

Fighting Discriminations Against Minorities in Europe

**Newsletter no. 2
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On Sunday, April 24th 2002, France has known the most terrifying evening of its afterwar story: the Extreme Right wing, through its representative, Jean Marie Le Pen, has reached the second turn of the Presidential elections.

No party, no media, no Organisation, rightist or leftist, has doubted that the most xenophobic and racist party would reach 20% votes, in other terms nearly 6 million French electors!

France, the country of the Universal Declaration of Human Rights of 1789, which gives lessons to Austria and Italy for the choice of their extremist leaders, has come to the conclusion that it is as fragile in front of the current drastic international and economic situation as elsewhere.

However, what must be stressed up is the greatest upheaval in the streets of the young generation. Indeed, nearly 100.000 people (mostly 16-30 years old) keep on going out spontaneously to demonstrate against the xenophobic and extremist leader of the Front National and call the citizens to vote for Jacques Chirac (the opponent) in the second turn, even though they dont agree with his campaign and policy.

This great revival of the citizens feeling of solidarity and denial of the xenophobic ideas is a very good lesson for the European countries who underestimate the strength of the nationalist parties.

Hence, it is time that European citizens be very careful and take their responsibilities to decide who their leaders should be. Many dont realize the chance and the power of their vote when elections are still democratically observed.

This is also an important example of fight for minorities to be actors of their political life.

Actually, this second number of our Newsletter on "Fighting discriminations against minorities in Europe", has the vocation to present some of these strategies of "fight", on different levels (no only political but also cultural, social or educational).

Moreover, some of the following articles will show again the dramatic conditions of minorities which are far from being resolved.

Hence, whether it takes the shape of demonstrations, lobbys, right of vote, multilateral projects, or official symbolic Days, etc., we should not forget that all strategies of fight are useful and important to share together.
Rachida Toudert (France)

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Bosnia-Herzegovina:
[Xenophobia in Post-war Society of Bosnia and Herzegovina](#)

Although it could be assessed that certain things have changed for the better in Bosnia and Herzegovina since 1996, that freedom of movement is now almost completely established, that the return process is now significantly improved,

that there are more and more good examples of tolerance and assistance in interethnic relations in the country, division, prejudice, intolerance, discrimination, social exclusion are still very dominant in the society. Special situation in Bosnia and Herzegovina is even more emphasised with the role the international community has in Bosnia and Herzegovina. Presence of international military component SFOR, international agencies like UN, OSCE, UNHCR, IPTF, many international governmental and non-governmental organisations and their personnel from different countries make the situation in this respect even more interesting. Namely besides the citizens of Bosnia and Herzegovina, who have somehow become "strange" in the eyes of their neighbours, we have many foreign citizens who work in Bosnia and Herzegovina in international community, but we have as well many foreign citizens, who are trying to build their lives in Bosnia and Herzegovina, immigrants from China for example, as well as victims of trafficking with human beings women from Ukraine, Romania, Moldavia who are forced to prostitution in Bosnia and Herzegovina and other countries of former Yugoslavia, and people from Iran, Turkey or Iraq, Kurds who are trying to get to the Western Europe through Bosnia and Herzegovina. One should not forget several hundred immigrants in Bosnia and Herzegovina from Arabic or some other countries sometimes referred to as "mujahedins". They obtained Bosnian citizenship during the war and at the moment, their situation is not very clear, especially in view of recent terrorist attacks on United States and reactions afterwards. In general, it is important to underline that citizens of Bosnia and Herzegovina, as a rule, are not xenophobic, though not at all immune to such attitudes. The best example is the traditional attitude towards Roma people, as well as attitude towards homosexuals and other categories "different" or "strange" to the traditional environment.

Though, the situation in the country generally improved, and that at the national level and in the Federation the ruling coalition is Alliance for Changes headed by multiethnic Social Democratic Party, the fact is that in the Republic of Srpska, as well as in Western Herzegovina, parties like Serb Democratic Party (SDS) and Croatian Democratic Union (HDZ) are still in power and still very strongly influence the atmosphere of distrust and separation between the citizens of Bosnia and Herzegovina. There are also smaller parties that are even more right wing oriented and in such parties usually xenophobic views are expressed the most. The fact is that parties like SDS, HDZ, SDA (Party of Democratic Action) were rather national movements than political parties speak for itself. The process of differentiation in the parties is ongoing at the moment.

In these parts of the country the media still play significant role in shaping xenophobic atmosphere, though thanks to the international community activity through Independent Media Commission, now Communication Regulatory Agency stopped broadcasting of many of such stations, forming at the same time joint Public Broadcasting Service for the whole country, but this station still does not broadcast news for the whole country. Still, there are at least three different truths depending from the part of the country one lives in. The last example of classical xenophobic behaviour in media was the case of publishing the photo from the hospital of UN official who happens to be African in daily newspapers in Sarajevo, with the story that he has malaria and that he could cause the epidemic

of the disease. The whole story was officially denied, since he did not suffer from malaria at all, it was just a common flu.

The experience in Bosnia and Herzegovina, in particular 4 years of terrible war and killing, clearly shows that the socialistic (communistic) ideology was, in very significant extent, replaced with the extreme nationalistic ideology, with emphasis on own values, traditions, history resulting in increase of distrust and even paranoia statements like "everybody is against us in the world, it is a conspiracy against our people" and similar.

The role of religious communities is traditionally strong in Bosnia and Herzegovina. Mutual understanding and co-operation that, as it seemed, existed before between the three largest denominations Roman Catholic Church, Serb Orthodox Church and Islamic Community is now replaced with in general cold relations, and even open hostile attitudes and decisions like for example constructing of the Orthodox church (case in Zvornik) on the foundations of the mosque demolished on purpose during the war. Reports on incidents in Banja Luka and Trebinje (stoning of Muslims (one of whom was killed) who came for the ceremonies of laying cornerstones for demolished mosques in these towns) were published and showed what hatred and fear could do, causing a lot of fear and counter-reactions in other places, even in Tuzla, which traditionally cherished tolerant and good relations between different ethnicities and religions (several tombstones were damaged in the Orthodox graveyard after the incidents in Banja Luka). The role of religion in the whole region of the Balkans is very significant for future situation. Tolerant and peaceful tones that exist should be encouraged as much as possible.

The citizens of Bosnia and Herzegovina who have only passport of Bosnia and Herzegovina are faced with the problem of not being able to travel without visa almost anywhere in the world. The delays of accepting Bosnia and Herzegovina into the Council of Europe and constant introduction of visa regime with not only Schengen and European Union countries, but also countries in the neighbourhood, shows the attitude of these governments regarding Bosnia and Herzegovina and its citizens, particularly citizens who do not have another passport (many citizens have passports of Croatia and FR Yugoslavia as well). The fact that Bosnia and Herzegovina has now adopted the Election Law, as one of the conditions for membership in the Council of Europe, and that there have been certain improvements of the situation gives hope that this attitude will be changed and that Bosnians will not remain closed in the ghetto, in the middle of Europe.

As it is known, the efforts of combating nationalism, intolerance, separation, xenophobia are ongoing. In this context there is a variety of factors participating in such activities. The international community represented by many organisations, as well as by the High Representative of international community makes efforts to assist in the reconstruction of Bosnia and Herzegovina, redesigned in Dayton. In general there are some results, but in many aspects there is a lack of co-ordination between these international factors among them, as well as with the national factors where the most prominent role is played by the non-governmental organisations, that have different programs in peace building, tolerance and non-violence strategies, conflict resolution, reconciliation initiatives. It is necessary to co-ordinate and improve all these efforts in order to achieve results in fighting prejudice, intolerance, xenophobia, nationalism and

social exclusion (in particular of the minority returnees) and create democratic, multicultural and tolerant society as Bosnia and Herzegovina was through the centuries. The fact that war-crime suspects, at least most known ones like Karadzic and Mladic, are still free and influence politics needs to be mentioned in the overall situation.

Human Rights Office Tuzla is working on different projects and in different networks in Bosnia and Herzegovina including both entities and wider region of Southeastern Europe, since all the countries in this region have more or less similar traditions and customs bearing in mind the socialist one-party system, most of them had for 45 years or more. Therefore, it is of utmost importance to work together on a regional basis in combating xenophobia and all related phenomena present in Europe and to exchange ideas and offer assistance to each other in the whole world. In this respect it is important to monitor the situation and also to react promptly in all cases of discrimination on a permanent basis. Only together in big network of those who oppose all kinds of discrimination, we would be able to make this part of Europe more tolerable and democratic.

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Europe:

[Background document The EU Policy on Migration and Asylum](#)

The Treaty establishing the European Economic Community in 1957 introduced for the first time the free movement of workers within the Community. The Single Act of 1986 set up the creation of a single internal market based on the free movement of goods, capital, services and persons. However, in order to effectively abolish internal border controls, it was also necessary to agree on common measures on visa, migration and asylum. The first development in this field took place outside the framework of the European Community.

It was with the entry into force of the Treaty of Amsterdam in 1999 that the policies on migration, asylum and free movement of persons were integrated in the European Community section of the EU Treaty.

These policies are now combined with the provisions for the removal of internal borders and separated from the provisions on police and judicial cooperation on criminal matters.

The new amended Title IV (Articles 62 and 63) of the Treaty establishing the European Community specifies the following objectives for the next five years:

- *Standards and procedures for checks on persons crossing the EU's external borders;
- *Rules on visas for stays longer than three months, including a single list of countries whose citizens require visas to visit the EU;
- *Conditions under which third country nationals shall have the freedom to travel in the EU for up to three months;
- *Standards and procedures for granting and withdrawing asylum and refugee status, including minimum standards for the reception of asylum

seekers and refugees; *Minimum standards for the temporary protection of displaced persons (de facto refugees rather than asylum-seekers); *Measure on immigration policy, including common conditions of entry and residence and common rules on illegal immigration and repatriation; *Measures defining the rights and conditions under which third-country nationals can work and reside anywhere in the EU.

Policies are still adopted through intergovernmental procedures, as the Council must agree by unanimity, and any government can initiate a policy proposal. However, the Commission shares the right of initiative with the Council, and the Council can adopt legally binding and directly effective directives or regulations. Decision-making is also more transparent, as the European Parliament must be consulted. The European Court of Justice has jurisdiction over these areas, but only if all national legal remedies have been exhausted (which places a financial burden on individuals who wish to pursue cases under these provisions at the European level). And, in most areas there is a five-year deadline, after which the Council shall decide by unanimity whether policies can be adopted by qualified majority voting and the codecision procedure. Finally, if one or more member states faces a migration emergency, the Council can adopt temporary immigration and refugee policies through qualified-majority voting.

The European Council held in Tampere in 1999 provided the political guidelines on the creation of an area of freedom, security and justice in the EU. The Tampere conclusions focused on the partnership with countries of origin, the fair treatment of third country nationals and the management of migration flows. As one of the working method, the Commission was asked to keep track of the proposals and achievements in migration and asylum in a "scoreboard" updated every six months.

The Conclusions of Tampere reaffirmed the importance of the right to seek asylum according to the Geneva Convention of 1951 and of the principle of non-refoulement. A Common European Asylum System should lead towards a common asylum procedure and a uniform status valid throughout the European Union.

The objectives in the short term should be the determination of the State responsible for the examination of an asylum application, common standards for an asylum procedure, common minimum conditions of reception for asylum seekers, the approximation of rules on the recognition and content of refugee status, and complementary measures on subsidiary forms of protection.

The last Commissions initiative to set up a "Common European Asylum System » has been recently presented (on common definition of refugee and a common standard of refugee rights). According to the Commissioner, the ball is now in the court of the Member States.

Asylum and migration in the context of enlargement:

The accession negotiations that are taking place between EU and Countries of Central and Eastern Europe are sources of many difficulties when it comes to asylum and migration issues. If these issues are not addressed at a political level there is a serious risk of alienation of public opinions both in the EU and outside the EU. Should candidate countries obtain freedom of movement of workers immediately after their accession? Is the tightening of border control (i.e. restrictive visa policy) between accession countries and countries like Ukraine,

Belarus, Moldova, Russia compatible with security principles (good neighborhood, interregional development)?

The repeated attack on the asylum principle:

The building of the Fortress Europe has seriously undermined the international obligations towards asylum seekers. Refugees are prevented in all possible ways to reach the EU (safe third country, readmission agreement, carriers liability). In Europe they are often criminalized, put in detention centers and rushed into accelerated asylum procedure. This approach needs to be challenged at the highest level to bring more consistency with the fundamental rights that bind the EU and to safeguard the state of law.

Beyond the zero immigration policy:

Finally the European Commission and some Member States start to admit the need to go beyond the unsustainable immigration zero policy. Italy for instance has introduced a system of new entry quotas for non-EU citizens (63,000 work permits has been set for the year 2000). Debate is now taking place in Germany. However progressive this policy may appear it is important to be extremely careful. What statute will be given to these migrants? Will they just temporarily fill the gap and then be sent home? Which rights will they be given? Will it include family reunification? Which profile will these migrants have: highly educated or low skilled? What about the regularisation of undocumented migrants already working in Europe?

Integration of migrants: Fighting discrimination and the access to citizens rights:

The Article 13 of the Amsterdam Treaty providing that EU institutions may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation has open the way for the adoption of directives combating racism.

However the fact that the discrimination on the base of nationality is deliberately not addressed under this article means that discrimination that affects non EU nationals are not tackled i.e. right to vote, access to profession reserved to nationals, right not to be sanctioned twice for the same offense (i.e. in France non EU nationals can in addition of having served their prison term be expelled). This opens the debate on the modalities of the accession to citizens rights. Is naturalization the only way? What about a citizenship of residence?

Find the list of the most important initiatives in the field of migration and asylum at the European level, as well as the full report from which this article is extracted:

[EU policy on migration](#)

[Le droit d'asile memoire](#)

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Italy:

[New association on "Peace-makers for the local governance"](#)

Iris Borelli has funded a new Organisation to carry out training and education activities about human rights and democratic policies, directed to the institutional operators.

She would also like to promote the aims and activities of the new association up to the European level.

Iris Borelli Now carries out the following activities through this new association and the AICCRE (European Association of Region and Municipalities), promoting partnership and twinings for the European democracy, for the human rights and the protection of minorities.

These Training courses and researches are aimed to the institutional operators (justice, police, school, local authorities and administrators) as well as citizenship associations.

The subjects are:

- laws, rules and conventions about human rights, immigration, asylum, minorities protection, the rights of the minors and their protection;
- anthropological and social approach of the multicultural societies;
- analysis about coherence among the European directives, the international conventions and the national laws (also of other countries than Italy);
- the social exclusion issues and the administrative procedures for the application of laws and the respect of human rights;
- the active comparison among the operators of different insitutions, about the modalities to fight the social exclusion phenomenas;
- the promotion of local, transregional, transnational partnership among different institutions and citizenship, to promote democracy and governance policies.

Prepared by Iris Borelli

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Hungary:

[Music for a better intercultural understanding: Khanci Dos \(No problem\) Gipsy music from Budapest](#)

The band has been formed in 1987 at Nagyecsed (North Eastern Hungary) actually having more than 10 years long history. At the beginning, we interpreted the songs of the local Roma/Gipsy community. Two of our tapes are already published at Cebus Kft.

The band was awarded twice on folk-music festival. We personally are representing the culture of the three main Romani groups living in Hungary the so-called Romungro, the Vlach Romas and Boyash Romas.

Our main goal is to create the base of an intercultural and multicultural society between the Roma and the majority people, to give a good example for anyone

how we can increase the mutual understanding and reduce the prejudices through a very specific language which is ... the MUSIC.

We play Hungarian, Russian, Romanian, Balkan and Greek Romani musics. The band would like to distribute this treasure in all around the world. If your organisation organizes a festival, please invite us, we will come with pleasure.

If you have an acquaintance who may be interested in this topic, please contact Valeria Bodoczky from Hungary (valeriabodoczky@hotmail.com)

Hungary:

[Hungary's Roma challenge stereotypes on the air](#)

The Roma radio station won a rare license. It fosters pride in a culture hurt by racism and discrimination.

The hallmark rhythms of Gypsy folk music waft in the background as two employees at one of Europe's most innovative radio stations take their seats on metal folding chairs in a closet-like, dimly lit recording studio. It's the top of the hour, and time for another news broadcast.

In a ramshackle apartment block in one of the poorest districts of the Hungarian capital, Budapest, a dedicated corps is broadcasting not only to inform, but uplift one of Europe's most disadvantaged ethnic groups: the Roma, or Gypsies.

Radio C is one of the first independent Roma radio stations to hit the airwaves in Central and Eastern Europe, where an estimated 10 million Roma live. The "c" stands for copyright, to underscore its trailblazing status.

After an anxious 30-day trial period, Radio C was awarded a much coveted seven-year license last week by the Hungarian national television and radio board, beating out several other would-be broadcasters.

The hope is to bring about the Roma's "emancipation", according to station manager Gyoergy Kerenyi. The struggle to get Radio C on the air dates back to before the fall of Communist rule in 1989.

The former Communist system provided few opportunities, mainly factory work. These jobs, in outdated industries, vanished following the collapse of Communist rule. As elsewhere across the region, Hungary's Roma still face widespread discrimination in employment, education, and social services, according to a report by the European Commission Against Racism and Intolerance.

In February, a US State Department report singled out Hungary for acute police brutality toward Roma and other dark-skinned ethnic groups. Here and elsewhere, Roma face ingrained stereotypes as petty criminals, beggars, or indolent slackers content to live on welfare benefits.

In some ways, race relations between Hungarians and the Roma community have worsened since the collapse of Communism, says Jaroka. "People have the freedom now, to say, 'You dirty Gypsy' to your face, and nothing happens." Claude Cahn of the Budapest-based European Roma Rights Center contends a rise in the number of Hungarian Roma seeking asylum in the West, prompted the government to grant Radio C its broadcast license. While he welcomes the station as a positive step, he says Hungary still has far to go in addressing the deeper problems facing its Roma population. "When we talk about the rights

situation here, we're actually talking about police abuse, segregation in the fields of education... lack of adequate housing, lack of access to social services, and healthcare. The whole range of just fundamental rights that are violated in a discriminatory pattern against Roma in Hungary."

Radio C is not designed as a direct counter to racism. "The predominant aim of Romani radio is to broadcast for the Roma, not to change the prejudices of the majority society, nor to meet the expectations of the prevailing white intellectuals," station founders wrote in their manifesto.

But it can provide a more positive, broader view of Roma culture and interests. Although broadcasts have only been going out for a month, Jaroka says, the station is already having a noticeable effect. "The whole image of being a Roma has changed. People dare to declare themselves Gypsies," she says.

The program format includes a range of Roma music, from traditional folk to rap. It has something of an open-mike policy, with Roma musicians literally coming in off the street for impromptu performances. There are also informative programs, including talks shows on key social issues such as unemployment, race relations, and Roma history. And there are more mainstream programs, such as a show on cars and another, aimed at teenage girls, that offer fashion tips and dating advice. The station has received e-mail from thousands of fans, many in verse. "We've got five phone lines now to handle all the response we're getting," boasts Jaroka. She adds, however, that hate mail is also coming in.

Even before Radio C went on the air, Hungarian state radio and television broadcast one hour of Roma programming a week. But Cahn says most of this coverage only reinforces stereotypes. "There's lots of coverage of Roma as musicians, not a lot on successful Roma business leaders," he says.

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Latvia:

[Are minorities in danger?](#)

The education Law: a "sacred cow":

On January 10, the President Vaira Vike-Freiberga held a meeting with the Minister for Education and Science Karlis Greishkalns. The aim of the meeting was to discuss readiness of the secondary schools with instruction in minority languages (mostly Russian) for transition to Latvian as a sole language of instruction scheduled by law in 2004. After the meeting, the Minister Greishkalns declared: both officials decided that the reform must be carried out. The President will visit the Russian-language schools to follow the progress of the reform.

Some days before this meeting, NGO LASHOR (Association for Support of the RussianLanguage Schools in Latvia, <http://www.lashor.lv>) sent a letter to the President, asking to take into account the opinion of national minorities expressed at the Second Parents' conference "To learn in mother tongue" (see Minority issues in Latvia, No. 40, <http://raccoon.riga.lv/minelres/archive//12102001-09:16:25-11465.html>).

In December, the mayor of Ventspils (one of the biggest and richest cities in Latvia), Aivars Lembergs also expressed his negative attitude towards the forced transition to secondary education in the state language only (the newspaper "Chas" ("The Hour"), January 9, http://www.chas-daily.com/win/2002/01/09/l_039.html .

The President did not get acquainted with the LASHOR's letter before the meeting with the Minister for Education. However, she pointed out that "there are no reasons to repudiate the reform scheduled for 2004, and they are not surmised to appear either" (the newspaper "Telegraf" ("The Telegraph"), January 11, <http://rus.delfi.lv/news/daily/telegraf/article.php?id=2455160> "It is already written in the law, and now it is not the question under debate", the President said (the TV program "Panorama", January 10, <http://www.latnet.lv/onlinetv/tv1/index.php?id=856697>).

Our commentary:

Although even officials of the Ministry of Education acknowledge that problems with the transition to Latvian as a sole language of instruction in minority secondary schools do exist, the top political leaders deny their existence out of purely political considerations.

However, both the President of State and other officials consistently avoid discussion of a much more serious issue: whether the transition is necessary at all, whether it corresponds to international standards and obligations undertaken by Latvia. Active and growing protests of minority NGOs and political parties, clearly expressed dissatisfaction of absolute majority of the persons belonging to minorities who assert their right to learn in mothertongue, are ignored.

This situation confirms our previous conclusion: one can hardly expect the President of state to suggest liberalization in the main areas of concern for Latvia's minorities. Envisaged elimination of state-supported secondary education remains the main conflict-provoking factor in Latvia, and if the situation does not change after the 2002 parliamentary elections, growing tensions could be expected.

Riga's ex-mayor insults Russians:

On January 10, MP Andrey Klementyev (the pro-minority faction "For Human Rights in United Latvia") asked the General Prosecutor to take a legal action against Andris Argalis, member of the Riga City Council, ex-mayor of Riga and ex-member of the radical nationalistic party "For Fatherland and Freedom".

In Mr Klementyev's view, Mr Argalis' interview published in the magazine "Rigas laiks" ("Riga's Time") December issue, contains russophobic statements to be prosecuted under Latvia's Criminal Law for defamation. In the interview, Mr Argalis told, "While a Russian is created for thievery and laziness genetically, a Latvian is absolutely cowardly thief... Not qualitative, he has big problems". Mr Klementyev assumed this statement to be an insult for both Russian and Latvian people, as well as a personal insult for him, being ethnic Russian. In response, Mr Argalis claimed that he just quoted Russian literature classic Leo Tolstoy and Lenin speaking about their nation.

Our commentary:

We believe that Mr Argalis's statement was rather an awkward joke. However, it well illustrates the lack of the tradition of political correctness when speaking about minorities in Latvia. Not only marginal nationalists but also prominent mainstream politicians used to afford dubious wording which can be perceived as insult, sometimes dangerously close to hate-speech, when mentioning Russians, Roma or Jews.

Mr Klementyev's application is one of the first attempts to put somebody to trial for insulting statements. Now the Prosecutors Office must evaluate the interview. In few previous similar cases, no violations have been found.

MP calls for restriction of the rights of the naturalised citizens:

MP from the ruling right-wing Peoples party Aleksandrs Kirshteins published an article in the Latvian-language opinion-maker newspaper "Diena" calling upon restriction of the rights of citizens, who obtained citizenship through naturalisation. To substantiate the proposal, Mr Kirshteins mentions legislation of the USA, where naturalised citizens cannot stand as candidates for elections for several years after naturalisation. "In Latvia, respecting the principle that naturalised citizens cannot change the main law of the state, they [candidates] could only be citizens from birth", says Mr Kirshteins (The newspaper "Diena" ("The Day"), January 14).

At present, more than 500,000 Latvia's residents out of approx. 2,35 mln are non-citizens (see data of the Board for Citizenship and Migration Affairs at <http://www.np.gov.lv/en/fakti/index.htm>).

"Shadow leader" of radical nationalists on positive discrimination:

On January 10, the newspaper "Lauku Avize" ("The Rural Newspaper") published an interview with Mr Normunds Lakuchs, representative of the radical nationalistic party "For Fatherland and Freedom" in the Board of Latvia's Privatisation Agency. Mr Lakuchs is known as one of the main "shadow leaders", or "grey cardinal" of the party. According to Mr Lakuchs, the process of privatisation as it was implemented in Latvia, resulted in disastrous economic situation. The process of social as well as ethnic differentiation between ethnic Latvians and national minorities takes place. Urban population lives better, but 80% of ethnic Latvians live in the countryside, while being minority in the largest cities. Asked about measures to be taken to improve the people's life, Mr Lakuchs suggested the use of "positive discrimination" in the sphere of allocation of municipal housing, as "ethnic Latvians had been discriminated for 50 years in this sphere". "We could argue, that 80-90% of housing in big cities were allotted to non-Latvians in the period of 50 years, what can be called ethnocide, that's why we are using so called positive discrimination now".

According to Mr Lakuchs, positive discrimination could be used in the process of privatisation too, but in reality the discrimination against Latvians took place. "This positive discrimination was not used, but it can be still used, and it is up to politicians, how to do this", adds Mr.Lakuchs.

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Russia:
The Chechen Tragedy

Whereas people in developed countries have already understood that prosperity is impossible to achieve in a country where people cannot have their basic democratic rights satisfied, the situation is the same on the interstate level if you are stronger, you are right. It was the same a hundred and even a thousand years ago, and unfortunately not much has changed ever since. Chechens have never aspired at becoming part of Russia. Tsarist Russia occupied the Chechen territory and made its citizens become Russian subjects. And since then due to international legislative bills Chechnya has been part of Russia. And the 300 years that followed were the years of unceasing liberation wars, that calmed down for periods of peace and started again.

During the Second World War with Stalin at power all Chechens were moved from their motherland to Asian deserts. It was not until Stalins death, in the 50s accordingly, that Chechens could return to their homeland. But as a result of the unbelievably inhuman level of life they had had, half of them did not survive to this moment.

In 1993 the former republics became independent by one Presidents signature. Among them was Turkmenia, that had never wanted to be an independent state, and Byelorussia whose people wants to join Russia, according to the official version. Chechens that had fought most of all for their independence and have suffered the most, found themselves within Russia again.

Chechen leaders had understood Russian Presidents - Yeltsins - notorious slogan "Take as much independence as you can" literally. Lacking whatever political experience or political time farsightedness and given that they did not meet any obstacles from Federal authorities in their first months at power they decided that it was time to create an independent Chechen state. They had not held a public referendum on this issue. They knew that due to the international legislature, a nation or a people do not have any rights (which is not the case with the human rights, the rights of an individual). And if the state on purpose violates or limits the rights of some nations and observes the rights of others, the representatives of the former have either to endure it, or to emigrate, or do what Americans have done fight for their independence.

On the other hand there were a considerable number of people who did not want to have any confrontation with Moscow. It fully depended on the Federal Authorities which movement would win.

Russia is still very weak now; let alone the Russia of those years. The country was constantly being shaken by economic and political crises. It is well known that the best way to unite a nation is to find an exterior enemy. The Russian Government decided to wage a small victorious war in Chechnya to improve their corrupt reputation in the country. As a result of two wars, Chechnya, once a prosperous and flourishing region is now in ruins. More than 100 000 people mostly women, children and old people died in the first Chechen war. The victims of the second war are far more numerous.

The Federal Power cannot, and we believe is not going to deport all Chechens from Chechnya, as Stalin did it. And though many Chechens had to leave the region to avoid bombardments and abuses of the Russian troops, those who have stayed in Chechnya will have to fight openly or not, the vandalism and abusive

behavior of the Russian army. As a result the situation seems to have no solution: The Federal Government is unable to control Chechnya fully and the Chechen resistance forces are neither inclined to surrender nor able to achieve considerable military success. Thus the guerilla war with its explosions, block post bombardments and "cleansings of inhabited places" can last for a very long time. It is good for Russian generals receiving rewards and new positions, it is good for contract soldiers and militia-men getting five to six times bigger salaries in Chechnya. A lot of money has been made in Chechnya by officials and businessmen responsible for the restoration of the Chechen republic whereas the republic is still in ruins. War turned into business, into a jump board to power for numerous leaders and businessmen of Russia.

As far as the position of the international communities is concerned, the only thing it could do was to require observation of human rights in Chechnya. The results are not brilliant. If it goes on like this in Chechnya, everything will be perfect with the human rights in Chechnya. Part of Chechens will be killed; others will leave their homeland. Then, I think, everybody will be satisfied. Everybody will be, except the Chechens.

I appeal to you as to the representatives of powerful international organizations and ask you to assist in creating new international mechanisms that will allow helping the nation experiencing ethnic and racial discrimination from the state, up to acknowledging the independence of its authorities. I am sure that multinational states will treat other nationalities and ethnics inhabiting their territory, more careful then.

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Russia:

[The International Human Rights Day](#)

On the International Human Rights Day on the 10th of December the Center for Interethnic Cooperation has organized a meeting for the leaders of the Moscow ethnic associations with the direction of the European Commissions

Representation in Russia. On the meeting problems came up on protection of ethnic minority rights. Some extracts of the participants speeches below:

- David Beritashvili, Georgian community: In Russia the population doesn't have ideas about tolerance. The authorities attitude in such cases in comparison with Europe is inadequate.

- Kazbek Sultanov, Dagestan community: Compares the relation to ethnic minorities to the Holocaust night. We have to learn from the "success" of the USA, when solving problems with the application of violence. In Russia this policy can very strongly complicate the situation.

- Aleksei Grigorovich, Ukrainian community: The low-level officers of the militia have prejudice to the people from Caucasus and Asia. Because of it they not only do not protect them, but sometimes even break the rights of these people.
- David Beritashvili: In spite of the USA, the population of Russia understands and approves the police intervention in the citizens life.
- Ahmet Galimov, Tatar community: The criminal codes clause on raising propaganda of hate didnt work in the past few years, though there were some occasions.
- Abuezid Apaev, Chechen community: Naivety to think that the police does not know what the skinheads are doing and where they live. They simply do not want to intervene.
- Polat Dzhamalov, Kazakh community: I can mention many examples, when innocent people have been beaten by skinheads. Our task is to work closely with the authorities and to try to solve the situation.
- Khurshida Khamrakulova, Tadjik community: If the whole society wont identify with the ideas of tolerance, then its not enough for us to change.

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Serbia:

[The action of the Humanitarian Law Center to denounce discrimination against minorities](#)

Minority Groups in Serbia Increasingly Under Attack:

March 22, 2001

The Humanitarian Law Center (HLC) is concerned at the rising incidence in the past two months of attacks on members of minority groups in Serbia. People are being verbally and physically abused and harassed only because of their ethnicity, color or sexual preference. Organizations advocating respect of minority rights have also been targeted.

Several youths recently beat up members of the youth wing of Social Democracy who were holding a meeting on the party's premises on combating homophobia. Roma are attacked by individuals and groups urging racist views. The synagogues and Jewish cemeteries in Belgrade and Zrenjanin have been vandalized. Racist, nationalist and anti-Semite messages are appearing in Belgrade and towns in Vojvodina. Slogans reading "Out with the Hungarians!", "Shiptars [ethnic Albanians], democracy won't save you from Serb revenge!" and "Death to the Jews!" were scrawled on walls in Sombor. A large "U" (for Ustasha) was spray-painted on the front door of the League of Social Democrats of Vojvodina offices, and the windows of the Vojvodina Movement's offices were broken.

The latest incident registered by the HLC occurred in Beocin, Vojvodina, where three locals abused an ethnic Albanian pastry shop owner. At around 9.30 p.m.

on 19 March, Ivan Cikojevic with two friends, known by the nicknames "Zolja" and "Migum," smashed the display window of Nedžad Haliti's shop while he and his son Alija were in the back room. When the Halitis came out to see what was going on, Cikojevic cursed them and yelled: "What are you Shiptars doing in Kosovo and Macedonia - killing!" and butted the elder Haliti in the nose with his head. Cikojevic was prevented from attacking Alija Haliti by passersby who had in the meantime gathered outside the shop. The three bullies threatened to blow up Haliti's shop and kill him unless he left Beocin. They continued their aggressive behavior even when the police, called by Alija Haliti, arrived half an hour later, and Migum tried to hit the elder Haliti in their presence. After taking down their particulars, the police allowed the three to go. A few minutes after the police left, Cikojevic and Zolja returned to the shop and continued harassing the ethnic Albanians. When Alija Haliti again called the police, the bullies retorted that there was nothing the police could do to stop them, but went into a nearby cafe before the police arrived. The police spoke with them in the cafe for a few minutes and then left. The next day, the police filed criminal charges against Cikojevic for violent behavior.

The HLC considers that this case confirms that the Serbian police do not have the expertise needed to deal with incidents with a ethnic background.

Roma: HLC petitions Federal Constitutional Court over racial discrimination:
January 30, 2002

The Humanitarian Law Center (HLC) has submitted a petition to the Federal Constitutional Court against the barring of Roma from a Belgrade disco since the competent authorities failed to take appropriate action to protect the victims and prevent such acts of discrimination.

On 27 July 2001, the Yugoslav government made a Declaration recognizing the competence of the Committee against Racial Discrimination to receive and consider communications by individuals who allege to have been victims of discrimination. In the Declaration, the government designated the Federal Constitutional Court as the highest court in the country which would consider complaints against violations of the International Convention on the Elimination of All Forms of Racial Discrimination before their submission to the Committee. Acting on complaints by Roma, the HLC on 18 February 2000 carried out spot checks and established that the Trezor Disco was refusing admission to persons belonging to the Roma community. Two young Roma tried to enter but were turned away by the doorman who said a private party was under way and admission was only by invitation. Shortly afterwards, several non-Roma were allowed into the disco without invitations. Both the Roma and non-Roma were appropriately dressed and well-behaved; the only difference between them was their color.

In July that year, the HLC filed a criminal complaint against the management and staff of the Trezor Disco, charging them with violation of the constitutionally guaranteed equality of citizens. Although this offense falls into the category of those prosecuted ex officio, the Third Municipal Public Prosecutor's Office took no action on the complaint for 18 months, which constitutes a serious breach of the Convention.

The HLC therefore requested the Federal Constitutional Court to establish violation in this case of the Convention, which requires the signatory states to

take measures to prohibit and eliminate all forms of discrimination by individuals, groups or organizations.

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Sweden:

[International protests against the swedish governments treatment of Sami landright conflicts](#)

In a joint letter to prime minister Göran Persson, 30 environmental and indigenous rights organisations from 14 countries demand the Swedish government make up for Sweden's colonial past and secure the future of Sami reindeer herding in the country.

The protest has emerged in light of a recent Court Appeal decision denying five Sami communities their customary reindeer winter grazing rights in the region of Härjedalen.

In 1990 the Sami communities were sued by private landowners who questioned the Sami's rights to conduct reindeer herding in the landowners' forests. The court case has resulted in severe economic hardship for the Sami communities that have been forced to cover 1.6 million in litigation costs for both parties and is threatening the very future of reindeer herding culture in the region.

The organisations are upset with the Swedish government's inactivity throughout the long court process and demand that the government pursues a mutually agreeable out-of court settlement that secures Sami access to winter grazing lands.

In the letter, the organisations protest against the fact that the government hasn't asserted its international responsibility by signing and ratifying the international ILO 169 Convention on indigenous and tribal peoples' rights. The convention was finalised in 1991 but Sweden, unlike its neighbours Norway and Denmark, has yet to ratify it.

"It is a scandal that single courts can take away the Sami's right to reindeer winter grazing lands", says Rudolf Fenner, Forest officer at the German environmental NGO Robin Wood. "It is an even greater scandal that the Swedish government for many years has neglected the Sami landright problems and

pretended like this basic landright conflict would be a conflict between ordinary neighbours".

More information regarding the landright conflict and the Sami's struggle can be found at http://www.taigarescue.org/the_taiga/brochure_eng.shtml

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Reported by Silbo Lilian Mikaelsson (Sweden)

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Calendar:

CALL FOR PROPOSALS for Tacis Institution Building Partnership Programme Support to Civil Society and Local Initiatives issued by the European Community: it is a Programme and Financing source addressed to support civil society and local initiatives, the reinforcement of democracy and the establishment of the rule of law through partnership co-operation between non-governmental organisations, local and regional authorities or not-for-profit professional organisations from the European Union and their counterparts in Tacis countries.

Detailed information on this Call for Proposals is contained in the "Guidelines for Applicants", which are published together with this notice on the Internet Web site : http://europa.eu.int/comm/europeaid/tender/index_en.htm.

Any questions regarding this Call for Proposals should be sent by e-mail (including the Publication Reference of this Call for Proposals shown in item 1) to fabrizio.moroni@cec.eu.int

All applicants are encouraged to consult the above Internet Web page regularly before the deadline for applications since the Commission will publish the most frequently asked questions and the corresponding replies.

Interesting Links:

- Background information on Roma/Gipsy in Hungary:

<http://www.eokip.hu/html/eng/pub/report/employment.html>

<http://www.eokip.hu/html/eng/pub/report/education.html>

<http://www.eokip.hu/html/eng/pub/report/health.html>

<http://www.eokip.hu/html/eng/pub/report/legislation.html>

- To know more about the activities of the Helsinki Citizens Assembly (HCA)

Please contact Florient at AEC aec@globenet.org

HCA Turkey has also published a book on Turkey and "Modernity and multiculturalism" (the HCA Turkey latest publication). This book is in Turkish and English (p. 22)

Projects proposal:

A new program has appeared for partners, one in Russia, the other in the EC. We are looking for a partner for the creation of cooperation between Russian and French organizations to:

1. Apply the experience of the struggle of French NGOs against racism and /phobia,
2. Use international mechanisms to protect the ethnic minorities of Russia,
3. Publish regularly a bulletin on the problems of protecting ethnic minorities in Europe.

If this idea interests you, I am ready to send you a more detailed description of it.

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A matter of interest

[Protocol N° 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms](#)

Protocol No. 12 provides for a general prohibition of discrimination. The current non-discrimination provision of the Convention (Article 14) is of a limited kind because it only prohibits discrimination in the enjoyment of one or the other rights guaranteed by the Convention. The new Protocol removes this limitation and guarantees that no-one shall be discriminated against on any ground by any public authority.

So far, the total number of signatures are 27 but only one State, Georgia, also ratified the present Protocol. Unfortunately, unless at least 10 countries ratify this Protocol, it will not enter into force. Consequently, in case of recourse to the European Court of Human Rights based on discrimination, the claimant will not be able to actual Protocol will be taken into consideration yet as a violation. Despite its "unusefulness" so far, since its entry in force is blocked by the lack of ratifications, it is important to read this Protocol carefully and lobby it, if necessary, to give the European Convention for Human Rights its full weight regarding the minorities in Europe.

Rome, 4.XI.2000

The member States of the Council of Europe signatory hereto,

Having regard to the fundamental principle according to which all persons are equal before the law and are entitled to the equal protection of the law;

Being resolved to take further steps to promote the equality of all persons through the collective enforcement of a general prohibition of discrimination by means of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention");

Reaffirming that the principle of non-discrimination does not prevent States Parties from taking measures in order to promote full and effective equality, provided that there is an objective and reasonable justification for those measures,

Have agreed as follows:

Article 1 General prohibition of discrimination

1 The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

2 No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

Article 2 Territorial application

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.

2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt by the Secretary General of such declaration.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn or modified by a notification addressed to the Secretary General of the Council of Europe. The withdrawal or modification shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

4 A declaration made in accordance with this article shall be deemed to have been made in accordance with paragraph 1 of Article 56 of the Convention.

5 Any State which has made a declaration in accordance with paragraph 1 or 2 of this article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Court to receive applications from individuals, non-governmental organisations or groups of individuals as provided by Article 34 of the Convention in respect of Article 1 of this Protocol.

Article 3 Relationship to the Convention

As between the States Parties, the provisions of Articles 1 and 2 of this Protocol shall be regarded as additional articles to the Convention, and all the provisions of the Convention shall apply accordingly.

Article 4 Signature and ratification

This Protocol shall be open for signature by member States of the Council of Europe which have signed the Convention. It is subject to ratification, acceptance or approval. A member State of the Council of Europe may not ratify, accept or approve this Protocol without previously or simultaneously ratifying the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 5 Entry into force

1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 4.

2 In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 6 Depositary functions

The Secretary General of the Council of Europe shall notify all the member States of the Council of Europe of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c any date of entry into force of this Protocol in accordance with Articles 2 and 5;
- d any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Rome, this 4th day of November 2000, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the

archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

UNITED for Intercultural Action

**European network against nationalism, racism, fascism
and in support of migrants and refugees**

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