

HATE CRIMES



November 6, 2007

**Briefing of the
Commission on Security and Cooperation in Europe**

Washington: 2010

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 56 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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NOVEMBER 6, 2007

Commission on Security and Cooperation in Europe Washington, DC

[The briefing was held at 10:02 a.m. in room 2154 Rayburn House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, moderating.]

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, Hon. Hilda L. Solis, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Gordon Smith, Commissioner, Commission on Security and Cooperation in Europe.

Panelists present: Dr. Doudou Diene, United Nations Special Rapporteur on on contemporary forms of racism racial discrimination, xenophobia and related intolerance; Dr. Tiffany Lightbourn, Department of Homeland Security, Science and Technology Directorate; Micah H. Naftalin, Union of Councils for Soviet Jews; and Nickolai Butkevich, Union of Councils for Soviet Jews.

Mr. HASTINGS. Good morning, ladies and gentlemen. This is a particularly awkward room. But we work with what we have, and we will go forward here.

I'd like to get started, in the interest of time. And I know that because of the floor schedule, I will likely be called away at some point, and the briefing, of course, could go on.

I'd like to thank you for your interest in this morning's briefing on combating hate crimes and discrimination within the OSCE. And I am certain that real soon, Senator Gordon Smith is going to be with us. And he, along with Senator Kennedy have led efforts in the Senate to make hate crime laws more inclusive, as well as my colleague, Hilda Solis, who is the Special Representative on Migration for the OSCE Parliamentary Assembly. I expect her here.

As we approach the anniversary of Kristallnacht, it is incumbent upon us to recall what can happen when intolerance is not addressed in a society. Not only are hate crimes in the OSCE on the rise, but discrimination is also an every day experience for many persons who live in OSCE countries.

Political parties and other leading figures have also become increasingly more xenophobic. While censorship is not the answer, leaders and society do bear a unique responsibility to promote tolerance and mutual respect and not show mistrust and discord.

This is the reason that I and Congressman Mark Kirk responded so swiftly in leading congressional efforts to condemn the anti-Semitic remarks of the Belarusian president.

Some years ago, I and my Co-Chairman, Senator Ben Cardin, and other Commissioners, came together to push for the OSCE to address tolerance issues following a spike in anti-Semitic incidents taking place in Europe.

Now, 5 years later, the OSCE has an established tolerance unit that publishes an annual hate crimes report, trains law enforcement on responding to hate crimes, and has developed numerous tolerance education initiatives that address anti-Semitism, racism and xenophobia, and intolerance and discrimination against Muslims, Christians, and members of other religions.

While this briefing focuses on the situation overseas, it is the first of several initiatives we are planning to bring attention to intolerance and discrimination throughout the OSCE region, including the United States.

The current reluctance of this Congress to expand hate crimes laws to include gay and other vulnerable groups says that we, too, have a way to go in protecting the fundamental rights of the most vulnerable in our society.

Last evening in the Rules Committee, we spent a considerable amount of time on legislation ending discrimination against gays, lesbians, and transgender people in the workplace. And some of the arguments that I heard that were made against it were the same arguments that were made in the run-up to the 1964 Civil Rights Act—the identical arguments. You know infringement on States' rights and the business of religious institutions.

And I just find it astounding that we are still having this discussion, here in America, let alone when we get outside of the OSCE.

To kick off events this Congress, we are honored to have some distinguished guests with us here today. And I really do appreciate them taking their time.

I'd like to thank Dr. Doudou Diene for making a special trip to be here today. I understand, sir, that you have also received an invitation to prepare a report on the United States.

Given the voter disenfranchisement in my own State of Florida, over 159 reports of anti-Semitic incidents in my congressional district last year, the reintroduction of the noose—and the list goes on—I'd say the special rapporteur has a lot of work ahead of him. And I hope he will join us in the future to share his final report on the United States.

I'd also like to note that we also extended an invitation to Human Rights First and the SOVA Center in Russia. As many of you well know, Human Rights First has published a report on hate crimes in Europe, while the SOVA Center has taken on the difficult but much needed task of collecting statistics on hate crimes in Russia, and monitoring the responses of law enforcement and the government.

While they unfortunately could not be here today, we hope to have them at future events, as much of our work on the Commission on these issues cannot be done without them.

The biographies of our witnesses you will find at the desk outside. And therefore, I won't go into their four biographies, but I'll begin this morning with Dr. Diene. He is United Nations special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Dr. Diene, you have the floor, sir.

Dr. DIENE. Thank you very much, sir.

Mr. HASTINGS. My colleague, Ms. Solis, after Dr. Diene and any opening remarks you might make.

Yes, sir.

Dr. DIENE. OK. Thank you, Congressman Hastings, and thank you for inviting me this morning.

I think I will start by explaining what the special rapporteur job is. You may not know exactly what the mandate is.

Basically, special rapporteurs are independent experts elected by the Human Rights Commission Council—not paid. We are not U.N. staff, not diplomats. And our mandate is to monitor certain issues worldwide, and also by country, by visiting countries, and submitting their recommendations also in our reports.

My mandate is racism, racial discrimination, xenophobia, and related intolerance. I have been special rapporteur since 2002.

I have been visiting many countries in the last few years, almost 15 to 20. The last one is the Dominican Republic last week, before that the Baltic States, Italy, [inaudible] German, Japan, Brazil, Ivory Coast, Colombia, et cetera.

But Congressman, your invitation is for me to share with you some reflections on the issue of hate crime as it may be related to my mandate, racism. So, the first thing I would like to share with you is my beliefs from the conviction that there is already a strong rise of hate crimes. Their crime is rising, worldwide.

And as a context of this really serious trend is that we are witnessing certain basic trends worldwide, which makes hate crime something difficult to analyze and combat.

As far as racism is concerned, racial discrimination and xenophobia, all forms of racism are rising—all of them. The old forms of racism and discrimination—anti-Semitism, racism against the Black people, against other races—and the new forms since 9/11.

But three main trends are emerging. One, the rise of racist violence. The rise of racist violence, killings, we have witnessed many in different continent parts. To talk of the OSCE countries, in Belgium not a long time ago, a Malian national was killed.

I went to Russia to investigate racism there. Many minority members have been killed. These were Kavkazian, Central Asian, African, Asian, Arab, et cetera.

Then the rise of violent racist crime, mainly from the extreme right groups and the neo-Nazi groups.

But several times, which is maybe one of the foundations of this rise is what they call the political instrumentalization of racism.

We are witnessing two very serious trends.

One is the fact that political parties, namely, extreme right parties, are being elected, and are getting a stronger electoral position on open racist and xenophobic platforms. These platforms are getting worse. They are getting votes for these platforms.

And many [inaudible] back on immigration, asylum-seekers combat against terrorism, et cetera.

So, more and more parties of this—extreme right parties are being elected, getting strong groups from a democratic process. So, this is the first point. Racist and xenophobic platforms are electorally voted for to be elected to parliament or government.

Second trend on the instrumentalization is the fact that the ideas, these platforms, are slowly implementing the political program of democratic parties. They are influencing democratic parties' programs. If you analyze the program of political parties, democratic parties in many countries in the last 10 years, you will see slowly the concepts, the rhetoric, the ideas of the extreme right platform implementing these programs.

That is a serious development.

But a third development in this same dynamic, because of this electoral success of these platforms, most of these parties—extreme right parties—are getting access to power through coalition of governments. We are seeing more and more countries, where, in the OSCE countries, these parties become part of the government, and being in a position to literally implement their agenda, their xenophobic agenda.

And not only implementing their xenophobic agenda, but hurting the democratic agenda of the nation, of the countries concerned, especially as is related to migrations, asylum-seekers, terrorism, et cetera.

So, these three developments put together is what I characterize as one of the most serious threats to democracy, is the political instrumentalization of racism.

So, what we are witnessing is a kind of democratization of racism.

Second development which is, I think, very serious, which also explains is at the basis of the rise of hate crime, is what I call the intellectual and scientific legitimization of racism and discrimination. We are seeing more and more books written by scholars from well respected institutions, openly advocating ideas of [inaudible], of racist, of groups of ethnics, and openly advocating racist and xenophobic ideas.

This plan is very strong now in Europe, but is a latest development you know it, is a scientific legitimization, a return to the scientific explanation or legitimization of discrimination. The latest example is the Nobel Peace Prize Watson, when he spoke of the inferiority intelligence of Africans. Openly he did it—a Nobel Peace Prize—you know.

But this is not an isolated statement. I live in France. I live in Paris. And as you know, in Paris recently the French Government has submitted—not the French Government, their main political party—a proposal to submit the children of migrant workers to DNA testing, to allow them to get to France.

So, what is happening here is the use of DNA in a general context where migrants are ethnically seen. The migrants are—there is the tendency to see the ethnic factored any dimension of migrant workers, their ethnic origin, religion and culture. And in this [inaudible] context, which allows and opens the way for discriminations, this DNA testing has a special and very profound meaning.

So, if you put these three factors together—the rise of violence from extreme right groups, neo-Nazi groups, the political instrumentalization and the intellectual legitimization—these lead us to a situation where I think it is one of my conclusions. Racial discrimination and hate crimes are one of the most serious threats to democracy now.

Now, but what is at stake? What is behind this violence?

I see two issues which I think we have to maybe discuss later on. One is that there is at the core of the rise of racism, in most of the countries I did visit, I visited, you find this issue of multi-culturalism—the resistance to multi-culturalism, the refusal to recognize the cultural, ethnic and religious diversity.

This is something which is a common factor in most of the countries I visited. And it is this resistance to multiple [inaudible] which feed the program of the racist platform of extreme right parties. So, we come back to square one.

But behind the issue of [inaudible] terrorism is what I—because you have to try to analyze, to understand why this is happening.

At the core of the multi-culturalism issue is the issue of identity construction. What I have witnessed for my report in most of the European countries I visited, is a crisis of identity—a crisis of identity in the sense that the old national identities of these third nations, which have been stripped, simply to [inaudible], but sometimes based on religious or ethnic factors.

It is national identities which have been put through education, everything. These identities are contradicted and clashing with the multiple [inaudible] mix of the societies. It means that the modern streets are multi-colored, multi-religious and ethnic. The [inaudible] societies are marked by diversity. The resistance to this diversity is expressed through the difference of the national identity.

The notion of defending identity, defending the difference of identity, defending of old national identity, and receiving the multicultural trend.

And this is done through the debate on migration. And migrants are seen as a threat, asylum-seekers as a threat to national identity. And also, the old combat against terrorism also feeds this rhetoric.

We have seen it in the United States, because the latest work of somebody like Samuel Huntington in his book, “Who Are We?” when he elaborated that the demographic and the cultural presence of the Latinos is a threat to American identity. This approach is an expression of this intellectual legitimization.

So, I think what I am trying to share with you is that we have to try to deconstruct this rise of hate crime. And it is through this rise of hate crime and this intellectual and political—intellectual legitimization and political instrumentalization, that we are witnessing what I call in France the banalization of racism and the return of the very old stereotypes and prejudices, which explain why in certain countries of OSCE, I did criticize it in my last report to the Human Rights Council in September.

You see, for example, in Poland, the same party, member of the coalition, the Minister of Justice was a member of that party. He’s advocating both [inaudible] Islamophobic agenda, describing Europe as a Christian land, and Islam as a threat to Europe, but in the same discourse, very strongly coming back to the deeply rooted anti-Semitism of the Polish society. So, the same person is advocating the same lines.

But it is not the fact that he expressed such ideas, it is the fact that he dare express them publicly in a democratic context, which is one point I really want to share with you. Racist, xenophobic ideas now banalized, are becoming mainstream accepted.

This, I think, is a very dangerous trend, and which now, on the bed of which you see extreme right groups, neo-Nazi groups using now violence to translate these hate ideas into acts.

And it is becoming very serious, because another idea you have to keep in mind is that extreme right parties, and especially neo-Nazi groups, are getting very strong democratic position. They have a strategy of anti [inaudible] that are entering democratic institutions.

You see now that in the European Parliament, extreme right, neo-Nazi groups have now a parliamentary group. They have now a parliamentary group, which has been strengthened by the arrival of groups, parties from Central and Eastern Europe.

And recently in Germany, in the region of Berlin, in the last elections, seven neo-Nazi members of the euro region, regional parliament of Berlin have been elected.

So, what you have seen is that, not only a return to the rhetoric, verbal, the violence, the intellectual construction and scientific legitimization, but also the use of violence and also the democratic legitimization, and infiltrating the democratic institutions.

So, Mr. Chairman, ladies and gentlemen, I think this is something very serious to take into account, which leads me to two conclusions.

One, the combat against racism, discrimination, xenophobia has failed on one fundamental point. One is the political will to combat discrimination—all forms of discriminations.

And I do think that it is one of the consequences itself, the combat against terrorism. Some governments have interpreted the necessity to combat terrorism as meaning that they have to sideline, marginalize human rights issues and issues like racism—acts of terror.

Second, the fact that governments also have not only not expressing a strong political will to combat these crimes, hate crimes—and I try to give facts in most of the countries I visited. But also, what we are saying also emerging very strongly is the fact that—and this, I think, explains also the rise of hate crime—is the neglect of what I call the intellectual front. The neglect of the fact that the ideas, the concepts which are at the basis of all forms of discrimination, because all forms of discrimination are intellectual constructions first, groups, communities, races have been first demonized intellectually, conceptually.

And [inaudible] has been intellectual buildup of critic, that racism against Black people has been also intellectually constructed. And the combat on this front has been neglected.

But one other point, also, the last point that I want to share with you is the fact that the breakup of the front of the victims is also victim of this hate crime in racism. These are Jewish communities, African [inaudible], American Indian—whatever groups.

All these groups are now—are not uniting their effort to combat the problems they are facing together. And this, I think, is a very serious problem, the fact that victims are not united. They are not identifying the same enemies, and they are not organizing a common front to combat it. And I think that in the discussion, we'll come back to that very important and [inaudible] bases.

So, Mr. Chairman, these are some of the preliminary ideas I wanted to share with you, and later on to answer any of your questions.

Thank you.

Mr. HASTINGS. Thank you, Dr. Diene.

Before I go to Dr. Lightbourn, I'd ask my fellow Commissioner and colleague, Congresswoman Solis, who is the Special Representative on Migration for the OSCE parliamentary assembly, if she would make any comments.

Ms. SOLIS. Thank you, Mr. Chairman.

I really don't have a lot to say right now, because I want to hear from the witnesses. And I find the first speaker very intriguing, because as a woman of color serving here in the House of Representatives, I know too well what you're talking about in terms of hate crime and the fact that Latinos in this country are heavily scrutinized right now in this particular arena, as we speak here in the House of Representatives.

We have a tremendous debate going on about immigration reform. And we see that even local governments—as you say, democratically elected—are now taking some of these issues on their own and trying to implement very restrictive laws, as well, to either prevent education, health care, driver's license, and many things of that nature.

So, it's happening here in the United States. We know there are ways to tackle this, so I'm very encouraged to hear what our speakers are going to tell us today.

Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Congresswoman Solis.

And now, I'd ask Dr. Tiffany Lightbourn, of the Department of Homeland Security, Science and Technology Directorate, if she would offer her comments.

Again, the biographies of our witnesses are on the table outside.

Dr. Lightbourn, you have the floor.

Dr. LIGHTBOURN. Thank you.

Chairman Hastings, Congresswoman Solis, and distinguished members of the Commission, thank you for the opportunity to participate in this briefing today.

It's a privilege to speak to you about the global problem of xenophobia, research that we've been conducting on the consequences of perceived individual and group discrimination, and what governments can do to prevent and prepare for threats to national security due to these societal ills.

We have a lot to learn from the experiences of European ethnic minority and religious groups, and hope that the testimonies today will bring us one step closer to tackling the complex issues of multiculturalism and societal integration in our respective societies.

As Dr. Diene has noted, there's a growing prevalence of violent hate crimes, xenophobic political platforms and reports of unequal treatment experienced by racial and ethnic minorities within the countries of the OSCE.

Of particular concern are accounts by Muslim and Jewish groups of experiences with discrimination, alienation and political isolation.

The attacks of September 11 signaled to the world that members of a discontented Islamic diaspora in Europe, directed by al Qaida, could organize and execute an attack on the United States.

While this incident awakened to the United States the consequences of radicalization of immigrant fundamentalist groups living in Europe, it also signaled our need to better understand the process of radicalization at the individual and group level.

My approach to this phenomenon is as a social psychologist. My training is in the field of psychology, and I'm an immigration researcher by practice. So, I am a scientist, and I have to apologize for that as I go on with my remarks.

And I'm a scientist for the government. So, not only do I ask the question why, but I ask the question why with a purpose. And that purpose is not to legitimize discrimination, but to understand, predict and prevent the causes and consequences of discrimination through policy, programs and public education.

One caveat, and it's a pretty big one. Our understanding of the relationship between immigrant status, religious identification, experiences with discrimination, and the radicalization of belief and behavior is still at its very nascent stage.

So, what do we know?

We know a lot from the 1950s on research on the psychology of discrimination, why people hate others, the consequences of being hated. We know a lot from researchers in the 1980s on the psychology of acculturation. Those like John Berry at Queens University in Toronto.

We know from rhetoric and case studies of confirmed terrorists, many of whom claim to be the victims of discrimination, who express hatred toward their host societies for their treatment, and who are demographically first, second or third generation immigrants, that there is something going on here.

But to put the pieces of this puzzle together, to stimulate a psychological process, is something that we at the department are beginning to do.

To stimulate that research pipeline to meet the need, in 2004, the Department of Homeland Security initiated a competition for an academic center of excellence—we call them COEs—to understand the social and behavioral aspects of terrorism and counterterrorism.

In 2005, the University of Maryland was selected to lead the National Consortium for the Study of Terrorism and Responses to Terrorism, and they dub themselves with the acronym START. START was awarded \$12 million for a 3-year term of research.

Research by DHS's START clearly has coalesced around the idea that there are two factors that facilitate radicalization. And these are individual characteristics, like personality, and the characteristics of the society in which an individual lives.

START investigators, Dr. Clark McCauley, Bryn Mawr, and DHS post-doc Sofia Moskolensko, have just completed a manuscript identifying mechanisms that can serve as radicalization catalysts for individuals, groups, as well as for societies.

At the individual level, personal victimization, political grievances and joining a radical group seem to initiate a slippery slope of increasingly extreme behaviors.

At the group level, isolation and perceived threats to a group serve to heighten the potential for group radicalization.

As such, country contexts that support the victimization of people based on their ethnic or religious identities may produce pockets of people likely to be radicalized into extremist behavior.

Important to note here is that, in these early studies, it's not religiosity or religious identity that lead people to become radicalized. Rather, it's the grievances that people feel from living in a country context in which discrimination is tolerated or commonplace, that leads them to seek similar others and form groups, social networks and organizations, which can then possibly become conduits for radicalization.

Simply stated, the victims of discrimination, political grievances, personal victimization and isolation can become catalysts for radical action.

To test this relationship, START political scientist Jon Wilkenfeld at the University of Maryland, and Victor Asal at SUNY in Buffalo, are investigating whether ethnic organizations are likely to turn to violence and terror in order to express their discontent with country conditions.

This work is currently being supported by DHS's START COE, as mere interested [inaudible] covering pathways to extremism and linked—and find out what links political grievances and radicalization, potentially, amongst ethnic minority and immigrant groups.

At the department, we are approaching the phenomenon of radicalization amongst minority communities in a variety of ways. I am part of the DHS Science and Technology Directorate, and we're making significant research investments to better understand, predict and prevent the threat of radicalization.

The START COE, which is sponsored by my home office, the Office of University Programs, has over 30 active research projects, 60 active investigators working on populations in the United States and Europe, North Africa, the Middle East, Australia, Latin America—you name it. And they're looking all at the social behavioral aspects of terrorism.

In addition to the center's research program, they're also engaged in unique educational activities. And I also have with me today the director of their education program, Kate Worboys, in case you have questions about their education program.

But one of the unique activities they have is a multi-campus project to encourage dialogues between Muslim, Christian, and Jewish students. Activities include retreats involving students from different faith traditions, dinner series for campus leaders from different religious communities, collaborative community service projects and the development of a multimedia arts program, focused on fostering respect for different faith traditions.

The idea here is that building the social relationships between faith traditions can help mitigate potential conflicts when more serious differences may arise.

Also at DHS Science and Technology, we have one of our core research divisions, the Human Factors Division, that has as one of its core missions to apply the social and behavioral sciences to improve detection, analysis and the understanding of the threats posed by individuals, groups, and radical movements.

This division has created a dynamic research program on radicalization and radicalization deterrence, and now is fully staffed with a program manager.

The DHS Office for Civil Rights and Civil Liberties, led by Dan Sutherland, has been at the forefront of the department's efforts to engage key communities with the belief that, "promoting civic participation can help prevent the isolation and alienation that many believe are necessary precursors to radicalization."

In this regard, our civil rights-civil liberties office holds regular meetings with ethnic and religious community leaders about its mission and challenges, and listens to the concerns and ideas of these communities. By developing and cultivating partnerships with American Arab, Muslim, Sikh, and South Asian leaders, our civil rights-civil liberties office hopes to have open lines of communication and promote civic engagement amongst members of religious communities in the United States.

We know from statistical data that Muslim communities in Europe and American Arab and Muslim communities differ. They differ in how well integrated they are in their host societies, their levels of wealth and levels of education.

We know much less, however, about how these communities differ in terms of their relationship to their national governments, the nature of their political grievances and whether they hold radical beliefs, and what and when, if those radical beliefs may lead to radical action.

What we do know is that we share a need to increase the integration of new immigrants and the tolerance of host societies for newcomers, particularly those from the Arab and Muslim worlds, if there's hope to prevent the tiny proportion of those individuals who may become vulnerable to radicalization.

In conclusion, we have a long road ahead in better understanding the causes and the consequences of being the target of xenophobia, how discriminatory conditions contribute to the phenomenon of radicalization, and the ways in which governments can proactively address these issues.

In the aftermath of the 2005 London bombings, DHS Secretary Michael Chertoff made a public statement that, "America values its rich diversity. Muslims in America have long been a part of the fabric of our Nation. The actions of a few extremists cannot serve as a reflection on the many people who have made valuable contributions to our society."

Senior government leaders in the United States and in Europe need to be encouraged to make public statements of support for diversity and civic engagement, if we want to foster climates conducive for peaceful multicultural societies.

Simultaneously, we need to invest significant resources in researching the root causes of radicalization within one's own country context. The lessons learned from these domestic investigations need to be shared. They need to be shared rapidly and often with international counterparts to facilitate knowledge transfer and to build a science of radicalization.

Last, we have to encourage civic engagement in key minority communities by government outreach and public education regarding pro-social means of expressing one's political grievances and how to become involved in civic society.

There's a lot more that I could talk to you about today, and I hope that these questions will come up during our discussion. I thank you for the opportunity to brief you today, and I welcome your questions later.

Thank you.

Mr. HASTINGS. Thank you very much, Dr. Lightbourn.

We've been joined by fellow Commissioner and good friend, Senator Gordon Smith. And if the gentlemen from the Union of Councils for Soviet Jews would permit, I'd like for Senator Smith to make any comment he may wish to at this time.

Mr. SMITH of Oregon. Thank you, Mr. Chairman. It's great to be with you, and I appreciate your holding this hearing. I'm glad I found this room, after going to the other designated place.

Yes. I should know my way around your chambers better, but it's an honor to be with you. And I thank all of our distinguished guests who have joined us to discuss an issue which is growing in importance for the United States and its European partners.

I, for one, am deeply concerned by the increase in discrimination and hate crimes, not just in America, but in Europe. It seems to me that there are several factors at work, such as immigration pressures, political elitism and current events in the Middle East.

These pressures on European societies have contributed to a growing problem of ethnic and sectarian violence. Given the history of Europe, this is particularly unwelcome. But a related phenomenon is the rebirth of virulent nationalism on the continent of Europe.

For the past several years, I have watched with some alarm at the right wing extremist parties that are becoming increasingly popular. These groups often espouse viciously anti-Semitic slogans and appeal to a 19th century form of European ethnic identity. I had hoped that this identity had faded into the rubble of the last European war. I hope I'm wrong, but I may not have been.

In Hungary last month, 600 people publicly joined a right wing paramilitary group in a mass ceremony. Members wear apparel reminiscent of Hungary's World War II Fascist government. And they support an ideology of xenophobia and bigotry. The ceremony was an unwelcome reminder of a bitter past, to which I cannot believe any European would willingly return.

The recent victory in Switzerland of the Swiss People's Party is also alarming. I don't believe that the SVP is another version of those Hungarian extremists, but some of its tenets are eerily similar. For me, the SVP does not pass the respectability test, particularly when it is viewed in the broader spectrum of nationalist resurgence in Europe. In places as diverse as former East Germany—and incredibly, even in Israel—the rise of right wing extremism has made the SVP's success more of a concern.

I do not believe that all hate crimes perpetrated in Europe are attributable to these groups. However, they are at least part of the phenomenon of ethnic hatred, which has plagued the glorious continent for too much of its history.

So, thank you all for participating in this hearing today, and I look forward to your testimony, and hope that you can shed light on what is apparently a growing problem. It's not a problem just of Europe; we have our share of it, as well. But we all ought to be united against it.

Mr. HASTINGS. Thank you very much, Senator. I appreciate very much you being here.

And in the audience, and when we turn to the audience for any more questions that you may have, since it's a briefing, we have with us, Senator Smith and Representative Solis, the Ambassador of Switzerland, Mr. Urs Ziswiler. And I don't know whether he would like to make a comment, but I would ask, if he does, we would allow that he do so.

But right now, I'd ask Mr. Micah Naftalin of the Union of Councils for Soviet Jews to proceed, and to be followed by our final presenter this morning, Nickolai Butkevich, who I believe is just back from Russia in the last couple of weeks, I read somewhere or saw somewhere.

But anyway, Mr. Naftalin?

Mr. NAFTALIN. Thank you, Mr. Chairman, members and staff—

Mr. HASTINGS. Is that mic on there with you?

Mr. NAFTALIN. I think it is. How's that?

Mr. HASTINGS. All right.

Mr. NAFTALIN. [Inaudible] Helsinki Commission.

I commend your attention to our briefing paper, which was prepared by Nickolai and me, and some attachments, and ask that they be incorporated into your record.

Mr. HASTINGS. Without objection.

Mr. NAFTALIN. No briefing could be more timely and important to UCSJ than anti-Semitic and xenophobic hate crimes and discrimination against ethnic and religious

minorities in Russia, Ukraine and Belarus. These examples of the breakdown of rule of law have been the principal subject of UCSJ's human rights monitoring and advocacy since 1970.

With the Moscow Helsinki Group, the UCSJ recently inaugurated an unprecedented international alliance of 30 human rights and religious freedom NGOs across these three countries, called the Coalition Against Hate. We're putting into practice Dr. Diene's call for a united front.

Through the medium of a bilingual blog, we will coordinate counteraction against neo-Nazi groups and disseminate information about how the authorities respond to hate crimes. At bottom, we seek to infuse these rule of law goals into the fabric of diplomacy and statecraft.

The Helsinki Commission and OSCE play a vital role in this, because NGOs are built into the Helsinki process.

Beyond the credibility of election monitors, we encourage the following:

- Strengthening OSCE's role in the face of Russia's hostility to the agenda of the third basket;
- An even stronger relationship between ODIHR and the hate crime monitoring NGOs; and
- Developing special criteria for ODIHR to assess the relationship of hate crimes and rule of law to promoting democracy and international security.

I commend to you our very detailed paper that goes into all of these issues in depth.

Thank you very much.

Mr. HASTINGS. Thank you very much.

Mr. Butkevich?

Mr. BUTKEVICH. Well, thank you for the very kind invitation to speak here today.

I think the members of the Commission are very familiar with the trends of hate crimes, the fact that they're increasing in Russia and Ukraine, which are the countries I'm going to speak about today, primarily, the fact that, through geographic spread of these crimes and of the activities of neo-Nazi groups, especially in Russia, has greatly expanded in the past several years.

So, what I really want to speak about today is how the governments are reacting to this increased neo-Nazi and especially activity.

The good news is that the Russian Government—at least the police forces—are becoming more active in counteracting hate crimes and hate groups. We have noticed, certainly, since President Putin first came to office, an increase in the number of arrests. Nowadays, it's more likely than not that people do get apprehended for committing hate crimes. And that was not true under the Yeltsin government, unfortunately.

The problem now lies in how suspects in hate crimes are charged and what happens after they are detained. Far too often, hate crimes legislation, which exists on the books in the Russian criminal code, is not applied or fully applied. And instead, we see an overuse of very vague, catch-all provisions of the Russian criminal code, especially the term "hooliganism," which seems to be able to encompass anything from being drunk and disorderly in a bar, to sending someone to the emergency room.

This has two effects. One, it lessens the prison time for people, if they are convicted under hooliganism rather than under, let's say, assault motivated by ethnic hatred, which

can add another 3 to 5 years. Two, it sends, perhaps unintentionally, a kind of a signal to these culprits that the government is not taking their actions very seriously, and that it's a bit of a wink and a nod.

And it really obfuscates this issue. It makes it very difficult to get a handle on the trends, what's really happening on the ground, where is it happening. The government itself is not doing a very good job of following this. There's no systematic form of monitoring by government law enforcement agencies. And if they are doing it, they're not sharing it with us or with the Russian public.

Just as an example, the region of Oronyesh, which is a particularly bad region when it comes to these problems, put out statistics about a month ago. I think the number they recorded was 437 instances this year in which anti-extremism legislation or legislation banning [inaudible] ethnic hatred were violated. And that's all they said.

They didn't say who the violators were. They didn't say what the crimes were. They didn't say how many of these people were convicted. Were they neo-Nazis? Were they Islamic radicals—real or excused Islamic radicals? Were they members of peaceful opposition groups who are increasingly falling afoul of this new anti-extremism legislation? There's no real way of knowing, unfortunately.

So, in addition to, I would say, suppressing some of this data, the other trend that's happening is that the Russian Government is increasingly catering to far right groups, Dr. Diene mentioned is happening in Europe to some extent, how this is becoming—this rhetoric is becoming normalized.

And in Russia I would say it's to even a more extreme degree than in the rest of Europe.

We've seen the use of far right vigilante groups in conjunction with the Federal migration service. There are actions done in conjunction with police to do raids of open air marketplaces where illegal migrants—and in some cases legal migrants—who trade there and sell produce, and there are citizens of other former Soviet countries, have been roughed up.

There was a neo-Fascist march in Moscow just this last Sunday. An estimated 2,000 people participated—not a very large number. It should be noted that anti-Fascist demonstrations usually attract far fewer people. But this demonstration was legally sanctioned by the Moscow city government, and it's happened on November 4th—for the last 3 years.

Now, most Americans will look at this and say, well, freedom of speech. You know, we allow people like this to march, no matter how obnoxious their views are, and that's true.

But we should keep in mind what happened to Gary Kasparov and other peaceful political opposition activists who tried to march in the same city not too long ago. The police reacted viciously, beating them in broad daylight and rounding up several of them for arrest.

The same thing happened to gay rights activists in Moscow several months ago. And several members of the European Parliament were beaten in front of the international media by the police.

So, the Russian Government has proven its ability to suppress undesirable groups in the most extreme fashion, which raises the question: Does this mean that the neo-Nazis are undesirable, or are they desirable? Are they being used for some sort of political end?

I used to think—you know, there's this conspiracy theory that some factions within the Russian Government were trying to stimulate extremist nationalism for political aims. I think the evidence of that is now overwhelming, unfortunately.

It is a very sensitive time coming up right now. There's a lot of people in the Kremlin who are very nervous about the succession to President Putin, about the upcoming elections. And it seems that there is an effort to cater to these groups, to use them, and a rather arrogant presumption that a certain amount of extremist nationalism, a certain amount of inter-ethnic violence can be stirred up for short-term political goals to be met. And then, when that's no longer needed, the genie can put it back into the bottle and they'll come under control.

And unfortunately, that's not the way this works. Quite often, if you looked at Yugoslavia and some other countries, this sort of thing tends to have a life of its own, and it could lead to a real nightmare scenario in Russia, if it's not placed under control.

I wanted to speak very quickly about the situation in Ukraine. It reminds me a lot when it comes to the problem of neo-Nazi groups, of where Russia was 6 or 7 years ago. We're beginning to see the movement—the neo-Nazi movement—taking off there, especially in the predominantly Russian-speaking parts of the country.

A sharp increase in violence over the past 3 years has been noted by the people we have there on the ground, especially in Kiev and the Crimea, and some of the other, as I mentioned, Russian-speaking regions.

Unlike in Russia, where the primary targets are dark-skinned migrants—predominately Muslim migrants and foreign students, et cetera—the primary targets in Ukraine are the Jewish—it's the Jewish population.

There are a lot fewer migrants in Ukraine than there are in Russia. There is less Islamophobia—at least outside of the Republic of Crimea—because they're not involved in the Chechen war, for instance. And so, while the Jews are on the list of people who get attacked in Russia, they're much less prominent there than they are in Ukraine.

And we recorded four incidents just in the last week of September and the beginning of October of this year, of physical attacks against Jews.

And it should be noted, the fourth incidence, which happened in early October, of a rabbi's home being burned down, may have been an ordinary robbery, and is perhaps—it's possible that the robbers were just burning down the home in order to hide the evidence of their crime.

But this leads to some recommendations I have, just to conclude, the first of which is, the police forces that investigate hate crimes and ordinary crimes, as well, in these countries are extremely dysfunctional, badly trained and badly paid. And they seem to have a default position of torturing first and asking questions later, rather than properly investigating crimes.

And so, the first recommendation, obviously, would be to increase efforts at the OSCE level and elsewhere to provide the rich experience that our own police forces have here and in Europe, to try to improve police practices in Russia and Ukraine and the other former Soviet states.

And second would be to try to put pressure on the Kremlin to stop these political games, to stop empowering these extremist nationalists, who in turn inspire violence by less respectable neo-Nazi groups.

And third, to use a small fraction of the enormous amount of oil and gas revenue that's now flooding into the Russian Government's coffers to promote inter-ethnic tolerance—in the schools, for instance. There is a program, and it's been in existence for a few years, but it doesn't seem to be very well funded or heavily promoted. There's only a few schools, as far as I know, that are actually teaching inter-ethnic tolerance.

And the cliché about the youth being the future really applies here, because young people especially seem to have the most racist attitudes. And so, this is a problem that seems to have a future of getting worse unless something is done about it.

Now, these are very simple recommendations to apply. And the fact that they are not being applied raises the discouraging possibility that perhaps the situation that's going on in Russia now is actually to somebody's gain in certain political circles. And as I said, this is—what used to be conspiracy theory now—at least it seems to me—to be more and more logical as the succession looms ahead of us.

And finally, just what we can do here in the West is to keep, to shine the light on what's happening there at hearings such as this. And perhaps even more importantly, supporting the NGOs who are on the ground there, our colleagues in Russia and Moscow, the Helsinki Group and other groups, whose names and addresses and faces, in some cases have appeared on neo-Nazi Web sites, on death lists, who are constantly being threatened, and in some cases being assaulted by some of these hate groups.

And when they turn to help—turn for help to their own government, are often met with harassment rather than actual aid in this struggle against extremism.

So, I don't want to exceed my time. There's a lot in our written testimony—statistics and such that you can look at and base your questions on. And I'd be glad to answer them during the Q&A. Thank you again.

Mr. HASTINGS. Thank you so very much.

I recognize the pressure of time of both my colleagues. But I'd ask, if Senator Smith has any additional comment or questions of our presenters, I'd appreciate your doing so, Senator.

Mr. SMITH of Oregon. Thank you, Chairman.

I wonder if any of our panelists can give me some sense in regard to the hate crimes committed in Western Europe.

Can you estimate, perhaps, how many are influenced by current events? Who are the primary actors responsible for the violence?

Is it more organized, or is it just local? And what is the general European response to these incidents?

Mr. HASTINGS. Anybody.

Dr. Diene?

Dr. DIENE. The question is on Russia. Addressing Russia.

A VOICE FROM THE AUDIENCE. [Inaudible] Europe.

Mr. SMITH of Oregon. Western Europe.

Dr. DIENE. In Europe.

I think there are many factors which are linked—many factors which are links—political dimension, intellectual—and the activism of the neo-Nazi and the nationalist groups.

But one issue we did not touch for lack of time, but it is in our document, is that the old complex issue of freedom of expression and hate crime.

What we are witnessing is that the very skillful instrumentalization of freedom of expression by certain groups to propagate their racist, anti-Semitic or xenophobic platforms. And the governments are failing to confront that strategy by going back to the international instruments, whereby the importance of freedom of expression is very carefully balanced by its restriction and limitation.

And the main restriction is that freedom of expression shall not be used for incitement of racial or ethnic or religious hatred. This is a sensitive and delicate issue.

But what I can say from my—at the conclusion of my investigation from countries and my reporting on Islamophobia, anti-Semitism and Christian-phobia, which I have been pushing very much also, is that the door is open now for these groups to literally push through their ideas. And this, I think, is one of the key [inaudible], which shall be reflected upon more profoundly.

Mr. SMITH of Oregon. I think I heard you say that anti-Semitism is one of the roots of this. And I guess, again, if any of you others have a comment, are there sufficient constitutional protections or legal protections in the nation-states or through the European Union, to be an impediment to the rise of these kinds of groups?

Is there a sufficient, and is there a public opinion also in the way of this spreading much further than it has?

Mr. NAFTALIN. This is one of the great ironies. Probably, there aren't too many constitutions that are better on these issues than the Russians. So, the issue isn't the laws there. It's that there is really no will to enforce them. And I think this is the key issue across the board.

But it also becomes a foreign policy issue, because to the extent that a government like Russia is not accountable across the board in terms of rule of law standards or anything else, it gives them the opportunity to be quite dangerous in the foreign policy area, as well.

Mr. SMITH of Oregon. Is this becoming legitimate among popular opinion of Europeans generally, Russians in particular?

Mr. NAFTALIN. You know, we started developing a network for anti-Semitism and xenophobia monitoring in the late '90s. When we realized that—in the Soviet period, the KGB controlled when there was racism and when there wasn't, when there were street demonstrations and when there weren't.

But in the late '90s, General Makashov gave a speech on the parliament floor, the Duma, which was essentially a call for pogroms. And in effect, he took the genie out of the bottle of grassroots racism.

At that time we said, in Russia's period, what's been most successfully privatized is racism. It gave the authority to people to start organizing with impunity.

And so, we had a series of groups that most recently has become tens of thousands of neo-Nazi skinheads terrorizing Russia with almost no opposition.

Mr. SMITH of Oregon. Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Senator.

And as I indicate, I recognize we're pressed of time.

I am going to go to Ms. Solis, but in light of the fact that the Swiss Ambassador is present, and met with no criticism, just taking into consideration an article that appeared in the “Washington Post” that points out, among other things, that what was a fringe group of anti-immigration Swiss People’s Party, now represents 55 of the 200 Members of Parliament of the lower house.

And I think that underscores what Dr. Diene was saying about political legitimization of these matters.

And so, when the occurrence of the man that was harmed by two persons with the chainsaw in Switzerland, Dr. Diene is reported as having said that the racial intolerance certainly was being promoted, and accused the party and its campaign pollsters of advocating racist and xenophobic ideas.

And a gentleman named Schluer referred of the—he’s a member of that party—he referred that, “That’s nonsense. It’s not against race. It’s against people who break laws. People were fed up.”

Well, if I could relate that only to the one incident, I don’t know what in the world he was talking about. The man that was attacked with the chainsaw was working at 1:30 a.m. in the morning in a McDonald’s. He certainly wasn’t in the business of breaking any laws.

So, Dr. Diene, we’ll get back to that. But maybe the Swiss Ambassador can give us some feeling.

And let me personalize this a little bit. I go to Europe a lot. And I’ve been called twice in Denmark racial names. I have had overt discrimination take place in Germany. My colleague, Ms. Solis’ husband met with substantial resistance, not in Europe, but in Israel—one of our partners in the OSCE.

And when I’m in Germany, Senator, I used to go out in Germany when I had long layovers. But because of the feelings that I have—I’m talking about me—I don’t go outside the airport anymore in Frankfurt or Munich, because of being confronted by people in an untoward manner.

Now, it’s not that I’m any different than anybody else. But the simple fact of the matter is, if I have that kind of feeling, I can only imagine what others may have.

And we need to be very, very, very much trying to promote our tolerance in this country as a model. And I would hope that we would undertake that.

I went way past what I thought I would in the way of time.

But Mr. Ambassador, did you care to make remarks? We invite you to do so. And there’s a podium right over here, if you would help us with our keeping the record.

And I might add, mine isn’t a personal attack on Switzerland. I haven’t been set upon in Switzerland yet. [Laughter.]

Amb. ZISWILER. I didn’t take it as such. Thank you very much, Chairman and Senator.

Dr. Diene, you made a perfect analysis of what’s happening in Europe now, that some parties, some movements are using xenophobic platforms to win elections.

Two points struck me mostly. The fact I just mentioned, that there are political parties, movements using that, and are restricted deliberately to xenophobic, because nobody would dare use racist arguments—at least so far—in Switzerland.

You mentioned as well a very crucial point, that in many European countries with strong immigration, recently, there is a crisis of identity. And migrants are considered as a threat by many.

The fact that in Switzerland we have 20 percent of the population with a foreign passport might explain—not excuse—such use of xenophobic arguments. Twenty percent is by far the highest percentage, probably, worldwide of a population.

When I presented my letters as an anecdote to President Bush about the day of his speech about immigration the 10th of May 2006, and obviously, that was his subject. And I told, “Mr. President, we share a common problem, that is migration, immigration. Twenty percent of our population has a foreign passport.”

He was laughing and clapping his hands on my shoulder and said, “Well, lucky you. At least they have a passport.”

This is an anecdote to show that migration, immigration problems and xenophobic problems is not unique to my country. And it goes back, unfortunately, to the '60s, in my country particularly. We had referendums in the '60s, which were very narrow at the time, not pushed by one particular party.

It was a rightist movement who entered afterwards to parliament, too, and managed to get 48 percent in the referendum, to send back as many as 40 percent of the foreigners living in Switzerland. Thank God, that referendum was turned down.

To Senator Smith, you mentioned the party who won the elections, SVP, called Swiss People's Party. Let me put that into perspective.

They won 2 percent compared with last elections. They won seven seats compared with last elections.

On the other side of the political spectrum, the Greens and the Green Liberals won nine additional seats. We have three blocs in our parliament: a more right, a left to the center—Social Democrats and Greens, fortunately, 30 percent of the electorate—in the center, Christian Democrats and Liberals, another 30 percent. And then, more to the right, the People's Party, with now 29 percent of the electorate.

So, and this is also not unique to Switzerland. If you go back in the last 20 years in Europe, you might have found in any developed, industrialized country, a tendency to have between 20 and 30 percent of an electorate of the same kind—not to mention France, not to mention the leader of that party, Le Pen, not to mention Austria—

Mr. SMITH of Oregon. Austria, yes.

Amb. ZISWILER [continuing]. Not to mention Italy, not to mention the Flanska Bloc, not to mention the Breakthrough Party in Denmark, not to mention the FrP Party of Carl I. Hagen in Norway—almost 30 percent of the electorate.

So, I don't want to excuse. It's deplorable if any movement in any country uses xenophobic arguments to win elections, or to win electorate.

But I wanted to say, we have to see it in the perspective. It is a phenomenon in all European countries. It is a phenomenon also in my country. It's deplorable, but unfortunately, it's not a unique case.

Thank you very much.

Mr. HASTINGS. Thank you very much Ambassador.

And your reaction, and then Ms. Solis.

Mr. NAFTALIN. I'd just like to add 10 seconds to my earlier answer to Senator Smith about public opinion.

Nickolai mentioned that about half the population has subscribed to the slogan, "Russia for the Russians." But I wanted to add, that at the last parliamentary election, the combination of Communist Party candidates and the two Fascist Party candidates—some of whom were supported by the Kremlin—elected—ran on an explicit anti-Semitism and anti-American platform, and they won one-third of the parliament the last election.

So, there's a lot of public support that we have to deal with.

Mr. HASTINGS. Right.

Ms. Solis?

Ms. SOLIS. Thank you, Mr. Chairman.

I wanted to direct my question to Dr. Lightbourn regarding your definition of radicalization. Can you go into a little bit more detail, because I'm getting a little confused about the way it's—the way you're using it?

Because to me, we're really talking about violence toward different groups. And whether you are the perpetrator or the victim, how do you separate that when you use this definition?

Dr. LIGHTBOURN. When you're talking about the phenomenon of radicalization, you're usually talking about the movement from radical extremist beliefs to behavior. You're usually talking about the perpetrator and not the victim.

And so, in the work that's done by START—and again, there's no universally accepted definition of radicalization in the literature. You will find that everyone who writes an article with a topic of radicalization will spend their first to second paragraph defining how they're using the term.

And so, the way that we've been using it as a department, is looking at those behaviors and attitudes that lead one to adopt and support violence for one's political beliefs.

And I just wanted to say a little something in response to the Ambassador's comment about the situation in Switzerland and the relationship between xenophobia and racism, that it's OK to be xenophobic right now in a lot of countries in Europe, but not so OK to be accused of saying racist comments.

When we think about the psychology of everyday racism, in some ways, we don't sort of—in the [inaudible], we'll just say that they're distinct, that often what underlies xenophobic behaviors may be some underlying racist beliefs. The people that they're talking about hating, because of their foreignness are often also racialized.

And so, they're not completely separate constructs, meaning that one can be higher on racism, but it's usually lower on xenophobia, or very high on xenophobia and low on racism. Sometimes these things overlap. That's all I would say.

Mr. HASTINGS. Yes, sir, Ambassador?

Amb. ZISWILER Well, what I said, it's that the platform—

Dr. LIGHTBOURN. Right.

Amb ZISWILER [continuing]. Of movements or parties—racism was not used as a reference—

Dr. LIGHTBOURN. Because you were—

Amb ZISWILER [off-mike]. [Inaudible] often used as [inaudible].

I have to give an answer to you, Chairman Hastings, [inaudible].

Mr. HASTINGS [off-mike].

Amb. ZISWILER. We were, of course, as you, shocked to see those pictures. And we went very thoroughly into that crime.

And so far—and I'm very cautious what I say now—it's not proven that there was a racial background.

I would say, it's 90 percent sure that there was no racial background, but internal fighting between friends and colleagues of the same area. But as long as I don't have the proof, and it's an ongoing court case now, I don't want to be quoted that I denied that it was a racial background.

I actually spoke to the "Washington Post" about. And I must admit, it was very poorly referred by the journalist—very, very poorly. It was one witness who she asked for that case, one source. And that's unfortunately not very sufficient.

Then also, you mentioned Mr. Schluer. The fact is that he was not re-elected in the last elections. You mentioned him as one of the most outspoken and Member of Parliament in this particular environment. He was not re-elected.

Mr. HASTINGS. Well, I appreciate you being here and offering clarity.

And I saw Dr. Diene about the react, and so, go right ahead, sir.

And then, ladies and gentlemen in the audience, if any of you have any questions, if you would assume the podium. And we will allow that your question be put to our panelists, as well.

OK, Dr. Diene?

Dr. DIENE. Well, Chairman, just under six the [inaudible] Ambassador that this trend is—European trend—very strong.

But in the last election in the [inaudible] has been two contradictory pictures. One is the strength of the UBC, that party which has the openly xenophobic platform, and which, as you know, has advertised a poster throwing three white sheep kicking out of the Swiss territory a black sheep. I wrote a letter to the government to ask explanation.

But in the same country, you had at the last election somebody from [inaudible], the man who has been beaten in the McDonald's, from Angola, who has been elected a Member of the Parliament just last week.

We were in France a firm, a country which has many colonies in Africa. There is not a single migrant, descendent of migrant or African or Arab who is member of the parliament.

The Swiss parliament just elected one.

So, there is this very contradictory situation. So, my conclusion, Chairman, is, certainly we can give facts, figures of violence. In Germany, just last month, Indian businessmen who were attending a fare in a big city have been chased and openly beaten in the streets by extreme right parties—beaten, badly beaten. The police were standing by.

So, we are witnessing the return of these things.

But what I would like to suggest, the last point, is that when we take the case of Switzerland, it shows that political will is the issue. Because in Switzerland, political parties—one political party—took this man from Angola and put him in the list, to compete democratically and to be elected. Where is the answer?

In most of the countries, they don't want to give visibility politically to those minorities. So, these are just some of the point.

And I may add as an anecdote, [inaudible] Chairman, but the same party, UBC, after my visit to Switzerland, I see this gentleman, saying that it is normal that Switzerland receive investigator from the United Nations. But how come it is an investigator from Senegal?

So, he raised the issue that, because of my origin, my blackness, my nationality, he wanted to have somebody blond and with blue eyes to come in there and see it, but not somebody from Africa. [Laughter.]

So, he said that, openly. But he was immediately condemned by the president of the federation and most of the establishment. So, this is a contradictory picture.

Mr. HASTINGS. Let's go to the podium. And if you would give us your name and your question, please?

QUESTIONER. I'm with Ukrainian Embassy. My name is Oleksander Shcherba. Just a small correction on our part.

Mr. Butkevich referred to this very deplorable incident in Uzhgorod, where the house of Uzhgorod rabbi was attacked.

The house wasn't burned down. It was robbed. And the gas lamp was let open. So, of course, it was a very dangerous situation.

And I spoke to the crime detection of Uzhgorod. They are giving a top priority to this case. And I know that there have been made a couple of apprehensions, so we have a couple of—two people were apprehended and arrested.

And right now, there are no direct indications that there was some anti-Semitic motive behind that.

But at this time, at this stage, I'm not entitled to disclose all the details, just small correction on our part.

Mr. HASTINGS. Mister——

Mr. BUTKEVICH. Let me respond, though.

As I said, it could have been a robbery. And thanks for the correction about the arson.

There does seem to be some efforts within the Ukrainian law enforcement agencies to begin to address this problem more seriously. Before, they would just issue a—I think a couple of years ago, they would have just issued a flat denial that these groups even exist. We saw many instances of that, where they would deny that neo-Nazi groups even exist in their cities.

But now, there are efforts, or at least discussions underway within the MVD, and within the SDU, which is the KGB successor agency, to create anti-extremism task force within these agencies, to actually address this problem. So, there is some forward movement here.

When I said that they remind me of where Russia was a few years ago, what I meant was that I think this is—they're not taking it as seriously as they should. I think that this progress is a little bit too slow. And there's a reluctance to acknowledge it. And I think the political instability in that country has something to do with it. Unfortunately, they're very preoccupied with other things right now.

But I hope that such, this progress does continue.

Mr. HASTINGS. Thank you.

Sir?

A VOICE FROM THE AUDIENCE. Thank you.

Mr. HASTINGS. What's your name?

A VOICE FROM THE AUDIENCE. [inaudible], with RTVi, Russian television.

A question for Dr. Doudou Diene, who has been to Russia last year, and you submitted your report to the Human Rights Council.

Could you say a few words about the situation with nationalism and xenophobia in the Russian Federation and the rise of the extreme right political parties?

And second, you're now preparing a report on the Baltic states, including Estonia. Could you say a few words about the situation there with the ethnic and linguistic minorities?

Thank you.

Mr. HASTINGS. Yes, sir, please.

Dr. DIENE. Yes, I am preparing a report on the three Baltic states. I was there 2 weeks ago. And it's interesting, because in the Baltic states, the minority which is facing some forms of discrimination are the Russian minorities. And there are other minorities, but the Russian minority.

In a complex context, whereas the Baltic states, after independence, are reasserting their national identity, rightly. But they are doing it against a minority which was—became a minority in the context of domination of the Soviet Union.

So, it is interesting in the sense that, when I visited Russia, and when I submitted my report on racism in Russia, there were some Russians who reacted very angrily and rejected my report out of hand, without wanting to discuss it.

But when I went to the Baltic states, I found that situation.

So, what I'm saying is that the problem is denial. In most of the countries I visited, and in many more which I did not visit, the seriousness of the culture of hatred, of racism, is not recognized by the authorities. They refuse to look at it very profoundly.

And as this country is now, intimating literally, the old system, not only [inaudible], the activism of neo-Nazi groups. But by the—when we read newspapers throughout Europe, the way immigration is ethnicized, the ethnic reading of immigration is a reading of immigration as a threat to identity and security.

And the adoption of policies and a growing rhetoric of leaders—all these create an atmosphere which allows—where the passage has led to the violence, the killing or these beatings.

So, it is the whole atmosphere which I think should be questioned, both in [inaudible] and in [inaudible] Chairman, my point on race is that one of the causes of the rise of hate and the arrogance of the extreme right and the neo-Nazi group is the fact that the nationalistic ideology of the government—which is [inaudible]—Russia is asserting its national identity as a power.

The political nationalism is ethnically read by the extremist groups. They give it an ethnic content, while the government gives it a political content—Russia as a nation, which is [inaudible]—those groups are giving it an ethnic reading.

Whatever is not Slavic has some color—be it Asian, Central Asian, Black, et cetera—is a threat.

So, the truth is, on the political ideology and is intellectual legitimization.

Mr. HASTINGS. Thank you.

I have—before I turn to the other witness, I'd ask our panelists to give some thought to the question of, we talk about hate crimes, and it's—and it's easy to give the anecdotes and to show statistically that they're on the rise in some places and on the decrease in others.

But underlying all of that, and if I only could reference the United States of America, I'm fond of saying that there is an inseparable triumvirate of inadequate jobs, inadequate housing and inadequate educational opportunities. And that seems to undergird much of what I perceive as racism.

And I'm just curious whether that same kind of gap exists in Europe in housing and in jobs and in education. And I may be doing this rhetorically, because pretty clearly, many of the problems seem to come along those same lines.

But not to disallow the folk who have been so kind to be with us, you, sir?

QUESTIONER. Congressman, I think you partly asked my question. I'm Richard Rubenstein from the Institute for Conflict Analysis and Resolution at George Mason University.

Mr. HASTINGS. Thank you for being here.

QUESTIONER. Thank you. And I wanted to ask you, especially, Dr. Diene, in connection with your splendid statement, you call attention to an identity crisis among OSCE members—certain OSCE members.

And then you identify migration as an immediate cause of that crisis, or an informer, at least, of that crisis.

So, I can't help asking the professorial question, I guess.

Are there other underlying causes of that identity crisis that predispose people to react to migration in such a way? One might even ask the same question of the witnesses. You were talking about Russia and the Ukraine.

If these matters are being used for immediate electoral purposes, what are the underlying conditions that create a deficit of identity, if you like, or a propensity to react in a way that suggests a threatened identity?

Dr. DIENE. Chairman, briefly, the identity crisis has certainly many facets, many causes.

But one, I think, is what I call the nation-state identity. The confirmation state has played a central role in the last centuries. And we know now that it is a [inaudible] concept, which has led to wars, killing between neighbors, nation-states, because their identity has been shaped, constructed in many countries against somebody. And most of the time, there's an ethnic, religious or cultural content.

The problem is that, even if that content has historically reflected some reality, that concept is no more confirmed through the dynamic of multiculturalism, of diversity in the societies.

But what I am trying to point out is what I call the racism of the elite—the elite, intellectual centers, political centers. Because those are the groups which are constitute identities. And those are—these groups are marked by fear. They are fueled by—they are afraid of the diversity. They are afraid of the suburbs. They are afraid of these young people—Arab, Africans, Asians, who are all over the streets.

They are afraid to see their children being like in Iraq, under, you know, [inaudible], this kind of thing.

But more profoundly, as [inaudible] either [inaudible] forces. You take the case of the demand of Turkey to get back [inaudible] with the European Union.

As you know, one of the strong arguments given by some political leaders—and indeed, the Holy See—is that Europe is a Christian land. And that party is not part of that.

So, this is coming back to a world order construction, which, in fact, is not even [inaudible] with anything, because some of the most—the first councils of the Christianity, which build the foundation of Christianity were held on the Turkish territory. Turkey was—the land of Turkey was one of the two places where Christianity was also [inaudible].

But what I'm saying is that, certain groups the elites have given to the identity a certain content. And that content is a ghetto [inaudible] identity. And they don't want to move it. And to recognize that identity is a [inaudible] concept. And you refuse to evolve in that direction.

But in which now you have the issue of migration, which gives this ability, there's a feel of diversity, because a migrant is read as ethnically, culturally, religiously different, and as a threat for the national identity.

It's some [inaudible].

QUESTIONER. Thank you.

Mr. HASTINGS. Thank you very much.

Yes?

Mr. BUTKEVICH. May I answer? He had a question about Russia, as well, or applying the same question about a deficit of identity.

The Soviet experience for the Russian people was very contradictory. On the one hand, they were the dominant people. Their language and culture was dominant.

On the other hand, it was heavily suppressed, and they were not given in some ways the same cultural rights that some of the minority groups were, in the sense that, at least in the early years of the Soviet Union before Stalin came to power, minority cultures were heavily promoted.

And they were—the Russians were the most heavily Sovietized out of everybody. And so, the legacy weighs the most on them. And therefore, the confusion about their national identity is the strongest, I would say, amongst the Russian people.

And we see with the reemergence of the Russian Orthodox Church, which was heavily suppressed, because it was such a pillar of the czarist government, this reassertion of Russian national culture, which has a lot of positive aspects, of course. But having been suppressed and so deeply poisoned, I think, by the Soviet experience, that helps to explain a lot of lives being expressed so negatively.

Thank you.

Mr. HASTINGS. Well, I appreciate all of you for being here and making your presentations, and ladies and gentlemen, those of you that have been very patient in our audience, as well.

If I gather nothing from this, or the one thing I do believe I have learned, is that it's going to be necessary to have a briefing, dealing with nothing but solutions, as opposed to identifying a problem.

So, I would ask those working with me if they would be so kind as to—oh, OK.

I was just told that the Croatian Embassy is represented here, as well. And if there was a comment you wanted to make, you would have nearly the last word.

A VOICE FROM THE AUDIENCE. Mr. Chairman, I'm afraid I'm not from the Croatian Embassy.

Mr. HASTINGS. Oh, OK.

A VOICE FROM THE AUDIENCE. But I do have a comment and a question—

Mr. HASTINGS. [Inaudible] identify [inaudible].

A VOICE FROM THE AUDIENCE [continuing]. To be very brief. I represent the Armenian Assembly of America, and our organization takes strong interest in discussing the question of xenophobia, anti-Semitism.

[Inaudible] within the OSCE area, I decided to take the floor to make this comment. I was going to ask—now we discussed two drivers, focused on two drivers of—the underlying drivers of anti-Semitism and xenophobia in the OSCE area, one being the migrant—the migration issue—and the other being, of course, anti-Semitism, the whole [inaudible] of anti-Semitism.

I'd like to suggest that we take another look at and perhaps identify a third driver of xenophobia, the target of which are national or ethnic, or ethnic or religious minorities living in our city, countries, that are citizens of those countries, but for one reason or another, are becoming or have become the subject of xenophobia, based on the attitudes of the titular nation toward the national minorities.

The Armenian minority, for instance, in Turkey, to give an example.

Dr. Diene mentioned Turkey and Turkey's quest for European integration and the objections that Turkey has been facing from various corners within Europe. Well, Turkey itself has a institutionalized limitation on the freedom of expression, freedom of religion and the freedom of national minorities.

And treatment of national minorities has been the subject of constant concern, including in the recent report released by the U.S. State Department—Article 301, for instance, being one such manifestation of Turkey's difficulties in addressing the [inaudible], not simply addressing the [inaudible] xenophobia within the Turkish society, but also maintaining an institutionalized, in a sense, legal provision within its penal code, that institutionalizes xenophobia—insulting Turkishness, for instance.

Turkey has had a difficulty in addressing that question as part of its adherence to the Copenhagen Committee.

So, I was wondering if there's anything the panelists would want to say about a country like Turkey and its record in combating xenophobia, especially given the [inaudible] article 301, and the recent, now, assassination of an Armenian journalist, Hrant Dink, this year, in [inaudible], who had been prosecuted also under Article 301.

Thank you.

Mr. HASTINGS. Well, you have almost the last word.

I am going to have the last word. And that is to thank you all for coming.

The briefing is adjourned.

[Whereupon, at 11:40 a.m., the briefing ended.]

APPENDICES

PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Good morning, ladies and gentleman. Thank you for your interest in this morning's briefing on combating hate crimes and discrimination within the OSCE. I want to start by welcoming my colleagues on the Commission Senator Gordon Smith, who with Senator Kennedy has led efforts in the Senate to make U.S. hate crimes laws more inclusive and Representative Hilda Solis, who is also the Special Representative on Migration for the OSCE Parliamentary Assembly.

As we approach the anniversary of Kristallnacht, a night of historic violence against Jews in Germany and Austria, it is incumbent upon us to recall what can happen when intolerance and discrimination within a society are not addressed. Thus we are all rightly moved when we see images such as those displayed on the table outside or read media reports about:

- an African asylum seeker being attacked with a chainsaw in Switzerland,
- a video purporting to show the beheading of two men in Russia under a Nazi flag,
- a German mob attack on eight Indians during a street festival,
- the release of a Spanish man who physically attacked an Ecuadorian girl in the subway,
- anti-Muslim rallies throughout Europe,
- the vandalizing of Jewish graves in various countries,

and, unfortunately I could go on. Not only are hate crimes in the OSCE on the rise, but discrimination is also an everyday experience for many persons who live in OSCE countries, as many Roma and other minorities of Turkish, African, south Asian, or other descent can attest to when they attempt to apply for jobs, find housing, or even go to school.

Politicians and political parties are also increasingly adopting anti-Semitic, anti-immigrant and xenophobic rhetoric without receiving proper condemnation from their colleagues or other public leaders. While censorship is not the answer, political leaders do bear a unique responsibility to promote tolerance and mutual respect amongst its citizenry, not to sow mistrust and discord.

This is the reason that I and my colleague Congressman Mark Kirk have responded so swiftly in leading Congressional efforts to condemn the anti-Semitic remarks of the Belarusian President.

Some years ago I, my Co-Chairman Senator Cardin and other Commissioners came together to push for the OSCE to begin to address tolerance issues following a spike in anti-Semitic incidents taking place in Europe. This resulted in a series of initiatives that began with a focus on anti-Semitism and went on to include racism and xenophobia, and intolerance and discrimination against Muslims, Christians and members of other religions.

Now, five years later, the OSCE has an established tolerance unit that publishes an annual hate crimes report, trains law enforcement on responding to hate crimes, and has

developed numerous tolerance education initiatives. Summaries of the OSCE annual hate crimes report are available outside.

We are also committed to continuing our focus on these issues within our own country. The current reluctance of this Congress to expand hate crimes laws to include gay and other vulnerable groups says that we too have a ways to go in protecting the fundamental rights of the most vulnerable in our society.

While this briefing focuses on the situation overseas, it is the first of several initiatives we are planning to bring attention to intolerance and discrimination throughout the OSCE region with the goal of having constructive conversations on how to best combat these problems.

To kick off events this Congress, we are honored to have three distinguished guests here today. While my staff has made their biographies, reports and other information from their agencies available outside, I would like to take a few minutes to introduce our guests.

First I would like to introduce UN Special Rapporteur Dou Dou Diene, who has made a special trip from overseas to be here today. In addition to conducting reports on the state of race relations in Russia and Switzerland and a recent trip to the Baltics, I understand that he has also received an invitation to prepare a report on the United States.

Given the voter disenfranchisement in my own state of Florida, over 159 reports of anti-Semitic incidents in my district last year, and the racial inequalities in our justice system revealed by the Jena 6 case, Katrina victims, reintroduction of the “noose,” and the list goes on . . . I’d say the Special Rapporteur has a lot of work ahead of him and hope that he will agree to join us in the future to share his final report on the United States.

I would also like to welcome Dr. Tiffany Lightbourn. An expert on prejudice and discrimination and immigrant communities, who is joining us from the Science and Technology Directorate of the Department of Homeland Security. In a post 9/11 world, she can tell us how tolerance issues are also relevant to security in the OSCE.

I would also like to introduce Mr. Naftalin and Mr. Butkevich, whose organization the Union of Councils for Soviet Jews has been a pioneer in this field and publishes the “Bigotry Monitor,” an outstanding resource for the human rights and policy community on issues of anti-Semitism and other forms of intolerance in the former Soviet region.

Lastly, I would like to note that we also extended an invitation to both Human Rights First and the SOVA Center in Russia. As many of you well know, Human Rights First has published a report on hate crimes in Europe and the SOVA Center has taken on the difficult but much needed task of collecting statistics on hate crimes in Russia and monitoring the responses of law enforcement and the government. While they unfortunately could not be here today, we hope to have them at future events, as much of our work on the Commission on these issues could not be done without them.

Thank you.

PREPARED STATEMENT OF HON. GORDON SMITH, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Thank you, Chairman Hastings. I am pleased that we could be joined today by these distinguished guests, to discuss an issue which is growing in importance for the United States and its European partners.

I am deeply concerned by the increase in discrimination and hate crimes in Europe. It seems to me that there are several factors at work, such as immigration pressures, political elitism, and current events in the Middle East. These pressures on European societies have contributed to a growing problem of ethnic and sectarian violence. Given the history of Europe, a particularly unwelcome but related phenomenon is the rebirth of virulent nationalism on the Continent.

For the past several years, I have watched with alarm as right-wing extremist parties have become more popular. These groups often espouse viciously anti-Semitic slogans, and appeal to a 19th century form of European ethnic identity. I had hoped that this identity had faded into the rubble of the last European war. But I may have been wrong.

In Hungary last month, 600 people publicly joined a right-wing paramilitary group in a mass ceremony. Members wear apparel reminiscent of Hungary's World War II fascist government, and support an ideology of xenophobia and bigotry. The ceremony was an unwelcome reminder of a bitter past, to which I cannot believe any European would willingly return.

The recent electoral victory in Switzerland of the Swiss People's Party (SVP) is also alarming. I do not believe the SVP is another version of those Hungarian extremists, but some of its tenets are eerily similar. For me, the SVP does not pass the respectability test, particularly when it is viewed in the broader spectrum of nationalist resurgence in Europe.

In places as diverse as the former East Germany and, incredibly, Israel, the presence of right-wing extremism and neo-Nazism has made the SVP's success more of a concern. I do not believe that all hate crimes perpetrated in Europe are attributable to these groups. However, they are at least part of the phenomenon of ethnic hatred which has plagued a glorious continent for too much of its history.

Thank you for participating in this hearing today. I look forward to your testimony and any light you can shed on this problem.

PREPARED STATEMENT OF DR. DOUDOU DIENE, UNITED NATIONS SPECIAL RAPPORTEUR ON ON CONTEMPORARY FORMS OF RACISMM RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Chairman Hastings, Members of the Commission, thank you for your interest on the issues pertaining to my mandate and for the opportunity to share with you my views regarding racism and xenophobia, particularly in OSCE countries.

I. MAIN OBSERVATIONS CONCERNING RACISM AND XENOPHOBIA WORLDWIDE

Over the past years, I have given a large amount of attention to the rise in racism and xenophobia in many European countries. In particular, I have expressed my concerns regarding three alarming trends that are clearly visible in the region as well as in the rest of the world.

(i) Resurgence of Racist Violence

There is an unmistakable resurgence of racist violence, conducted primarily but not exclusively by neo-Nazi groups. Physical violence represents a shift from words to action, seen in the growing number of attacks—including murders—that target members of ethnic, cultural or religious communities.

(ii) Political Instrumentalization of Racism and Xenophobia

A number of political parties have been trying to give political clout and legitimacy to openly racist and xenophobic ideas, thus embarking on populist and demagogic rhetoric that eventually wins votes. Alarmingly, these once extremist political parties are gradually becoming a conventional feature of politics in various countries, at times integrating government coalitions, occupying cabinet positions and being able to implement their platforms through concrete policies. Furthermore, their racist ideas gradually impregnate otherwise more moderate parties and society, helping discriminatory proposals become mainstream. This phenomenon amounts to a democratization of racism, representing one of the gravest threats faced by democratic societies.

(iii) Intellectual Legitimization of Racism

These two trends cannot be dissociated from a third development that ultimately reinforces racist discourse. In many circles, there are attempts by leading scholars and intellectuals to provide a justification, and ultimately a legitimization, of racist and xenophobic policies. These so-called academic statements can occur under the clout of legitimacy conferred by science, as the ideas put forward recently by the Nobel laureate James Watson make evident. His statements concerning people of African descent, in particular his wrongful claims to scientific status and his implicit attempt to establish hierarchies among races are a major drawback in the fight to promote the rights of Afro-descendants worldwide and to correct the historical legacy of racism and discrimination that they faced.

* * *

The need to fight racism against Afro-descendants is nowhere more evident than in the American continent. The long-term impact of slavery and segregation are still seen in most of the region. As I noted in my official mission to Brazil in 2005, the founding of the system of slavery on racist intellectual and ideological pillars—describing the enslaved Africans as culturally and mentally inferior in order to legitimize their status as an economic good and the legal organization of slavery by the European powers—have profoundly impacted the mentalities and societal structures of all the countries in the hemisphere. Concrete action needs to be taken by Governments in the region, starting from a firm declaration of political willingness to address this legacy.

However, in recent years many countries in the region started to review, and sometimes eliminate, important policies such as affirmative action. In 1994, after visiting the United States, my predecessor as Special Rapporteur expressed the view that 30 years of intense struggle against racism and racial discrimination have not yet made it possible to eliminate the consequences of over 300 years of slavery and racial discrimination, calling for the revitalization of affirmative action programmes. The argument is still relevant today, as I defended following my mission to Brazil.

* * *

In my recent reports, I have highlighted the threat posed by defamation of religions and religious intolerance. Bearing in mind the need not to establish hierarchies among different forms of discrimination, I would like to underline two particular forms of intolerance that require attention: (i) the resurgence of anti-Semitism and (ii) the intensification of Islamophobia in the aftermath of 9/11.

Anti-Semitism is historically the oldest form of discrimination, but unfortunately remains profoundly impregnated in many societies, particularly in the new Europe, and is advancing in the rest of the world. Hence, it requires constant vigilance and the strongest political will in order to be eradicated.

Islamophobia has also become an acute form of religious intolerance, being openly expressed by influential personalities in political and intellectual circles and promoted in electoral campaigns. Islamophobia displays a mix of ingredients that leads to a wrongful view of a conflict of religions and civilizations: the association of Islam to violence and terrorism, the suspicion concerning Islamic religious teachings, the prohibition to display visual signs like veils, headscarves and minarets. These contemporary developments imply that the fight against racism today also needs to take place in the context of the fight against religious intolerance.

* * *

Ultimately, racist and xenophobic discourse is characterized by its affirmation of the immutable nature of cultural, ethnic or religious identities. It thus reflects a certain isolationism that stems from the conflict between old national identities and the profound multiculturalization of societies. This gives rise to identity crises that are key to the increasingly dominant idea of “integration by assimilation”, which denies the very exist-

ence of values and memories specific to national minorities and immigrants, and thus their contribution to the national identity of their host countries.

In this context, while anchoring efforts to combat racism and xenophobia in the legal framework of human rights is a fundamental way of achieving progress and expressing the universality of those rights, it is not sufficient on its own to eliminate the root causes of discriminatory culture and mentalities. The new battlegrounds in the struggle against discrimination—identity constructs, value systems, images and perceptions—require that legal strategies to combat racism be accompanied by an ethical and cultural strategy that promotes the link between efforts to combat racism and xenophobia and the construction over the long term of an egalitarian, democratic and interactive multiculturalism.

II. COUNTRY VISITS TO OSCE MEMBER STATES

Canada

I visited Canada from 15 to 26 September 2003. The purpose of the visit, pursuant to the implementation of the Programme of Action of the Durban Conference, was to assess the present situation in Canada, with regard to the question of racism, racial discrimination and xenophobia, and hence the state of relations between the various communities, against the country's characteristically multi-ethnic and multicultural background.

In the course of the visit, I found that Canada as a country is proud of its ethnic, racial, cultural and religious diversity, which is supported by a multifaceted, multicultural policy, democratic institutions and protection of human rights, as well as by many programmes and projects run by a number of federal and provincial departments. I also found a readiness in the country to innovate, especially with regard to the implementation and elaboration of treaties with aboriginal communities. The Canadian Government considers that these innovations have achieved significant results.

Nevertheless, my contacts with representatives of the various ethnic, racial, cultural and religious groups, particularly the representatives of aboriginal communities, indicated that Canadian society is not free of racial discrimination. The members of these groups whom I interviewed consider that they suffer discrimination in the areas of education, health, employment and housing. As far as the representatives of these aboriginal communities are concerned, the historical disregard for their land rights, despite the many treaties signed with the Canadian Government, reflects persistent discrimination against them.

In my concluding recommendations, I noted the need for an intellectual and ethical strategy, which could both respond adequately to the deep emotional and psychological experience of discrimination and encourage attitudes to evolve towards a form of multiculturalism, which would not be limited to the mere equalitarian and democratic superimposition of communities, but which is likely to facilitate interactions, mutual, interpersonal and intercommunity awareness and respect for cultural differences. The Canadian Government has made it clear, however, that in recent years programmes and measures have been introduced by the federal Government and by the provincial authorities to facilitate civil participation and the exercise of sovereignty based on harmonious intercommunal relations respectful of cultural differences.

Switzerland

I visited Switzerland from 9 to 13 January 2006 with the principal objective of assessing the situation of racism, racial discrimination and xenophobia, as well as policies and measures adopted by the Government to combat these phenomena.

In my concluding observations, I emphasized the growing role in political platforms and in the media, of rhetoric based on the “defence of national identity” and “the threat of foreign presence”. This rhetoric reflects the existence in Swiss society of a current of political opinion which is favourable to a defence of identity against immigration and hence prone to xenophobic tendencies. In this regard, Switzerland illustrates one of the profound causes of the increase of racism and xenophobia in Europe: the important role of the political exploitation of racism in electoral debate.

In particular, while recognizing some positive steps taken by the country, I noted the weakness in the current political and legal strategy to combat racism and xenophobia, in particular in two marked tendencies: the tendency to approach immigration and asylum issues purely from a security point of view and to criminalize foreigners, immigrants and asylum-seekers, and the considerable number of acts of police violence with racist and xenophobic overtones against these groups, as well as the judicial and administrative impunity enjoyed, according to the victims, by the perpetrators.

In this visit, I also tried to analyze the central role played by the process of the multiculturalization of Swiss society in the increase of manifestations of racism and xenophobia. In this process, the challenge to national identity arising from the cultural, ethnic and religious diversity of society is the source of identity-related tensions, and the political, legal and cultural awareness, recognition and treatment of these tensions are the factors which will determine the construction of multicultural togetherness.

Russian Federation

I visited the Russian Federation from 11–17 June 2006, with the principal objective of analyzing the situation of racism, racial discrimination and xenophobia in the country, in particular in light of the multiple incidents of racial and xenophobic violence reported by human rights organizations and by the national and international press. Another objective of this visit was to monitor and analyze one of the deep-rooted causes of the renewed upsurge in racism and xenophobia in many countries: the change from the multiculturalism of Soviet society, marked by the ideological multiculturalism of the “friendship amongst peoples”, and current society.

In my general conclusions, I pointed out that there was no official racist policy in the Russian Federation, but underlined the existence of a marked tendency of racism and xenophobia in Russian society, which centers around the following factors: the upsurge in racist incidents, in which the degree of violence leads to murder in some cases; the activism of neo-Nazi groups; the extension of this violence to members of human rights organizations; the inaction of certain police services and legal agencies and, as a result, the existence of a certain measure of impunity enjoyed by the perpetrators of these acts; and the existence of racist, xenophobic and anti-Semitic political platforms.

I also noted that, among the deep-rooted causes of this rise in racist and xenophobic ideology and violence, lies the ideological context of a political nationalism that is the subject of an ethnic interpretation by extreme right groups and trends.

As main conclusions, I highlighted the importance of the official recognition of the increase of racism and xenophobia and of the expression of a strong political will on the part of the Government to combat it; the implementation of a national programme of action against racism and xenophobia, with the democratic participation of all national communities and human rights organizations; the strengthening of the legal and judiciary systems for punishing the perpetrators of the manifestations and acts of racist violence; and the link between efforts to combat racism and xenophobia and the building of an interactive egalitarian and democratic multiculturalism. In that regard, a cultural and intellectual strategy is needed in order to eradicate the profound roots of racism.

Italy

I conducted an official visit to Italy from 9 to 13 October 2006 in order to assess the situation of racism, racial discrimination and xenophobia, particularly in the light of the current strong migratory pressure and the legislative and political legacy of xenophobia inherited from the racist and xenophobic political platforms that marked the previous Government coalition.

In my report to the Human Rights Council on this visit, I noted the Italian Government's firm commitment to combating racism and xenophobia, as illustrated by the implemented or planned legislative reforms on immigration and citizenship, the efforts to improve the situation of Roma and Sinti communities and for the recognition of those communities, and, finally, a greater sensitivity to multiculturalism.

Although racism is not a deeply rooted feature of Italian society, there is a disturbing trend towards xenophobia and an increase in manifestations of racism. These in part stem from the legacy and impact of the policies and programmes of the previous Government coalition, which contained parties that promoted overtly racist and xenophobic platforms. This dynamic is currently being fostered by the persistence of these platforms in certain extreme right-wing parties, particularly at regional and local levels, and it is being strengthened by certain media and political parties that exploit the fears that have arisen both from the current migratory pressure and from the identity crisis facing Italian society as a result of the process of ethnic and religious multiculturalization. These racist manifestations and processes mainly affect the Sinti and Roma communities, immigrants and asylum-seekers—primarily those of African origin but also those from Eastern Europe—and the Muslim community.

In my recommendations, I underlined the need to address the socio-economic inequalities faced by communities discriminated against vis-&-vis the rest of Italian society, and the importance of continuing to express, at the highest national level, a firm political will to combat racial discrimination. I also emphasized the importance of adopting a legal strategy for the implementation of existing legislation to combat discrimination; redefining the National Plan of Action put in place following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001; reforming the law governing immigration; adopting comprehensive legislation and an overall policy on asylum; and recognizing the Roma and Sinti communities as national minorities. Finally, he recommends the elaboration of a cultural strategy which links the combat against racism with the long-term construction of a democratic, egalitarian and interactive multiculturalism through the promotion of mutual knowledge and interaction between the different communities.

In elaborating a cultural and ethical strategy not only against the pervasiveness of racist and xenophobic platforms but also for the comprehensive eradication of one of the sources of these platforms, particularly in European countries—the identity crisis arising from the contradiction between old national identities and the multiculturalism of societies—the authorities should, in my view, invite the Italian people to recall their history of immigration as well as their geographical and cultural proximity to and long history of interaction with the peoples, cultures and religions of the Mediterranean.

Lithuania, Latvia and Estonia

I have recently concluded an official mission to the three Baltic countries from 16 to 28 September 2007. My visit to the Baltic region was motivated by two main factors. First, I wanted to assess how these countries are dealing with their complex historical heritage, which placed different communities and ethnic groups in close contact with each other under difficult and sometimes violent circumstances, particularly in the twentieth century. Second, I tried to examine how the three countries, which have been so far isolated from large-scale migratory pressures, are preparing their societies for the likely arrival of a larger number of non-European migrants, refugees and asylum-seekers following their accession to the European Union and ever-increasing integration in the world economy.

In Lithuania, I highlighted the existence of a comprehensive and progressive legal framework that addresses racism and discrimination, calling for further vigilance to combat racism and full implementation of the existing legal instruments. A number of State institutions are developing actions to promote a multicultural integration of minority groups. However, there are important problems faced by the Roma community and even though the Government has taken steps to solve them, further progress is still needed. Multiculturalism should be a permanent response to racism and discrimination that complements the existing legal strategy, in particular through the promotion of interaction among communities, which creates mutual understanding and tolerance.

In Latvia, I highlighted the historical multicultural tradition of the Latvian society, which provides an important societal basis for efforts to eradicate racism and discrimination. Important laws and mechanisms addressing discrimination are in place, but a more holistic and comprehensive national legislation to combat all forms of racism and discrimination would be another step forward in the fight against racism. I also recommended that Latvia establish an independent institution to investigate allegations of racism and discrimination, whilst reinforcing the office of the Ombudsman. One of the issues of concern I examined was the question of citizenship, which is seen as problematic and discriminatory by some communities, and illustrated by the high number of stateless persons in the country. Latvia's legal strategy in the fight against discrimination should be complemented with a cultural strategy that promotes interaction among communities, tolerance and a view of multicultural integration.

In Estonia, I praised the political will demonstrated by the Government to tackle racism and discrimination, highlighting the existence of legal mechanisms that address racism and discrimination. As in Latvia, I also called for the adoption of comprehensive and holistic legislation focusing on all forms of discrimination, and for the establishment of an independent institution empowered to investigate allegations of racism and discrimination. In particular, I highlighted the importance of community initiatives such as that

developed in the city of Jhvi, which fosters interactions between different minorities supporting the concept of multiculturalism. However, the issue of citizenship and language still represents the most important obstacle faced by the Estonian society. The high number of Russian-speaking stateless people is sizeable and seen by some communities as evidence of discrimination. Furthermore, linguistic requirements for the acquisition of citizenship have also been seen as problematic by minorities. I recommended to the Latvian Government that it should consider moving towards a multilingual policy, where the role of minority languages is recognized and preserved.

III. CONCLUSIONS

In view of the information I collected throughout the exercise of my mandate, including fact-finding missions, allegations of human rights violations that I systematically receive, conferences and seminars that I attend and discussions within the United Nations system, I have recently put forward a number of concrete recommendations for the international community:

(i) Strong political will is needed to fight racism, in particular to fight the political and electoral instrumentalization of racist and xenophobic discourse and the trivialization of racist ideas;

(ii) Countries should engage in the implementation of the Durban Declaration and Programme of Action;

(iii) The treatment of issues relating to migration, asylum and the situation of foreigners and national minorities should give priority to the respect of their rights, in accordance with international law, in particular instruments like the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration;

(iv) To fight racism and xenophobia, countries should promote the construction of plural identities, pointing towards a “democratic multiculturalism” centered around two key concepts: the promotion of reciprocal knowledge between communities and of interaction among them;

(v) To eradicate racism, the fight against religious intolerance, including anti-Semitism, Christianophobia and Islamophobia is essential;

(vi) The international community should systematically oppose incitement to racial and religious hatred, aiming to strike a thin but vigilant balance between freedom of expression and freedom of religion, thus recognizing the holistic character of all rights enunciated in the International Covenant on Civil and Political Rights;

(vii) Finally, the international community needs to be vigilant concerning manifestations of racism in sports, supporting measures taking locally and internationally, through international sporting bodies like the International Olympic Committee and FIFA.

Thank you, Mr. Chairman and distinguished members of the Commission.

PREPARED STATEMENT OF DR. TIFFANY LIGHTBOURN, PROGRAM MANAGER, OFFICE OF UNIVERSITY PROGRAMS, DEPARTMENT HOMELAND SECURITY, SCIENCE & TECHNOLOGY

Chairman Hastings, and distinguished members of the Commission, thank you for the opportunity to testify before you today. It is a privilege to testify about the global problem of xenophobia, research on the consequences of perceived individual and group discrimination, and what governments can do to prevent and prepare for threats to national security due to these societal ills. We have a lot to learn from the experiences of European ethnic minority and religious groups and hope that the testimonies today will bring us one step closer to tackling the complex issues of multiculturalism and societal integration in our respective countries.

There is a growing prevalence of violent hate crimes, xenophobic political platforms, and reports of unequal treatment experienced by racial and ethnic minorities within the countries of the Organization for Security and Cooperation of Europe (OSCE).¹ Of particular concern are accounts by Muslim and Jewish groups of experiences with discrimination, alienation, and political isolation. The attacks of September 11th signaled to the world that members of a discontented Islamic diaspora in Europe, directed by al-Qa'ida, could organize and execute an attack on the United States. While this incident awakened the United States to the consequences of radicalization of immigrant fundamentalist groups living in Europe, it also signaled our need to better understand the process of radicalization at the individual and group level.

Our understanding of the relationship between immigrant status, religious identification, experiences with discrimination, and the radicalization of belief and behavior is still at its nascent stage. To stimulate the research pipeline to meet this need in 2004, the Department of Homeland Security (DHS) initiated a competition for an academic Center of Excellence (COE) to understand the social and behavioral aspects of terrorism and responses to terrorism. In 2005 the University of Maryland was selected to lead the National Consortium for the Study of Terrorism and Responses to Terrorism (START). START was awarded \$12 million dollars for a 3 year term of research.

Research by the DHS's START COE has coalesced around the idea that there are two clusters of factors that facilitate radicalization: individual characteristics and characteristics of the society in which an individual lives. START investigators Dr. Clark McCauley and DHS post-doc Sophia Moskalkenko have just completed a manuscript identifying mechanisms that can serve as radicalization catalysts for individuals, groups, as well as societies.² At the individual level, personal victimization, political grievances, and joining a radical group, seem to initiate a "slippery slope" of increasingly extreme behaviors. At the group level, isolation and perceived threats to a group serve to heighten the potential for group radicalization. As such, country contexts that support the victimization of people based on their ethnic or religious identities may produce pockets of individuals ripe to be radicalized into extremist behavior. Important to note in these early studies is that reli-

¹ <http://www.humanrightsfirst.org/discrimination/reports.asp?country=multi&id=5&misc1=survey2>

² McCauley, C. & Moskalkenko, S. (2007). Mechanisms of political radicalization: pathways toward terrorism. In press. *Journal of Terrorism and Political Violence* .

giosity and religious identity are not what lead people to become radicalized.³ Rather, the political grievances people feel from living in country contexts in which religious discrimination is tolerated or commonplace, leads them to seek similar others and form social networks and/or organizations, which can then become conduits for radicalization. Simply stated, for the victims of discrimination, political grievances, personal victimization, and isolation, can become catalysts to radical action. To test this relationship, START political scientists Jon Wilkenfeld and Victor Asal are investigating whether ethnic organizations are likely to turn to violence and terror in order to express their discontent with country conditions.⁴ This work is currently supported by the DHS's START COE as we are interested in uncovering pathways to extremism and the link between political grievances and radicalization amongst ethnic minority and immigrant groups.

As a Department, Homeland Security is approaching the phenomenon of radicalization amongst minority communities in a variety of ways. The DHS Science and Technology (S&T) Directorate is making significant research investments to better understand, predict, and prevent the threat of radicalization. The START COE, which is sponsored by the Office of University Programs, has over 30 active research projects on the social behavioral aspects of terrorism. In addition to the Center's research program, they are engaged in unique educational activities like a multi-campus project to encourage dialogues between Muslim, Christian, and Jewish students. Activities include retreats involving students from different faith traditions; dinner series for campus leaders from different religious communities; collaborative community-service projects; and the development of multimedia arts programs focused on fostering respect for different faith traditions. The idea here is that building the social relationships between faith traditions can help mitigate potential conflicts when more serious differences arise.

The DHS S&T Human Factors Division (HFD) has as one of its core missions "to apply the social and behavioral sciences to improve detection, analysis, and understanding of the threats posed by individuals, groups, radical movements." This Division has created a dynamic research program on radicalization and radicalization deterrence. START supports HFD's operational focus by providing fundamental knowledge discovery. HFD builds on this knowledge with research programs that identify actionable indication and warnings that support the effective use of intervention and deterrence options. HFD's programs through the national labs also integrate these indicators into tools for use by intelligence analysts, policymakers, and operational components in identifying a threat and preventing an attack.

The DHS Office for Civil Rights and Civil Liberties (CRCL), led by Daniel Sutherland, has been at the forefront of the Department's efforts to engage key communities with the belief that "promoting civic participation can help prevent the isolation and alienation that many believe are necessary precursors for radicalization."⁵ In this regard, the CRCL Office holds regular meetings with ethnic and religious community leaders about its mission and challenges and listens to the concerns and ideas of these communities. By developing and cultivating partnerships with American Arab, Muslim, Sikh and South

³ Schbley, A. & McCauley, C. (2005). Political, Religious and Psychological Characteristics of Muslim Protest Marchers, in Eight European Cities, Jerusalem Day 2002. *Journal of Terrorism and Political Violence*, 17(4).

⁴ http://www.start.umd.edu/publications/research_briefs/20070202_wilkenfeld.pdf

⁵ From Daniel Sutherland's March 14, 2007 testimony to the United States Senate's Committee on Homeland Security and Governmental Affairs entitled "Threat of Islamic Radicalization to the Homeland".

Asian leaders, CRCL hopes to have open lines of communication and promote civic engagement amongst members of religious communities in the United States.

We know from statistical data that Muslim communities in Europe and American Arab and Muslim communities differ in their levels of integration, wealth, and levels of education. We know much less about how these communities differ in their relationships to national governments, nature of their political grievances, and radical beliefs and/or radical actions. What we do know is that we share a need to increase the integration of new immigrants, and the tolerance of host societies for newcomers, particularly those from the Arab and Muslim worlds, if we hope to prevent the tiny proportion of those individuals who may become vulnerable to radicalization.

In conclusion, we have a long road ahead in better understanding the causes and consequences of being the target of xenophobia, how discriminatory conditions contribute to the phenomenon of radicalization, and the ways in which governments can proactively address these issues. In the aftermath of the 2005 London bombing DHS Secretary Michael Chertoff made a public statement that “America values its rich diversity. Muslims in America have long been part of the fabric of our nation. The actions of a few extremists cannot serve as a reflection on the many people who have made valuable contributions to our society.” Senior government leaders in the U.S. and in Europe need to be encouraged to make public statements of support for diversity and civic engagement if we want to foster climates conducive for peaceful societies. Simultaneously we need to invest significant resources in researching the root causes of radicalization within one’s own country context. The lessons learned from these domestic investigations need to be shared rapidly, and often, with international counterparts to facilitate knowledge transfer and build a science of radicalization. Lastly, we have to encourage civic engagement in key minority communities by government outreach and public education regarding prosocial means of expressing political grievances and becoming involved in civic society. Thank you for the opportunity to testify today, and I welcome your questions.

PREPARED STATEMENT OF MICAH H. NAFTALIN, NATIONAL DIRECTOR, UNION OF COUNCILS FOR SOVIET JEWS

Mr. Chairman, members and staff, and guests of the Helsinki Commission:

Following this brief overview, Nickolai Butkevich will summarize the current status of hate crime incidents in Russia, Ukraine and Belarus. I commend to your attention our detailed Briefing Paper and attachments and ask that they, and our oral presentations, be incorporated into your record.

No briefing subject could be more timely and important to UCSJ than hate crimes and religious discrimination in Russia, Ukraine and Belarus. These examples of the break-down of rule of law—antisemitic and xenophobic racism and the discrimination against religious and ethnic minorities—have been the principal subject of UCSJ’s monitoring and advocacy since 1970, and especially since the dismantling of the Soviet Union. And, beyond the monstrous violence to the human rights of citizens, there should be no mistaking the foreign policy dimension—the threat that the break-down of rule of law, and the consequent absence of accountability, poses to democracy and national security.

In cooperation with the Moscow Helsinki Group, UCSJ has inaugurated an unprecedented international alliance of 30 NGOs across the three countries called the Coalition Against Hate which, through the medium of a bi-lingual and interactive Blog will promote coordination of counter-action against neo-Nazi groups and disseminate information about hate crimes and how the authorities respond to them. Central to this effort is the need to vouchsafe the future by strengthening and mentoring the burgeoning human rights youth movement.

One of our attachments provides a directory of these groups. Another is last Friday’s edition of our weekly electronic newsletter, Bigotry Monitor which, together with our website and periodic reports, provides a record of our monitoring activity. Bigotry Monitor draws from the UCSJ and MHG monitoring network, the increasing input of the other partners in the Coalition, and reviews governmental reports and the mass media from across the region.

We seek to infuse rule of law goals into the fabric and conduct of statecraft. The Helsinki Commission and OSCE play a vital role in this. Beyond current concerns for the strength of election monitors in Russia, we encourage strengthening OSCE’s role in the face of Russia’s hostility to the agenda of the “third basket,” an even stronger relationship between ODIHR and hate crimes monitoring NGOs, and developing special criteria for ODIHR to assess the relationship of hate crimes and rule of law to promoting democracy and international security.



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