

**Visit of the Personal Representatives of the Chair-in-Office to the USA
Report**

13-14 October 2009, Washington D.C.

I- Meetings with civil society

The Personal Representatives met civil society representatives on two occasions.¹ The first meeting was devoted to issues of concerns and priorities of the Personal Representatives throughout the OSCE region², while the second meeting focused on tolerance issues in the United States.³

After a presentation of their mandate by the Personal Representatives, the discussion evolved around general policy issues in the area of tolerance and non-discrimination, current challenges facing civil society in their efforts to promote a tolerance agenda, and concrete suggestions to strengthen co-operation between the Personal Representatives and civil society.

The civil society representatives expressed appreciation for the ability of the Personal Representatives to raise issues of concern on a political level, and stressed their interest in keeping them informed about their activities and identified priorities. They stressed the importance of regular meetings with them. They encouraged the Personal Representatives to focus on policy level matters and to identify windows of opportunities in order to spur political will. At the same time, they expressed the wish that the Personal Representatives raise individual cases when relevant.

In terms of issues raised, the cutting edge of the OSCE as the leading inter-governmental organization in combating hate crime was mentioned. The comprehensive body of OSCE commitments in this area, the importance of the ODIHR annual hate crime report, and the wide range of ODIHR technical assistance programs were praised. The civil society representatives stressed the need to optimize synergies between the technical aspect of ODIHR assistance and the political leverage of the role of the Personal Representatives. Some representatives mentioned however that the OSCE agenda was missing an important element, i.e. the condemnation of hate crimes and general intolerance against LGBT groups. The Personal Representatives were asked for advice on how to lobby for change in this respect, and they were encouraged to make use of their moral and political role to broaden the scope of OSCE commitments.

¹ Mr. Mauro was not present at the first meeting with civil society.

² List of participants in Annex

³ List of participants in Annex

*) Please note that only the report contains changes, the annexes remain unchanged

The second meeting with civil society was attended by 20 representatives and chaired by Wade Henderson, President of the LCCR. The meeting was more of a *tour de table* where main areas of concerns and current priorities were mentioned.

The main issue of concern raised by most participants was the policy of racial profiling, since it had repercussions on most groups represented in the meeting--Muslims, – African-Americans, Sikhs, and Asians. They strongly referenced the joint report of the ACLU and of the Minority Rights Group⁴. The interventions of the participants centered on the 2003 Guidelines on Racial Profiling, which are still in force.

The first problem cited was the transfer by the Federal Government of substantial responsibility for enforcement of immigration laws to state and local police and other agencies, resulting in the increased profiling of people suspected of being immigrants and non-citizens. In this framework, the negative impact of the ICE Agreements of Cooperation in Communities to Enhance Safety and Security was mentioned. The ICE ACCESS programs include Border Enforcement Security Task Forces; the Criminal Alien Program; the Fugitive Operations Teams; the Secure Communities program; and the Delegation of Immigration Authority, otherwise known as the 287(g) program. This program was criticized for encouraging illegal racial and ethnic profiling resulting in the harassment of a wide number of communities, including Arabs, Muslims, South Asians and Latinos.

Participants noted that the Justice Department's 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies was developed to prevent law enforcement from practicing racial profiling. They said that in practice the Guidance had rather an opposite result on law enforcement behavior, since it contains a blanket exception for cases involving “national security” and “border integrity” while omitting profiling based on religion or national origin.

Participants encouraged the Personal Representatives to enquire with the Attorney General how much progress was made on the review of the Guidelines, since he announced that he would take steps in this direction. Furthermore, they encouraged the Personal Representatives to mention passing federal legislation prohibiting racial profiling with binding effect on federal, state, or local law enforcement.

Finally, the participants explained the practical difficulties in combating discriminatory acts of profiling, since the legal requirements of showing intention to discriminate is difficult to prove.

Other issues mentioned by the participants included the fact that anti-terrorism laws prohibiting material support to terrorist organizations have had a disproportionate impact on the Muslim community. Some denounced the arbitrary power of authorities to designate charities as supporting terrorist activities and thereby freeze their assets, as well

4 Ref Report – see attached document for the report

as the lack of guarantees for donors that they will not be held liable for donating. This has created a climate of fear and adversely affected charitable giving. They maintained that this is a clear breach of freedom of religion of Muslim citizens since charity (Zadaq) is a duty for Muslims. Many participants further deplored the fact that the issue was not taken seriously by the Administration or by Congress, although a recent report of the ACLU showed the extent of the problem.⁵

Another issue taken up was the national debate on immigration and its negative impact on minority communities. All participants agreed that the debate is shaped in a way that is conducive to spreading fear among religious and ethnic communities. Some contended that it may even create a climate that could foster hate crimes. Most participants agreed that the media, politicians and government officials should act in a responsible way when shaping the general discourse on this issue.

One of the conclusions of the discussion was the need for civil society groups to form coalitions around common issues of concerns, in order to maximize the benefit of scarce resources and improve the effectiveness of their activities.

II- Hearing at the Helsinki Commission

The U.S. Commission for Security and Cooperation in Europe (known as the Helsinki Commission) organized a public hearing on Capitol Hill that focused on the subject of tolerance in the OSCE region and the role of the Personal Representatives⁶

U.S. Senator Benjamin L. Cardin (D-MD), Chairman of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) chaired the hearing, “Promoting Tolerance and Understanding in the OSCE Region.” The Personal Representatives were given the opportunity to testify. The testimonies and unofficial transcript are attached to the report. A video of the hearing can be viewed on the Helsinki Commission website at www.csce.gov A discussion followed the testimonies.

Chairman Cardin and Co-Chairman Hastings praised ODIHR's work and stressed the commitment of the Commission to support the OSCE's efforts to combat intolerance, including the role of Commissioners in establishing a focus on tolerance issues in the OSCE Parliamentary Assembly and OSCE.

⁵ <http://www.aclu.org/pdfs/humanrights/blockingfaith.pdf>

⁶ http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=461&Region_id=0&Issue_id=0&ContentType=H,B&ContentRecordType=H&CFID=26936488&CFTOKEN=91490239

Senator Cardin raised the issue of migration and the growth of intolerance in many states, especially during the economic crises. Mario Mauro expanded on the developing trends for many actors to try to solve their problems by attacking immigrants and stressed the concern that this will continue to be an issue for future generations.

Chairman Congressman Hastings noted the need to redouble efforts to stop intolerance. He highlighted recent cases, such as the murder of a pregnant Muslim woman in a German courtroom, the slaying of a Russian rights expert assisting authorities against neo-Nazis, the firebombing of the home of a two-year old Roma girl, and increasing violence towards migrants.

Congressman Smith made specific reference to the country report on Spain by Rabbi Andrew Baker where the level of Anti-Semitism was particularly worrying. Rabbi Andrew Baker drew attention to the small Jewish population in Spain but emphasized that there need not be a Jewish population at all for Anti-Semitism to exist.

He highlighted the role stereotypes spread through the media can play in reinforcing negative attitudes, particularly in places where people rarely have firsthand encounters with Jews. Baker noted that the Human Rights Office in the Foreign Ministry of Spain expressed an interest in working with the media to address how it portrays all minorities. Mario Mauro also responded to Congressman Smith's question about negative views towards Christians and their beliefs. Mario Mauro outlined the historical trend of these views while emphasizing the continuing need to work towards preserving a common European culture.

Adil Akhmetov made remarks, in which he commended President Obama's Cairo Speech to the Muslim world, but also expressed great concern regarding U.S. government anti-terrorism initiatives that resulted in Muslims being racially profiled and prevented Muslims from practicing their faith, including donating to charities.

The Personal Representatives were asked about their working relationship with each other and Senator Voinovich described the importance of their symbiotic relationship. Adil Akhmetov expressed the value of religion being used to underline common values instead of differences as well as the need for education and continued support by the OSCE and States to achieve this goal. Rabbi Andrew Baker added that they wished to create more opportunities to meet with one another.

Senator Voinovich asked ODIHR to clarify if they had sufficient resources to carry out their mandate, what ODIHR did to address the data collection deficit on hate crimes, and ODIHR's position on OSCE working definitions in the area of tolerance and non-discrimination. Floriane Hohenberg mentioned upcoming priorities of ODIHR in this area (enhancing the capacity of governments and civil society to collect data in 2010) and stressed the need for further political, expert and financial support.

Congresswoman Moore asked Floriane Hohenberg to clarify how teaching materials developed by ODIHR related to confessional teaching, and how religious communities were involved in the development of related documents and programs. Floriane Hohenberg mentioned the Toledo Guiding Principles, a document on teaching about religions in public schools that should not be understood as replacing confessional teaching. Rabbi Andrew Baker added that religious communities participated in the OSCE consultation processes and ODIHR's activities.

Congresswoman Moore also inquired about the use of hate crimes laws in the OSCE region. Rabbi Baker raised the concern of whether hate speech laws in some countries serve as deterrents or not, because, "not many people are prosecuted or convicted, the fines are small, and the process takes so long."

III- Meetings with government officials

Assistant Attorney General Thomas Perez for the Civil Rights Division, US Department of Justice

Assistant Attorney General Thomas Perez stressed the commitment of the Department of Justice to support OSCE's efforts in the area of tolerance and non-discrimination. The importance of sending US Justice Department experts to OSCE Human Dimension Events was mentioned.

Regarding the revision of the Guidelines on Racial Profiling, the Assistant Attorney General mentioned that the Department of Justice was currently looking into them. Since it was a sensitive and complex matter, it would take time.

Principal Deputy Assistant Secretary of State Nancy McEldowney

Ambassador McEldowney introduced the discussion with an overview of the State Department activities in the area of promotion and protection of human rights. In this regard, she stressed that combating intolerance and hate crimes, in particular, was a priority of the US Government. She said that the added value of the Personal Representatives and ODIHR's activities were highly appreciated and assured them of the ongoing support of the US government.

She then mentioned that the US government supported the idea of convening an OSCE High Level Conference on Tolerance and Non-Discrimination in 2010, but expressed concerns about the number of planned high level events since it would impede with high level attendance. She stressed that the content of the conference should address core OSCE commitments. Rabbi Baker mentioned the importance of holding a Supplementary Human Dimension Meeting on Anti-Semitism.

The importance of the US support to the draft decision on Hate Crime was mentioned. In this regard, the Personal Representatives congratulated the US government on the recent passage of the Hate Crime Bill.

Deputy Secretary of State Jacob Lew

The Personal Representatives cited the importance of previous leadership of the US government on tolerance issues, expressing hope that this would resume. They also stressed that they were heartened by positive signals in that regard. Secretary Lew affirmed that the work of the Personal Representatives was central in the vision of promoting tolerance for the President and for the Secretary of State. The US government was expecting the incoming Chair of the Organization to keep a proactive stand on human rights and democracy commitments.

Secretary Lew mentioned that the government supported the organization of a High Level Conference on Tolerance and Non-Discrimination, but also stressed importance of keeping focus on core issues.

Secretary Lew was pleased to hear that ODIHR activities in the area of tolerance and non-discrimination are implemented throughout the OSCE region. He stressed that geographical balance in terms of activities was an important factor and encouraged ODIHR to keep this orientation. The necessity for ODIHR to have adequate resources in order to cover a broad range of participating States was also discussed.

Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner

The Personal Representatives congratulated Secretary Posner on his recent confirmation and expressed appreciation for his professional background and his personal engagement on human rights issues. Rabbi Baker stressed how important the support from the US government was to the activities of the Personal Representatives.

Secretary Posner was interested to hear from the Personal Representatives how country visits were organized, how they assessed information gathering and the responsiveness of participating States to their activities. Rabbi Baker stressed that his answer was based on the experience of his previous five country visits. He expressed appreciation for the fact that he always had had high level meetings that the general atmosphere of the visits was usually non-confrontational but rather solution oriented, with concrete outcomes. He concluded, that this positive assessment was confirmed by the fact his country reports had been cleared quickly and without any major issues by the governments.

Rabbi Baker underlined then the essential role of ODIHR with the follow up on recommendations made by the Personal Representatives. Secretary Posner expressed

appreciation for ODIHR work in the area of tolerance, and praised, in particular the quality of the Hate Crime Report. Secretary Posner was interested in ODIHR's efforts aimed at improving data collection. He concluded by stressing that the US government would support these efforts.

IV- Recommendations

- Express appreciation for the revision of the Guidelines on Racial Profiling and express hope for a timely presentation of the revised Guidelines;
- Monitor the impact of anti-terrorism legislation on minority communities to insure that their rights with respect to freedom of religion or belief are not harmed.
- ODIHR and the Personal Representatives should increase contact and consultations with NGOs

V- List of Annexes

Agenda of the visit

Testimony of Ambassador Adil Akhmetov

Testimony of Rabbi Andrew Baker

Testimony of the Honorable Mario Mauro

List of participants of the meeting with civil society

List of participants of the second meeting with civil society

Michael Liebermann, ADL

Richard Fulton, AJC

Jamil Dakwar, ACLU

Marcie Johson, Lawyers Committee for Civil Rights

Sikh American Legal Fund

Kareem Shora, ADC

Eric Fussfield, Bnai Brith

Unitarian Organizations

National Fair House Alliance

**Visit of OSCE Chairman-In-Office's Three Personal Representatives on Tolerance
Washington, DC, October 13-14, 2009**

Contact: Rabbi Andrew Baker, American Jewish Committee, Director (bakera@ajc.org, telephone: 202-345-3793 cell); Sophia Philippidou (Philippidou@greekembassy.org, 202-384-9800 cell); Dana Khussainova (dana@kazakhembus.com, 202-386-1509 cell)

Control Officer: Ross Taggart, cell: +1-202-590-7681, work: +1-202-647-1003,
Elizabeth Nakian, cell: +1-202-255-6222

Tuesday, October 13th

- 10:30am – 12:00pm** Meeting hosted by Human Rights First
The meeting will include internationally oriented NGOs
100 Maryland Avenue NE, Conference Room 3
Contact: Stephanie Dibello, telephone: 202-370-3329
- 12:30pm – 2:00pm** Lunch hosted by Ambassador of Greece
(Capitol Hilton, Restaurant Twings, 1101 16th ST, NW, Washington DC)
- 2:30 – 4:00pm** Meeting with Leadership Conference on Civil Rights.
This meeting will include domestic civil rights groups
1629 K Street NW, 10th Floor
Contact: Antoine Morris, telephone: 202- 466-3311
- Note:** Please arrive 15 minutes before start of 4:30 pm meeting for clearance into Justice
- 4:30 – 5:15pm** Department of Justice (CONFIRMED)
Assistant Attorney General Thomas Perez, Civil Rights Division
joined by Mazen Barawi, Counsel to the Assistant Attorney General
950 Pennsylvania Ave, Constitution Ave Entrance, between 9th & 10th
Contact: Eric Treene, telephone: 202-353-8622 office, 202-305-5368 cell
- 6:30 – 9:30pm** Dinner/Reception at the Kazakh Embassy.
Contact: Dana Khussainova, telephone: 202-232-5488 (ext. 129),
1401 16th street, Washington DC, NW

Arrival of Mr. Mario Mauro, Washington, DC – Dulles International (Flight BA 293, 20:05);
transfer to Hotel Beacon

Wednesday, October 14th

Note: Please arrive at 9:30 at the Capitol Visitors Center main entrance (which you approach from First Street, with the Supreme Court behind you – come to the left side). If there is a long line of visitors, please inform the Capitol Police that you are there for official business.

10:00am – 12:00pm Helsinki Commission hearing/briefing
Capitol Visitors Center: Room SVC 208/209, Contact: Erica Schlager, telephone: 202-225-4555

12:00 – 1:00 pm Lunch

Note: Please arrive 15 minutes before start of 1:30 pm meeting for clearance into State (enter via the 22nd and C Street entrance)

1:30 – 2:00 pm Department of State (CONFIRMED)
Bureau of European and Eurasian Affairs
Principal Deputy Assistant Secretary McEldowney
Room 6228; Contact: Diane Wampler, telephone: 202-647-5146

2:15 – 2:45pm Department of State (CONFIRMED)
Deputy Secretary of State Jacob Lew
Room 7240; Contact: Piper Campbell, telephone: 202-647-5079
Mary Dubose, telephone: 202-647-5073

3:00 pm – 3:30pm **Mr. Mauro (TENTATIVE)**
U.S. Conference of Catholic Bishops
Office of the General Secretary, 3211 Fourth Street, NE
Contact: Casandra Green, telephone: 202-541-3000

3:00 pm – 3:30pm **Ambassador Ahkmetov (TENTATIVE)**
Arab-American Anti-Discrimination Committee
Nawar Shora, Director, Diversity Education and Law Enforcement
Contact, Nawar Shora, telephone: 202-244-2990

4:00 – 5:00pm Department of State (CONFIRMED)
Democracy, Human Rights and Labor
Assistant Secretary Posner
Room 7818; Contact, Lynda Walker-Johnson, 202-647-1024 and
Susan Corke, telephone: 202-647-8017

6:15pm All depart for National Airport (DCA), Washington DC to Ottawa flight
United Airlines 8490/Air Canada 7665, departing 20:10, arriving 21:37
(Rabbi Andrew Baker, Mr Mauro, Ambassador Akhmetov)
United Airlines 8331, departing 21:35, arriving 22:57
(Floriane Hohenberg)

STATEMENT

*By the OSCE CiO Personal Representative on Combating Intolerance and
Discrimination against Muslims Amb.A.Akhmetov*

Chairman!
Ladies and Gentlemen!

It is a great pleasure to be with you at this high-level meeting today. I was appointed to the mandate of the Personal Representative of the OSCE Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims in June, 2009 by the OSCE Chairperson – in - Office.

This year in this capacity I have participated 3 fora on inter-religious and inter-cultural dialogue:
one in Astana (Kazakhstan) in July;
the second in Krakow (Poland) in September;
the third in Geneva (Switzerland) September 30-October 1, and in accordance with my mandate I also attended the Human Dimension Implementation meeting in Warsaw held this fall.

Intolerance and discrimination against Muslims, which is sometimes called as Islamophobia or anti-Muslim racism, make up a great challenge to our democracies and social cohesion, as well as threatens international peace and security.

On the other hand the problem of ‘hate crimes’ against Muslims across OSCE participating States sometimes is a problem imposed on vulnerable minorities by those in power. Hate is being sown from above, and in discussing how to deal with that, we have to start not with the perpetrators of physical acts of violence – mainly poor people from poor neighbourhoods - but the instigators of hostility in the engine rooms of power.

The campaigns taking place all across OSCE participating States against mosques, Islamic schools and cultural meeting places are systematic and organised. Many are led – or supported – by elected politicians from powerful anti-immigration parties that are daily allowed to promote Islamophobia in the name of freedom of speech, while freedom of speech for Muslims is denied.

Unfortunately, various surveys and human rights reports indicate that despite of all efforts of participating States to promote and protect human rights for every one, acts related to racist and xenophobic attitudes, in particular, those targeting Muslims, persist in many parts of the OSCE region.

However, anti-Muslim prejudices and negative stereotypes are centuries old, the international community has very recently recognized it as a specific form of intolerance and called on the States take preventive and responsive measures. That is

why it is very important that OSCE intensifies its efforts to raise awareness of this phenomenon.

The acts of intolerance and discrimination against Muslims are driven by a combination of racism, xenophobia, and religious intolerance, specifically hostility towards Islam and its adherents. Therefore, in practice, it is difficult, if not possible, to draw a clear-cut line between issues of intolerance against Muslims and issues in relation to racism and xenophobia, as well as violations of freedom of religion. Nor can we address these issues separately.

There are several observable trends across the OSCE region in relation to intolerance and discrimination against Muslims. For instance, Muslims in political discourse and media are very often portrayed as a threat to the security and cultural identity of some participating States. In this regard, Islam is represented not as religion but a political ideology, which is incompatible with the principles of democracy and human rights. Muslims are quite frequently accused of not willing to integrate into the society. This has led to the adoption of some assimilation policies, which in some cases aimed at restricting cultural and religious expression. One of the extreme forms of these policies is discriminatory administrative obstacles or even attempts to adopt laws, which prevent building of minarets.

Some anti-terrorism measures, partially influenced by the prevailing negative stereotypes and prejudice, have had disproportional impact on the enjoyment of civil and political rights by individuals with Muslim background. In particular, the racial profiling, including stop and search measures targeting only Muslims, surveillance of mosques and charities, and no fly lists, has not only violated fundamental freedoms of many people, but also reinforced already existing climate of intolerance against a particular group of people.

Another observable trend is the increase of hate crimes against Muslims, which should be taken into account in the context of general climate of intolerance. As the upcoming ODIHR annual hate crime report indicates several hate crimes against Muslims were committed during 2008 in many participating States. In spite of this, there are still very few States, collecting and maintaining data on hate crimes against Muslims. ODIHR also underlines that civil society organizations dealing with intolerance against Muslims have very limited capacity to regularly monitor and report anti-Muslim hate crimes. According to another report issued by the EU Fundamental Rights Agency, hate crimes against Muslims are grossly underreported and non-registered. In order to address this situation, I urge participating States to improve their hate crime data collection mechanism and benefit from ODIHR's Law Enforcement Officers Training Programme on Hate Crimes as much as possible.

Intolerance and discrimination against Muslims have devastating affects not only on the daily lives of the Muslim communities, but also on the society where they live. Intolerance and discrimination against Muslims leads to demarcation and creation of tensions in the society. To remedy this negative and disturbing phenomenon, sound strategies and educational approaches must be developed and vigorously implemented. For this purpose, I encourage the participating States to benefit from the experience and assistance of ODIHR in developing educational tools to counter specific forms of intolerance.

Increasing understanding and respect for cultural and religious diversity would be the first step in identifying criteria for good practices in combating intolerance and discrimination. My recommendations are the following:

1. It should be acknowledged that intolerance against Muslims is not a problem of a specific minority, but a human rights problem concerning everyone.
2. The historical, cultural and psychological depth of the issue of discrimination and intolerance always needs to be taken into full consideration.
3. There is also a need for an intellectual and ethical strategy to avoid political exploitation of the issues related to discrimination and intolerance.
4. Various forms of intolerance and discrimination need not be subject to an artificial hierarchy. Discrimination is discrimination and must be condemned and dealt with whatever the underlying motive might be. Within this framework, there should be synergy in efforts dealing with different forms of discrimination.
5. Integration policies should address the social and economic needs of Muslims in the countries that they are residing. Such policies should promote integration through participation, not assimilation. This will lead to better understanding and better integration, thus to lessening of mutual mistrust.
6. Fight against terrorism should be conducted with in the line of the internationally recognized human rights standards. This would increase partnership and cooperation between Muslim communities and security officers and contribute to the prevention of radicalization which may lead to violence.
7. Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance against Muslims will be investigated thoroughly and prosecuted to the full extent of the law.

8. Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes against Muslims.
9. Governments should ensure that those responsible for hate crimes against Muslims are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
10. Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes against Muslims. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions.
11. Governments should conduct outreach and education efforts to Muslim communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
12. Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities, including Muslims.
13. Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, the Fundamental Rights Agency, UN Alliance of Civilizations Initiative and Organization of Islamic Conference —including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes.

Thank you for your attention!

Rabbi Andrew Baker
Personal Representative of the OSCE Chair-in-Office
On Combating Anti-Semitism

TESTIMONY
Commission on Security and Cooperation in Europe
Washington, D.C.
October 14, 2009

I want to express my appreciation to the Members of the Helsinki Commission for holding this hearing today and for giving me the opportunity to share with you some thoughts drawn from my work as the Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism.

I also want to thank the Greek Chairmanship for affording me this opportunity to address an important and difficult problem and for supporting my efforts throughout the year. They have always been helpful and have allowed me the freedom and flexibility to take up this issue throughout the OSCE region. As there has been a recent change in the Government in Athens, I should like to convey my particular gratitude to former Foreign Minister Dora Bakoyannis. At the same time I am sure that the new Government of Prime Minister George Papandreou will continue to support the fight against intolerance and anti-Semitism during the remaining months of the Greek OSCE Chairmanship.

Let me present to you a few of the main concerns in combating anti-Semitism that have become apparent to me this year—based on the results of the several country visits I have already conducted, as well as discussions with Jewish leaders and NGOs.

Anti-Semitism in Public Discourse

An essential element of the problem in many countries is the presence of anti-Semitism in public discourse. It is offensive and pernicious in its own right, but it can also contribute to a climate which poses a security threat to Jews and Jewish institutions. The capacity to counter this anti-Semitism is frequently lacking.

Many European countries have laws which restrict or punish hate speech. They are intended to address incitement to racial or religious hatred which may appear in public speeches, in books, newspapers and other media, and on the Internet. This includes fomenting anti-Semitism and, in some cases, Holocaust denial. Rarely is the problem the legislation itself, but rather it is the infrequent and often unsuccessful record of employing it.

By way of example and drawing from some of my country visits and other personal experience,

- In Spain there have been only two successful cases of prosecuting Holocaust denial in the last twenty years, and both of them took over seven years to adjudicate. In a country where the Jewish population is less than one one-hundredth of one percent the society is likely to know Jews only from their depictions in the press and media. As it is generally accepted that the Spanish media frequently depicts Israel in a negative light, some officials have suggested that this contributes to the population's low opinion of Jews.
- In Lithuania in 2004, the General Prosecutor opened a case against the publisher, Vitas Tomkus, after his newspaper ran a series of articles entitled "Who Rules the World?" loosely based on the *Protocols of the Elders of Zion* and illustrated with Nazi-like cartoons. Political leaders, although privately disgusted with the articles, remained publicly silent as the months-long investigation proceeded. A year later, when the case came to trial Mr. Tomkus was found guilty. But he was not required to appear in court and the \$1,000 fine had little deterrent value to this multi-millionaire publisher. Such articles still appear regularly in his newspapers.
- During this last year the Jewish Community of Greece appealed to a 1979 hate speech law in its case against the author Kostas Plevris, who wrote that the Holocaust is a "profit making myth" invented by the Jews. He was initially found guilty, but the decision was reversed on appeal. In July in an event that underscored faithfulness to Holocaust history, the Greek Foreign Ministry held a public ceremony in Athens where it honored Greek Holocaust survivors.
- Last week I sat in the Jewish Community offices in Bucharest while the President of the Jewish Federation described the personal attacks on him in the newspaper of the right-wing Greater Romania Party. Nearly two years have passed since he filed suit, but so far the public prosecutor has not responded. (Ironically, on my first visit to Romania in 1993, I sat in the same room and heard the late Rabbi Moses Rosen describe similar personal attacks on him from the very same newspaper.) I met later with the Justice Minister/Foreign Minister Catalin Predoiu during this visit, who readily acknowledged the lack of clarity in the law and its limited effectiveness. To his credit the Minister used the occasion of my visit to issue a statement stressing the moral obligation of public officials to speak out against acts of anti-Semitism.
- We also witnessed a similar example of this problem in Sweden earlier this year, when the newspaper *Aftonbladet* published a report from Gaza claiming that Israeli soldiers were harvesting organs from Palestinians they had killed. This updated version of the medieval blood libel charge led members of this Commission to denounce the article as anti-Semitic and to call on European leaders to do likewise. The Swedish Foreign

Ministry maintained that its press freedom laws did not even permit public officials to criticize the article, but an official ombudsman did have the authority to investigate and bring charges if it was determined that racial incitement laws were violated. It was quickly decided that they were not.

- The Internet is often cited as an unchecked source for all manner of hate speech including anti-Semitism. Even those countries with some experience at reining in extremist material in traditional media admit to difficulties when it comes to this source. But it is not only impressionable young people—the most frequently cited target—who are affected by it. Three years ago the Government of Latvia and its Jewish Community reached an agreement on legislation that would resolve all outstanding property restitution claims. But by the time the bill reached Parliament, opposition to the legislation—much of it spread via the Internet and anti-Semitic in nature—so unnerved its Members that it failed to pass. During my visit to Riga Latvian authorities conceded that whenever the subject of Jewish property restitution is raised in public they anticipate a spike in anti-Semitism.

We can certainly reach some general conclusions from these examples.

Put simply, many hate speech laws have the unintended consequence of letting political leaders off the hook. In the United States and other countries with strong free speech protections, manifestations of racism, anti-Semitism, and other extremist views in public discourse are generally addressed (and can only be addressed) by strong and swift rebukes from political and civic leaders. In this way such hateful speech is marginalized and isolated. But in countries with legislative remedies some political leaders will refer to the legal process as a reason or excuse not to speak out. As we see in practice those legal decisions are generally months or years away. In the meantime, there is no clear message being delivered that such hateful speech is unacceptable. Consider too that even some decent, mainstream political leaders, fearing the success of extremist movements, see calculated benefits in maintaining an ambiguous stance.

The OSCE Representative on Freedom of the Media, speaking at a Roundtable on the problem of anti-Semitism that we convened in March, also cited special difficulties in countries with a Communist or authoritarian past. Because all speech was once monitored and controlled, he argued, prosecutors and judges are often reluctant today to pursue cases or impose penalties on those who violate hate speech laws despite having legislation to do so. Some of them have difficulty understanding that it is possible to limit some forms of speech while still vigorously protecting the principle itself.

In nearly all places anti-Semitic speech is understood to be included within the larger categories of inciting racial, ethnic or religious hatred. But virtually no penal code includes a specific or detailed description of anti-Semitism, which means it

is not always recognized by prosecutors or judges or (as witnessed in Sweden) by official ombudsmen.

Where they do exist, Holocaust denial laws are not uniform. In some places denial alone is illegal; while other countries require proof that the denial of the Holocaust is part of an intentional effort inflict pain on survivors or members of the Jewish community. As a result prosecution under such a law can also vary widely.

Monitoring Anti-Semitism

Accurate and recognized monitoring of anti-Semitic incidents is frequently lacking or incomplete. The newly-released ODIHR Hate Crime Report reveals that many governments are still lax in monitoring and recording hate crime data or in disaggregating the data they do have so as to better understand who are the perpetrators and the victims. But the problem is especially acute when the goal is to combat anti-Semitism. (A summary of the findings with regard to anti-Semitic incidents is appended to this testimony.)

In countries where hate speech is not restricted, government authorities are unlikely to record such incidents. The poor record in many countries which do have such laws frequently deters citizens from even filing suit. Physical attacks on persons or the vandalizing of synagogues and cemeteries may be monitored (although with all the same gaps and limitations of hate crimes more generally), but they still ignore the anti-Semitism that appears in the press, on television, at public demonstrations, on the Internet and in anonymous hate mail. When these anti-Semitic incidents are not recorded or are underreported it conveys the misimpression to political leaders and policy makers that the problem itself is not so important.

Governments must be encouraged to do a better job of monitoring and recording anti-Semitism, and we should continue to do everything to urge them to live up to their commitments. But in the interim we can do more to assist local Jewish leadership in various OSCE countries or regions to develop their own monitoring centers and to do so in a standardized and internationally recognized way so that public authorities can accept their results.

A Working Definition of Anti-Semitism

In 2004, when the European Monitoring Center (EUMC) conducted its first study of anti-Semitism in the then 17-member European Union, it recognized the need for an operative and common definition of the phenomenon. At the time more than half of its national monitors had no definition at all, and of those that did no two were alike. In light of this the EUMC, now the EU Fundamental Rights Agency, developed a working definition, which has been adopted by the ODIHR,

by the US State Department Special Envoy for Combating Anti-Semitism, and by Parliamentary Committees in Germany and the UK, among others. This definition (a copy of which is appended to this testimony) provides an overall framework for understanding what it is and offers a series of examples designed to aid police, monitors and NGOs in their work. It also describes where animosity toward the State of Israel also becomes a form of anti-Semitism.

In some countries the working definition is part of police training programs, as it is in ODIHR's Law Enforcement Officers Program (LEOP) manual, which trains police to respond to hate crimes. In nearly all meetings during my country visits I shared the definition with government officials, who welcomed it. Those of us who are focused on the problem may not fully realize that a lack of understanding on the part of these officials is not uncommon. While physical attacks on identifiable Jewish targets may be easily recognized as anti-Semitic in nature, certain public discourse or the vilification of the Jewish State may not be so readily identified. Therefore, increasing the circulation of this working definition is a useful tool that we can promote.

Programs of ODIHR and the OSCE

If I can generalize from the tenor of the five country visits I have conducted thus far, I can say that the discussions were far more collaborative and pragmatic than confrontational in nature. There was acknowledgment that this problem is real and genuine interest in finding ways to better understand it, to combat it and to prevent it.

ODIHR's Tolerance and Non-Discrimination Department has developed educational programs designed to combat anti-Semitism for use in secondary schools. In Slovakia and Spain we heard positive reactions from teachers and administrators. (There are at present ten country-specific versions of this curriculum and three under development.) We saw interest in adopting the program in other countries. The only thing that prevents their increased use is the limited extra-budgetary funds available to ODIHR to put them into practice.

We also saw interest in making use of the ODIHR police training programs. Here the pioneering work of the LEOP program needs to be revived, which will require both funding and the reactivation police trainers. We also saw that while providing police with the tools to recognize and investigate hate crimes is essential, it is not sufficient. Prosecutors and judges must also become familiar with the problem and recognize that these crimes must be treated in a special way. This is also something that ODIHR, provided it has the necessary resources, can undertake.

In closing I would like to acknowledge the help and support of ODIHR Director Ambassador Janez Lenarcic, Director of its Department on Tolerance and non-Discrimination Floriane Hohenberg, and its specialist on anti-Semitism Norbert

Hinterleitner. Their support for my work as Personal Representative and for that of my colleagues has been essential, and it has been throughout a genuine partnership.

APPENDED ITEMS:

From the forthcoming ODIHR publication, "Hate Crimes in the OSCE Region: Incidents and Responses - Annual Report for 2008":

- There is limited official information available on anti-Semitic hate crimes in the OSCE region.
- Nineteen participating States reported that they collect such data: Austria, Belgium, Canada, Croatia, Czech Republic, France, Germany, Italy, Liechtenstein, Moldova, Netherlands, Poland, Russian Federation, Serbia, Spain, Sweden, Switzerland, United Kingdom, and the United States.
- But only eight (Austria, Belgium, Czech Republic, France, Germany, Italy, Sweden, and the United Kingdom) submitted figures for 2008 to ODIHR.
- Austria and the Czech Republic reported an increase in incidents compared to 2007. Germany, Italy and the United Kingdom reported a decrease. (The other three countries did not report comparable figures from 2007).
- There are non-governmental sources for data on anti-Semitic crimes in 2008 in many OSCE participating States, including Austria, Belgium, Canada, Czech Republic, Germany, Greece, Italy, Russian Federation, Ukraine, United Kingdom and the United States.
- In only four cases (Austria, Czech Republic, Germany and Italy) were there sufficient 2008 data to enable ODIHR to compare NGO figures with official data from governments. In two cases the unofficial data contained twice the number of anti-Semitic incidents reported in official statistics.
- ODIHR collected media reports indicating that anti-Semitic incidents took place in 2008 in Austria, Belarus, Belgium, Canada, Croatia, Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Moldova, Norway, Poland, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and the United States.

The relevant newsletters and media reported little on the South Caucasus region and on Central Asian countries and, since the participating States did not submit figures regarding anti-Semitic hate crimes, ODIHR has no reliable information concerning these.

A WORKING DEFINITION OF ANTISEMITISM

(Adopted by the EUMC January 28, 2005)

The purpose of this document is to provide a practical guide for identifying incidents, collecting data, and supporting the implementation and enforcement of legislation dealing with antisemitism.

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews.

Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

In addition, such manifestations could also target the state of Israel, conceived as a Jewish collectivity.

Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.

Examples of the ways in which antisemitism manifests itself with regard to the State of Israel taking into account the overall context could include:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the State of Israel.

However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries). Criminal acts are antisemitic when the targets of attacks, whether they are people or property—such as buildings, schools, places of worship and cemeteries—are selected because they are, or are perceived to be, Jewish or linked to Jews. Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

Testimony to the Commission on Security and Cooperation in Europe

Mario Mauro

Personal Representative of the OSCE Chairperson in Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

Excellencies, Ladies and Gentlemen,

Let me thank you for the invitation to address such a distinguished audience. Today's hearing should be seen in the framework of the continuous leadership of the USA and, in particular, of the US Helsinki Commission on issues related to tolerance and non-discrimination in the OSCE. In this regard, it seems to me symbolic that I am here together with Ambassador Ahmetov and Rabbi Baker for the first joint country visit of the three OSCE Personal Representatives (PRs) on Tolerance issues.

As you are aware of, my mandate is broad. It covers two areas: Racism and Xenophobia, including specific challenges faced by Roma and Sinti, and Intolerance and Discrimination against Christians and members of other religions. In the limited time available I will mention both issues. I will highlight current trends, successes and positive aspects, as well as the challenges ahead.

Racism and Xenophobia

Since my appointment as Personal Representative, we have witnessed an unprecedented collapse of the global economy which has affected all societies across OSCE region. However, some groups have felt the impact of the economic collapse much harder than other. Due to their already vulnerable position, the effects of the economic crisis on migrants, refugees and minority groups within the OSCE region were especially harsh and have contributed to worsening their already unstable situation.

In a depressed economy, migrants or minority groups are seen by the majority as competitors for jobs and social services and thus as a threat to their livelihoods or standard of living. This results in labelling minority group members as a burden to society.

When such discourse is prevalent, it can lead to an increase in racist and xenophobic rhetoric. Such accusations can in return lead to increased racist sentiments and can worsen the social exclusion of migrants and minorities.

Additionally, the lack of leadership of mainstream political parties throughout the region in highlighting the positive contribution of migrants to national and local economies and to essential maintenance of their societies' infrastructures is also a matter of concern. Such attitude at best acts as a barrier to the full participation of migrants and minority groups in societies. It also gives implicit condolence to the acts of discrimination and hatred towards migrants and their families.

Accounts of such attitudes and incidents can be found in various reports including the ODIHR Annual Report on Hate Crimes in the OSCE Region. In this regard, I wish to stress that ODIHR's report reveals that even if hate crimes and incidents based on racism and xenophobia are widespread throughout the OSCE region, there is no comprehensive and reliable data on the phenomenon. For example, only 15 participating have to this day sent to ODIHR official information on hate crimes based on racism and xenophobia during 2008. (It is important to stress that the data gathered by the FBI will be available later this year). This shows that participating States are, in this regard, not living up to their commitments. And we all know that if States want to devise effective policies, they need comprehensive and reliable data.

Roma and Sinti

The situation looks even worse with regards to Roma. Only one participating State, Sweden, has sent official data on hate crimes against Roma. At the same time, we know that the past years have seen a rise in manifestations of intolerance and violence against Roma in several OSCE participating States. Reported incidents of violence, including those resulting in deaths, seem to be not isolated cases but signal a worrying trend. The violence against Roma and Sinti takes place in an environment of open anti-Roma hate-speech, somehow tolerated or unabated by the mainstream. Such rhetoric garnishes public support, especially during electoral campaigns.

ODIHR's Status Report on the Implementation of the Action Plan on Improving the Situation on Roma and Sinti within the OSCE Area was issued last year- it elaborates on the progress made thus far, and on the remaining challenges confronting pS as regards to fulfilling their commitments towards Roma and Sinti – it also identified the negative trends in a number of areas, and an increasing gap between the Roma population and the majority, in fields such as education, housing and employment.

The report also points to the challenges of discrimination, marginalization and segregation which still prevail for Roma and Sinti children when they enrol in local school systems. Recognizing the importance of early education as an instrument for preventing social exclusion and marginalization, and for effecting a long-term improvement in the situation of Roma and Sinti, the Ministerial Council last year adopted a decision on Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.

There are many problems inhibiting effective responses to racism and xenophobia. Amongst the most prominent ones are institutional barriers and challenges, which can sometimes impede positive policies and good intentions. Worse still, in some countries it is the state policy that institutionalises racism and discrimination. In such cases, seemingly neutral policies or legislation have discriminatory effects on certain groups of population, who are often already marginalised or socially excluded. Situation of Roma and Sinti in many OSCE pS provides an illustration of this worrying trend.

Another example of institutional racism is the policy of ethnic or racial profiling by law enforcement agencies. Examples of such practice have been well documented by non-governmental as well as inter-governmental organisations in a large number of OSCE pS and it is safe to say that no country has a clean record in this regard.

Despite a number of good practices and initiatives aimed at addressing the root causes and effects of racism and xenophobia implemented across the OSCE, there still remains a worrying gap between the politically binding human dimension commitments and the actual implementation of these commitments across much of the OSCE region.

A strong and unequivocal stance against racism and xenophobia, including anti-Roma hatred and violence is urgently needed. States and relevant stakeholders must unite in their efforts and use all existing frameworks and resources to combat such phenomena and prevent further escalation of violence against those vulnerable groups of the population.

Intolerance against Christians and members of other religions

Since in December 2004, the Bulgarian OSCE Chairmanship appointed a Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, a number of OSCE tolerance-related decisions and declarations were adopted, which included specific commitments and references to the fight against prejudice, intolerance and discrimination against Christians and members of other religions.

It is important to recall that these commitments are based on and reflect a dual approach defined by the participating States: defining and devising policies that guarantee the principle of equality and fight all forms of intolerance - addressing broad concepts like racism and intolerance in societies - while at the same recognizing the specificities of different forms of intolerance such as intolerance against Christians and members of other religions.

I believe that more than any other, the mandate of the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions encapsulates this concept well, both in terms of opportunities and challenges deriving from it.

One example of the complexities and challenges faced is the increasing “racialization of religion”, which reflects the complex relationship between race and religion and their public perception. The concept suggests that a racial connotation can be extended to a religion, a religious group, or a belief system, although its adherents may include people of many races.

Regarding intolerance and discrimination against Christians, I am pleased to report that the first event entirely devoted to intolerance and discrimination against Christians was held in Vienna 2009, when ODIHR hosted a roundtable on this topic. The roundtable attracted more than one hundred participants, including many representatives of religious communities, experts and researchers in the OSCE area.

This is a testimony to the fact that the OSCE offers a unique forum to address these issues; unique - firstly, because of the specificity of the commitments; and secondly, because of the OSCE's inclusive geographical scope.

The roundtable provided a platform to discuss and better understand the nature and scope of the problem, the study of which had been limited and is now considered by many to be in its conceptual and defining stages. The roundtable concluded that intolerance against Christians is manifested in various forms throughout the OSCE region and called for improved collection of data on intolerance and discrimination against Christians.

This is all the more evident when one looks at the data provided by this year's Hate Crimes Report prepared by ODIHR: only three participating States submitted information and statistics to ODIHR on intolerance and discrimination against Christians and members of other religions.

Nonetheless, religious communities and civil society reported episodes of vandalism and violent acts directed at Christians and their properties, including places of worship and cemeteries. Desecration of places of worship seems to be a particularly common feature of intolerance and discrimination against Christians in many parts of the OSCE area, including Western Europe, the Balkans and Eastern Europe.

Episodes of intolerance and discrimination committed against members of other religions, such as the Sikh community were also reported.

In some parts of the OSCE area, Christian churches and members of other religions face very basic problems, such as the prohibition of acquiring legal status, praying

freely and disseminating literature. It is important to focus on this issue as intolerance and discrimination of religious communities is closely linked to their limitations of freedom of religion or belief.

In this context, I would like to commend the United States for collecting comprehensive and disaggregated data on hate crimes against Christians and members of other religions.

**Visit of OSCE Chairman-In-Office's Three Personal Representatives on
Tolerance
Washington, DC, October 13-14, 2009**

(List of participants)

First Name	Last Name	Affiliation
Kareem	Shora	Executive Director of the Arab-American Anti-Discrimination League and Homeland Security Council Advisor
Jamil	Dakwar	ACLU
Eric	Fusfield	B'nai B'rith International
Shelley	Moskowitz	Unitarian Universalist Service Committee
Rajdeep	Singh Jolly	SALDEF
Theresa	Harris	Human Rights USA
Hilary	Shelton	NAACP
Aadika	Singh	Rights Working Group
Richard	Foltin	American Jewish Committee
Lisa	Rice	National Fair Housing Alliance
Stacy	Burdett	Anti-Defamation League
Tad	Stahnke	Human Rights First
Sherrill	Frost-Brown	National Fair Housing Alliance
Marcia	Johnson-Blanco	Lawyers Committee
Paul	Le Gendre	Human Rights First
Cathy	Cosman	United States Commission on International Religious Freedom
Michael	Lieberman	Anti-Defamation League
Wade	Henderson	Leadership Conference on Civil and Human Rights

BEGIN TRANSCRIPT:

SEN. CARDIN: Mr. Mauro, before I turn over to my colleagues, I want to ask you one specific question. I hoped you would clarify a comment that was made at the Warsaw Human Dimensions Implementation Conference, which I believe all three of you were – I think you were participating about those who dress in clothes that could be perceived by the community – religious garments that could be perceived as being extremist, saying that perhaps it's understandable violence against individuals.

I would like you, if you could, to clarify that statement. Obviously, we're all concerned about protecting everyone's freedom and the practice of wearing religious garments is one that is protected under Helsinki principles.

MR. MAURO: Yes, very briefly, as probably my colleague, Akhmetov, just clarified this point – for example, Islamic fundamentalism is an ideology, it is not the Islamic religion. Fundamentalism used the name of God for a project of power. If we try to combat this phenomenon, but we use a strategy aimed to combat the Islamic religion, surely we don't use the right strategy. Therefore, in this way we would make a big mistake which will cause big consequences, improving in our societies inopportune tensions.

I think that when we consider a religion dangerous for the pacific coexistence, we create the condition for new tensions. In this sense, it's very important to clarify, to give a right interpretation of the potentiality of religion and of the institutional and public role of religion.

SEN. CARDIN: But you do acknowledge that society needs to protect the safety of all of its citizens and that you cannot justify action against individuals because of the manner in which they are dressed, as part of their religion.

MR. MAURO: Yes, in general, I think that we are obliged to guarantee the safety and the security in our society and we have to discover if beyond religious motivation, there is a project of power. This is true not only in case of religious problems or tensions. For example, we can consider the phenomenon of migration. I'm Italian and I have a lot of relatives in this country that were immigrants long time ago.

They are free and they are happy because surely, USA institutions, long time ago, made a battle against the Italian mafia in order to safeguard their rights to be free citizens. I think that in Europe and in the OSCE region, we are obliged to do this kind of battle in order to give to all the men and women the possibility to live their religion separated from the the misuse of religion for a project of power.

SEN. CARDIN: I agree with your statement, but I just caution – I mean I think of Hasidic Jews and attacks on Hasidic Jews because they look different and they're practicing their religion. They have every right and they're protected under OSCE principles. I think of the Muslim population and the garments that they wear.

They're protected under Helsinki. I just distinguish that from the manner in which they dress from the actions that radicals propose. I think it's a separate issue.

MR. MAURO: I fully agree. I think that keeping this distinction is exactly our job.

END TRANSCRIPT.