

**DELEGATION OF TURKEY**

**4 September 2003**

**CONFERENCE ON RACISM, XENOPHOBIA AND DISCRIMINATION  
(Vienna, 4-5 September 2003)**

**Session 1: Legislative, institutional mechanisms and governmental  
action including law enforcement**

**Speaking Points**

Long established international human rights standards call for the elimination of all forms of racism and discrimination. Prohibition of racial discrimination is a basic principle of the international law.

Governments, under various international instruments setting up explicit goals, measures and implementation mechanisms, have undertaken commitments to repeal discriminatory legislation, to provide effective protection against racist abuses and to address the root causes of racism, racial discrimination and related intolerance.

Yet, racism, xenophobia and discrimination unfortunately persist in all our societies in varying forms and degrees. Countries that are proud to call themselves advanced democracies are no exception.

In addition to constant practice of discrimination in public administration, employment, housing, health, education and in other forms of civil society interaction, violent manifestations of racism, hatred and intolerance are on the rise in many OSCE countries.

Racism, xenophobia and discrimination violate most basic human rights of the targeted individuals and constitute serious threat to the democratic nature of our societies. Impunity for crimes motivated by racist and xenophobic attitudes play a role in weakening the rule of law and tends to encourage the recurrence of such crimes.

Therefore, efforts deployed to cope with racism, xenophobia and discrimination, as well as the achievements and/or failures recorded, demonstrate the true level of democracy and the attachment to human rights and fundamental freedoms.

Incomplete anti-discriminatory legislation, discrepancies between law and practice, lack of access and/or confidence to the law and judiciary, failure in identification or underreporting of racist offences and impunity, racial or biased attitudes of civil servants, law enforcement and police officers, inadequate or discriminatory social policies allowing exploitation of unprotected vulnerable groups, and last but not the least, the indifference or insensitivity of politicians and officials remain to be among our main challenges.

An effective response to racism, xenophobia and discrimination requires action at the global level, through combined measures including legislation, human rights education and training, economic, social and cultural development measures designed to correct persistent forms of structural racism, discrimination and social inequalities, and criminal and administrative action against abuses.

The first step to be taken is an open and honest recognition of the existence of racism, racial discrimination, xenophobia and related intolerance. Accurate data collection and research are important prerequisites for a better understanding of the nature and extent of racism, xenophobia and discrimination prevailing in our societies. Establishment of specialized national bodies to combat racism, xenophobia and discrimination on the one hand, cooperation with national and international monitoring mechanisms on the other, constitute effective implementation tools.

It goes without saying that, in the absence of strong political will for the implementation of these measures, all efforts are bound to fail.

**DELEGATION OF TURKEY**

**4 September 2003**

**CONFERENCE ON RACISM, XENOPHOBIA AND DISCRIMINATION  
(Vienna, 4-5 September 2003)**

**Session 1: Legislative, institutional mechanisms and governmental  
action including law enforcement**

**Recommendations**

- Participating States should work towards the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, including full compliance with the obligation in respect of the timely submission of periodic reports to CERD.
- Participating States should adopt specific national legislation and administrative measures, or strengthen the existing ones where necessary, to combat all forms of racism and racial discrimination.
- Civil society representatives, particularly the representatives of the vulnerable groups should also be consulted in the preparation of such legislation and measures.
- Racist abuses and violence, as well as incitement to racism and hatred should be criminalized, allegations of such crimes should be effectively investigated, the perpetrators should be brought to justice and the victims should receive remedies.
- Governments should ensure effective implementation of relevant legislation and administrative measures at national, regional and local levels. Government programs should include explicit references to anti-discriminatory policies.
- Public officials, particularly law enforcement and judicial staff should receive specific training to be sensitized with human rights, tolerance and non-discrimination and to develop cross-cultural understanding and communication skills.
- The conduct of public officials at all levels should be monitored, with a view to identifying and eliminating all forms of racist and discriminatory practices.
- Racist behavior or the use of racist language by public officials should be addressed with disciplinary and criminal measures.
- Law enforcement units should act promptly and decisively to prevent and respond to all forms of racist attacks.

- Particular attention should be paid to racist abuses in detention centres and prisons.
- Specialized national bodies, including monitoring units and ombudsman institutions should be established, where necessary, to observe and assess the situation and to deal with complaints arising from racist and discriminatory acts.
- The society in general and members of the vulnerable groups in particular should be informed of existing anti-discriminatory legislation and practices, as well as of their rights and options to resort to legal and administrative tools against any racist abuse or violence.
- A uniform statistical method conducive to data comparison among participating States in terms of racist and hate related crimes should be developed.
- Statistics related to racist and hate related crimes should be made public.
- A Special Rapporteur on Racism, Xenophobia and Discrimination should be instituted to oversee and monitor the performance of participating States.
- OSCE Institutions should pay attention to and monitor in accordance with their mandates, the manifestations of racism, racial discrimination, xenophobia and related intolerance in the participating States. Also, they should diversify the scope and broaden the geographical focus of their relevant project activities.
- OSCE should closely follow the relevant work carried out in other international organizations and undertake joint projects where possible.