

Fighting Discriminations Against Minorities in Europe

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EDITORIAL

The third number of the Newsletter "Fighting Discriminations against Minorities in Europe" has the vocation to present some of these strategies of "fight", on different levels (not only political but also cultural, social or educational).

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

The situation is even worse for communities having Muslim backgrounds living all around Europe. It seems that the fight against terrorism launched after the September 11th events has cast a spell over this particular community.

Instead of calming down the alarmist international conjecture, domestic legal rules in Europe tend to encourage this fear and create a gap between the communities, the majority and the minority.

We are living in a serious increase of discriminations and narrow-mindedness in the European States. The rise of extremist parties is also ongoing and putting more pressure on the evolution of mentalities.

Therefore, the fight of non-governmental Organisations and civil society is essential in order to protect the fundamental citizens' rights, denounce the States' excessive and unfair laws and be the guardians of Human Rights principles.

This Newsletter aims at informing you about the actual situation of minorities in each European country and presenting some strategies that each Organisation has developed to counterattack the States' drastic acts.

Your Organisation is invited to join us and participate in this initiative of exchange of information that tells more about the effective situation than general articles in newspapers.

Rachida Toudert (France)

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Education against Discrimination - Some Experiences from Bosnia and Herzegovina

Almost seven years have passed since the Dayton Peace Accord established peace in Bosnia and Herzegovina after the war that has caused immense material, psychological and moral consequences for its population and society. The Peace Agreement has stopped the war, but the structures it created in Bosnia and Herzegovina - two entities (BiH Federation and Republic of Srpska), 1 district (Brcko), 10 cantons (in the Federation) is not only the most expensive apparatus of administration in the World, but also, in a way, acceptance of separating people by their ethnicity and religion. Consequences of ethnic cleansing are still very much felt. Hundreds of thousands of human beings were killed and injured. Over one million people are now refugees abroad or displaced persons within the country. The process of return goes very slowly and many people are still prisoners of their prejudices. In most of the country the nationalists are still in power, though central government is formed by the Alliance for Changes headed by Social Democratic Party (SDP), but is still weak and important laws still have to be brought by the international community, which still plays the major role in the country. It is not certain that general elections that will be held on October 5. 2002 would bring positive changes. In such circumstances work on education against discrimination, human rights, non-violent actions, peaceful conflict resolution, reconciliation and understanding is of utmost importance for the future in Bosnia and Herzegovina, but also in the whole region of the Balkans.

One of the most active organisations in this respect in the country is Human Rights Office Tuzla, which works since 1995, when war was still raging in Bosnia and Herzegovina. It organises workshops, seminars, round tables, public debates and discussions on various human rights aspects always including representatives of different ethnicity, religion, gender, professional groups in our work, trying at the same time to systematically work on establishing of tolerance

and trust after the war. Its educational programs are at the moment developed into three groups:

- a) Education of Professionals such as judges, teachers and officials.
- b) Education of Women, Refugees and Displaced Persons
- c) Education of the general public

Our experiences in work show that it is possible to obtain results in this respect. In the programs we had with displaced persons the expressions of lack of trust in the beginning were changed with mutual support at the end of projects. We worked with Bosniac, Serb and Croat displaced persons from Srebrenica, Brcko, Doboj, Zvornik, Tuzla, Bratunac and other places trying to educate them to ask for their inalienable rights of return to their homes, and to be able to face different kinds of obstruction and discrimination by the authorities or non-tolerance by other citizens, to use public advocacy techniques in order to be able to change the situation upon their return to now predominantly "different" environment.

Presence in media and spreading ideas of human rights, tolerance and equality is of extreme importance bearing in mind the role of media in former Yugoslavia during pre-war and war period, which has been used as the most efficient tool in creating and increasing fear and hatred among different ethnic groups, resulting with war, murders, discrimination, expulsion. Radio and TV programs the Office prepared were broadcast on many radio and TV stations. One of the most successful projects was TV documentary series in 5 episodes "The Dayton Peace Accord and Human Rights in Bosnia and Herzegovina" the Office produced followed by two further documentaries "Rights of Women - Front and Reverse Side and "A People like other Peoples" on the Romany Community. In recent period the Office co-operates with Independent Radio Slon from Tuzla on a regular basis preparing different programs related to promotion of human rights and non-discrimination.

Education in general and school education in particular is essential for tolerant and democratic society. The best efforts are invested to work with the authorities and schoolteachers to incorporate human rights and tolerance and peace education related classes into the curriculum. It goes with difficulties, especially bearing in mind the separation in programs, introduction of separate obligatory religion classes, and insisting on differences in classes of language and history. Of course, every human being and people have the rights to express themselves and to be educated in their own language, the problem starts when education does not provide sufficient knowledge about different people and when it is not establishing trust among different groups creating fear and non-understanding. The continued violation of human rights after the war and the weaknesses of human rights organisations in Bosnia and Herzegovina, plus the continuation of discrimination on the basis of ethnicity are indicators of the necessity for action. Only through continued pressure on official bodies, and through awakening of the people to their internationally recognized human rights, can change be effected. We are in the process of creating a network of citizens, activists, academics and officials who will work towards the creation of a peaceful and just society in the region.

In this view Human Rights Office has established the Network 10 with included organisations from different parts of Bosnia and Herzegovina with which we exchange information and collaborate in different projects and campaigns.

Human Rights Office prepares and edits Monthly Newsletter about all relevant activities of these NGOs disseminating information about important activities. In co-operation with UNV the Human Rights Office Tuzla works also with children of different ethnicity and religion (age 14 to 18) from all over Bosnia and Herzegovina. The work is concentrated on establishing trust, reconciliation, communication skills, culture and awareness about identity, how to break prejudices and stereotypes.

It is important to mention that Human Rights Office Tuzla collaborates with many organisations from former Yugoslavia and one of the recent projects is the work on repatriation that is organised in Croatia, Bosnia and Herzegovina and Serbia with the goal of return for the refugees - Serbs, Croats, Bosniacs and other to their prewar residencies. The emphasis is to provide the exact information to the refugees and displaced persons and to support them to confront the situation upon the return. The Office is also member of the Balkan Human Rights Network. The efforts civil society in Bosnia and Herzegovina and the whole region supported by the international community makes are really big and show some results. Nevertheless, often there is a lack of co-ordination of activities and planning of joint actions. In this respect much more needs to be done by all of us. It is important to include as many people as possible in the "fight" for more tolerant and democratic society without prejudices and discrimination not only in Bosnia and Herzegovina, former Yugoslavia and the Balkans, but in the whole world. We should all be involved in breaking prejudices showing examples that it really is not important what race, gender, nationality, ethnicity, religion, political affiliation, sexual orientation we are, it is important what we could do to have a better and peaceful life in the future of this planet.

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The actions of the European Roma Rights Center (ERRC) in Poland

The European Roma Rights Center (ERRC), an international public interest law organisation which monitors the situation of Roma in Europe and provides legal defence in cases of human rights abuse, announces the publication of the Country Report "The Limits of Solidarity: Roma in Poland After 1989".

Intensive field missions conducted by ERRC staff and partner organisations, as well as regular reporting by ERRC monitors, revealed that the human rights of Roma are frequently violated in Poland, where national and local authorities offer little protection from violence and discrimination and often block victims' access to effective remedies.

The government has thus far failed to act to guarantee Roma equal rights and to take effective measures to overcome the exclusion of Roma from Polish society.

On the occasion of publication of "The Limits of Solidarity", ERRC Executive Director Dimitrina Petrova said, "We have long been concerned that the

prevalent discourse about race issues in Poland has downplayed the extent of Roma rights abuses in Poland. Our publication aims to set the record straight."

The report details ERRC concerns in Poland, including:

- Racially motivated violence: Roma in Poland have been frequent targets of skinhead attacks, racially motivated violence and harassment by non-Romani persons. Reporting such violence and harassment to the authorities frequently led to further attacks and threats against the Romani victims. As a result, many Roma live in a climate of fear that pervades all aspects of their lives, from their interaction with authorities to their ability to access public spaces and services and to participate fully in the lives of the communities in which they live.
- Failure to protect Roma and denial of justice for Romani victims of racially motivated crimes: The Polish police and judiciary have been slow to react to reports of crimes against Roma and to acknowledge the racial motivation of such crimes. When investigations into racially motivated crimes were launched, they were frequently stalled or discontinued altogether, often with the justification that the authorities did not find sufficient evidence to issue arrest warrants, indictments or judicial sentences – even in cases in which the alleged perpetrators had been identified by victims and/or witnesses.
- Police abuse: Police and other authorities in Poland have frequently abused members of the Romani communities by engaging in outright violence, unlawful arrests, searches, seizure of property, harassment or biased investigation. When reporting racially motivated crimes to the police, victims sometimes find themselves charged with crimes they did not commit.

Another disturbing pattern of police abuse documented by the ERRC consists of abusive raids upon informal settlements of Romanian Roma in Poland. These often resulted in group deportations, separation of children from their parents and arbitrary seizures of property. The perpetrators of police abuse are rarely investigated and even more rarely punished for their deeds.

- Racial discrimination in the fields of housing; access to medical care; access to employment; access to social welfare payments; access to goods and services; and access to education:

Direct and indirect discrimination pervades all aspects of the relationship between the non-Romani majority and the Romani minority in Poland. Polish anti-discrimination provisions are at present grossly inadequate. In the absence of such legislation, and in the circumstances in which a culture of prejudice, stereotyping and disenfranchisement has developed deep roots in Polish society, Roma find themselves constantly blocked from accessing basic rights and social services.

The ERRC has established that local authorities systematically refuse to register Roma as residents in local administrative units and thus effectively bar Roma from the realisation of fundamental social and economic rights. Moreover, Roma appear to be the only group in Poland subjected to such discriminatory practice.

The proportionally small number of Roma in Poland—at least in comparison with other Central and Eastern European countries—has been used by Polish authorities to downplay the problems that Romani communities face and to deny

the persistent and pervasive nature of anti-Romani sentiment among the majority population.

Moreover, throughout the 1990s, Polish authorities have systematically failed to respond to a wave of anti-Romani crime, as well as to ingrained patterns of racial discrimination. Roma in Poland are consequently correct to presume that they cannot rely on the state to shield them from abuse or to provide justice when their fundamental rights have been violated. Roma are also correct in claiming that they are in effect excluded from Polish society as a whole. Measures to date to remedy the human rights situation of Roma in Poland have been inadequate, where such measures have been taken at all.

The ERRC report "The Limits of Solidarity: Roma in Poland After 1989" concludes with 17 recommendations to the Polish government, including:

- Promptly bring those responsible for racially motivated crimes against Roma to justice, and ensure that when racial animosity motivates or otherwise influences a crime, it receives due judicial recognition.
- Carry out thorough and timely investigations in all alleged instances of police abuse of Roma, including violence, unlawful searches and seizure of property, malicious investigation of violence against Roma, harassment and failure to investigate racially motivated crimes and/or protect potential victims of violent attacks.
- Bring Polish law into conformity with the requirements of the Council Directive 2000/43/EC, "implementing the principle of equality between persons, irrespective of racial or ethnic origin". Ensure that the implementing body mandated by the Directive is strong, fully independent and adequately staffed and funded.
- Undertake effective measures to ensure that local authorities register all persons actually residing in a given municipality, without regard to race.
- Implement a comprehensive school desegregation plan, such that all Romani children may fully realise the right to education. Without delay, end the practice of segregating Romani children into so-called "Gypsy classes" or classes for mentally disabled students.

Integrate all Romani students into mainstream classes and, where necessary, design and implement adequately funded and staffed programmes aimed at easing the transition from segregated to integrated schooling.

- At the highest level, speak out against the problem of anti-Romani sentiment and racially motivated crimes against Roma; at all levels, acknowledge and speak out against racism, racially motivated crime and patterns and practices of discrimination and segregation. Address the root problem of anti-Romani racism in Poland by developing and implementing anti-racism curriculums for schools and campaigns for the media, so as to address widespread negative attitudes against Roma and racism generally.
- Conduct comprehensive human rights and anti-racism training for the national and local administration, members of the police force and of the judiciary.

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Russia: Russian ethnic minorities in 2002

Historical background

Many Russians estimate the collapse of the USSR as the loss of a part of their native country. They are not pleased, that Armenians, Azeri, Ukrainians and other people having received independent states after the collapse of the USSR do leave their home countries to Russia for job hunting.

Economic background

The economic reforms in Russia on the states initiative resulted in a decrease of the living standard of the major part of the population, whereas a small group of people became extremely rich.

In this produced economic conditions, Russian people engaged in manufacture or in civil service earn an average salary of about 200 \$, whereas an immigrant working in small trade can earn from 200 \$ up to 500 \$. One cannot explain such differences just by the large social requirements of the small trade. In Russia almost 80 % of current capital in this domain of economy happens simply illegally, what means, that there are no taxes raised on this capital. This situation stimulates on the one hand new streams of immigrants, to say cheap labor. On the other hand it causes unemployment among the local population. This and other factors are reflected in the interethnic atmosphere.

Insufficiency of laws

In Russia precise immigration laws are lacking. There is a non-visa mode for the citizens of the former republics of the USSR in the country. In many regions the local executive bodies created their own normative regulations for the legal status of the newcomers. As rules, these normative regulations require the overcoming of a plenty of bureaucratic barriers. Therefore immigrants prefer to ignore the official way and to solve their problems by the aid of paying bribes. One has to emphasize, that the Russian police, whose salaries are not higher as the salaries of the immigrants, willingly take these bribes. Moreover, it has become a tradition, that the police carry out mass checks on the "passport mode" before holidays - a basic task to collect money.

The negative role of the mass media

Seminars as well as interrogations by the Center of Interethnic Cooperation have shown, that the Russian mass media play an important negative role in the interethnic relations in this country. It is not about the small newspapers with a frankly racist line. Their influence on the public opinion is insignificant. Popular Russian newspapers and TV channels periodically publish material, which creates a negative image of immigrants, refugees and representatives of ethnic minorities. The heads of the Russian mass media ignore the principles of political correctness largely used in the countries of the EU because they force up the rating of their medium by publishing scandalous material about this group of people. And therefore they improve their financial business.

The war in Chechnya

The war in Chechnya is proceeding eight years. In December 1994, the forces starting the military actions in Chechnya expected an easy victory. It is already

obvious, that a significant part of the Chechen people perceives this war as a national war of liberation and is consequently not willing to stop resistance. As a result, for many Chechens the war in Chechnya is a bi-national one. The death of Russian soldiers and officers in Chechnya, the acts of terrorism and the taking of hostages by Chechen extremists stimulated a remarkable anti-Chechen attitude in the public opinion of this country. Impossible to distinguish a Caucasian from a Chechen by externals, Russians feel threat, fear and prejudices attitudes towards people from the Caucasus. The law-enforcement bodies for their part begin to restrict their selves to check Caucasians. Thus, the war in Chechnya is a constant source for the spreading of intolerance and xenophobia in Russia.

Nationalistic groupings

Formerly, there were lots of different small nationalistic groupings in Russia, which aspired to make political career by aid of anti-Semite and nationalistic propaganda. However they were not in the population's popularity. In the course of the last year the situation has sharply changed. A lot of nationalistic youth groupings without any political tasks appeared in the country. They just beat up non-Russians and are taking a fancy to see them living in fear. The negative attitude in the public opinion towards non-Russians makes them feel as fighters for social justice. The majority of these young peoples derive from poor families. They have no access to good education and no possibility to find a high paid employment. These young people are strongly dissatisfied about the way they live and searching for objects on which they can work off their anger. The ideal objects for this purpose are people deriving from Africa, Asia or the Caucasus going home late in the evening when the streets are empty. As they have no ideology and are not organized anyhow, it is very difficult to come to terms with these people and to convince them, that they are not right.

Weakness of ethnic communities

The Russian government does not render any financial support for NGOs. In this country, there is not only a lack of funds giving out grants to NGOs, but as well laws ensuring a normal function of Russian private charity funds. As the majority of the Russian population has no financial opportunities on its disposal, the member payments of non-profit organizations cannot cover the charges needed for a normal function of an organization. As a consequence, most of the ethnic communities in Russia neither have an office, equipment nor constant working personnel. For this reason national minorities are not able to protect themselves effectively and to lobby their interests.

Considering the mentioned reasons one can finally state that the negative attitude towards national minorities in Russia is increasing. The only way to change the situation basically would be an appropriate change of the state policy in the sphere of the interethnic relations. As long as such changes are missing, the interethnic conditions will constantly get worse. This deterioration will not only negatively influence further democratization, but also the stability of Russia. And it will cause new separatist attitudes in the national republics of the country.

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France: The Sangatte Refugee Camp closed for good

Both Ministers of Internal Affairs of the UK and France, David Blunkett and Nicolas Sarkozy, met in London last 2nd December. They agreed upon the last details concerning the closure of the Red Cross Refugee Centre of Sangatte (North of France).

Following their previous arrangements decided on 25th June, 12th July and 26th September, Blunkett and Sarkozy agreed to take further measures aimed at reinforcing border security between the two countries. The centre will be definitely closed before the 30th December, i.e four months before the planned date.

Then, the centre will be given back to its owner, Eurotunnel, which will proceed to its immediate destruction.

Both Ministers also agreed that the Sangatte's residents should be taken in charge in a humane and fair way. A solution will be found for all of them, they said. The arrangements will be executed for all those who will present themselves with a pass before the 3rd December 8.00 pm. Both Ministers have reaffirmed that the UNHCR will continue its mission until the final closure.

For the Iraklis residents in the Centre, an exceptional leave to remain in the UK was given to them but as temporary workers not as asylum seekers. They will be offered jobs fit to their qualifications for a period of only 3 months. This arrangement was decided mainly because of the current situation that makes it difficult to send people back to Irak.

The UNHCR will determine, for the UK, the cases of Afghans who have relatives living in the UK. Those who have will be admitted within the scope of family reunion. The French Authorities will take in charge those who will stay in the centre, and they will be given a Leave to remain.

Furthermore, both Governments will soon sign an international agreement to authorize immigration common controls on ferry boats that transit between France and the UK. These provisions will be subject to parliamentary ratification though, and should be implemented in Calais and Dover by the year 2003. They will be then extended to other French and British ports when necessary. The security measures will be maintained in the region of Calais as long as people have not understood that illegal immigration to the UK transiting by the North of France is no more possible.

David Blunkett and Nicolas Sarkozy have also reaffirmed their engagement to fight against smugglers' networks. The cooperation between the French and the British departments has conducted to the dismantling of 6 major networks that used to organise the passage of illegal immigrants to the UK. The Authorities claimed that 249 smugglers were arrested in the region of Calais. They said that before Christmas, 100% of the maritime traffic which transits everyday by the port of Calais will be controlled.

Besides, the British Government plans to fund new technological methods of detection to be used in other French ports in order to impede any illegal activity transiting to the UK. On the other hand, the French Government promised that security in its ports will be reinforced and it guaranteed that illegal migrants will no more be able to avoid controls.

It seems that these new drastic measures sound the knell for illegal immigration in Western countries.

What is really worrying though is the problem of asylum seekers among these refused illegal "economic" migrants. In this prospect, the former are unlikely to reach properly the asylum determination procedures (as defended in the 1951 Geneva Convention). Worse, there is a risk that they will be sent back to the countries where they escaped persecution. More than ever, the future of the right of asylum in Western countries is in danger.

Reported by Rachida Toudert
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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:

How to obtain the consultative status for European NGOs to the Council of Europe?

Independent non-governmental organisations are a vital component of European society, guaranteeing freedom of expression and association both of which are fundamental to democracy. Recognising their influence, the Council of Europe provides international NGOs with the opportunity to acquire consultative status. On this site, you will find information about this status, what it represents, how to make an application, as well as the structures for co-operation between these

NGOs and the Council of Europe, the activities of the 370 or so NGOs which currently enjoy this status.

Consultative status shall be granted by the Council of Europe to international NGOs which are particularly representative at European level, that is to say which federate national member organisations in several of the 43 member states, and in the fields of their competence.

In addition, they should be capable of supporting the achievement of that closer unity mentioned in Article 1 of the Statute by contributing to Council of Europe activities and by making known the work of the Council of Europe among the European public.

Applications for consultative status must be submitted on the official form and must be accompanied by a file in French or English, and preferably in both of these official languages of the Council of Europe. The file must contain the NGO's statute; a list of member organisations containing the name in the national language with a French or English translation as well as the approximate number of members of each of these national organisations; a report on its recent activities; and a declaration to the effect that it accepts the principles set out in the preamble and in Article 1 of the Statute of the Council of Europe.

contact: Council of Europe, NGOs Unit

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A matter of interest

Europe : Dossier « Sans-papiers en Europe »

A Call for the Regularisation of all Illegal Residents in Europe

The situation of illegal residents is a recurrent problem in France. However it is not particular to our nation, throughout Europe similar people in distress are waiting for better treatment.

It is at this level that the issue occurs and it is Europe which must address it.

Illegal residents have, in recent weeks, once again made their voices heard. The French government has responded with instructions to prefects to examine each case individually on its "social and humanitarian merits". The Minister of the Interior, Nicolas Sarkozy, boasts of a "balanced" immigration policy which "conforms to the interests of France" and promises a law which will give the government "the judicial methods to control these phenomena which, quite rightly, exasperate the French people".

We surmise that what is envisaged from a practical, economic and humanitarian point of view cannot be the repatriation of all illegal residents which is in any event unfeasible. So, what will become of those people who will never be regularised?

In these declarations no reference is made to the European dimension which should nevertheless figure prominently in any initiative of the member states of the European Union in the field of immigration and asylum.

At the meeting of the European Council in Seville in June 2002 a large amount of time was devoted to the debate on the development of a future common policy on immigration and asylum. However, the rights of those affected by such a policy and the citizens of states outwith Europe were only mentioned as a sideline. As far as the rights of those who are de facto residents are concerned, variously referred to as illegal residents or clandestines, there was no mention.

Once again, the majority of the debate was on border surveillance, the possibility of repatriation to countries of origin and the cooperation of the police in the fight against illegal immigration. Europe, as it develops, constructs rules which, it claims, aim at "controlling migratory flux".

The method of "control" proposed is to deny access to the European territory to all, except those whom the European economies requires, in particular to support the proposed systems of pensions.

While waiting for this proclaimed, grand harmonisation of European immigration policies, each of the Union states is adopting a harder line. The implementation of regulations, and administrative practices, are more often a cocktail of repression, suspicion of fraud and denial of rights. Occasionally, when the situation becomes controversial and the actions of illegal residents leads to demonstrations of solidarity, the public authorities implement a regularisation on a large scale. However, this is replaced once again by the abuse of the rights of those who appear to be slaves of the 3rd millennium.

The political institutions of the European Union prepare texts concerning, for instance, the right to family reunification or the minimal norms for the reception of asylum seekers. But even if they mention the fight against racism and xenophobia they do very little for the rights of foreign residents and nothing for the rights of illegal residents, who are the creation of discriminatory regulations.

Thus, it is time to address, on the European level, the issue of adequate rights for immigrants.

Their presence is a reality. A few tens of thousand, maybe even a few hundred thousand, are present within Europe. One might refer to them as a drop in the ocean compared to the disorder present in the rest of the world. However, this drop in the ocean is presented as a tidal wave or an insupportable movement which is used to feed xenophobia and racism.

These citizens of third world countries which are unstable or in a state of war have chosen or been forced to come to Europe, either permanently or for a few years. Most of the time they work here, sometimes raise children here, consume here and certain amongst them work within their community helping to develop their immediate environment. Many of them have a major role in the support and development of their village or region, or simply in the survival of their

friends and family who have stayed in their country. They contribute thus to the economic and cultural richness of Europe and to the development of the rest of the world.

It is inadmissible that these people, some of whom have lived amongst us for several years, should be excluded from all that constitutes citizenship, living in permanent fear of being expelled from the country, being denied elementary rights and being subject to the actions of all sorts of criminals: illegal employers, disreputable landlords, etc.

The argument of impracticality used against those who criticise this treatment has been deconstructed for several decades: illegal residents in Europe are here because they have found employment and if they had real rights they could subscribe to the systems of social protection and many could create activities and thus create employment. The risk of the provocation of an "influx" has never been proven and nothing indicates that the favouring of free circulation through European borders would not encourage movement in both directions with the spontaneous departure of some who came here to try back home to create a new life.

What is sure, on the other hand, is that the respect for the values of a state which operates within a framework of rights rests upon the fight against all forms of inequality and cannot accommodate the sub-status conferred upon certain of its members.

This is why we believe it to be just to ask that: All de facto residents within the European Community obtain, within the country where they are, a durable residence status.

The European political institutions oblige the member states to protect these people against exploitation and to guarantee access to the rights which result from their presence and their employment.

The states of the European Union create measures targeted at the eradication of the situation of foreigners with neither status nor rights by creating the status of European resident which encompasses security of residence.

Europe integrates into its principles the right and liberty of circulation for all persons, whether nationals of European states or states outwith the European Community.

In the immediate future the status of current illegal residents be resolved through a directive which would oblige the member states to proceed to a regularisation of all such persons.

13th September 2002

Signatories:

Acort (assemblée citoyenne des originaires de Turquie - Paris), Act-Up Paris (Paris), AFJD (association française des juristes démocrates - Paris), Alternative couleur citoyenne (Tours), AMF (association des marocains de France - Paris), ATMF (association des travailleurs maghrébins de France - Paris), Cedetim (centre d'études et d'initiatives de solidarité internationale - Paris), Collectif arabe des sans-papiers de (Marseille), Collectif de soutien à la démocratie et aux victimes de la violence politique en Algérie (Lyon), Collectif de soutien aux demandeurs d'asile et sans-papiers (Lyon), Collectif migrant contre le Sida (Paris), Comité pour l'Annulation de la dette du Tiers Monde (Paris), Coordination nationale des sans-papiers (Paris), Cultures & Citoyenneté (Paris), Dal (Droit au logement - Paris), Droits Devant !! (Paris), École Émancipée (Paris), Fasti (fédération des associations de soutien aux travailleurs immigrés - Paris), Femmes de la terre (Paris), FTCT (fédération des Tunisiens de France pour une citoyenneté des deux rives - Paris), Gisti (groupe d'information et de soutien des immigrés - Paris), Ilpa (Immigration Law Practitioners' Association - Londres), Migrations Santé (Paris), Moi sans toit (Paris), Odu (observatoire du droit des usagers - Paris), SOS Racisme (Lisbonne), Sud Culture (Paris), Sud Éducation (Paris), Sud PTT (Paris), Turbulences (Marne la Vallée), Universal Embassy, (Bruxelles).

The new signatures of organizations (not of individual signatures) are to be sent by fax to the 00 (33) 1 43 14 60 69 or by mail to regul-europe@ras.eu.org.

Series of articles on the situation of refugees in the United Kingdom and the serious u-turn that the State intends to make to attack the asylum issue in the United Kingdom

DAILY TELEGRAPH

Blair ready to pull out of asylum deal

By George Jones, Political Editor

(Filed: 27/01/2003)

Britain may have to pull out of the European convention on human rights if the Government's latest measures fail to stem the flow of asylum seekers, Tony Blair indicated yesterday.

In a significant about-turn, he conceded that it might be necessary to look again at Britain's international obligations to take in refugees.

He said the present situation - with alleged terrorists entering the country as asylum seekers and a former Taliban fighter seeking refuge despite having fought against American and British forces - could not be allowed to continue. The Government had to reduce the number of people seeking asylum. "The present situation is unacceptable and we have to deal with it," he said. "I am under no doubt about that at all."

The Government has been forced on the defensive by claims that Britain has become a soft touch for asylum seekers, with 100,000 arriving every year. Many disappear after their application to stay has been rejected.

Ministers have been shaken by the victory of the far-Right British National Party in a council by-election in Halifax on Thursday. It is the BNP's fifth council seat and the Cabinet was told that Labour could lose seats in "middle England" because of concerns over asylum and illegal immigration.

Mr Blair's surprise announcement that the Government could "fundamentally" re-examine its obligations under the European convention on human rights shows that the asylum crisis, with the terrorist threat, is now at the top of its list of domestic priorities.

Opposition politicians believe that Mr Blair's remarks were an attempt to pre-empt the launch of the Tories' immigration policy this week.

The Conservative leadership wants Britain to withdraw from the European convention and the United Nations convention on refugees until it regains the power to prevent terrorist suspects or criminals entering Britain, or deport them if they reach this country.

The European and UN rules prevent individuals from being sent back to countries where they claim they would be tortured or killed. But Mr Blair and the Tory leadership now appear to accept that these human rights laws are impeding Britain's ability to counter the threat from international terrorism.

The Prime Minister's comments on BBC TV's Breakfast with Frost indicate a major shift in Government thinking.

In the Commons last Monday, David Blunkett, the Home Secretary, ruled out any unilateral withdrawal from the European convention.

He said it was impossible for countries such as Britain to "derogate" - not abide by - article 3 of the convention, which states that an individual cannot be deported to a country where his or her life may be in danger.

"Nor has any country denounced the ECHR by leaving it," he said.

However, lawyers have told the Conservative Party that it would be possible for Britain to withdraw from the convention entirely then sign it again almost immediately - but with a reservation on article 3 allowing for deportation, on the grounds of national security, of asylum seekers believed to pose a threat.

Iain Duncan Smith, the Tory leader, accused the Government yesterday of weakness in dealing with false asylum seekers. He said that ministers had got into a "terrible mess" and that the asylum system was out of control. The Government should have taken powers to deport those who were a criminal or terrorist threat, he told Sky News.

Mr Blair said that last November's Nationality, Immigration and Asylum Act, which contained provisions such as taking away the automatic right to benefits for asylum seekers, would have a significant impact.

So would the stationing of British immigration officers at French ports, an initiative he was keen to copy in other EU countries if possible.

"But if the measures don't work, then we will have to consider further measures, including fundamentally looking at the obligations we have under the convention on human rights."

Downing Street refused to elaborate on how extensive any review of the convention would be.

Officials also acknowledged that the UN convention could be included in the review. It was drawn up after the Second World War to deal with any repetition of the Nazi persecution of the Jews - not the mass migration of people seeking a better life for economic reasons.

The Refugee Council said it would be wrong and impracticable to put artificial limits on the number of asylum seekers Britain accepted. The right to freedom from torture or inhuman or degrading treatment under article 3 was "an absolute right and it cannot be derogated from".

DAILY TELEGRAPH

Factors that altered Blair's mind over human rights

By Philip Johnston, Home Affairs Editor

(Filed: 27/01/2003)

Only last Monday, David Blunkett told MPs that whatever the Government did to get to grips with the asylum problem, it would not include retreating from Britain's obligations under the European human rights convention [ECHR].

Yesterday, however, Tony Blair said these would have to be reconsidered if new laws to curb the number of asylum seekers did not work. What happened in the meantime?

Most importantly, it has become apparent to ministers that the fight against terrorism is being hampered by the ECHR. A convention that was drafted after the war to stop fleeing political dissidents being sent back to countries where they would be tortured or killed is being used to offer sanctuary in Britain to those who would do the nation harm.

The Government has been aware of these constraints for some time. After September 11, Britain announced that it was withdrawing from Article Five of the convention, which forbids signatory nations from locking up people without trial.

It did this in order to be able to detain suspected foreign terrorists whom it wanted to deport but could not because of Article Three of the convention. This is an absolute prohibition of returning people to a country where they may suffer inhumane or degrading treatment.

Under the convention, it is impossible to derogate from Article Three. But constitutional lawyers say Britain could renounce the convention in its entirety and then re-enter with a reserve attached to Article Three allowing deportations in circumstances where the nation is under threat.

The right to insist on remaining in a convention country, even when wanted for offences elsewhere, was established when Britain was told by the human rights court in Strasbourg that it could not extradite a German national wanted for murder in Virginia because he would face the death penalty. Extradition was ruled to be in violation of Article Three.

That ruling has been extended to block deportation or extradition in any case where the deportee can argue that he faces the risk of "inhuman or degrading treatment".

But the ECHR is not the only international obligation that the Government needs to reconsider. The 1951 United Nations convention on refugees gives an absolute right to anyone claiming asylum to stay in a country while the application is being processed. It allows for the exclusion from its protection of those who have been guilty of acts contrary to the purposes and principles of the UN, including terrorism.

However, this does not mean that asylum seekers can be turned away at the border and the exclusion clause has only been invoked in five cases. In each one, however, deportation has been precluded by Article Three of the ECHR.

The biggest problem for Britain is that it lets everyone who turns up claiming asylum to enter.

Some other European Union countries - such as Germany - do not allow people arriving from safe countries even to enter a claim. By this means, the Germans have reduced the number of claimants from 500,000 to about 70,000.

By definition, almost all asylum seekers arriving in Britain have done so from places of safety, such as France or Belgium. Yet when the 1951 convention was drawn up it was to offer asylum to those needing an immediate safe haven.

Today, it is used by people "shopping around" for the best country in which to settle.

Mr Blair said that Britain removed more failed asylum seekers than any other EU country. But this is simply not the case. In the Netherlands, for instance, 21,255 failed applicants were removed last year and 16,000 the year before. Over the same period, Britain has removed about 20,000.

Mr Blair also said that asylum applications had fallen sharply in Britain over the past few months. But the most recent official figures up until the end of September showed the biggest quarterly rise on record.

His comparisons with other countries were also suspect. He said applications to France, Sweden and Switzerland had risen by up to 30 per cent in the past year, but this is not what official figures show.

The United Nations High Commissioner for Refugees said that between January 2001 and June 2002, France and Switzerland saw a three per cent rise while Sweden saw a slight decline. In Britain over that period applications rose by eight per cent. In most EU countries there were huge falls - including a cut of 25 per cent in Germany and 50 per cent in Denmark.

Leaving the statistics aside, Mr Blair's analysis of the problem could not be faulted. He said the key to dealing with the problem was to prevent people applying in the first place since once they do, the cumulative pressures on the system cause delays and vast expense.

As the Prime Minister indicated, a serious attempt to deal with this will involve looking again at Britain's obligations both under the human rights convention and the UN convention. But is he being serious?

Three years ago, Jack Straw, the then Home Secretary, proposed a review of the 1951 convention, arguing that it was a creature of wholly different post-war circumstances in an era before the development of easy international travel. Yet having identified the problem, nothing happened; Britain was unwilling to lead an international effort to renegotiate the convention.

Now, Mr Blair has pointed the finger of blame at the human rights convention, whose provisions were incorporated into British domestic law by his own government. But will he do anything about it?

DAILY TELEGRAPH

Tories plan asylum reform to 'keep out terrorists'

By George Jones, Political Editor

(Filed: 25/01/2003)

The Conservatives will unveil "radical" reforms of Britain's asylum laws next week to allow those suspected of terrorist offences to be deported or refused entry to this country. Every asylum seeker entering Britain would be vetted on security grounds under the Tory plan.

It could mean the next Conservative government temporarily withdrawing from, or seeking changes to, the United Nations Convention on Refugees and European human rights laws, which prevent individuals being deported to a country where they claim that their life would be endangered.

As a result of the existing rules, a former Taliban fighter, who fought against British and American troops in Afghanistan, was recently able to claim asylum in this country. He claimed that his life would be at risk if he was sent back to Afghanistan.

Asylum seekers have also featured in recent arrests concerning an alleged plot to manufacture the poison ricin and the murder of Stephen Oake, the Special Branch police officer, in Manchester.

Other Islamic fundamentalists, from countries such as Algeria, Egypt and Saudi Arabia, have also sought refuge Britain and evaded attempts to deport them. In the Commons on Wednesday, Iain Duncan Smith, the Tory leader, highlighted what he claimed was the "shambles" in the asylum system. He said the Home Secretary was "incapable of deporting people who may pose a threat to the country".

Mr Duncan Smith said that while the Tories supported asylum for genuine refugees, it was essential that Britain was able to deport suspected terrorists. Oliver Letwin, the shadow home secretary, gave indication of the Tories' thinking in an interview published on the Guardian website this week.

He said the immigration system was not working adequately to prevent the entry into this country of a significant number of people, "intent on blowing us up". He said the country could not go on with a system that allowed into Britain a significant number of people in that category.

Mr Letwin said ensuring that terrorists could not exploit the asylum system was likely to be more effective and "less draconian" than the previous policy of detaining all asylum seekers in secure accommodation.

However, Mr Letwin's plan is likely to mean the Tories taking the highly controversial step of renouncing the European Convention on Human Rights. Article 3 of the convention prevents the deportation of an individual to a country where his life may be endangered.

BBC

January 27, 2003

Asylum fears force human rights rethink

BY ROSEMARY BENNETT, DEPUTY POLITICAL EDITOR

BRITAIN is prepared to pull out of the EU Convention on Human Rights if tougher measures prove necessary to stem the flow of asylum-seekers into Britain.

The Prime Minister yesterday described the existing situation as unacceptable and committed the Government to exploring draconian measures beyond international law if changes to the asylum system introduced last year failed to solve the problem.

Ministers fear that public concerns about a terrorist attack will turn into anger against refugees after the discovery that ricin poison was being manufactured in an asylum-seeker's North London flat. They are also concerned that the Conservatives, who are due to unveil an initiative this week, will outflank them with more radical solutions, such as powers to deport any suspected terrorist seeking asylum.

The Government will come under more pressure next month with the publication of figures showing that more than 100,000 asylum-seekers and their families came to Britain last year.

Labour has introduced new rules to try to reduce the appeal of Britain to economic migrants. They include the removal of the right to benefits for anyone who does not claim asylum upon arrival and the posting of British immigration officers at French ports.

However, Tony Blair said yesterday: "If the measures don't work, then we will have to consider further measures, including fundamentally looking at the obligations we have under the Convention on Human Rights."

Article 3 of the EU Convention prevents countries deporting anyone to a country where their life would be endangered. As a result, a former Taleban fighter who fought against British and American troops in Afghanistan, was recently able to have his application for asylum in this country considered after claiming that his life would be at risk if he was sent back to Afghanistan.

Whitehall officials said that withdrawal from the Convention would be very much "a last resort", and would throw up severe legal and diplomatic difficulties. David Blunkett told the Commons last week that it would be impossible to derogate only from those rules on deportation. That means Britain would have to renounce the Convention in its entirety, and then re-enter with a reservation on those measures, allowing deportation in the interests of national security.

Iain Duncan Smith said yesterday that the Government should act now to opt out of the Convention to protect the country.

He accused the Government of being "weak" in dealing with false asylum-seekers: "We want to welcome anyone who comes here for genuine political reasons . . . but we're not seeing that at the moment, the vast majority who are coming are coming for reasons that are nothing to do with real political persecution - either for economic reasons or as in a smaller number, but a significant number, now for criminal or terrorist reasons," he told Sky News. "The Government should have the power to say to certain people: 'We don't want you here and we don't believe you should be here and we're going to deport you back to the country you came from'."

Monday, 27 January, 2003, 23:17 GMT

'Radical rethink' on asylum defended

Blair: Present situation is 'unacceptable'

Downing Street has denied that Tony Blair's suggestion the UK might quit the European Convention on Human Rights was aimed at getting positive newspaper headlines on asylum.

We should concentrate on dealing with applications much more quickly instead of going along with tabloid hysteria

Louise Ellman

Mr Blair's official spokesman said if asylum measures currently coming into operation did not work "we are not afraid to think more radically, more fundamentally if necessary".

Meanwhile, Home Secretary David Blunkett has accused the Sun newspaper of using "racist" language in opinion articles about Iraq.

The comments came as he urged religious leaders to encourage public support for genuine refugees.

Mr Blunkett said: "I was horrified to read in a leader column this morning in The Sun about the tide of disease and terrorism pouring into the country in the guise of asylum-seekers," he said.

"Their political editor also wrote a piece and he said people would describe him as racist if he expressed his views.

"If you use terminology like that, then it is not surprising that people who, like me, don't believe in gesturism, believe it is racist because it is."

Tuesday's edition of the newspaper said it feared for Mr Blunkett's sanity after his "astonishing rant".

Walk away

Earlier, Liberal Democrat leader Charles Kennedy said it would be a "great mistake" to leave the European convention.

Conservative leader Iain Duncan Smith meanwhile said ministers had lost control of asylum.

Mr Blair's spokesman said recent measures - such as accommodation centres, better port security and benefits changes - needed to be given "reasonable" time to work.

Kennedy opposes convention being dropped

But if they did not succeed there would have to be a review of the UK's obligations under the human rights convention.

Asked if the UK could opt out of one piece of the convention, he said: "We have to stay within the convention, or walk away from the convention."

Mr Blair told BBC One's Breakfast with Frost programme on Sunday the present asylum situation was "unacceptable".

He did not explain what he meant by a "fundamental look" at British obligations under the convention.

Labour MP Louise Ellman said she was "dismayed" by the tone of the remarks and warned ministers against "tabloid hysteria".

"I fear that the government is panicking instead of addressing the issue," Ms Ellman told BBC Radio 4's World At One.

'Kneejerk'

Mr Kennedy, who has branded government asylum policies a threat to civil liberties, told BBC Radio 4's Today programme: "I don't think this is the right route for Britain to be heading."

He said it remained to be seen whether Mr Blair's comments were a "knee jerk reaction" to negative press coverage, or a "considered item of government policy".

Duncan Smith: System is a mess

Mr Duncan Smith told BBC Radio Scotland the "vast majority" of those seeking to enter Britain under asylum procedures were economic migrants rather than those genuinely fleeing persecution.

The big worry, argued the Tory leader, was the large number of criminal gangs and terrorists who had got into the country under asylum procedures.

Mr Duncan Smith continued: "The problem the government has got right now is that it's incapable of deporting anybody that they believe might pose a threat or a danger."

That was because of the human rights convention, he argued.

Mr Duncan Smith said Mr Blair was "waffling" when his government had lost control of the whole asylum system.

Terrible mess

Article 3 of the convention outlines the right to freedom from torture or inhuman or degrading treatment.

A spokeswoman from the Refugee Council said: "That is an absolute right and it can't be derogated from."

The council stressed that only three people, compared to more than 80,000 asylum seekers last year, were being held in connection with terrorism investigations.

About 22,500 people applied for UK asylum in the third quarter of last year, a record for any three-month period, according to the Home Office.

The largest contingent came from Iraq, Zimbabwe and Somalia.

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