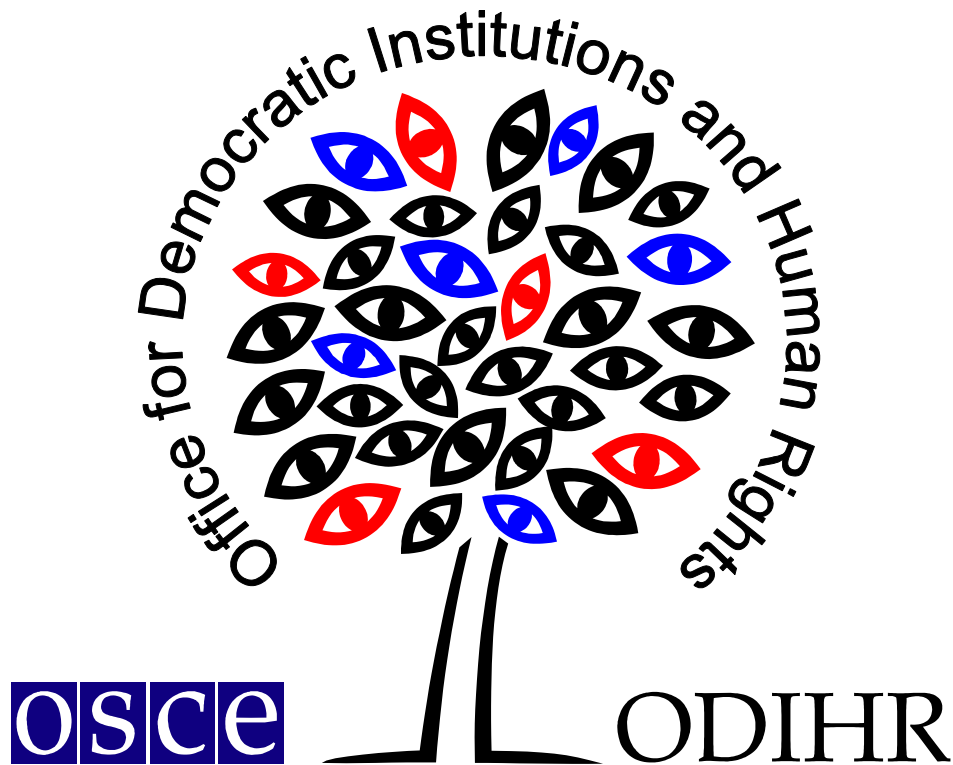


OSCE Commitments relating to Migration and Integration



A guide prepared for the OSCE Human Dimension Seminar
on "Migration and Integration"
Warsaw, 11-13 May 2005

Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1975

“Economic and social aspects of migrant labour”

The participating States,

Considering that the movements of migrant workers in Europe have reached substantial proportions, and that they constitute an important economic, social and human factor for host countries as well as for countries of origin,

Recognizing that workers' migrations have also given rise to a number of economic, social, human and other problems in both the receiving countries and the countries of origin,

Taking due account of the activities of the competent international organizations, more particularly the International Labour Organisation, in this area,

are of the opinion that the problems arising bilaterally from the migration of workers in Europe as well as between the participating States should be dealt with by the parties directly concerned, in order to resolve these problems in their mutual interest, in the light of the concern of each State involved to take due account of the requirements resulting from its socio-economic situation, having regard to the obligation of each State to comply with the bilateral and multilateral agreements to which it is party, and with the following aims in view:

to encourage the efforts of the countries of origin directed towards increasing the possibilities of employment for their nationals in their own territories, in particular by developing economic co-operation appropriate for this purpose and suitable for the host countries and the countries of origin concerned;

to ensure, through collaboration between the host country and the country of origin, the conditions under which the orderly movement of workers might take place, while at the same time protecting their personal and social welfare and, if appropriate, to organize the recruitment of migrant workers and the provision of elementary language and vocational training;

to ensure equality of rights between migrant workers and nationals of the host countries with regard to conditions of employment and work and to social security, and to endeavour to ensure that migrant workers may enjoy satisfactory living conditions, especially housing conditions;

to endeavour to ensure, as far as possible, that migrant workers may enjoy the same opportunities as nationals of the host countries of finding other suitable employment in the event of unemployment;

to regard with favour the provision of vocational training to migrant workers and, as far as possible, free instruction in the language of the host country, in the framework of their employment;

to confirm the right of migrant workers to receive, as far as possible, regular information in their own language, covering both their country of origin and the host country; to ensure that the children of migrant workers established in the host country have access to the education usually given there, under the same conditions as the children of that country and, furthermore, to permit them to receive supplementary education in their own language, national culture, history and geography;

to bear in mind that migrant workers, particularly those who have acquired qualifications, can by returning to their countries after a certain period of time help to remedy any deficiency of skilled labour in their country of origin;

to facilitate, as far as possible, the reuniting of migrant workers with their families;

to regard with favour the efforts of the countries of origin to attract the savings of migrant workers, with a view to increasing, within the framework of their economic development, appropriate opportunities for employment, thereby facilitating the reintegration of these workers on their return home.

“Human contacts”, par. d

(d) Travel for Personal or Professional Reasons

The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular:

- gradually to simplify and to administer flexibly the procedures for exit and entry;
- to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents.

They intend to consider, as necessary, means – including, in so far as appropriate, the conclusion of multilateral or bilateral consular conventions or other relevant agreements or understandings – for the improvement of arrangements to provide consular services, including legal and consular assistance.

They confirm that religious faiths, institutions and organizations, practicing within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

Concluding Document of Madrid – The Second Follow-up Meeting, 1983

“Co-operation in the Field of Economics, of Science and Technology and of the Environment”, par. 27 and 28

In the context of the provisions of the Final Act concerning migrant labour in Europe, the participating States note that recent developments in the world economy have affected the situation of migrant workers. In this connection, the participating States express their wish that host countries and countries of origin, guided by a spirit of mutual interest and co-operation, intensify their contacts with a view to improving further the general situation of migrant workers and their families, inter alia the protection of their human rights including their economic, social and cultural rights while taking particularly into account the special problems of second generation migrants. They will also endeavour to provide or promote, where reasonable demand exists, adequate teaching of the language and culture of the countries of origin.

The participating States recommend that, among other measures for facilitating the social and economic reintegration of returning migrant labour, the payment of pensions as acquired or established under the social security system to which such workers have been admitted in the host country should be ensured by appropriate legislative means or reciprocal agreements.

“Human Contacts”

The participating States will favourably deal with applications relating to contacts and regular meetings on the basis of family ties, reunification of families and marriage between citizens of different States and will decide upon them in the same spirit.

They will decide upon these applications in emergency cases for family meetings as expeditiously as possible, for family reunification and for marriage between citizens of different States in normal practice within six months and for other family meetings within gradually decreasing time limits.

They confirm that the presentation or renewal of applications in these cases will not modify the rights and obligations of the applicants or of members of their families concerning inter alia employment, housing, residence status, family support, access to social, economic or educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the respective participating State.

The participating States will provide the necessary information on the procedures to be followed by the applicants in these cases and on the regulations to be observed, as well as, upon the applicant's request, provide the relevant forms.

They will, where necessary, gradually reduce fees charged in connection with these applications, including those for visas and passports, in order to bring them to a moderate level in relation to the average monthly income in the respective participating State.

Applicants will be informed as expeditiously as possible of the decision that has been reached. In case of refusal applicants will also be informed of their right to renew applications after reasonably short intervals.

The participating States reaffirm their commitment fully to implement the provisions regarding diplomatic and other official missions and consular posts of other participating States contained in relevant multilateral or bilateral conventions, and to facilitate the normal functioning of those missions. Access by visitors to these missions will be assured with due regard to the necessary requirements of security of these missions.

They also reaffirm their willingness to take, within their competence, reasonable steps, including necessary security measures, when appropriate, to ensure satisfactory conditions for activities within the framework of mutual co-operation on their territory, such as sporting and cultural events, in which citizens of other participating States take part.

The participating States will endeavour, where appropriate, to improve the conditions relating to legal, consular and medical assistance for citizens of other participating States temporarily on their territory for personal or professional reasons, taking due account of relevant multilateral or bilateral conventions or agreements.

They will further implement the relevant provisions of the Final Act, so that religious faiths, institutions, organizations and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

The participating States will encourage contacts and exchanges among young people and foster the broadening of co-operation among their youth organizations. They will favour the holding among young people and youth organizations of educational, cultural and other comparable events and activities. They will also favour the study of problems relating to the younger generation. The participating States will further the development of individual or collective youth tourism, when necessary on the basis of arrangements, inter alia by encouraging the granting of suitable facilities by the transport authorities and tourist organizations of the participating States or such facilities as those offered by the railway authorities participating in the "Inter-Rail" system.

Concluding Document of Vienna – The Third Follow-up Meeting, 1989

“Questions relating to Security in Europe”, par. 13.7, 13.8, 20 to 22

[The participating States will]

(13.7) ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

(13.8) ensure that no individual exercising, expressing the intention to exercise or seeking to exercise these rights and freedoms or any member of his family, will as a consequence be discriminated against in any manner;

(...)

(20) The participating States will respect fully the right of everyone

- to freedom of movement and residence within the borders of each State, and
- to leave any country, including his own, and to return to his country.

(21) The participating States will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

(22) In this context they will allow all refugees who so desire to return in safety to their homes.

“Co-operation in other areas”, par. 40 to 44

(40) The participating States emphasize the need for effective implementation of the provisions of the Final Act and the Madrid Concluding Document relating to migrant workers and their families in Europe. They invite host countries and countries of origin to make efforts to improve further the economic, social, cultural and other conditions of life for migrant workers and their families legally residing in the host countries. They recommend that host countries and countries of origin should promote their bilateral co-operation in relevant fields with a view to facilitating the reintegration of migrant workers and their families returning to their country of origin.

(41) The participating States will, in accordance with their relevant commitments undertaken in the Final Act and the Madrid Concluding Document, consider favourably applications for family reunification as well as family contacts and visits involving migrant workers from other participating States legally residing in the host countries.

(42) The participating States will ensure that migrant workers from other participating States, and their families, can freely enjoy and maintain their national culture and have access to the culture of the host country.

(43) Aiming at ensuring effective equality of opportunity between the children of migrant workers and the children of their own nationals regarding access to all forms and levels of education, the participating States affirm their readiness to take measures needed for the better use and improvement of educational opportunities. Furthermore, they will encourage or facilitate, where reasonable demand exists, supplementary teaching in their mother tongue for the children of migrant workers.

(44) The participating States recognize that issues of migrant workers have their human dimension.

“Human Contacts”

(1) In implementing the human contacts provisions of the Final Act, the Madrid Concluding Document and the present Document, they will fully respect their obligations under international law as referred to in the subchapter of the present Document devoted to principles, in particular that everyone shall be free to leave any country, including his own, and to return to his country, as well as their international commitments in this field.

(2) They will ensure that their policies concerning entry into their territories are fully consistent with the aims set out in the relevant provisions of the Final Act, the Madrid Concluding Document and the present Document.

(3) They will take the necessary steps to find solutions as expeditiously as possible, but in any case within six months, to all applications based on the human contacts provisions of the Final Act and the Madrid Concluding Document, outstanding at the conclusion of the Vienna Follow-up Meeting.

(4) Thereafter they will conduct regular reviews in order to ensure that all applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents are being dealt with in a manner consistent with those provisions.

(5) They will decide upon applications relating to family meetings in accordance with the Final Act and the other aforementioned CSCE documents in as short a time as possible and in normal practice within one month.

(6) In the same manner they will decide upon applications relating to family reunification or marriage between citizens of different States, in normal practice within three months.

(7) In dealing favourably with applications relating to family meetings, they will take due account of the wishes of the applicant, in particular on the timing and sufficiently long duration of such meetings, and on travelling together with other members of his family for joint family meetings.

(8) In dealing favourably with applications relating to family meetings, they will also allow visits to and from more distant relatives.

(9) In dealing favourably with applications relating to family reunification or marriage between citizens of different States, they will respect the wishes of the applicants on the country of destination ready to accept them.

(10) They will pay particular attention to the solution of problems involving the reunification of minor children with their parents. In this context and on the basis of the relevant provisions of the Final Act and of the other aforementioned CSCE documents, they will ensure

- that an application for this purpose submitted while the child is a minor will be dealt with favourably and expeditiously in order to effect the reunification without delay, and
- that adequate arrangements are made to protect the interests and welfare of the children concerned.

(11) They will consider the scope for gradually reducing and eventually eliminating any requirement which might exist for travellers to obtain local currency in excess of actual expenditure, giving priority to persons travelling for the purpose of family meetings. They will accord such persons the opportunity in practice to bring in or to take out with them personal possessions or gifts.

(12) They will pay immediate attention to applications for travel of an urgent humanitarian nature and deal with them favourably as follows:

- They will decide within three working days upon applications relating to visits to a seriously ill or dying family member, travel to attend the funeral of a family member or travel by those who have a proven need of urgent medical treatment or who can be shown to be critically or terminally ill.
- They will decide as expeditiously as possible upon applications relating to travel by those who are seriously ill or by the elderly, and other travel of an urgent humanitarian nature.
- They will intensify efforts by their local, regional and central authorities concerned with the implementation of the above, and ensure that charges for giving priority treatment to such applications do not exceed costs actually incurred.

(13) In dealing with applications for travel for family meetings, family reunification or marriage between citizens of different States, they will ensure that acts or omissions by members of the applicant's family do not adversely affect the rights of the applicant as set forth in the relevant international instruments.

(14) They will ensure that all documents necessary for applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents are easily accessible to the applicant. The documents will remain valid throughout the application procedure. In the event of a renewed application the documents already submitted by the applicant in connection with previous applications will be taken into consideration.

(15) They will simplify practices and gradually reduce administrative requirements for applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents.

(16) They will ensure that, when applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents are refused for reasons specified in the relevant international instruments, the applicant is promptly provided in writing with an official notification of the grounds on which the decision was based. As a rule and in all cases where the applicant so requests, he will be given the necessary information about the procedure for making use of any effective administrative or judicial remedies against the decision available to him as envisaged in the above-mentioned international instruments. In cases where exit for permanent settlement abroad is involved, this information will be provided as part of the official notification foreseen above.

(17) If in this context an individual's application for travel abroad has been refused for reasons of national security, they will ensure that, within strictly warranted time limits, any restriction on that individual's travel is as short as possible and is not applied in an arbitrary manner. They will also ensure that the applicant can have the refusal reviewed within six months and, should the need arise, at regular intervals thereafter so that any changes in the circumstances surrounding the refusal, such as time elapsed since the

applicant was last engaged in work or duties involving national security, are taken into account. Before individuals take up such work or duties they will be formally notified if and how this could affect applications they might submit for such travel.

(18) Within one year of the conclusion of the Vienna Follow-up Meeting they will publish and make easily accessible, where this has not already been done, their laws and statutory regulations concerning movement by individuals within their territory and travel between States.

(19) In dealing favourably with applications based on the human contacts provisions of the Final Act and of the other aforementioned CSCE documents, they will ensure that these are dealt with in good time in order, inter alia, to take due account of important family, personal or professional considerations significant for the applicant.

(20) They will deal favourably with applications for travel abroad without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age or other status. They will ensure that any refusal does not affect applications submitted by other persons.

(21) They will further facilitate travel on an individual or collective basis for personal or professional reasons and for tourism, such as travel by delegations, groups and individuals. To this end they will reduce the time for the consideration of applications for such travel to a minimum.

(22) They will give serious consideration to proposals for concluding agreements on the issuing of multiple entry visas and the reciprocal easing of visa processing formalities, and consider possibilities for the reciprocal abolition of entry visas on the basis of agreements between them.

(23) They will consider adhering to the relevant multilateral instruments as well as concluding complementary or other bilateral agreements, if necessary, in order to improve arrangements for ensuring effective consular, legal and medical assistance for citizens of other participating States temporarily on their territory.

(24) They will take any necessary measures to ensure that citizens of other participating States temporarily on their territory for personal or professional reasons, inter alia for the purpose of participating in cultural, scientific and educational activities, are afforded appropriate personal safety, where this is not already the case.

(25) They will facilitate and encourage the establishment and maintenance of direct personal contacts between their citizens as well as between representatives of their institutions and organizations through travel between States and other means of communication.

(26) They will facilitate such contacts and co-operation among their peoples through such measures as direct sports exchanges on a local and regional level, the unimpeded establishment and implementation of town-twinning arrangements, as well as student and teacher exchanges.

(27) They will encourage the further development of direct contacts between young people, as well as between governmental and non-governmental youth and student organizations and institutions; the conclusion between such organizations and institutions of bilateral and multilateral arrangements and programmes; and the holding on a bilateral and multilateral basis of educational, cultural and other events and activities by and for young people.

(28) They will make further efforts to facilitate travel and tourism by young people, inter alia by recommending to those of their railway authorities which are members of the International Union of

Railways (UIC) that they expand the Inter-Rail system to cover all their European networks and by recommending to those of their railway authorities which are not members of the UIC that they consider establishing similar facilities.

(29) In accordance with the Universal Postal Convention and the International Telecommunication Convention, they will

- guarantee the freedom of transit of postal communication;
- ensure the rapid and unhindered delivery of correspondence, including personal mail and parcels;
- respect the privacy and integrity of postal and telephone communications; and
- ensure the conditions necessary for rapid and uninterrupted telephone calls, including the use of international direct dialing systems, where they exist, and their development.

(30) They will encourage direct personal contacts between the citizens of their States, inter alia by facilitating individual travel within their countries and by allowing foreigners to meet their citizens as well as, when invited to do so, to stay in private homes.

(31) They will ensure that the status of persons belonging to national minorities or regional cultures on their territories is equal to that of other citizens with regard to human contacts under the Final Act and the other aforementioned CSCE documents and that these persons can establish and maintain such contacts through travel and other means of communication, including contacts with citizens of other States with whom they share a common national origin or cultural heritage.

(32) They will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, inter alia through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

(33) They heard accounts of the Meeting of Experts on Human Contacts held in Bern from 15 April to 26 May 1986. Noting that no conclusions had been agreed upon at the Meeting, they regarded both the frankness of the discussion and the greater degree of openness in the exchanges as welcome developments. In this respect they noted the particular importance of the fact that proposals made at the Meeting had received further consideration at the Vienna Follow-up Meeting.

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990

Par. 5.9, 9.5, 19, 19.1 to 19.3, 22 to 22.4

(5) They [the participating States] solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(...)

(5.9) – all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;

[The participating States reaffirm that]

(9.5) - they will respect the right of everyone to leave any country, including his own, and to return to his country, consistent with a State's international obligations and CSCE commitments. Restrictions on this right will have the character of very rare exceptions, will be considered necessary only if they respond to a specific public need, pursue a legitimate aim and are proportionate to that aim, and will not be abused or applied in an arbitrary manner;

(...)

(19) The participating States affirm that freer movement and contacts among their citizens are important in the context of the protection and promotion of human rights and fundamental freedoms. They will ensure that their policies concerning entry into their territories are fully consistent with the aims set out in the relevant provisions of the Final Act, the Madrid Concluding Document and the Vienna Concluding Document. While reaffirming their determination not to recede from the commitments contained in CSCE documents, they undertake to implement fully and improve present commitments in the field of human contacts, including on a bilateral and multilateral basis. In this context they will

(19.1) - strive to implement the procedures for entry into their territories, including the issuing of visas and passport and customs control, in good faith and without unjustified delay. Where necessary, they will shorten the waiting time for visa decisions, as well as simplify practices and reduce administrative requirements for visa applications;

(19.2) - ensure, in dealing with visa applications, that these are processed as expeditiously as possible in order, inter alia, to take due account of important family, personal or professional considerations, especially in cases of an urgent, humanitarian nature;

(19.3) - endeavour, where necessary, to reduce fees charged in connection with visa applications to the lowest possible level.

(22) The participating States reaffirm that the protection and promotion of the rights of migrant workers have their human dimension. In this context, they

(22.1) - agree that the protection and promotion of the rights of migrant workers are the concern of all participating States and that as such they should be addressed within the CSCE process;

(22.2) - reaffirm their commitment to implement fully in their domestic legislation the rights of migrant workers provided for in international agreements to which they are parties;

(22.3) - consider that, in future international instruments concerning the rights of migrant workers, they should take into account the fact that this issue is of importance for all of them;

(22.4) - express their readiness to examine, at future CSCE meetings, the relevant aspects of the further promotion of the rights of migrant workers and their families.

Charter of Paris for a New Europe, 1990

“Human Rights, Democracy and Rule of Law”

(...)

We [the Heads of State or Government of the States participating in the Conference for Security and Co-operation in Europe] affirm that, without discrimination,

every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression,
freedom of association and peaceful assembly,
freedom of movement;

no one will be:
subject to arbitrary arrest or detention,
subject to torture or other cruel, inhuman or degrading treatment or punishment;

everyone also has the right:

to know and act upon his rights,
to participate in free and fair elections,
to fair and public trial if charged with an offence,
to own property alone or in association and to exercise individual enterprise,
to enjoy his economic, social and cultural rights.

(...)

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights.

“Migrant Workers”

We recognize that the issues of migrant workers and their families legally residing in host countries have economic, cultural and social aspects as well as their human dimension. We reaffirm that the protection and promotion of their rights, as well as the implementation of relevant international obligations, is our common concern.

Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 1991

Par. 33, 38 to 38.4

(33) The participating States will remove all legal and other restrictions with respect to travel within their territories for their own nationals and foreigners, and with respect to residence for those entitled to permanent residence, except those restrictions which may be necessary and officially declared for military, safety, ecological or other legitimate government interests, in accordance with their national laws, consistent with CSCE commitments and international human rights obligations. The participating States undertake to keep such restrictions to a minimum.

(38) The participating States recognize the need to ensure that the rights of migrant workers and their families lawfully residing in the participating States are respected and underline their right to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and are consistent with international standards.

(38.1) They condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred.

(38.2) They will adopt appropriate measures that would enable migrant workers to participate in the life of the society of the participating States.

(38.3) They note that issues which concern the human dimension of migrant workers residing on their territory could, as any other issue of the human dimension, be raised under the human dimension mechanism.

(38.4) They recommend that the CSCE in its future work on the human dimension consider appropriate means to hold focused discussions on all issues regarding migrant workers, including, inter alia, familiarization with the language and social life of the country concerned.

Concluding Document of Helsinki – The Fourth Follow-up Meeting, 1992

Decisions, chapter VI, par. 36 to 45

The participating States

(36) Restate that human rights and fundamental freedoms are universal, that they are also enjoyed by migrant workers wherever they live and stress the importance of implementing all CSCE commitments on migrant workers and their families lawfully residing in the participating States;

(37) Will encourage the creation of conditions to foster greater harmony in relations between migrant workers and the rest of the society of the participating State in which they lawfully reside. To this end, they will seek to offer, inter alia, measures to facilitate the familiarization of migrant workers and their families with the languages and social life of the respective participating State in which they lawfully reside so as to enable them to participate in the life of the society of the host country;

(38) Will, in accordance with their domestic policies, laws and international obligations seek, as appropriate, to create the conditions for promoting equality of opportunity in respect of working conditions, education, social security and health services, housing, access to trade unions as well as cultural rights for lawfully residing and working migrant workers.

Refugees and displaced persons

The participating States

(39) Express their concern over the problem of refugees and displaced persons;

(40) Emphasize the importance of preventing situations that may result in mass flows of refugees and displaced persons and stress the need to identify and address the root causes of displacement and involuntary migration;

(41) Recognize the need for international co-operation in dealing with mass flows of refugees and displaced persons;

(42) Recognize that displacement is often a result of violations of CSCE commitments, including those relating to the Human Dimension;

(43) Reaffirm the importance of existing international standards and instruments related to the protection of and assistance to refugees and will consider acceding to the Convention relating to the Status of Refugees and the Protocol, if they have not already done so;

(44) Recognize the importance of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as of non-governmental organizations involved in relief work, for the protection of and assistance to refugees and displaced persons;

(45) Welcome and support unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions;

Document of the Third Meeting of the CSCE Council, Stockholm, 1992

“The CSCE as a Community of Values”, par. 5 and 7

(...) Violations of international humanitarian law and CSCE principles and commitments, such as “ethnic cleansing”, or mass deportation, endangered the maintenance of peace, security and democracy and will not be tolerated. [The Ministers] were convinced that increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms (...)

The increasing problem of refugees and displaced persons is an issue of major concern to all participating States, particularly in conflicts where the fulfilment of basic human needs is most at risk. The Ministers deplored the plight of civil populations most affected in such conflicts and called on all participating States to contribute to a concerted effort to share the common burden. All Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours. Individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.

Document of the Fourth Meeting of the CSCE Council, Rome, 1993

Chapter IV, par. 3

In the context of conflict prevention and crisis management, the issue of mass migration, namely displaced persons and refugees, will be addressed, as appropriate, by the CSO and the Permanent Committee of the CSCE, taking into account the role of other relevant international bodies.

Concluding Document of Budapest, 1994

Decisions, chapter VIII, par. 28 to 32, 40

28. The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and consistent with international standards.

29. They decided that appropriate measures should be taken to better prevent racist attacks and other manifestations of violent intolerance against migrant workers and their families.

30. They reconfirm their condemnation of all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, continue to take effective measures to this end.

31. They will continue to promote the integration of migrant workers in the societies in which they are lawfully residing. They recognize that a successful process of integration also depends on its active pursuit by the migrants themselves and decided therefore to encourage them in this regard.

Migration

32. The participating States express their concern at mass migratory movements in the CSCE region, including millions of refugees and displaced persons, due mainly to war, armed conflict, civil strife and grave human rights violations. Taking into account the Rome Council Decisions 1993, they decide to expand their co-operation with appropriate international bodies in this respect.

They take note of efforts undertaken by UNHCR to prepare a regional conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the CIS and other interested neighbouring States.

(...)

Freedom of movement/Human contacts/Cultural heritage

40. [The participating States] will encourage administrative authorities dealing with citizens of other States to fully implement the CSCE commitments concerning travel and will refrain from degrading treatment and other outrages against personal dignity (...)

Lisbon Document, 1996

Summit Declaration, par. 9 and 10

9. (...) Among the acute problems within the human dimension, the continuing violations of human rights, such as involuntary migration (...) continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

10. Against the background of recent refugee tragedies in the OSCE region and taking into account the issue of forced migration, we again condemn and pledge to refrain from any policy of “ethnic cleansing” or mass expulsion. Our States will facilitate the return, in safety and in dignity, of refugees and internally displaced persons, according to international standards. Their reintegration into their places of origin must be pursued without discrimination. We commend the work of the ODIHR Migration Advisor and express support for his continuing activities to follow up on the Programme of Action agreed at the May 1996 Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the relevant States.

Istanbul Document, 1999

Charter for European Security, par. 22

22. We reject any policy of ethnic cleansing or mass expulsion. We reaffirm our commitment to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety. We will pursue without discrimination the reintegration of refugees and internally displaced persons in their places of origin.

OSCE Ministerial Council in Maastricht, December 2003
Decision No. 4/03, Tolerance and Non-discrimination
(MC.DEC/4/03)

The Ministerial Council,

(...)

11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing. Calls on the ODIHR to reinforce its activities in this respect;

12. Undertakes, in this context, to combat, subject to national legislation and international commitments, discrimination, where existing, against asylum seekers and refugees, and calls on the ODIHR to reinforce its activities in this respect;

13. Takes into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavors of participating States in dealing with internal displacement;

OSCE Ministerial Council in Sofia, December 2004
Decision No. 12/04, Tolerance and Non-discrimination
(MC.DEC/12/04 of 7 December 2004)

Annex to Decision No. 12/04, Permanent Council Decision No. 621, Tolerance and the Fight Against Racism, Xenophobia and Discrimination (PC.DEC/621 of 29 July 2004)

(...)

The participating States commit to:

- Take steps, in conformity with their domestic law and international obligations, against discrimination, intolerance and xenophobia against migrants and migrant workers;
- Consider undertaking activities to raise public awareness of the enriching contribution of migrants and migrant workers to society.

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