



September 2003

External

AI Index: IOR 30/006/2003

***Summary of Amnesty International's concerns for the OSCE meeting
on Racism, Discrimination and Xenophobia, Vienna, 4 and 5
September 2003***

In Copenhagen in 1990, participating states of the OSCE made a number of commitments to condemn racial and ethnic hatred, including anti-Semitism, and to undertake effective follow-up measures to demonstrate these commitments in practice. Amnesty International welcomes the focus of this present meeting, and trusts that it will provide the basis for a long-term, sustained effort on the part of participating states – and the OSCE as an institution – to combat racial discrimination and violence across the OSCE region.

Racism is an attack on the very notion of universal human rights. It systematically denies certain people their full human rights because of their colour, race, ethnicity, descent or national origin. The right to be free from racial discrimination is a fundamental principle of human rights law – and respect for the rights to equality and freedom from discrimination are fundamental to the work of the OSCE in the security and human dimensions. Under international human rights law, states are obliged to combat discrimination in all its forms. They have a responsibility to ensure that laws and institutions of the state address the root causes and consequences of discrimination, and secure adequate remedies for those who suffer violations of their fundamental right to equal treatment.

Whether inflicted by agents of the state or by private individuals or groups in the community at large, racism is intimately linked to the subordinate or marginalized position which those targeted for discrimination hold in society. The failure to hold to account those who commit, encourage or acquiesce in racist abuse frequently exacerbates the problem and helps create a climate of impunity for those who commit such acts.

Recognizing that a number of international bodies tasked to monitor manifestations of racism and xenophobia already exist, we recommend that efforts undertaken on the part of the OSCE to combat racial discrimination and violence place a strong emphasis on implementation. One concrete suggestion in this regard would be for the OSCE to convene an ad-hoc inter-agency meeting, bringing together relevant actors at the international and national levels to review states' implementation of recommendations made by expert bodies, including the Council of Europe European Commission against Racism and Intolerance, the European Monitoring Centre on Racism and Xenophobia, the United Nations Committee on the Elimination of Racial Discrimination and other Treaty Bodies, as well as the OSCE's own institutions such as the office of the High Commissioner on National Minorities, and the Contact Point for Roma and Sinti Issues.

We believe such an initiative would usefully build on and complement what already exists and lend new impetus to efforts underway. It would also demonstrate that the OSCE can play an active and concrete role in accord with its status in combating the manifestations of racism in all its forms across the OSCE region -- manifestations that remain a stain on commitments to equality and freedom from discrimination.

This short report is not intended to be a comprehensive survey of racism in the region, but seeks instead to highlight illustrative cases and issues, including those raised by other organizations. There are many others that could have been, but are not included: in particular, Amnesty International recognizes that many people are victims of discrimination based on a combination of factors, such as race, religion, gender, sexual orientation, disability, age and economic status.

Post-11 September and the climate of intolerance

Attacks by private individuals or groups

Amnesty International, among other organizations, has long documented incidents of racism and discrimination across the OSCE region. Immediately after the attacks of 11 September 2001 in the United States of America, for example, there was an increase in reports of racist and xenophobic attacks against Muslims and people of Arab appearance throughout much of the OSCE region. The violence has included verbal abuse, physical assaults and attacks on mosques.

In the immediate aftermath of the 11 September attacks, in the **United States of America** the horror and fear triggered by the attack unleashed a wave of bigotry across the country targeted at Muslims, Asians and those of Middle Eastern appearance. In the week following the hijackings, for example, the Council on American-Islamic Relations received reports of more than 540 attacks on Arab-Americans, ranging from verbal abuse to physical assaults, many directed at school children. Mosques were attacked or vandalized in many countries in the OSCE region, including **Canada**, the **UK**, **Poland** and the **Netherlands**.¹ The European Monitoring Centre on Racism and Xenophobia noted that in **Denmark**, **Austria**, **Germany**, **Ireland** and the **Netherlands**, among others, women who wore the *hijab* (Islamic head covering) were particularly vulnerable to attacks because they were “visually identifiable” as Muslims. “The *hijab* seems to have become the primary visual identifier as a target for hatred,” the report said, “with Muslim women being routinely abused and attacked across those countries in the EU where Muslim women could be identified in this way”.²

Attacks have also continued since that initial wave in the immediate aftermath of the attack. In **Belgium** in May 2002, for example, a Moroccan immigrant couple was shot dead in Brussels, and two of their children wounded, by a Belgian neighbour known for expressing racist views. It was also reported that racist motives also played a part in the fatal shooting of a Moroccan teacher of Islamic religion in Antwerp in November 2002. In the **United Kingdom**, the home of a Muslim family was attacked on 5 July 2003 by a gang of up to 10 men, who used baseball bats and iron bars to break windows and doors of the house and reportedly screamed: “Don’t say you were not warned, we told you to get out”. The attack followed a local campaign opposing a mosque in the area, during which leaflets were distributed citing a “fear of al-Qa’ida style terrorists operating in the area”, and saying: “We are proud of our British culture, we do not need mosques, temples or Islamic terrorism here in Ulster”.

¹ See the AI report: *The backlash – human rights at risk throughout the world*, AI Index: ACT 30/027/2001.

² Summary Report on Islamophobia in the EU after 11 September 2001, European Monitoring Centre on Racism and Xenophobia, May 2002, p. 35.

In early 2002, against a background of intensified violence and human rights abuses in Israel and the Occupied Territories, including with increased attacks on civilians on both sides, Western Europe saw a wave of anti-Semitic attacks against Jews. In a joint statement in May 2002 with Human Rights Watch, Amnesty International condemned such attacks, and called on Western European governments to redouble their efforts to combat racism in all its forms and to bring to justice suspected perpetrators of hate crimes.³ The statement noted, for example, that in **France** hostility towards Jews had led to a particularly serious wave of attacks and that, between 29 March and 17 April 2002, up to 395 anti-Semitic incidents had been recorded by police. In March and April several synagogues -- in Lyon, Montpellier, Garges-les-Gonesses and Strasbourg -- were vandalized, while the synagogue in Marseille was burned to the ground. In Paris, a crowd threw stones at a vehicle transporting pupils of a Jewish school, and the vehicle's windows were broken. In **Belgium**, also in April 2002, synagogues in Brussels and Antwerp were firebombed, the façade of a synagogue in Charleroi sprayed with bullets and a Jewish bookshop and delicatessen in Brussels destroyed by fire.

States contribute to the climate of intolerance

In Europe, many of these attacks drew heavily upon pre-existent and widespread Islamophobic, xenophobic and anti-Semitic attitudes. While representatives of most governments in this region quickly condemned acts of “revenge” directed at members of Arab or Muslim communities in the immediate aftermath of the 11 September attacks, some politicians took advantage of public fears particularly to push forward their agendas and efforts to limit asylum and immigration. These policies and practices have aggravated feelings of intolerance against asylum-seekers, refugees and migrants, and allowed some to feel that their racist or intolerant views have acquired new legitimacy.

In **Spain**, for example, the authorities issued several public statements after 11 September equating stricter immigration controls with national security and the “war against terror”. In November 2002, the Defence Minister cited “massive illegal immigration” among alleged threats to national security. This has been followed by increasingly restrictive immigration and asylum policies and police harassment of Muslim and Arab communities. Since a November 2001 agreement between Greece and Turkey regarding the “reciprocal return of illegal immigrants”, the **Greek** authorities have prevented at least three ships carrying unauthorized migrants from entering Greek waters, turning them over to the Turkish authorities and effectively denying those on board the opportunity to apply for asylum. Thirty-four out of a group of 89 Afghans and Iraqi Kurds were forcibly returned by the Greek authorities in this way in December 2001, without allowing them to apply for asylum.

Anti-“terrorism” laws passed in many countries in the region also introduced changes that belied governments’ public calls for tolerance – reinforcing the perception among some that Muslims and other non-citizens are more likely than nationals to engage in acts of “terrorism” and other acts that threaten “national security”.

For example, the **United Kingdom** introduced in December 2001 the Anti-terrorism, Crime and Security Act 2001 which specifically provides for the “internment” -- indefinite detention without charge or trial -- of purportedly non-deportable aliens, i.e. non-UK nationals, on the basis of secret evidence. Amnesty International considers that this legislation, aimed exclusively at non-nationals, violates the rights to be free from discrimination, equality before the law and equal protection of the law without any discrimination.⁴

³ See AI Index: EUR 03/002/2002.

⁴ See the Amnesty International document: *UK: Memorandum to the UK Government on Part 4 of the Anti-terrorism, Crime and Security Act 2001*, AI Index: EUR 45/017/2002

In the **Russian Federation** the Anti-Extremism Law adopted in July 2002 introduced a range of severe penalties for activities considered to be “extremist”. The law defines “extremist activity” as the planning, organizing, preparation or commission of actions that may undermine the authority of the state or its institutions, or to be politically motivated or motivated by racial, social, national or religious intolerance. Several non-governmental human rights organizations (NGOs) have expressed concern that the law is dangerously broad and the wording of the law so vague that it can be used to restrict almost any anti-government protest or activity -- including non-violent activities of human rights and other public organizations. One month prior to the introduction of the law, a non-governmental organization called *Shkola Mira* (School of Peace) based in Krasnodar Territory reported that local officials had threatened them with prosecution under the forthcoming law for their “one-sided” activities in promoting the rights of the predominantly Muslim Meskhetian minority in the region. Local officials have continued to target the organization for their human rights work in support of minority groups, with a hearing on the enforcement of a closure notice due to be heard on 15 September 2003.

In the **United States of America**, more than 1,200 non-US nationals -- mainly Muslim men from Middle Eastern or South Asian countries -- were taken into custody in sweeps for possible suspects after the 11 September attacks. Hundreds were held in Immigration and Naturalization Service (INS) detention, often in harsh conditions and without prompt access to lawyers or relatives. An "interim rule" introduced shortly after 11 September allowed the Immigration and Naturalization Service to hold people for up to 48 hours without charge or for a further undefined period "in an emergency, or in other extraordinary circumstances". Amnesty International examined documents showing that scores of people arrested in the wake of 11 September were held for more than 48 hours - 36 were held for a month or more and several up to 50 days - before being deported and/or charged with a violation.⁵ Most of those detained were held for minor visa violations, and human rights groups have expressed concern that race or religion may have been used as a proxy for criminal suspicion. The sweeping nature of the initial detentions and delays in releasing those against whom there was no evidence of criminal activity has been recently criticized by the Office of Inspector General, a government watchdog agency.

The ongoing climate of racism and discrimination

Racism in the administration of justice

As noted above, such concerns post-11 September have their roots in a pre-existing climate of racism and intolerance in many parts of the region and in many parts of society – discrimination which all too frequently can be reflected in the attitudes of those in power and those in law enforcement.

Discrimination in law and the administration of justice has dire consequences for the victims of racism. It creates a climate in which both police and members of the public feel that they can get away with racist crimes, and in which racial and other minorities feel unprotected by the state and are left vulnerable to attack. Racism can pave the way for other human rights abuses such as torture and ill-treatment. Those vilified by nationalist public figures as “the enemy” or as less than human are seen as legitimate targets for human rights abuses simply because of their national, ethnic or religious identity.

Regrettably, Amnesty International continues to receive regular reports from across the region that racism forms a backdrop to human rights abuses by law enforcement officials -- from verbal abuse, to torture and even the death penalty.

⁵ See the Amnesty International document *United States of America: Amnesty International's concerns regarding post September 11 detentions in the USA*, AI Index: AMR 51/044/2002.

Amnesty International has continued to receive reports, for example, of race-related ill-treatment by police officers in **Portugal**. There have also been numerous allegations of racial abuse by police in that country. On 1 October 2002, for example, Carlos Moreira, a 15-year-old Portuguese national of Cape Verdean origin, was reportedly ill-treated while being taken into custody, and while held at a police station near Lisbon, where he had been taken after trying to quell an argument at the gates of his school. At the police station he was reportedly slapped in the face, kicked and subjected to verbal, including racist, abuse. He and his mother were both said to have been subjected to further verbal racial abuse later that day when they returned to the police station. Two days later they went to a different police station to lodge a complaint. However, his mother was not sure of its accuracy as the police officer who wrote it down refused to read it aloud to her (which she had asked him to do, as she cannot read Portuguese).

In **Italy** a criminal investigation is underway into allegations that 17 young men from North Africa, who carried out an unsuccessful escape attempt from the Regina Pacis temporary holding centre for aliens (Lecce) in November 2002, were subjected to physical assault and verbal abuse directed in particular at their religious beliefs by the centre's director, together with several members of the centre's administration and 11 carabinieri (providing the centre's security service). Two doctors attached to the centre are also under investigation for falsifying relevant medical records.

Amnesty International has also received allegations over a number of years that police officers at Zurich airport in **Switzerland** have ill-treated and racially abused asylum-seekers. In a report issued in March 2002, following a 2001 visit to Switzerland, the Council of Europe's Committee for the Prevention of Torture said it had also gathered allegations of racist abuse, threats and ill-treatment involving police at the airport, usually aimed at persuading foreign nationals to accept voluntary repatriation or not to lodge an asylum application. Also in March that year, the UN Committee on the Elimination of Racial Discrimination welcomed the progress made by Switzerland but said: "The persistence of hostile attitudes towards black people, Muslims and asylum-seekers" was of "utmost concern".

In a major report issued last year on **Spain**, Amnesty International referred to over 100 cases illustrating a number of race-related concerns, including 'racial profiling' – unfair treatment by police officers, including stops and searches, on the basis of race or ethnic origin – deaths in custody, rape or sexual assault of women in custody, arbitrary detention, the expulsion and ill-treatment of unaccompanied Moroccan children, ill-treatment during forcible or mass expulsions, the failure of the police to protect against racist violence, and the issue of impunity.⁶

In a similar report on **Greece**, issued jointly with the International Helsinki Federation for Human Rights (IHF), Amnesty International and IHF confirmed observations by intergovernmental organizations and other non-governmental organizations (NGOs) that Roma and immigrants have been particularly at risk of abuses at the hands of law enforcement officials. The pattern is sufficiently clear to leave little room for doubt that xenophobia and racial profiling have played a part in the human rights violations suffered by members of these groups, whose complaints have sometimes included specific allegations of racist verbal abuse by police officers. The marginalized and insecure status of many members of these groups, as well as financial constraints and language obstacles, ensure that few

⁶ See the Amnesty International document *Spain: Crisis of Identity. Race-related torture and ill-treatment by state agents*, AI Index: EUR 41/001/2002.

victims file formal complaints. Those who do lodge complaints have usually done so only with the support of NGOs working with these groups.⁷

Police ill-treatment and verbal abuse of Roma also continues to be widely reported in a number of other countries, including **Hungary**, the **Czech Republic**, **Macedonia** and **Moldova**.⁸ On 3 September 2002, for example, around 40 masked police officers went to a Romani community in Vulcanesti, 60 kilometres northwest of the Moldovan capital of Chisinau, where they searched the houses and reportedly indiscriminately beat men, women and children and damaged their property. One woman reported how some 15 masked officers searched her house, refusing to show a search warrant and deliberately causing damage to property in the courtyard, including two vehicles which belonged to her guests. She also described being punched in the head and subjected to racial insults.

Such reports of police ill-treatment and abuse of Roma have caused concern not only to Amnesty International and its partner organizations, including locally, but also to international bodies including those within the United Nations system. In its Concluding Observations on **Italy** issued in March this year, for example, the (UN) Committee on the Rights of the Child expressed deep concern about the alleged ill-treatment of children by law enforcement officers, and in particular its prevalence with regard to foreign and Roma children.⁹ In August in its Concluding Observations on **Slovakia** the Human Rights Committee expressed concern about “the persistent allegations of police harassment and ill-treatment during police investigations, particularly of the Roma minority, which the delegation described as resulting from psychological failure to handle the situation rather than to problems with legislation or police incompetence”.¹⁰

Amnesty International has also continued to highlight the role of race in the application of the death penalty in the **United States of America**. This year the USA was set to carry out its 300th execution of an African American prisoner since resuming judicial killings in 1977. African Americans are disproportionately represented among people condemned to death in the USA. While they make up 12 per cent of the national population, they account for more than 40 per cent of the country’s current death row inmates, and one in three of those executed since 1977. Blacks and whites have been the victims in almost equal numbers of the half a million murders in the USA since 1977, and yet 80 per cent of the people executed since that time were convicted of murders involving white people. At least one in five of the African Americans executed since 1977 had been convicted by an all-white jury, in cases which displayed a pattern of prosecutors dismissing prospective black jurors during jury selection. In general, courts and legislatures in the USA have failed to act decisively in the face of evidence that race has an impact on capital sentencing.¹¹

Failure to prevent and prosecute

The failure to prevent and prosecute instances of racist intimidation can leave minority communities at increased risk of violent attacks by giving the signal that racism will be tolerated.

⁷ See the joint Amnesty International/International Helsinki Federation report *Greece: In the shadow of impunity – Ill-treatment and the misuse of firearms*, AI Index: EUR 25/022/2002.

⁸ See for example the Amnesty International document *Concerns in Europe and Central Asia July – December 2002*, AI Index: EUR 01/002/2003.

⁹ UN doc. CRC/C/15/Add.198, issued in March 2003.

¹⁰ UN doc. CCPR/CO/78/SVK, issued 5 August 2003.

¹¹ See the AI report: *United States of America: Death by discrimination – the continuing role of race in capital cases*, AI Index: AMR 51/046/2003.

In the **Russian Federation**, for example, police failed to take action against those responsible for repeated attacks and damage to a synagogue under reconstruction in Tiumen in Siberia. A group calling themselves the “Tiumen Aryan Skinheads” claimed responsibility on its website for at least one of those attacks in October 2001, making explicitly anti-Semitic statements and threatening to burn the synagogue down. The website was eventually closed down, but no one was charged in relation to the attacks, which the authorities remained reluctant to classify as racist, considering them instead “young people’s hooliganism”. Finally, the attacks on property turned to attacks on the person. In May 2002, three young men emerging from the synagogue were attacked by a group of skinheads, who racially insulted them.¹² In March this year the UN Committee on the Elimination of Racial Discrimination echoed concerns, some of which Amnesty International had raised with the **Polish** authorities, when it urged that Poland intensify its efforts to combat and punish cases in which the law enforcement authorities have failed properly to investigate reports of racially motivated harassment and discrimination against Jews, Roma and persons of African and Asian origin.¹³

Attacks against minorities and against minority property continued in **Kosovo** which remains under administration of the UN Mission in Kosovo. In June 2003, for example, a Serb family, 80-year-old Slobodan Stolić, his 78-year-old wife Radmila and 55-year-old son Ljubinko, were brutally murdered in Obilić/Obiliq and their house burnt in what was seen as a racist attack to intimidate remaining Serbs into leaving the area, and similarly in August two Serbs aged 11 and 19, were murdered and five more injured in a gun-attack on a group of swimmers in Goraždevac/Gorazhdec. In June KFOR, the international force in Kosovo, announced that the security situation in Uroševac/Ferizaj had deteriorated with arson attacks on minority properties and an explosion in the yard of an Orthodox church.¹⁴

Discriminatory access to economic and social rights

Institutionalized racism can also blight lives in other ways, including through denial of or discriminatory access to economic, social and cultural rights such as those to education, health and housing.

Speaking on **Portugal**, for example, the (UN) Human Rights Committee noted its concern in July this year that, “despite extensive positive measures adopted by the State party, the Roma continue to suffer from prejudice and discrimination, particularly with regard to access to housing, employment and social services, and that the State party was unable to submit detailed information, including statistical information, on the situation of these communities as well as on the results achieved by the institutions responsible the advancement and welfare of the Roma.”¹⁵

Widespread discrimination has continued against Roma in **Serbia and Montenegro**. Some 30,000 to 40,000 Roma live in unhygienic settlements with few or no services in Belgrade alone. Roma continue to suffer disproportionately from unemployment, and there have been frequent attacks on Roma by racist groups with little apparent protection afforded by the authorities. The majority of Roma who fled Kosovo after July 1999 have continued to face severe problems, exacerbated by difficulties in obtaining registration. Some officials have reportedly refused to issue identity cards to people who had the necessary documentation. Roma without adequate documentation or evidence of citizenship have routinely been denied

¹² See the AI report: *Dokumenty! Discrimination on grounds of race in the Russian Federation*, AI Index: EUR 46/001/2003, March 2003.

¹³ UN doc. CERD/C/62/CO/6, issued 21 March 2003.

¹⁴ See *Serbia and Montenegro (Kosovo/Kosova): Amnesty International’s concerns for the human rights of minorities in Kosovo/Kosova*, AI Index: EUR 70/010/2003.

¹⁵ UN doc. CCPR/CO/78/PRT, issued on 5 July 2003.

access to health and social welfare, and children have been discriminated against in the provision of education.

In **Bosnia-Herzegovina** concerns about the sustainability of minority returns have persisted, especially in view of persistent discrimination in access to social and economic rights – in particular access to employment, education and health care – which has acted as a barrier against the return and reintegration of minorities. In **Croatia** members of minorities, in particular the Roma community, have also continued to be disproportionately affected by lack of access to social and economic rights, including the right to employment, education, health and social services. Segregation of Romani children in the Medijmurje County continued, and there have been frequent reports that Roma were denied adequate health care by hospitals or emergency services, or were refused copies of medical documentation, including in cases where they had sought medical help after having been subjected to violent attacks or police violence. Minorities in **Kosovo** have also faced discrimination in access to employment, medical care and education.

In **Armenia** the Yezedi community has frequently reported a range of issues of concern relating to the authorities and the majority society, including discrimination in access to economic and social rights. In its report released in July this year, for example, the European Commission against Racism and Intolerance (ECRI) reports that the community's representatives: "cite numerous incidents of unfair adjudication of land, water and grazing disputes, and have recently complained of unfair procedures concerning the privatization of agricultural land, which has meant that Yezedi communities have lost the right to use their traditional pastures".¹⁶ In its report on **Azerbaijan**, also issued this year, ECRI reports that although there are instances of public figures making positive statements with regard to Armenians, members of this minority are reported to have experienced discrimination in different fields, including employment and the exercise of property rights, with one of the main problems remaining the seizure of their apartments. Armenians are also reported to have suffered from harassment at schools and at the workplace and to have been refused pensions or renewal of permits to live in Baku by local government authorities.¹⁷ In the **Russian Federation** racist application of citizenship laws means that the members of the mainly Muslim Meskhetian population living in the Krasnodar Territory are effectively in a situation of "statelessness," which expresses itself among other things in denial of access to pensions, child benefits and higher education. They also cannot officially register houses or vehicle purchases, marriages or deaths.¹⁸

Amnesty International is also seeking further information on allegations of forcible sterilization of Romani women in **Slovakia**, including reports that the investigation into these allegations appeared not to be independent, comprehensive or impartial.

Intolerance of difference

Across the region discrimination manifests itself in various forms and across identities, including intolerance of a religious identity which differs from that espoused by the majority or prescribed by the state.

In **Georgia**, for example, radical supporters of the Orthodox Church have attacked minority faiths, such as the Jehovah's Witnesses and the Baptists. In the majority of cases, police officers have reportedly failed to take action to protect the victims of such attacks, and in

¹⁶ ECRI report on Armenia, CRI (2003) 36, adopted on 13 December 2002 and issued on 8 July 2003.

¹⁷ ECRI report on Azerbaijan, CRI (2003) 3, adopted on 28 June 2002 and issued on 15 April 2003.

¹⁸ See the AI report: *Dokumenty! Discrimination on grounds of race in the Russian Federation*, AI Index: EUR 46/001/2003, March 2003.

some cases have allegedly taken part in the violence themselves. The authorities in **Uzbekistan** have used the ‘war on terror’ to justify a continuing clampdown on religious as well as political dissent, and **Turkmenistan** and **Armenia** remain countries in the OSCE region which imprison young men whose religious beliefs preclude them from carrying out compulsory military service.¹⁹

¹⁹ See *Amnesty International Report 2003*, AI Index: POL 10/003/2003 for references in this paragraph.