

February 7, 2008: Testimony on anti-Semitism in the OSCE Region

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United States
Commission on International Religious Freedom

Hearing on

"U.S.
and Civil Society Efforts to Combat Anti-Semitism"

Commission on
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Distinguished Members of the
Commission on Security and Cooperation in Europe, thank you for the opportunity
to testify today at this important hearing on the issue of "U.S. and Civil Society Efforts
to Combat Anti-Semitism."

I would like to
take this opportunity to thank the members of the Helsinki Commission for their
vital leadership in the struggle against anti-Semitism throughout the world, including
through a steady stream of hearings like this one; resolutions calling on the Chair-in-Office
(CiO) of the Organization for Security and Cooperation in Europe (OSCE) to
consider appointing a high-level personal envoy to ensure sustained attention
to anti-Semitism; sponsoring key pieces of legislation, such as the Global
Anti-Semitism Review Act of 2004; and by participating actively in OSCE's
Parliamentary Assembly and other OSCE conferences and events which address the
battle against anti-Semitism and other forms of intolerance.

The Role of the U.S. Commission on International Religious Freedom

The U.S.

Commission on International Religious Freedom, established in 1998, has repeatedly called attention to and condemned anti-Semitism, including acts of anti-Semitic violence throughout the world.

The Commission has raised concern about the problem in such OSCE countries as Belarus, Uzbekistan, and Russia in the former Soviet Union, and Belgium, France, and Turkey, among other OSCE countries, as well as in Egypt, Iran, Pakistan, and Saudi Arabia. The Commission sharply criticized the spike in anti-Semitic violence that manifested in Western Europe in 2002, raising concern about incidents in Belgium and France in particular.

As part

of those efforts, the Commission has recommended that the U.S. government work with the institutions of OSCE to ensure that distinct attention is given to the problem of anti-Semitism in the OSCE region. We have also recommended that the OSCE address this growing problem in innovative ways that would strengthen and better fulfill OSCE participating States' commitments to protect human rights and combat intolerance, including anti-Semitism, as first articulated at the 1990 Copenhagen conference. Since the Commission advocated in favor of the OSCE's first special meeting devoted exclusively to anti-Semitism in Vienna in 2003, it has actively monitored, participated in, and made recommendations regarding the subsequent OSCE conferences and related institution-building that has followed, including within OSCE's Office of Democratic Institutions and Human Rights (ODIHR), and with the appointment of the Personal Representatives of the Chair-in-Office.

Rise of Anti-Semitism, Racism, Xenophobia, Discrimination and Intolerance in the OSCE Region and Elsewhere

Since 2001, the

Commission has noted an increase in incidents of racism, xenophobia, discrimination, and intolerance toward members of religious and ethnic minorities in the OSCE region, including, for example, in Russia, Ukraine, and Belarus, as well as in France, Germany, and the United Kingdom. While officials and state-run media are sometimes involved in efforts to inflame public opinion against minority groups in some parts of the OSCE region, it is sometimes inaction that fuels an environment of intolerance, such as when extremist rhetoric goes uncontested by political and societal leaders. Moreover, in many OSCE participating States, officials often fail to hold the perpetrators of anti-Semitic attacks to account.

According to monitoring organizations, there were twice as many physical assaults on Jews in 2006 in comparison with the previous year, with the greatest increases in the United Kingdom, Canada, and France. A disturbing number of anti-Semitic incidents were recorded elsewhere, for example, in Norway, Belgium, Germany, and Ukraine. A significant number of the recent anti-Semitic incidents in Western Europe have been committed by Muslim immigrants, many of whom are from North Africa. Those monitoring these incidents find, as has the OSCE's ODIHR, that when tensions escalate in the Middle East, the number of anti-Semitic incidents increases.[1] Opposition to the existence of a Jewish state and political resentment regarding the conflict in the Middle East can cross the line into anti-Semitic acts. "[W]hat may start as criticism of Israeli policies may encounter and become susceptible to the entire arsenal of anti-Semitic imagery and literature that has been created over the centuries..."[2]

In addition, "skinhead" gangs and neo-Nazi groups are also sources of hate-filled rhetoric and violence in many countries in the OSCE region. Various ethnic and religious minorities have also focused their attacks on Jews, often also targeting recent migrants, members of other minorities, and Muslims. Vandalism against religious and other property has increased. Violent acts are often well documented, but they are rarely investigated and prosecuted as hate crimes, particularly in Russia and other OSCE states with weak rule-of-law traditions. Instead, officials, prosecutors, and judges often trivialize such violence by treating it as "hooliganism." When burnings, beatings, and other acts of violence target members of a particular group because of who they are and what they believe, such acts should be viewed not merely as police problems, but as human rights violations that require an unequivocal response.

In addition to describing general trends in anti-Semitic violence in the OSCE region, the Commission has also highlighted concerns about anti-Semitism outside the OSCE region that sometimes influence manifestations inside it. For example, on January 27, 2007, designated by the United Nations as International Holocaust Remembrance Day, the Commission called for a renewed fight against anti-Semitism, noting that "in spite of the lessons of the Holocaust, anti-Semitism continues to be a potent force... Some governments do not do enough to fight anti-Semitism; others even fuel it. In an egregious example, the government of Iran sponsored a conference questioning the legitimacy of well-established facts of the Holocaust. This conference brought President Mahmoud Ahmadinejad and other senior Iranian government officials together with numerous Holocaust deniers, racists and anti-Semites from around the world."

Commission Findings:
Anti-Semitism in Russia, Belarus, Turkey,
Egypt, and Iran

In its May 2007 Annual Report, the

Commission reported on the status of Jewish communities in the OSCE states of Russia, Belarus and Turkey, as well as in Iran and Egypt. In Russia, the Commission found that unlike in the Soviet period, the Russian state does not act as the official sponsor of anti-Semitism. Yet, literature that includes the infamously anti-Semitic accusation that Jews engage in the ritual murder of Christian children is sold openly in the Russian State Duma building, and the Russian Procuracy has not responded to complaints that such literature violates Russian laws against incitement of ethnic and religious hostility. In fact, Russian officials more generally have an inconsistent-and often inadequate-record in responding to anti-Semitic incidents.

There are, however, some reported cases when hate crimes legislation has been used. In 2006, a group of extremists who tried to kill Jews in the Siberian city of Tomsk were convicted of attempted murder and terrorism (they had injured a policeman by booby-trapping an anti-Semitic sign with an explosive). In June 2006, the Russian Supreme Court ordered a review of the 13-year sentence handed down in March against a young man who wounded nine worshippers during a January 2006 knife attack in a Moscow synagogue. Investigators had found anti-Semitic literature and ammunition in the attacker's apartment, but the lower court had not found the defendant guilty of incitement of ethnic or religious hatred under Article 282 of the Russian Criminal Code. The following September, a Moscow court sentenced the man to 16 years in prison for attempted murder and inciting racial hatred under Article 282.

Russian human rights advocates say that President Vladimir Putin and his administration have not spoken out strongly enough in support of the multi-ethnic and multi-confessional nature of the Russian state and society. Some Western and other observers have suggested that Russian authorities have instead manipulated xenophobia for political purposes. The Kremlin is believed, for example, to have supported the formation of the ultra-nationalist "Rodina" political party-and then to have been unprepared for its popularity-as well as the politically active nationalist youth movement "Nashi." President Putin has on occasion affirmed the value of pluralism, for instance at the meeting of the G-8 countries in July 2006, and has also decried anti-Semitism and hate crimes. Nevertheless, in the Commission's view, more can and should be done to ensure that Russian law enforcement agencies recognize hate crimes for what they are-human rights abuses-and to prevent and punish such crimes, including those involving ethnicity and religion.

In Belarus, the Commission has found that the government has not made adequate efforts to find and hold accountable those responsible for vandalism against Jewish memorials, cemeteries, or other property. Indeed, in Belarus, President Aleksandr Lukashenka himself is known to make anti-Semitic comments. According to Radio Free Europe/Radio Liberty, in October 2007, Lukashenka referred to the Belarusian town of Babruysk as a "pigsty," stating that it is "mainly a Jewish town-and you know how Jews treat the place where they are living." His comments were broadcast live on national radio. Lukashenka has made anti-Semitic statements in the past, comparing dishonest oligarchs with Jews, or likening his critics to people with "hooked noses." In response,

the United States

called on Lukashenka to retract his comments, and Rene van der Linden, the president of the Parliamentary Assembly of the Council of Europe, has also criticized the comments, calling on Lukashenka to apologize.

A Belarusian man cleans a vandalized Holocaust memorial in the town of Lida (AFP) According to the State Department's most recent international religious freedom report on Belarus, "the number of individual anti-Semitic incidents increased during the reporting period. Anti-Semitism is tolerated by the state. Anti-Semitic acts were only sporadically investigated." The report also noted that several Jewish religious sites had been vandalized during the reporting period. Just last week, the report noted, vandals reportedly desecrated graves in a Jewish cemetery in Babruysk and daubed the gates with a swastika.

The Jewish community in Turkey, estimated at 23,000, operates its own schools, hospitals, two old-age homes, welfare institutions, and a Jewish newspaper.

The Commission found that the situation for Jews in Turkey

is better than in other majority Muslim countries, as the community there reports being able to worship freely. In addition, their places of worship generally receive government protection when it is required. Nevertheless, concerns have arisen about the November 2003 and August 2004 bombing attacks on synagogues by terrorists associated with Al Qaeda, the first killing 25 persons, and the second killing two.

The Commission also noted increasingly vocal anti-Semitism in some sectors of the media that is generally coupled with anti-Americanism. In 2005, a new Turkish edition of Mein Kampf, along with the notorious tsarist-era

anti-Semitic publication The Protocols of the Elders of Zion, were bestsellers on reading lists published in Turkey. The Commission stated that "The

growing anti-Semitism is thought in part to be a reflection of increasingly politicized Islamist sentiments due to some degree to wide opposition in Turkey to the US invasion of Iraq; there are

a growing number of specious stories about Israeli and US misdeeds in Iraq, as well as pieces containing more conventional anti-Semitic stereotyping." As in other parts of Europe, the Commission learned from Turkey's Jewish leaders that anti-Semitism in the Turkish media is directly related to what is happening in the Middle East, and that Jews in Turkey report that they are held responsible for events in that region. "All of these factors...have resulted in an increasing sense of fear and insecurity among members of the Jewish community that has generally not been present before in Turkey."

Although religious pluralism in Egypt, an OSCE

Mediterranean partner state, has been acknowledged, more can and should be done by the government to punish those responsible for the rise in religious violence in recent years, and to combat widespread and virulent anti-Semitism and other intolerance in the media and in the education system. Material vilifying Jews—with both historical and new anti-Semitic stereotypes—appears regularly in the state-controlled and semi-official media. This material

includes anti-Semitic cartoons, television programming such as a 24-part series based on The Protocols of the Elders of Zion, and spurious Holocaust denial literature. The Commission believes that Egyptian authorities have not taken adequate steps to combat anti-Semitism in the media, despite official claims that it has advised journalists to avoid anti-Semitism. Human rights groups also

cite persistent, virulent anti-Semitism in the education system, which is increasingly under the influence of Islamic extremists, a development the Egyptian government has not adequately addressed. The small Jewish community maintains and owns its property and performs required maintenance largely financed through private donations. However, state security services continue to regulate and approve those permitted to make repairs, which, in some cases, has created problems and delays. The Commission has called on the Egyptian government to take appropriate steps to prevent and punish acts of anti-Semitism.

In Iran, heightened anti-Semitism and Holocaust denial rhetoric and activities by senior government officials have increased fear among that country's Jewish community. The Commission has found that official policies promoting anti-Semitism are on the rise in Iran, though members of the Jewish community have usually been singled out on the basis of "ties to Israel," whether real or perceived. President Ahmadinejad and other top political and clerical leaders have made public remarks in the past year denying the existence of the Holocaust and stating that Israel should be "wiped off the map." Anti-Semitic tracts have also increased in the government-controlled media, including editorial cartoons depicting demonic and stereotypical images of Jews along with Jewish symbols. In the fall of 2006, and in response to the Danish cartoon controversy, a prominent newspaper, Hamshahri, cosponsored a cartoon contest in which the paper solicited submissions from around the world attacking Jews and the Holocaust. Iran's official Cultural Ministry awarded the contest's first prize of \$12,000. In past years, several government-controlled newspapers celebrated the anniversary of The Protocols of the Elders of Zion.

In February 2006, the leader of Iran's Jewish community, Haroun Yashayaei, sent an unprecedented public letter to President Ahmadinejad expressing serious concern about the President's repeated Holocaust denial statements and the extent to which these statements have intensified fears among Iran's 30,000-member Jewish community. Official government discrimination against Jews continues to be pervasive. According to the State Department, despite minimal restriction on Jewish religious practice, education of Jewish children has become increasingly difficult in recent years, and distribution of Hebrew religious texts is strongly discouraged. In December 2006, President Ahmadinejad hosted a Holocaust denial conference in Tehran. In response, UN Secretary-General Kofi Annan denounced the conference, and the UN Security Council issued a Presidential Statement condemning statements made by President Ahmadinejad denying the Holocaust.

Tackling Anti-Semitism within the OSCE

Since 2002, the Commission has advocated for more active OSCE monitoring of anti-Semitism and other forms of intolerance, discrimination, and hate crimes. The OSCE encompasses 56 states, which include the countries of East and West Europe, Russia, and Central Asia, as well as the United States and Canada. As an organization, the OSCE has had a unique role in European security by working to build stable and effective democratic states through respect for human rights principles and the rule of law, including through free and fair elections. The OSCE enables discussion of the views and recommendations of governments, civil society organizations, and 18 Field Presences in its on-going and on-the-ground programs and conferences. As a result of U.S. diplomatic leadership, and in particular the direct and early efforts of the Members of the CSCE in Congress, the OSCE became the first international organization to treat anti-Semitism as a distinct human rights issue requiring serious and on-going attention, using a human rights methodology for monitoring and reporting, as well as advancing training and legislation to criminalize abuses and hold perpetrators accountable.

In the last few years, the OSCE has set up three mechanisms to address intolerance and related human rights issues as mandated by the 2003 OSCE Ministerial Meeting. First, as a result of U.S. leadership on this issue, the OSCE has since 2003 convened a series of ten high-level and expert conferences to address anti-Semitism and other tolerance-related issues. From Ministerial-level conferences in Vienna (2003) and Berlin (2004) and later meetings such as those in Cordoba (2005) and Bucharest (2007), it has mobilized political support from participating States for OSCE to address anti-Semitism and other forms of intolerance in a sustained manner. Secondly, as the Commission recommended in 2004 after the Berlin Conference, the OSCE Chair-in-Office (CiO) appointed a Personal Representative to address anti-Semitism, making the OSCE the first international organization to appoint a prominent independent expert specifically to examine anti-Semitism. At the same time, it established a Personal Representative monitoring intolerance toward Muslims, and a third who tracks other forms of intolerance, including xenophobia, racism, and intolerance against Christians and members of other religions. Third, a new Tolerance Program was set up within the ODIHR in 2004 to monitor and encourage compliance with OSCE commitments to combat anti-Semitism, racism, and xenophobia, including discrimination against Muslims, and the unit was also given authority to incorporate other ODIHR programming to promote freedom of religion or belief.

Numerous commitments were made by OSCE participating States with regard to data collection, legislation, and education, that led to the establishment of a new ODIHR staff position of Adviser on Anti-Semitism Issues, in addition to the ODIHR's Tolerance and Non-Discrimination Program.

In this context, it is notable that the OSCE participating States have rejected political excuses that attempt to justify violence and human rights abuses. OSCE's Berlin Declaration, following the Ministerial level Conference on Anti-Semitism in April 2004, stated that the participants "declare unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism." The Brussels Declaration in September 2004, following another Ministerial conference, on racism and xenophobia, reaffirmed that political developments "never justify racism, xenophobia, or discrimination." Subsequent declarations have repeated this admonition.

The Personal Representatives on Tolerance of the OSCE Chair-in-Office

As noted above, in addition to the ODIHR's Tolerance Program, the OSCE participating States since 2004 also have welcomed the decision of the Bulgarian CiO and each of his successors to appoint and re-appoint the three Personal Representatives on Tolerance of the OSCE (CiO). Gert Weisskirchen, German parliamentarian and professor of higher education, was named the Personal Representative on Combating Anti-Semitism; Anastasia Crickley of Ireland, chairperson of the European Monitoring Centre on Racism and Xenophobia, was appointed as the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions; and Omur Orhun, former Turkish Ambassador to the OSCE, was appointed the Personal Representative on Combating Intolerance and Discrimination against Muslims. These appointments have been re-confirmed by each subsequent CiO, that is, Slovenia, Belgium, Spain and Finland, and will extend at least through the end of 2008. The mandates of these Representatives include promoting better coordination of the implementation of decisions by the OSCE Ministerial and Permanent Councils on Tolerance and Non-discrimination as well as cooperation between the CiO and the ODIHR.

The mandates of the three Personal Representatives also address separate but inter-related issues that call for distinct, yet coordinated, responses. According to the CiO, the work of the Personal Representatives encompasses three areas: (1) implementing the decisions taken by the participating states at OSCE conferences; (2) drawing high-level attention to progress and setbacks in implementation; and (3) as Gert Weisskirchen told you last week, encouraging efforts by civil society organizations as well as promoting national and transnational cooperation among social, parliamentary, and governmental actors. A review of the work of the Personal Representatives by the Spanish CiO concluded that they had in fact raised awareness of tolerance-related issues at the political level among the OSCE participating States and that they had put knowledge and insights gained on these issues into practice.

It may be useful to note how these positions came into being.

According to the Spanish government's "Review of the Contribution of the Three Personal Representatives... to the Overall Effort of the OSCE to Combat Intolerance and Discrimination," published on December 21, 2007, there was "increasing sentiment" by a majority of OSCE participating states in 2002 "of the need of the OSCE to further focus in[sic] anti-Semitism." However, there was "some concern, particularly among the EU, that this targeted approach could lead to establishing an objectionable hierarchy among the different forms of discrimination." As a result, after several OSCE meetings devoted separately to issues of anti-Semitism and issues of racism and xenophobia, "the feeling grew ...that a more permanent structure was needed." Moreover, while ODIHR was charged with data collection on specific incidents of intolerance, participating States deemed it "useful" to develop "a more visible format at the political level that would emphasize OSCE's active role," resulting in the decision to appoint personal representatives who could have political visibility and flexibility as well.

The Belgian and Spanish OSCE CiOs have expressed the view that the Personal Representatives should coordinate with the various relevant OSCE institutions and among themselves in order to fulfill their mandates better. However, these mandates have been broadly defined from the beginning, emphasizing in the main cooperation and coordination with various others: OSCE participating States, the OSCE's Parliamentary Assembly, and ODIHR institutions, as well as the CiO and each of the other Personal Representatives. The Spanish Review claims that the three have each conducted a wide variety of valuable activities that "no other international organization has a similar structure to address" and that they provide added value to the OSCE as a whole. While their mandates could be more detailed and coordination improved, it is the conclusion of the Spanish review that "given the moral authority that the three Representatives actually have, their political profile should be further enhanced in the future" and they should be provided with "further instruments" and "administrative support" in order to be more effective. The Spanish Review also suggests that the part-time, honorary posts be turned into "a specialized full-time" post.

Commission Recommendations for Enhancing the Work of the Personal Representatives

The Commission recommends that the activities of the Personal Representatives should be given more prominence in the work of the OSCE. Indeed, the Commission is concerned that the work of the Representatives has been hampered by inadequate funding for staff and travel expenses, and other demands on their time and attention, as Professor Weisskirchen also pointed out in his testimony. Indeed, Gert Weisskirchen told you that "It will hardly be possible to carry out

these tasks in a satisfactory manner with the current mandate structure. The Personal Representative mandates need to be equipped with further instruments if they are to be able to do justice to these functions." For example, Mr.

Weisskirchen pointed out that only one participating State, Croatia, has invited him for an official country visit to monitor the problem of anti-Semitism in that country. Since such visits are supposed to play a key role in the work of the three Personal Representatives, the failure of the OSCE States to issue such invitations represents a failure of their political will in this regard.

The Commission has found that there are many activities that could be part of the mandates of the Personal Representatives, based on the activities of other OSCE institutions and expert appointees. For example, the Personal Representative on combating anti-Semitism could be tasked with the following: (1) to put a spotlight on anti-Semitism and emphasize the importance of the issue; (2) to engage political leaders directly when problems arise; (3) to investigate incidents when needed; (4) to advise participating States on ways to monitor and enforce existing and new laws; (5) to provide a visible implementation of OSCE commitments and promises made by participating States; (6) to promote and oversee coordination on issues related to combating anti-Semitism; (7) to visit all OSCE participating States, as warranted by circumstances; (8) to report regularly and publicly on his/her findings and recommendations; and (9) to follow up on OSCE high-level conferences, in order to prevent the promises of these meetings from fading and the political commitment from dissipating. As warranted by their substantive focus, the other Personal Representatives could carry out similar activities.

The Commission also recommends that the CiO consider providing more prominence to the three Personal Representatives on Tolerance through measures such as: requesting them to report in person to the annual fall Ministerial Council meeting; ensuring that their reports are published and disseminated throughout and beyond the OSCE system; taking them on some of the CiO's visits to participating States; referring to their work and conclusions in the CiO's speeches; encouraging participating States to invite them to visit the state separately; and encouraging field presences to invite them to participate in specific events focused on his/her specialized mandate(s). Such measures could help enhance not only the profile of the Personal Representatives on Tolerance, but also increase the impact of their findings and recommendations.

Commission
Recommendations on the Activities of the ODIHR's Tolerance Unit

The ODIHR's Tolerance Program was mandated to monitor anti-Semitic incidents; collect and disseminate information (legislation, statistics) on anti-Semitic incidents and hate crimes, as well as on best practices for preventing and responding to anti-Semitism and, if requested, offer advice to participating States in their

efforts to fight anti-Semitism; work with civil society to address racism, xenophobia, and related intolerance, including anti-Semitism; assist participating States, upon request, in developing methods for collecting accurate data and statistics about hate crimes and violent incidents of intolerance and discrimination. ODIHR's Tolerance Program on anti-Semitism has utilized the definition developed by the European Union Monitoring Centre (see Annex below).

The data collection and publications of the Tolerance Unit produced to date have responded to these numerous challenging tasks. Among the most impressive activities of the ODIHR Tolerance Unit have been its training efforts, which include the publication of educational guides for teachers on anti-Semitism, the Holocaust, and the Jewish community's contribution to European society; training for law enforcement officers; its work with civil society groups from relevant countries; and the compilation of data and model legislation against hate crimes. This is an extensive and daunting set of responsibilities. Carrying out these mandates effectively requires skilled, experienced staff, support from other OSCE and international bodies, and adequate financial resources.

Unfortunately, the valuable activities of the Tolerance Program, including those to combat anti-Semitism so ably carried out by Dr. Kathrin Meyer, are now endangered due to severe budget constraints as well as the departure of Dr. Meyer. Indeed, according to Dr. Meyer in her testimony before you last week, not a single participating State has made a new extra-budgetary contribution to the ODIHR Tolerance Program. The U.S. should revisit this issue and show the kind of leadership it demonstrated in creating the Tolerance Program.

Commission
Concerns on the U.S.
Government's Record on Combating Anti-Semitism through OSCE Mechanisms

In recent years, the U.S. government has faced a serious challenge in the OSCE because the Russian government has led an effort to curtail the OSCE's human rights activities. In 2004, delegations from nine countries, led by Russia, issued a written statement demanding that the OSCE give more weight to security matters, claiming that the OSCE focuses too much of its criticism on the countries of the former USSR, while downplaying human rights problems in the West. Russia even withheld needed approval for the OSCE 2005 budget, which must be agreed to by all participating States, thereby delaying its implementation and putting in jeopardy many of the OSCE human rights activities.

These efforts to curtail the OSCE's work are particularly threatening at a time when the governments of Russia and many other countries of the former USSR are demonstrating an increasing lack of commitment to their human rights obligations, including efforts to combat racism, xenophobia, and other forms of intolerance and discrimination. Russia and some of the least democratic post-Soviet states are seeking to put ODIHR under the control of the OSCE's Permanent Council and Ministerial Council. Since all decisions at the OSCE are made on a consensual basis, this would effectively give Russia or any other country the right to veto ODIHR's activities in any sphere.

U.S. government

officials have rightly voiced support for the OSCE in the face of such attacks. Indeed, until 2007, the U.S. State Department had singled out the ODIHR anti-discrimination programs, including those directed against anti-Semitism, for prominent mention. For example, in December 2004, then-Secretary of State Colin Powell addressed the OSCE Ministerial when he said that "the Helsinki process has been and remains a key catalyst for peaceful, democratic change." Early on, Secretary Powell noted that "within our OSCE community, incidents of anti-Semitism, racism, hate crimes and discrimination against Muslims are on the rise. We must renew our shared determination to combat racial and ethnic hatred, xenophobia and discrimination in all participating states...The OSCE's landmark work in fighting intolerance has become the standard by which other organizations' efforts are measured." Emphasizing the importance of establishing a new focus on anti-Semitism at the OSCE, Powell also explained: "We must not permit anti-Semitic crimes to be shrugged off as the inevitable side effects of inter-ethnic conflicts. Political disagreements do not justify physical assaults against Jews in our streets... There is no justification for anti-Semitism."

In the past year, however, the tone and content of the State Department's statements about the ODIHR's programs have shifted. Although there continues to be support for the OSCE's human rights activities, the ODIHR's work against intolerance, including anti-Semitism, is no longer singled out for particular mention and support. The Commission has discussed with U.S. Secretary of State Condoleezza Rice the emergence of a campaign to end the further reappointment of the Personal Representatives, pointing out the singular importance of U.S. support. The Commission was troubled, however, to learn that the Secretary has not participated in OSCE Ministerials, sending an Undersecretary or other official instead. Furthermore, when Rice made her first, five-minute address to the OSCE Permanent Council in May 2007, she did not speak of the importance of the Personal Representative on Combating Anti-Semitism or of the other two Personal Representatives on Tolerance. Rather, while she spoke of the OSCE's "bedrock commitment to human rights and democracy," she remarked that the OSCE does "important work...in support of elections and human rights, as well as the security architecture that is the basis on which a Europe whole, free and at peace is emerging."

It was thus left to the Chargé d'Affaires of the U.S. Mission to the OSCE, Kyle Scott, in June 2007, to refer to the extremely impressive ODIHR report on Combating Hate Crimes. Scott mentioned ODIHR's "important role to play in helping participating States strengthen their response to hate crimes and other tolerance-related issues, such as ODIHR's recent effort in creating TANDIS, an information database, which provides an important tool to identify and analyze the challenges States face in fighting discrimination and tolerance incidents effectively." Thus, though support for the tolerance activities was expressed, it was not made at the Secretarial level, as had been the case in the past.

Similarly, Under Secretary of State Nicholas Burns, speaking at a Vienna press conference in November 2007, said that the ODIHR "is a very important agency of the OSCE in charge of election monitoring." No reference was made to the Tolerance Program, the Personal Representatives, or the problem of combating anti-Semitism or any related issues. As this program was established at the OSCE because of U.S. leadership on this issue, the signal cannot fail to have been noted by other participating States, including those that have now come forward to complain, as outlined in the Spanish CiO's Review, suggesting a consolidation—that is, very likely, an elimination—of the unique post focused on anti-Semitism that the OSCE has created. The Commission recommends that the U.S. government urgently communicate its continued interest in the success of the full array of ODIHR programs.

Other Commission Recommendations

The Commission offers a number of additional recommendations to the U.S. government on ways our government can strengthen OSCE's ability to monitor and combat anti-Semitism and other human rights concerns. First and foremost, the Commission believes that the State Department should accord the OSCE more consistent high level attention and coordination, including by sending high-level U.S. government officials to the OSCE Ministerials and other appropriate meetings.

In 2004, the Commission recommended that the OSCE give renewed focus to the growing human rights problems stemming from anti-Semitism. Since that time, the Commission has successfully advocated that the OSCE Chairman-in-Office reappoint the three Personal Representatives on tolerance issues, including, of course, Gerd Weisskirchen. The Commission also recommends that the activities of the Personal Representatives be given more prominence within the full OSCE

structure. For example, the Commission has recommended that the three Personal Representatives' country reports be made available to the public. In addition, as noted on Page 10 of this testimony, the activities of the Personal Representative on anti-Semitism should put a spotlight on anti-Semitism; emphasize the importance of the issue and engage political leaders directly when problems arise; investigate incidents when needed; advise member states on ways to monitor and enforce the relevant laws and assist them in drafting new legislation; promote and oversee coordination among OSCE bodies; and report regularly and publicly follow up on OSCE high-level conferences in Vienna and Berlin, Cordoba, and Bucharest. The Commission is pleased to note that the OSCE website now provides a more up-to-date reflection of some of the current activities of the three Personal Representatives.

In this vein, the Commission also recommends that the State Department provide timely information on its website on the activities and speeches of the U.S. Special Envoy on Anti-Semitism, Dr. Gregg Rickman. The Commission looks forward to the Department of State's 2007 report on global anti-Semitism, set to be issued later this month.

Commission Concerns Regarding Treatment of Religious Freedom in the ODIHR

In 1998, the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief was first established. In 2004 it was re-organized and expanded to a total of 58 persons nominated by countries from throughout the OSCE region, including an Advisory Council of 15 members. This group represents the largest such expert body in any international organization, including the UN. The Commission is now concerned, however, that this group is not given the visibility and recognition it deserves.

The Panel functions primarily as a consultative body for the governments of participating States considering new or amended legislation affecting freedom of religion, as well as for expert opinions on individual cases. The Panel, however, has not specifically addressed the issue of anti-Semitism in its primary work which consists of reviewing both proposed and enacted legislation under guidelines developed by the ODIHR and the Council of Europe's Venice Commission. These guidelines are based on international human rights conventions and on various OSCE commitments. The Panel issues recommendations to the participating States on bringing legislation into conformance with international human rights standards.

Freedom of thought, conscience,
religion or belief is one of the core human rights referenced in the 1975

Helsinki Final Act, and until 2004, this issue was included in the portfolio of the Human Rights Unit of the ODIHR.

After the establishment of the ODIHR Tolerance Program, however, this issue was no longer included in the Human Rights Unit. As a result, freedom of religion or belief is viewed largely as a matter of discrimination.

However, the Commission emphasizes that there are other aspects to freedom of religion or belief that are core human rights concerns that must be defended, particularly the responsibility of States to guarantee the right of individuals and communities to practice their freedom of religion or belief. The Commission is concerned that the 15-member ODIHR Advisory Panel of Experts on Freedom of Religion or Belief, which represents a valuable resource for legal and other expertise, has been pigeon-holed primarily as working on tolerance issues.

Conclusion

Much has been

accomplished since 2002 by the OSCE to develop methods to combat anti-Semitism and other forms of discrimination. Recently, however, OSCE has been hampered in its effectiveness by political, financial and bureaucratic obstacles. One positive development for ODIHR is that Tolerance Program funding is now included in the OSCE core budget. This

helps ensure program continuity and the ability to attract capable staff. Maintaining adequate and predictable funding is essential to ensure the ongoing success of the ODIHR Tolerance Program.

Unfortunately, as

the testimony presented at this hearing demonstrates, the rise in anti-Semitic violence and other forms of intolerance, xenophobia and discrimination against various ethnic and religious groups in the OSCE region has continued in recent years. The Commission has urged that the

U.S. government to authorize and appropriate additional funds to the ODIHR to expand its impressive and unique programs on anti-Semitism and other forms of intolerance which the United States already helped to establish. Although the U.S. government had allocated extra funds to the ODIHR's Tolerance Program through 2007, no new extra funds have been allocated this year, as of this writing

The Commission

commends the members of the Helsinki Commission for their expressed willingness to address these problems. In addition,

the Commission asks that Congress consider a new allocation or appropriation of existing funds to directly support the valuable work of the ODIHR's Tolerance Program. If the ODIHR is to have the

capacity to continue its valuable work against anti-Semitism and other types of intolerance and to overcome the political pressures to curtail it, the U.S. needs to demonstrate that the success of these programs is a long-term American priority in the OSCE region.

To conclude, the Commission strongly encourages the U.S. government to provide additional resources to the OSCE, especially to those institutions that promote and sustain that organization's human rights principles, such as freedom of religion or belief, which are at the heart of the Helsinki process. This is especially critical since many of the 56 OSCE participating States acknowledge that they face an increase in intolerance, xenophobia, racism and anti-Semitism in their countries. Building security for all of the OSCE's citizens through OSCE human rights and tolerance programs, including through those combating anti-Semitism, is a necessity.

APPENDIX

(1) From Addressing Anti-Semitism: Why and How: A Guide for Educators, published by the Office of Democratic Institutions and Human Rights of the Organization on Security and Cooperation in Europe, together with Yad Vashem, December 2007, pp. 14, 16

"Most anti-Semitic stereotypes portray and often dehumanize Jewish people as dangerous, inferior or evil 'others' and are associated with discrimination, exclusion and persecution. ... Conspiracy theories are a central characteristic of anti-Semitism and one of the main reasons why anti-Semitism differs from other forms of discrimination. Unlike other minorities, Jews are perceived as powerful and influential... Conspiracy theories have been an important part of right-wing ideologies... Such thinking can also be found among the radical Left..."

(2) Fact Sheet

Office to Monitor and Combat Anti-Semitism

U.S.
Department of State

February 8, 2007

"Working Definition" of Anti-Semitism

In its 2004 report on anti-Semitism, the European Monitoring Centre on Racism and Xenophobia (EUMC) called attention to the lack of a common definition of anti-Semitism and sought to obtain one. As a result, a working definition was written collaboratively by a small group of non-governmental organizations (NGOs). In light of the longstanding commitment of the U.S. to free speech and other individual freedoms as demonstrated within our Constitution, the Office of the Special Envoy believes that this definition provides an adequate initial guide by which anti-Semitism can eventually both be defined and combated, and therefore presents this "working definition" as a starting point in the fight against anti-Semitism.

Working definition: "Anti-[S]emitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-[S]emitism 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. Anti-Semitism 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 anti-Semitism 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 a 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 anti-Semitism 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 anti-Semitism (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 anti-Semitic.

Anti-Semitic acts are criminal when they are so defined by law (e.g., denial of the Holocaust or distribution of anti-Semitic materials in some countries).

Criminal acts are anti-Semitic 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.

Anti-Semitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

[1] Office of Democratic Institutes and Human Rights, Addressing Anti-Semitism, December 2007, p. 20.

[2] Ibid. The publications offer examples of such anti-Semitic tropes as "that Israeli policies are an attempt to gain world power...that Israeli soldiers are particularly bloodthirsty... that anti-Jewish imagery dating back to the Christian Middle Ages in Europe reappears in media accounts in some parts of the Arab world...[with] translation and adaptation of such age-old myths to different contexts..." See also U.S. State Department Fact Sheet, February 8, 2007, annexed to this testimony, containing the European Union Monitoring Centre's definition of anti-Semitism.