

**Visit of the Personal Representatives of the Chairperson-in-Office on Tolerance  
Issues to EU institutions located in Brussels  
Report  
1-2 June 2010, Brussels**

**Background and Purpose of the Visit**

On 1 and 2 June 2010, the three Personal Representatives on Tolerance and Non-Discrimination visited Brussels to discuss measures taken by the European Union institutions to promote an inclusive and non-discriminatory policy towards persons belonging to religious and ethnic minority communities. The Personal Representatives held meetings with a range of institutional and religious representatives, as well as with civil society.

The visit was proposed and in large measure organized by MEP Mario Mauro, who also serves as one of the three Personal Representatives. Mr. Mauro correctly thought that there would be mutual benefit in acquainting the European Parliament and key European Commission staff with the work and objectives of the OSCE in the area of combating intolerance.

The main issues that arose during the discussions included the special role of the European Parliament, the European Commission and the activities of the Personal Representatives on tolerance and non discrimination. Further discussions were devoted to considering potential areas of co-operation between the Personal Representatives, ODIHR and the European institutions and the Parliament.

**II. Summary of Main Findings**

**a. Meetings with Civil Society**

**Meeting of Rabbi Andrew Baker with Civil Society**

On the day prior to our meetings international attention was focused on the Middle East and the deadly encounter between Israeli sailors and activists on a Turkish-launched international flotilla seeking to break the sea blockade of Gaza. As a result the political reactions to this event figured prominently in many of our discussions. Coincidentally, the Foreign Affairs Committee of the European Parliament was scheduled to host a visit of the Iranian Foreign Minister on the afternoon of our visit, which further enmeshed our discussions about anti-Semitism with Middle East issues.

The NGO CEJI hosted this meeting with representatives of both Belgian and European Jewish groups. At the opening of the discussion several indicated that they were also sensing pressure as a result of the flotilla incident. One participant cited a

particularly nasty cartoon that essentially held the local Jewish community “responsible” for the Israeli attack.

The non-governmental organization *Antisemitisme.be* handed over the annual report on anti-Semitic incidents in Belgium on 2009. The organization reported 109 incidents in 2009, out of which 22 desecrations of sacred places and 11 assaults. The organization was founded in 2001 and has improved its monitoring methodology in the years since. The organization has established a hotline and receives information through phone calls, emails and via the web. Received information is shared with the Center for Equal Opportunities and Combating Racism (a governmental body) and with Jewish communities. This center also collects and reports data on racist incidents.

*Antisemitisme.be* does not cooperate with the police: it does not receive data from the police since anti-Semitic crimes are not classified as such in Belgium, and it does not share information with the police or the Ministry of Justice. *Antisemitisme.be* stressed that many anti-Semitic incidents are unreported.

Some representatives of civil society organizations reported that some Jews perceived that they were not considered to be part of the Belgian society but rather foreigners or guests in Belgium. Some of the representatives illustrated this statement with examples.

The non-governmental organization *CEJI - A Jewish Contribution for an Inclusive Europe* and the Comité de Coordination des Organisations Juives de Belgique pointed out that formal education does not include awareness raising activities on Jewish life or educational activities to prevent and combat anti-Semitism. ODIHR presented the teaching materials on combating anti-Semitism that have already been adopted in 12 participating States. CEJI stressed that anti-Semitism emanates from both right-wing and left wing parties, with a tendency to being increasingly mainstreamed. They expressed concerns that anti-Semitic views are also expressed by academic and intellectual circles. CEJI reaffirmed the importance of authorities to provide Jewish communities with adequate protection against bias-motivated attacks.

The European Jewish Congress (EJC), an umbrella for 40 organizations located across Europe, does not collect data but collects reports on anti-Semitic incidents. ODIHR and the EJC agree to exchange reports on incidents. The EJC pointed out that violent attacks against Jews in Belgium are rare, but they deplored the fact that political leaders were not condemning those attacks. This contributed to the perception among Jews that they were left alone and unprotected.

### **Meeting of Ambassador Akhmetov with Civil Society**

Amnesty International expressed the opinion that a complete ban of the burqa represented a limitation of the freedom of expression and of freedom of movement. They encouraged Ambassador Akhmetov to address this issue during his forthcoming meetings.

The European Network against Racism (ENAR) pointed out that the discussions on the burqua were often dominated by anti-Muslim sentiment, whereas the debates on the ban were presented by some parties as a “neutral discussion” about human rights. They added that they perceived Islamophobic sentiments as mainstreamed in Belgian society. In their view, the vote in favor of the ban by the ten parties represented in the Belgian parliament was an indicator of this trend<sup>1</sup>. ENAR suggested that Ambassador Akhmetov raise the issue of intolerance against Muslims with the Organization of the Islamic Conference with a view to increasing the political attention to this issue.

The Open Society Institute (OSI) monitors and reports on institutional discrimination against Muslims in Europe, including in the spheres of education, housing, healthcare and social care. The OSI asked Ambassador Akhmetov to encourage EU member States to look into police practices. They also stressed that EU member States should further support co-operation between communities.

The European Muslim Network highlighted the difference between the political discussions regarding discrimination against Muslims and the practices in EU member States. They deplored that EU institutions had not so far put enough emphasis on this issue. They suggested that EU institutions implement existing recommendations and take actions on a grass roots level.

## **b. Meetings with European Parliament Members**

### **Meeting with Mr. Gabriele Albertini, Chairman of the Committee on Foreign Affairs of the European Parliament**

Rabbi Baker described the mandate of the Personal Representatives of the OSCE CiO. He further asked about the reaction of Members of the European Parliament to the situation in Gaza and mentioned the attitude of MEPs with regards to the visit of the Iranian Minister of Foreign Affairs.

Ambassador Akhmetov expressed gratitude to EU institutions for the invitation extended, introduced the main commitments related to tolerance and non-discrimination in the OSCE area, and spoke of the importance of including candidate countries, potential candidate countries and countries taking part in the European Neighborhood Policy. He asked Mr. Albertini’s opinion about the discrimination of Muslims in Europe.

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<sup>1</sup> Information of the Permanent Representation of Belgium to the OSCE, dated 7 September 2010: "There is presently no ban on the burqua in Belgium. On 29 April 2010 the Chamber of Representatives (Lower House) of the Belgian Federal Parliament voted a draft bill that would impose a ban on wearing clothing that cover the face completely or partially. The members of the Senate (Upper House) still had to discuss the bill before it would come into force. On 13 June 2010 elections for the Federal Parliament have taken place, and the mentioned draft bill has not yet been the object of discussions in the newly elected Parliament."

The Honorable Mr. Mauro proposed that Ambassador Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights, be invited to take part in hearings of the European Parliament.

Mr. Albertini expressed his great appreciation to the visit of Personal Representatives and welcomed Mr. Mauro's suggestion regarding Ambassador Lenarčič visit to the European Parliament. He further mentioned the growing level of anti-Semitic attitudes in Europe, stressed the institutional discrimination against European Muslims and concluded that the fight against racism and xenophobia in the European Union requires a systematic, comprehensive and long-term approach. In this regard, cooperation among intergovernmental organizations and coordination of their efforts addressing racism, xenophobia and other forms of intolerance are perceived as essential.

**Meeting with Mr. Gianni Pitella, First Vice-president of the EP, Chairman the Centre for Mediterranean co-operation (MESEURO)**

Ambassador Akhmetov stressed the importance of dialogue between and among different groups living in Europe.

In his opening remarks Mr. Pitella was quite critical of the Israeli role in the previous day's events in the Mediterranean. In the exchange that followed Rabbi Baker cited the OSCE Berlin Declaration (2004) which stated that events in the Middle East can never justify anti-Semitism. He urged Mr. Pitella that even as he and other European Parliamentarians and leaders are critical of Israel at this time, it is important that they speak strongly against any manifestation of anti-Semitism that might be directed at European Jewish communities at this time.

With regards to tolerance and non-discrimination, Mr. Pitella stressed that the fight against discrimination is a fundamental principle of the EU. A Charter of Fundamental Rights of the European Union was added to the Lisbon Treaty, which constitutes now the most important binding document in this area for EU member States.

He highlighted the similarities between the mandate of the Personal Representatives of the OSCE CiO on Tolerance and of the European institutions. He expressed the opinion that in reaction to growing globalization some people will lean toward more intolerant forces as a perceived means of protecting their nationalist or sectarian identities. He suggested that dialogue is the only recipe to solve this problem.

Regarding the possible effect that the situation in Israel and Gaza may have on Jewish communities in Europe, Mr. Pitella agreed with Rabbi Baker that Jews must not be held responsible for the actions of the Israeli government. He assured his guests that the EU always distinguishes between the State of Israel and Jews in Europe. But he also conceded that anti-Semitic reactions would be difficult to avoid among the population.

### **Meeting with Ms. Heidi Hautala, Chairwoman of the Human Rights Committee**

Ms. Hautala started by explaining that human rights issues within EU member States are not within the mandate of her committee. She stressed that potential areas of co-operation with OSCE and ODIHR in particular existed, given the geographical scope of the OSCE. Ms. Hautala expressed the belief that EP delegations should regularly visit the HDIM and that closer co-operation with the EU Fundamental Rights Agency is welcome.

In her opening remarks Ms. Hautala also referred to the flotilla incident and offered her own critical comments. At the same time she voiced her certainty that it would result in a further increase of anti-Semitic incidents in Europe

Ms. Hautala contended that the EP is focusing too much on discrimination of Christians outside of the EU; she recommended that the EP dealt more with discrimination against Muslims in EU member States.

Ms. Hautala noted that the potential impact of anti-Muslim sentiments underlying the rhetoric of some political parties was not sufficiently recognized by the EP. She mentioned that some of the leaders of these parties were prosecuted for incitement to hatred.

On the issue of incitement to hatred and hate speech, Ms. Hauta expressed her commitment to condemn intolerant speech. She noted however that the EP as a young institution was lacking firmness in this regard.

### **Mr. Fiorello Provera, Vice Chairman of the Committee on Foreign Affairs**

Mr. Provera expressed concerns about religious intolerance and restriction of religious freedom in the member States of the EU. He recalled that the EP regularly issues statements on this matter targeting States. He stressed the need to increase monitoring efforts on the state of religious freedom world-wide and stressed that the budget would allow the EP to co-operate with ODIHR on concrete projects. Rabbi Baker suggested exchange and co-operation with the US State Department's Commission on International Religious Freedom. Ambassador Akhmetov suggested co-operating closely with ODIHR and its Advisory Council on Freedom of Religion or Belief.

### **Ms. Emine Bozkurt, Member of European Parliament**

Ms Bozkurt started with stressing that country visits to several EU member States revealed that discrimination against Muslims is a burning issue across the EU, where 15 million Muslims live. The Anti-Discrimination Directive, which is currently discussed in the European Council, includes provisions on religious discrimination.

She recalled that after 9/11, immigrants of Muslim origin were suddenly perceived as "Muslims" by mainstream society. Integration issues and religion have been conflated in the public discourse since then. She added that in her opinion integration difficulties were not caused by the religious affiliation of immigrants, but by the fact that policies were not adequate. She further mentioned that religious discrimination

existed independently from the ethnic origin of the population. In this regard, she cited the discrimination of women wearing headscarves in the labor market. Highlighting the diversity of Muslim communities across the EU, she deplored the fact that all Muslims were frequently associated with the more radical and extremist elements of Muslim communities.

In conclusion she suggested designing and implementing thorough, comprehensive integration policies across the region with the aim of providing equal access opportunities for Muslim populations. These should be reinforced with firm statements by political leaders condemning any form of intolerance against Muslims.

Noting the increase in anti-Semitism, she recommended including all communities in public debates.

Regarding the debate on banning the burqa, she believed that this discussion was a proxy discussion and a political symbol. In fact a ban would exclude Muslim women even more from the mainstream society and would punish the victims of a failed integration policy.

Acknowledging the lack of data on discrimination against Muslims and other groups, she recommended increasing efforts in this regard.

### **c. Meetings with Representatives of EC Institutions**

#### **Directorate for Fundamental Rights**

Mr. Aurel-Viorel Ciobanu Dordea, Director Fundamental Rights and Citizenship

Mr. José Alegre Seoane, Head of Sector Fundamental Rights

Ms. Anna-Elina Poholainen, Policy Officer Fundamental Rights

Ms. Maria Lensu, Human Rights and Democratization

The representatives of the Directorate stressed that EC policies aim at tackling the root causes of intolerance and discrimination. In this regard, efforts are being made to adopt legally binding definitions that would allow for consistent policies in the EU. Monitoring and reporting efforts, such as those of the FRA and the ODIHR, were acknowledged as a prerequisite to developing adequate policies. The methodology developed by FRA for the MIDIS Report would be used for further reports. Increased cooperation between ODIHR and the FRA were deemed beneficial.

The Framework Decision on combating racism and xenophobia adopted in 2008 requires that by November 2010 member States adopt relevant definitions in their legal framework, and in particular the presence of aggravating circumstances as a means for defining biased motivated crimes. A report on the status of implementation of the Framework Decision will be published in 2011. The representatives of the Directorate stressed however that the 2008 Decision provided no sanctions against States that did not make these changes.

The perspectives regarding the entry into force of the Lisbon Treaty were mentioned. Increased competences for the EC and the EP will allow for them to propose binding legislation based on the Framework Decision.

The representatives of the Directorate mentioned the launch of the “Stockholm Program” for freedom, security and justice in December 2009. The program defines the framework for EU police and customs cooperation, rescue services, criminal and civil law cooperation, asylum, migration and visa policy for the period 2010–2014. Close co-operation with OSCE institutions was suggested.

### **Meeting with the Directorate Equality between Men and Women, Action against Discrimination, Civil Society**

Ms. Belinda Pyke, Director

Mr. Eric Risse, Policy Officer

Mr. Michal Gondek, Legal Officer

The Directorate is mandated to address discrimination based on race and ethnicity (including Roma), origin, gender and sexual orientation, religion, disabilities and age.

Since its establishment, the mandate of the Directorate has been expanded. However, religious discrimination is the only ground that is covered only on the work place.

The European “Year of Equal Opportunities for all” in 2007 established a formal dialogue with member States on discrimination issues. In November 2010 an Equal Opportunities Summit will take place under the Belgian Presidency.

The importance of dialogue and co-operation with civil society was stressed. The Directorate has already cooperated with ODIHR on this issue; two staff members have visited the ODIHR’s seminar on hate crimes in the Former Yugoslav Republic of Macedonia in 2009. The representatives of the Directorate mentioned that capacity building programs are supported and that awareness raising campaigns are carried out.

### **III. Recommendations**

European Union (EU) institutions should encourage EU member States to collect data and statistics on hate crimes and to make these public.

The EU Fundamental Rights Agency (FRA) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) should co-operate closely on collecting and reporting data on hate crimes.

EU member States should increase their cooperation with inter-governmental agencies that provide advice in the field of combating hate motivated crimes and intolerance.

EU member States should establish training programs for law enforcement officers, prosecutors and for judicial staff in order to follow up on hate crimes appropriately.

Inter-governmental organizations should co-operate on combating anti-Semitism, racism, xenophobia and other forms of intolerance and co-ordinate their efforts in this regard.

Members of EU institutions should visit OSCE Human Dimension meetings and conferences.

#### **IV. List of Annexes**

1. Agenda of the meetings
2. List of participants of meeting with Civil Society



Annex 1

**JUNE 1ST**

**H: 11.00** - Photo with EP President, Jerzy Buzek -

**H: 11.30** - Meeting with Mr Gabriele Albertini - EPP, Chairman of Foreign Affairs Committee (AFET)

**H.12.30** - Meeting with Mrs Heidi Hautala - GREENS, Chairwoman of Human Rights Committee (DROI)

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**H 13.30** - Lunch break

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**H: 14.30** - Meeting with Mr Gianni Pittella - S&D, Vice- president of the EP

**H: 16.00/ BAKER:** Meeting with Jewish representatives at EU

## Annex 2

### **List of participants of meeting with Civil Society**

#### **Meeting of Rabbi Andrew Baker with Civil Society**

1. Gidon van Emden CEJI - A Jewish Contribution to an Inclusive Europe
2. Josh Goodman Transatlantic Institute
3. Julien Klener Consistoire central israélite de Belgique
4. Marco Loewenstein Antisemitisme.be
5. Alain Philippon CEJI - A Jewish Contribution to an Inclusive Europe
6. Maurice Sosnowski Comité de Coordination des Organisations Juives de Belgique (CCOJB)
7. Emily Woitchik European Jewish Congress (EJC)
8. Benjamin Zagzag European Union of Jewish Students (EUJS)
9. Norbert Hinterleitner OSCE Office for Democratic Institutions and Human Rights (ODIHR)
10. Aida Yermekkaliev OSCE Office for Democratic Institutions and Human Rights (ODIHR)

#### **Meeting of Ambassador Akhmetov with Civil Society**

1. Mme Malika Hamidi European Muslim Network
2. Ann Isabel von Lingen Open Society Institute
3. Michael Privot European Network Against Racism (ENAR)
4. Veronica Scognamilio Amnesty International
5. Norbert Hinterleitner OSCE Office for Democratic Institutions and Human Rights (ODIHR)
6. Aida Yermekkaliev OSCE Office for Democratic Institutions and Human Rights (ODIHR)