

**Joint NGO & National Bodies Statement  
for the OSCE Conference on Racism, Xenophobia and Discrimination  
September 4-5, 2003  
Delivered by Ms Tanya Lokshina of the Moscow Helsinki Group**

We, representatives of the NGOs & National Bodies signatory to this statement, welcome the OSCE Conference on Racism, Xenophobia and Discrimination. We also applaud the constructive discussion, which took place at the OSCE Conference on Anti-Semitism of June 2003.

These events are of particular relevance today as in many countries of the OSCE region racism, xenophobia and discrimination are on the rise and the climate of intolerance prevails.

It has been affirmed in the Final Helsinki Act that "the participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for peace, justice and well-being."

Also, in the course of the years that have gone by since "the cold war" it has become evident that it is no longer effective to view human rights problems mainly as the dimension of security and conflict prevention.

We are convinced that today the OSCE should to a greater extent focus on human rights per se and take a proactive approach in protecting human rights, including the rights of vulnerable minority groups.

**In light of this we draw your attention to the following recommendations:**

**General Recommendations to the OSCE participating states**

Adopt and enforce in full a comprehensive body of legislation prohibiting discrimination in all fields of public life and providing civil, criminal and administrative remedies for breach thereof. Ensure adequate protection of Roma, migrants and other particularly vulnerable groups against racially motivated crimes, racially motivated violence and abuse and promptly bring to justice individuals responsible for this kind of acts.

Run comprehensive educational campaigns, particularly in schools of general education and for public officials, aimed at creating a climate intolerant to racism and discrimination in society.

Establish an effective enforcement body empowered both legally and through the provision of adequate resources to effectively secure full compliance with anti-discrimination law.

Proceed with speedy ratification of Protocol No. 12 to the European Convention on Human Rights with a view to its timely entry into force.

Declare, pursuant to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, that the State accepts the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals and groups concerning violations of the Convention. Ensure that views and recommendations of the CERD Committee with regard to member-states and decisions on individual complaints are fully complied with.

## Issue specific recommendations:

### Migration

- To ratify and comply with the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which entered into force on July 1, 2003.
- To integrate a human rights perspective in the elaboration of migration management policies and to give academics and NGOs an active role in relevant debates.

### Asylum Seekers & Refugees

- The Chairman-in-Office of the OSCE should appoint a Special Representative whose mandate would be specifically to monitor the observance of Human Rights of Refugees and Asylum seekers by the OSCE participating states.

#### *The OSCE participating states should:*

- Ensure full compliance of the non-refoulement principle and use independent NGO reports as core information when determining threat to the safety of a concrete individual.
- Abolish the concept of safe countries and ensure that each individual has access to a fair and unbiased consideration of his or her asylum application.
- People who are waiting in countries for the settlement of their refugee status or residence permit should either be adequately supported by the state or should be allowed to get employment.

### National Minorities

- OSCE should concentrate more on legal standards rather than on conflict prevention. In this respect, the mandate of HCNM should be revised and this institution's capacities strengthened. The OSCE should actively promote the Hague, Oslo and Lund Recommendations and pave the way to transform the Hague and Oslo Recommendations into legally binding documents (for instance, as protocols to the FCNM). The OSCE and the CoE should actively promote ratification of the FCNM and the European Charter for Regional or Minority Languages.
- National governments should ratify all relevant international treaties, including the FCNM. They shall refrain from selective non-recognition of particular groups as minorities and denial of protection for them. Governments shall refrain from using the goals of minority protection for any kind of domestic or international political manipulations. The governments shall guarantee that the fight against terrorism and recent anti-immigration stances will not have a negative impact on minority protection and counteraction to racial discrimination.

### Roma

- Racial Segregation in Education and in Housing: Without delay end the practice of segregating Roma in the educational system in schools for the mentally handicapped; in inferior ghetto schools; and in Roma-only classes in mainstream schools. Implement comprehensive and long-term desegregation plans to ensure that Roma may fully realise their right to education. Eliminate segregation of Roma in housing and ensure access for Roma to adequate living conditions. Guarantee security of tenure to Romani occupants of houses and land, ensuring, *inter alia*, a general protection from forced evictions. Guarantee due process in line with international standards related to forced evictions and ensure that victims of forced evictions are provided with adequate alternative housing.
- Positive Action for Roma: Governments which have not yet done so should adopt and implement in full Roma-specific policies providing detailed plans and adequate funding for action aimed at remedying the currently unacceptable human rights situation of Roma in Europe. Governments of states with existing plans should ensure that implementation is thorough, and that actions thus far undertaken are effective as Roma rights policy.

*List of NGOs and National Bodies that undersign the joint statement at the OSCE conference on Racism, Xenophobia and Discrimination 4-5 September 2003 Vienna*

1. Asyl im Not, Germany
2. Board of Deputies of British Jews, United Kingdom
3. Casa Diritti e Sociali, Italy
4. Center for Interethnic Co-operation, Russia
5. Citizens' Watch, Russia
6. December 18, International NGO
7. European Council of WIZO federations
8. International League for Human Rights, International NGO
9. International Network Against Cyber Hate
10. Landelijk Ongedocumenteerden Steunpunt (Nat. Support org for undocumented people), Netherlands
11. Magenta foundation, Netherlands
12. Migrants Rights International
13. Moscow Helsinki Group, Russia
14. Movimiento Contra la Intolerancia, Spain
15. National Bureau against Racial Discrimination (LBR), Netherlands
16. National Consultative Committee on Racism and Interculturalism, Ireland
17. Never Again Association, Poland
18. Northern Ireland Council for Ethnic Minorities, N-Ireland
19. Paz y Cooperación, International NGO
20. PICUM, the Platform for International Cooperation on Undocumented Migrants
21. Public Initiative Support Center, Turkmenistan
22. Simon Wiesenthal Center Europe
23. SOVA Center for Information and Analysis, Russia
24. Tajikistan foundation, Russia
25. UNITED for Intercultural Action, European network
26. United Jewish Community of Ukraine
27. ZARA, Austria