

## Recommendations to the U.S. Delegation to the OSCE Human Dimension Implementation Meeting

Antisemitism and other forms of hate-based violence are on the rise in Europe. Steps taken in the name of national security often contribute to more division and instability. This has been true in France where the extended state of emergency and the recently proposed burkini ban further alienate already vulnerable communities.

The Organization for Security and Cooperation in Europe (OSCE) will convene its annual Human Dimension Implementation Meeting (HDIM) in Warsaw from September 19 – 30. The purpose of this meeting is to assess participating States' progress with their human dimension commitments. U.S. leadership on rights-respecting approaches to the security challenges facing Europe is essential. As the United States continues to be a leader in seeking adherence to the OSCE human dimension commitments, Human Rights First urges the delegation to consider the following recommendations:

### **Support measures that improve reporting of and responses to hate crimes.**

Comprehensive and accurate hate crimes data is crucial to understanding the nature of hate violence and crafting effective policy responses. OSCE's Office for Democratic Institutions for Human Rights (ODIHR) has made great strides in collecting hate crimes data from participating States through their annual publication of hate crime data. However, not all States report data and data is often incomplete and difficult to analyze. In some cases, only limited data is submitted to ODIHR. In others, it is insufficiently disaggregated according to bias and type of violation. Moreover, data regarding prosecution and sentencing is severely limited. It is critical to address gaps in current collection and dissemination efforts. The United States should renew efforts on strengthening data collection. Specifically, the United States should:

- Stress the need for disaggregated data, which allows policymakers to understand the root causes and craft tailored and effective policy responses;
- Encourage States who do not already report hate crime data to establish a system for the collection of hate crime data;
- Facilitate partnerships with civil society organizations to enhance reporting and verify the accuracy of reporting;
- Facilitate inter-governmental dialogue to share best practices related to hate crime reporting.

### **Support efforts to adopt a working definition of antisemitism.**

The International Holocaust Remembrance Alliance (IHRA) adopted a working definition of antisemitism this year, which is important as it for those tasked with reporting and monitoring hate crime and will assist in parsing the distinctions between legitimate protected speech and conduct from that which constitutes hate crimes or hate speech. In seeking to adopt a working definition of antisemitism, it is important to take parallel steps to augment and not detract from addressing other forms of intolerance.

Dialogue around a definition of antisemitism can give momentum to defining other forms of intolerance. The United States should join with allies, and encourage participating States who are still reluctant to join consensus, to support passage. The US delegation should:

- Promote a working definition akin to the IHRA definition;
- Push back against any overly narrow definition of other types of discrimination, such as on race, religion, gender, or sexual orientation;

- Counter any efforts to establish a hierarchy of values. To do this, the U.S. delegation should favor an inclusive approach and reject claims giving greater weight to the discrimination faced by some minority groups over others.

**Support counterterrorism measures that are rights-respecting and will further long-term security interests.**

As France has been grappling with several tragic terrorist attacks and how to best protect itself, the government has instituted and several times extended a state of emergency. The current state of emergency law gives the government extraordinary powers. However, the implementation of the state of emergency has alienated vulnerable communities that are subjected to discriminatory over-broad policing tactics. An extended state of emergency runs roughshod over fundamental freedoms. The U.S. delegation should encourage France and other participating States to:

- Support civil society groups fighting discrimination based on race, ethnicity, and religion and encourage coalition-building to combat antisemitism, anti-Muslim hatred, and other forms of intolerance;
- Hold open conversations on long-term security needs and responses that emphasize tolerance and inclusiveness;
- Facilitate inter-governmental dialogue to share models of community-based policing and mediation; include civil society, faith organizations, and human rights organizations in this dialogue;
- Ensure approaches are based in respect for human rights and rule of law.

**Engage in dialogue to develop approaches to counter online hate and protect free expression.**

The Internet can be a powerful force to connect people, however it also provides a far-reaching platform to those who wish to spread hate and intolerance. Dialogue is important to develop rights-respecting approaches. Human Rights First and French interfaith group Coexister recently co-hosted the inaugural [#BetterTogether](#) Summit. This summit was important as it brought together civil

society, the tech sector, and French and U.S. government leaders. This summit was the beginning of hopefully ongoing discussions to create positive counter-narratives to combat hate online. Participants welcomed U.S. willingness to engage with civil society and encourage a bottom up approach to ensure that the Internet is a place of tolerance while still protecting free expression.

The United States can put itself forward as an example, having learned from its own different approaches to addressing extremism online. While working on issues of freedom of the media, the United States should:

- Encourage others to engage in dialogue and share best practices in countering online hate with civil society, including by enabling other voices outside of government;
- Support the pilot approach in France mentioned above and work with French counterparts to further support coalitions that include civil society and tech companies working on these issues.

**Support Germany's ability to integrate refugees and address hate crime.**

With large numbers of refugees to integrate, the influence of the far right gaining strength, Germany has a volatile mix that is being expressed publicly with the fomenting of antisemitic and anti-refugee views. Germany's Interior Ministry reported that 90 percent of all hate crimes reported in 2015 were committed by the far right. Similarly, 90 percent of attacks on refugee shelters were also committed by far-right supporters. The United States should:

- Support Germany in protecting and integrating refugees and fighting intolerance towards refugees;
- Support the mobilization of OSCE resources to assist Germany in effectively addressing the wave of hate crime against Jews, refugees, and other vulnerable communities.