today.

JOINT PREPARED STATEMENT FROM MEMBERS OF THE EUROPEAN PARLIAMENT (MEPs) ANTI-RACISM AND DIVERSITY INTERGROUP: MEP DR. PIERRETTE HERZBERGER-FOFANA (GERMANY), MEP ROMEO FRANZ (GERMANY), MEP EVIN INCIR (SWEDEN), AND MEP SAMIRA RAFAELA (NETHERLANDS)

### **Situation**

In recent years, there has been a rise in far-right, racist and xenophobic groups and political parties that have been inciting hatred and violence in society. Terrorist attacks, murders, psychological violence, violent physical attacks and marches by far-right groups have taken place in various EU Member States. Far-right groups and individuals belonging to far-right groups have targeted minorities such as black Europeans/people of African descent, Jews, Muslims, Roma, third-country nationals, LGBTI people and persons with disabilities.

There are reports in some Member States of collusion between political leaders, political parties and law enforcement with far-right groups. There is evidence of impunity with far-right groups operating in some Member States. There are increasing trends of far-right groups using social media and the internet to organise and strategize across the European Union. There is a correlation between dissemination of hate speech online and a rise in violence, including by far-right groups and individuals belonging to far-right groups. Additionally, there are reports of Member States public broadcasting becoming single political party propaganda, which often excludes opposition and minority groups from society and even incites violence.

While the EU parliamentary elections in May 2019 did not result in a surge for extreme right and nationalist parties. This unexpected development can partly be attributed to the plethora of mobilisation campaigns throughout Europe, which saw the highest voter turnout in 20 years. However, despite several positive outcomes, there has been a rise in European parliamentarians (MEPs) representing far-right and nationalist parties. Looking ahead, MEPs and activists working against racism/discrimination will have to mobilise and organise to ensure equal treatment and protection for minorities. This will require strong organisation and collaboration between the various stakeholders given recent events and reports:

### **Select reports and recent incidents**

- TESAT 2018 Europol report recorded a near doubling in the number of individuals arrested for right-wing extremist offences in 2017.
- Same report stated that there were five foiled, failed or completed terrorist attacks attributed to far-right individuals in 2017 in the United Kingdom.
- French intelligence service has expressed concern at the increasing number of members of military and law enforcement forces joining far-right groups.
- The Federal Office for the Protection of the Constitution, Germany's domestic intelligence agency, estimates there are

- 24,100 far-right extremists in Germany, with approximately 12,000 organized, dangerous, and potentially violent.
- 2nd June, 2019, German politician Walter Lübcke was murdered in Germany.
- 2018, France
  - Five members of the movement Génération Identitaire were convicted of incitement to racial and religious hatred.
  - Individuals linked to far-right groups, including Action Française, were planning a terrorist attack against a number of French politicians and mosques during the 2017 presidential elections.
  - 10 members of the far-right group Action des Forces Opérationnelles (AFO) were arrested for planning a series of attacks targeting members of the Muslim community.
  - 14 September, 2018, two ex-skinheads were found guilty of the murder of Clément Méric, a young student and anti-fascist activist killed in June 2013.
  - September, 2018, LGBTQI activist Zak Kostopoulos was brutally assassinated in the centre of Athens with one of the accused allegedly belong to extreme-right forces.
  - 2018, Italian man was sentenced to 12 years in prison for shooting and wounding six African migrants in a racially motivated attack in the central Italian city of Macerata in 2018.
  - 19 June, 2017, one person was killed in a terrorist attack at Finsbury Park mosque in England.
  - 16 June 2016, Jo Cox, Member of the UK Parliament, was brutally murdered in England.
  - 2015, several members of the Nordic Resistance Movement were convicted for violent attacks on civilians and the police leading to the Swedish Government in 2015 to hide the location of buildings earmarked for housing refugees.
  - Pavlos Fyssas was murdered by members of Golden Dawn in Greece.
  - 22 July 2011, 77 people were killed and 151 injured in the Norway attacks.

### **Policy responses**

More measures are needed to prevent, condemn and counter hate speech and hate crime including passing legislation such as the EU Equal Treatment Directive. Stronger condemnation of hate speech and scapegoating by politicians and public officials at all levels and on all types of media is needed. Additional work with social media companies to counteract the spread of racism and xenophobia on the internet, in cooperation with the relevant civil society organisations at a national and international level is needed.

More financial support and improved care practises are needed for the victims of racist or xenophobic crimes and hate crimes, and the protection of all witnesses against the perpetrators. More scrutiny of law enforcement and the military to ensure that personnel do not engage in any form of racist, xenophobic or discriminatory acts needed, and that any such act committed is investigated and those responsible are brought to justice. Increased cooperation is needed between law enforcement, intelligence agencies, the judiciary and civil society organisations in the fight against fascism, rac-

ism, xenophobia and other forms of intolerance. Mandatory, human rights-based and service-oriented in-service training to law enforcement officers and officials in the judicial system at all levels is needed.

More financial resources for civil society organisations to monitor and report hate speech and hate crime in the Member States are needed. This includes more protection of community groups and civil society organisations that fight against racism, xenophobia and other forms of intolerance. Better training to those working in public broadcasting and the media to raise their awareness about the challenges and discrimination faced by the victims of far-right groups would also assist as well as better education focused on past history to prevent hate crimes from occurring in the future would play an important role in educating the younger generations.

## PREPARED STATEMENT OF DOMENICA GHIDEI BIIDU

The increasing xenophobic populism and hate speech is a persisting concern in Europe and one of the most challenging. If anything, over the last two or three years, the problem has grown, possibly as a result of the multiple crises Europe has been facing during several years now: austerity policies, migration on a scale that we have not seen in modern history, the related challenges of integration and an increasing number of terrorist attacks.

People's fears and uncertainties are instrumentalised by nationalistic and xenophobic movements; racist insults and xenophobic hate speech have reached unprecedented levels and entered in many cases the political mainstream.

The role of ECRI is of paramount importance. The European Commission against Racism and Intolerance (ECRI) was created in 1993 as an independent human rights monitoring body within the Council of Europe. ECRI is entrusted with the task of combating racism, racial discrimination, xenophobia, antisemitism and intolerance from the perspective of the protection of human rights. It is composed of 47 independent experts, one from each member State of the Council of Europe, but not representing their respective governments. A government proposes a member, but final appointment rests with the Council's Committee of Ministers. All members come together three times a year for plenary sessions in Strasbourg/France at the Council of Europe's headquarters, where the ECRI Secretariat is based as well.

ECRI's work consists of three pillars:

- Country monitoring
- Work on general themes through developing so-called General Policy Recommendations (GPRs)
- Work with civil society and equality bodies to combat racism and discrimination

ECRI monitors all member States, which includes regular visits—and adopts country reports which analyze the national situation as regards to racism and intolerance and analyzes racism and racial discrimination through three thematic priority areas: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of country-specific issues.

ECRI adopts General Policy Recommendations—GPRs—in order to provide guidance to policy makers, when drawing up national strategies and policies for combating racism and racial discrimination. Up to now, ECRI has developed a total of 16 GPRs. They put the various findings and recommendations from our country visits into an overall cohesive frame to provide advice on various sectors, such as combatting racism in the field of employment, education, sports, and policing—and increasingly important in the current context of terror attacks that occurred in many European countries: combatting racism while fighting terrorism.

It nevertheless bases its work on the European Convention on Human Rights—in particular its Article 14 on discrimination and

Protocol 12 related case-law. ECRI's current challenges in the fight against racism and intolerance.

There are already a number of European and international documents concerned with the problems posed by hate speech; notably the Article 20(2) of the International Covenant on Civil and Political Rights and Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, both of which the USA is also a party to as well as Recommendation No. (97) 20 of the Committee of Ministers to member states of the Council of Europe, Council Framework Decision 2008/913/JHA of the European Union and the Rabat Plan of Action.

ECRI also contributed to these protections by adopting its General Policy Recommendation No 15 on Combating Hate Speech (GPR 15) in December 2015 which defines a wide range of measures. It reflects the different contexts, aims and effects of hate speech and provides varying responses including law enforcement channels (criminal, civil and administrative law sanctions), prevention, self-regulation and counter speech.

The significant elements in GPR 15's definition include:

- the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group based on personal characteristics or status, as well as harassment, insult, negative stereotyping stigmatisation or threat on this basis;
- forms of expression that incite or are likely to incite acts of violence, intimidation, hostility or discrimination—“race”, colour, language, religion or belief, nationality national or ethnic origin and descent, however, this is a non-exhaustive list of personal characteristics or status. For example, ECRI consider sexual orientation etc.
- “Expression” is understood in GPR 15 to cover speech and publications in any form, including through the use of electronic media, as well as their dissemination and storage. Hate speech can take the form of written or spoken words, or other forms such as pictures, signs, symbols, paintings, music, plays or videos. It also embraces the use of particular conduct, such as gestures, to communicate an idea, message or opinion.

Recommendations: What should be done in Europe to combat Racism and Intolerance and create an inclusive societies:

- Ensure that robust legislation is in place to tackle discrimination at the constitutional level, and civil and administrative law and criminal law levels (such as recommended in ECRI's GPR No. 7) and apply the legislation consistently and systematically.
- Ensure that independent equality bodies, exist and function properly to promote equality and prevent discrimination, support people exposed to discrimination and intolerance and promote diversity and good relations between persons belonging to all the different groups in society (ECRI's GPR No. 2).
- Establish diversity, equity & inclusion strategies/policies ensuring full access to basic rights such as education, employment, health and housing as well as language and integration



courses, acquisition of legal status, participation in public life, and family reunification.

- Recognise that integration of migrants is a two-way process but the emphasis by States should move from “integration” to “inclusion.” Inclusion underlines the need for society not only to facilitate the adaptation of the migrant to society, but rather also for society to be changed in order to be able to fully accept and include the person. This can, for example, be facilitated by tolerance programmes and intercultural awareness-raising.

How can the US help Europe in going forward to create inclusive societies?

Even though we acknowledge the dark side of its histories of migration and integration, for example, internment of Japanese-Americans, genocide of native populations, and segregation laws and policy, etc. we are also inspired by American resilience and the opportunities which made it possible to create a diverse country and notable successes in common living and cultural diversity. This must be preserved and further flourished with good examples which will eventually inspire the other side of the continent. We recognise the US as a partner and peer in our continued efforts to combat racism and intolerance and urge the State to:

- Engage in counter populist rhetoric in reaction to populism in Europe.
- Foster constructive and peaceful relations between the western world and Muslim countries and between Muslim countries and Israel.
- Create guidelines for policies to combat discrimination and intolerance like for example: ECRI's GPR No. 5 on combating intolerance and discrimination against Muslims and GPR No. 9 on the fight against antisemitism. GPR No.16 Safeguarding irregularly present migrants from discrimination; GPR 11 Combating racism and racial discrimination in policing; GPR 15 Combating Hate Speech.
- Seek an observer status in plenary meetings with ECRI, as an opportunity to deepen Transatlantic relationships and cooperation.

## PREPARED STATEMENT OF IRENE APPIAH

Dear Chairman Rep. Hastings, Dear Co-Chairman Sen. Wicker,  
Dear Members of Congress,

I am deeply honoured to receive the invitation to speak to you today and give you a small insight of being an African German political leader in the city state called Hamburg, and at the same time is a country of Federal Republic of Germany. Hamburg with its population of 1.81 (1.841.179) million citizens, declares a number of 302,000 (16.2%) migrants with foreign nationalities and approx. 631,000 (34%) citizens with immigrant backgrounds.

Out of this 50% of citizens of Non-German origin—and please don't get a wrong impression, those numbers do not reflect the average German State—People of African Descent, who are registered, reach a number of approx. 46.000. Out of the 46 tsd, one third have their origin in Ghana, followed by Marocco, Tunesia, Nigeria, Togo and so on. Germany in comparison to Hamburg counts 511 tsd. (5.1%) citizens who hold an African Passport.

And still People of Colour—mostly Africans—Roma and Muslims are most highly confronted with prejudice and discrimination. With that being said—I would like to concentrate on the time frame since the UN Decade for People of African Descent has unfold its effect.

We have this word in German \*Existenzangst\* it is a little bit difficult to translate into English, however, I am going to try ... it's this fear of disappearing this existential sort of social anxiety that has taken over like a virus of the mind.\*\* Existenzangst \*\*\* has flamed the fires of xenophobic violence, discrimination and abuse throughout all of society, attacks which had stopped around the early 2000. Because of the recent upsurge in migration settlement we are now having a return of xenophobicly motivated attacks like we had in the early '80s and '90s caused by hatred and ignorance and unfounded fears. An increasing number of neo-Nazi groups, who feel comfortable in verbalising their ideology, a new tone of misanthropic expression in politics which is being reflected in rules and regulation and during current elections.

Cases of violation against black people, whether by police or civilians, are noticed and pointed out more recently. Our most prominent case: Justice for Oury Jalloh (Dessau), where our brother got burned in police custody. Police is claiming Jalloh set himself on fire. For over 14 years the community kept fighting against the court decisions, taking it to higher court levels. Even though many indications prove Jalloh was killed, justice has not been served until today.

In 2017 a Ghanaian Migrant got shot by a young police officer in civil in the middle of a lively street at daytime. The accusation was the same: Harassment of females. The victim survived and the handling of this case is still going on but very silenced. Cases like Rita Awour Ojunge (Brandenburg) where an asylum seeking mother of two children gets missed and found dead three months later in the immediate vicinity of the residence. Or a young man decides to go get psychological medical help at the University Clinic in Hamburg. For no explainable reasons William Tonou-Mbobda is asked to change his treatment of medication. He refuses in a man-

nered way. Next thing that happened is a beat down into coma by three in-house securities outside the hospital building, where Mbobda was having a smoke, witnessed by other patients who became traumatised thru this brutal deadly incident.

Reportedly People of African Descent have close to no protection in this field. The institutions will protect their people and themselves. The case “Mboda” received more recognition, because the community was loud and made good use of the media. The network of Journalists of African Descent is growing and gives minority groups a little more power to interact.

Recommendation:

- All state parties who signed the contract of the High Commission of Human Right must declare a commitment to take measurements in case disadvantaging gaps can be indicated by the UN-Expert working groups.
- The High Commission must either involve UN-prosecutors in trials abroad or take these cases to the European Court of Human Rights.
- Minority Groups need support to build an owned media network with transatlantic connections.

Dear Member of Congress my closing sentences will be The High Commission must find solutions to protect the Human Rights of Minority Groups.



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