

Statement of the Jacob Blaustein Institute for the Advancement of Human Rights Submitted to the OSCE Conference on Anti-Semitism, April 28-29, 2004

The Jacob Blaustein Institute for the Advancement of Human Rights (JBI) wishes to inform representatives at the Organization for Security and Cooperation in Europe (OSCE) Conference on Antisemitism in Berlin (April 28-29), of the results of a new study by JBI. The study found that a majority of OSCE member states admit that the problem of antisemitism exists in their countries but do not have clear-cut ideas of how to combat it. The report is entitled, "After the Promise: Keeping OSCE Commitments to Combat Antisemitism."

JBI found that governments are willing to endorse international anti-discrimination norms and openly provide materials to non-governmental organizations and the public. Yet they appear to overlook how court cases and public pronouncements at crucial times are vital to the kind of public education effort required to deter antisemitism. The JBI urges countries meeting in Berlin to develop a more clear-cut framework for legislating against hate crimes, monitoring attacks on the Jewish community, creating precedents and deterrents in court cases, and combating antisemitism through education.

JBI's findings are based on a research study it conducted to examine the Helsinki process, particularly the commitments regarding discrimination made at the 1990 Copenhagen Human Dimension Meeting and endorsed by heads of state in the Charter of Paris for a New Europe. The commitments made in Copenhagen were unprecedented in condemning antisemitism and articulating measures for its eradication. Specifying attention to antisemitism in an international organization for the first time, OSCE members committed to speak out, implement laws, establish remedies, and use education and related tools to combat antisemitism and other forms of discrimination.

JBI contacted the foreign ministers of all fifty-five OSCE member states and asked them to inform the JBI of any measures the government had taken to implement the Copenhagen Commitments in the following categories: (1) legal enactments or decisions to protect vulnerable groups against acts that constitute incitement to violence; (2) initiatives undertaken by the government to introduce into the curriculum education to combat discrimination or antisemitism; (3) efforts to promote and make known the rights of individuals to initiate and support complaints against acts of discrimination, and (4)

whether the state had ratified and complied with international or regional human rights instruments or optional individual complaint procedures which address discrimination.

32 of the 55 OSCE states responded to the JBI inquiry. The dearth of court cases (only two states provided information) and lack of statistics on hate crimes in the responses point to an urgent need to overhaul and harmonize monitoring and prosecution systems within OSCE states. “The unevenness in reporting, and scarcity of hard data even from states responding to our concerns in good faith, are themselves indication of the need for appointment of a Special Representative within the OSCE family of institutions, well-regarded, and well-resourced, who can engage states specifically on monitoring incidents and creating protective measures, in the schools, the courts and elsewhere, to combat antisemitism”, said Felice Gaer, Director of JBI.

19 of the 32 states that responded to JBI provided information on the legal remedies that they have in place to combat discrimination. Of these, 15 described hate crimes statutes that are in place. 9 of the 32 states wrote about Holocaust education programs that the government has initiated in schools; and 12 states wrote about general education initiatives to combat discrimination and promote tolerance.

Strikingly, only 6 states provided specific statistics on antisemitic incidents to JBI. This lack of collected reliable information highlights the lack of monitoring of antisemitism and the differing forms of statistical information reveal the non-comparability in reporting of incidents of antisemitism in the member OSCE states of Europe and North America.

The JBI report recommends that states and the OSCE should:

- Comply with their Copenhagen Commitments by adopting domestic legislation and enforcing it vigorously;**
- Establish systems of monitoring incidents of antisemitism in each country**
- Link educational programs, including both Holocaust education and general tolerance education, to focus on fighting contemporary antisemitism**
- Establish a special representative on combating antisemitism within the OSCE.**

The Jacob Blaustein Institute for the Advancement of Human Rights, founded in 1971, fosters scholarship and the development of strategies for protecting human rights. Its Chair is Robert S. Rifkind.