

Fighting Discrimination Against Minorities in Europe

**NEWSLETTER NO. 4
November 2003**

EDITORIAL

It is already 2 years since we decided to set up with other United members a European common Newsletter on Fighting Discriminations against Minorities in Europe.

At this point, you might wonder whether some positive actions or rules have been elaborated and put in practice against discriminations.

As far as I am concerned, I am afraid that at this day, I have an ambivalent feeling; on the one hand, many European States agree publicly and officially that NO DISCRIMINATION will be tolerated. On the other hand, the national policies regarding minorities show a strengthening of repression against illegal migrants, homeless, refugees, roma people, travellers, etc In other words, all those who do not or hardly produce any economic benefit to our capitalistic societies!

Actually, the articles that some of you sent me for the present Newsletter are a proof that there is hardly an encouraging evolution of the situation of minorities in Europe.

As examples, you can read how dangerous life can be for the Black community in Russia, the recent Immigration and asylum repressive laws in France and Spain, and some bad practices in Belgium

Not to mention the recent elections in Switzerland in which the populist party has proved very successful. After Austria, Italy, the Netherlands, France, Switzerland is the recent example of the frightening increase in Western Europe of extreme-right parties!

I might sound a bit alarmist, but it is clearly the general feeling here in France, not to mention the wave of islamophobia that is going on.

Let's hope that the next European Social Forum, which will take place in November in Paris (see the provisional program presented below) will help to raise some hope and effective actions to resolve the situation of minorities in Europe.

Rachida Toudert (France)

CONTENTS

1. Bosnia and Herzegovina: [NGO Activities to Improve the Law on Protection of National Minorities in Bosnia and Herzegovina](#)
2. Belgium: [Good and bad racial Practices in the month of August 2003 in Belgium](#)
3. Russia: [Information Bulletin- June 2003](#)
4. Russia: [The General Situation of Black people in Russia](#)
5. Spain: [How the State deals with immigration and Roma communities](#)
6. France: [The recent Immigration and Asylum Laws](#)
7. Other discriminations against minorities information: [discriminations against the Roma and Travellers communities; new asylum legislation in Austria](#)
8. A matter of interest: [to fight all kinds of discrimination](#)

1. Bosnia and Herzegovina:

[NGO Activities to Improve the Law on Protection of National Minorities in Bosnia and Herzegovina](#)

The Law on National Minorities' Protection at the state level was adopted last year by the House of Representatives in the Parliamentary Assembly of Bosnia and Herzegovina. However, it was not adopted by the House of Peoples. Considering that general elections were held in the meantime in October 2002, some space was open for civil society representatives to be included in wider public discussion about this Law in order to adopt a better proposal. This Law is one of the important requirements that Bosnia and Herzegovina needs to complete upon the accession to the Council of Europe, which would enable faster joining of the country to European integrations, i.e. full membership in the European Union.

In order to be better prepared for the campaign, in mid-March 2003, the Human Rights Office Tuzla organised a three days' seminar with the participation of the following NGOs -several associations of the national minorities and independent media outlets from both entities of Bosnia and Herzegovina: Independent Zenica; Human Rights Office Bijeljina; Centres of Civil Initiatives Mostar; Woman of BIH Mostar; Sa E Roma Tuzla, Drina Srebrenica; Duga Sarajevo; Centre for Civil Co-operation Gradacac; Ecological Society "Slapovi Kravice" Ljubuski and Radio Slon Tuzla.

This seminar has provided the opportunity to plan the activities of the campaign in the country with the participation of over 20 NGOs from Bosnia and

Herzegovina. It was agreed that the organisers of the campaign would be the Human Rights Office Tuzla and the Centres of Civil Initiatives Mostar. The Law proposal was presented to the participants. During the work, the course of the campaign entitled "Now you express yourself" was agreed, the beginning of which started in the second half of March. The participating NGO representatives expressed readiness to actively co-operate in lobbying for the adoption of this Law.

Wider public discussion was planned including the holding of four round tables in Bijeljina, Banja Luka (Republic of Srpska), Mostar and Tuzla (Federation). The discussions should end up with the conclusions about how to improve the existing NGO Draft Law on National Minorities' Protection that should be sent to the parliamentary procedure of the Parliament of Bosnia and Herzegovina. In addition, a media plan was prepared to present the campaign in the media to the people of Bosnia and Herzegovina. The first round table was held at the end of March in Banja Luka. The topic was "Does the proposed law really protect the minority rights in Bosnia and Herzegovina?". This was the official beginning of the campaign "Now you express yourself!".

In the meantime, in the beginning of April, the Law was adopted in the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina in the same text as adopted by the House of the Representatives of the Parliament. The Law was adopted in an urgent procedure of the House of Peoples, in order to satisfy the remaining conditions for the integration of Bosnia and Herzegovina to the European institutions. This was the reason why we have somewhat changed the strategy of our campaign and our efforts and agreements with partner organisations are redirected to lobbying for changing and amending the Law on National Minorities' Protection.

In congruence with that, the next round table was held in Mostar. Esteemed experts (Member of the Federation Constitutional Court, Professor of the Constitutional Law at Mostar University and expert of international law) analysed the adopted Law and together with other participants gave better ideas to be proposed as amendments to the Law.

The activities regarding the organisation of round tables in Tuzla and Bijeljina are planned for the next months as well as lobbies of the members of the parliaments at the State level about the changes and amendments to the adopted Law on National Minorities' Protection. The conclusions and analysis of these round tables will serve as basis for the creation of the final NGO proposal of the changes and amendments that would be sent to the parliamentary procedure.

In the course of the implementation of this activity, the Human Rights Office Tuzla faced many obstacles in the sense of insufficient experience and training of the non-governmental sector for Human Rights monitoring and lobbying changes of the laws. The laws, which are adopted due to international pressure to fulfill obligations towards the European integration, are being adopted in urgent procedures, which disturbs good preparations and analysis by the legal experts and the members of Parliament.

The Organisations that deal with Human Rights do not have usable database while the International Organisations do not have the possibility to provide expertise for monitoring the Human Rights violations. This is the reason why the strategy of implementing this activity was somewhat changed. The database of the legal aid cases is done on the basis of the cases submitted to the Human Rights Office Tuzla.

The interest of the NGO representatives from both entities, the good co-operation with the Centre for Civil Initiatives Mostar partner and esteemed legal experts, as well as the members of the Parliament, have resulted with the creation of a good action plan for the campaign at the State level to request the changes and amendments to the National Minorities' Protection Law. The experts from Tuzla, Sarajevo and Banja Luka (member of the Federation Parliament; member of the Cantonal Assembly; member of the Parliament of Bosnia and Herzegovina and advisor in Government of the Republic of Srpska) prepared their analysis, which was used as a basis for planning the campaign «Now you express yourself!». The National Minorities' Protection Law was selected because 2002 was proclaimed the year of National Minorities by the Council of Europe and also because we have been thus included in the wider discussion at the regional level about national minorities, since neighbouring countries have also adopted some laws about these issues (Croatia and Serbia and Montenegro).

The start of the campaign "Now you express yourself" we initiated corresponds with the development of the legislative reform and establishment of the rule of law in Bosnia and Herzegovina. The lobbying activities for the quality of the National Minorities' Protection Law are spread to the regional level within the program of the Balkan Human Rights Network. In April, the Human Rights Office Tuzla set up a partnership with ADI from Macedonia within their project, with the goal to create alternative NGO reports on the position of national minorities in certain countries (Croatia, Serbia and Montenegro, Bosnia and Herzegovina; Macedonia; Bulgaria and Albania). The Human Rights Office Tuzla has become the co-ordinator for Bosnia and Herzegovina. Final alternative reports will be presented to the Council of Europe in 2004.

Prepared by:
Nihad Mesic
Human Rights Office Tuzla
Fra S. Matijevica 3, 75000 Tuzla
Bosnia-Herzegovina

2. Belgium:

Good and Bad Racial Practices in the Month of August 2003 in Belgium

Action in the city of Hasselt against racism in night clubs, bars and dancing clubs.

The beginning of August marked a great turning-point in the racial history of a fast becoming multiracial/cultural city of Hasselt. This city, Hasselt, hosts the seat of the Provincial Government of Limburg in Belgium. The story of migrants in this city and its neighbouring villages is nothing new to the inhabitants. All began in the 1950's when the Belgian Government opened its doors to foreign migrant workers to boost coal mining which was an important source of energy at the time. This open door policy to migrant workers instantaneously sparked the influx mostly from Italy, Turkey and Morocco. Of course, the Government quickly took steps to facilitate the integration of these migrants into the Flemish socio-economic arenas. Since then, till this very moment, the aspects of racism, xenophobia and social exclusion have unfortunately been widely and openly prevalent in this beautiful Province of Limburg.

In order to not let the sleeping dogs lie and also to uphold the image of Limburg as the most hospitable Province of Belgium, the Provincial Government decided to take the bull by the horns to curb racism and discrimination.

A survey carried out in nightclubs and dancing places around the city proved that people with slightly darker skin or even hair colour, were not allowed into certain clubs. The city police corps have received several complaints from coloured people about the existing racism and exclusion in clubs. To their dismay, no action has ever been taken to their favour. But the course of history had to change when Mr. Marc Rubbens, the Crown attorney of the city passed on a strict warning to all clubs, danceings and bars that harbour racist practices. He openly called the owners of public places to respect basic Human Rights laws as stated in the Human Rights charters.

The victims were all called upon to make their cases open either to the police or to other Human Rights groups for immediate action.

Politicial calls for a ban on Foreigners in public swimming pools.

A politician of one of the Flemish political parties made an open declaration on TV calling on foreigners to be banned from all public swimming pools. His declaration came after it was heard that some people, allegedly from foreign origins, swam with indescant swimming suits in a particular swimming pool! When they were ordered to get properly dressed, a skirmish erupted because the young boys beleived they were just as properly dressed as their white folks in the pool. When the news reached the politician's ears, he immediately took steps calling for the prohibition of ALL foreigners from public swimming pools.

This pronounciation immediately drove open-minded people mad and aroused a lot of criticism both from the official party as well as the TV station which had not censored such derugating and improper declarations. The blamed politician immediately voiced his deepest apologies after criticisms erupted even from his own party.

Changed hairstyle sends Black Belgian girl two days in jail!

A Belgian girl with Congolese origins was cut short of her trip to London as she was about to check-in to the train. This incident happened when two policemen, after having checked her identity card and passport, claimed that she was not the person on the photo in her documents. They instantly accused her of forgery and using someone else's travelling documents. After all futile attempts to prove that she was the very person on the identity card and the passport, the rudeless police officers immediately sent her to a prison in the city of Brugge. She spent there two miserable days with the threats of being deported to Congo where she apparently had never been to before.

The several interventions of the girl's parents proved useless until a lawyer was contacted. Documents from the Interior Ministry clearly showed and testified that the girl was a Belgian citizen and had to be set free.

When interviewed, a senior Ministry official agreed that it was a silly mistake that shouldn't have happened. The girl has since then levied a case against the police, while we await the final outcome.

Compiled by:

Emmanuel Berinyuy Ngaikpu

Kerkwerk Multicultureel Samenleven

kms@broederlijkdelen.be

3. Russia:

Information Bulletin- June 2003

Last Tuesday's raid on the Moscow Police Department's 5th Division Headquarters appears to be a watershed in combating the city's rampant police corruption. However, many loose ends remain to be tied up, including the whereabouts of three detained officers.

The sting operation uncovered a small arms production ring, run by the so-called "Werewolves", a group of corrupt officers so named for their dual nature as both law officers and criminals. Sources report that the guns produced at the "Werewolves" facility resembles the one used to kill State Deputy Sergei Yushenkov. This discovery raises the suspicion that they may have sold the killer his gun, or may have even actively taken part in the murder. Yushenkov was gunned down in front of his house on April 17; by an unknown assailant in what many feel was a politically motivated contract killing.

It has been affirmed that officers Yuri Samolkin, Nikolai Demin, Igor Ostrovskii, and Assistant Chief of Investigative Operations Evgenii Taratorin are in custody. The whereabouts of General Lieutenant Vladimir Ganeev remain unknown, though all parties present at the raid claim to have witnessed his arrest. Two other officers, Vladimir Lysakov and Valerii Demin, were at first reported arrested, only to be later revealed as having eluded police altogether.

Many are blaming media overexposure and negligent officials Lysakov and Demin's escape. A host of reporters were present at the raid, and a government minister leaked news of the arrests at 11am, while the operation was still in progress. This only adds to the widespread opinion that the arrests of the "Werewolves" are merely a publicity stunt, strategically placed before the December elections in order to aid Moscow Mayor Yuri Luzhkov's reelection bid. Many articles assure that most if not all of the officers will be let off without prison time.

The "Werewolves" were officially arrested upon suspicion of planting weapons on an Armenian and two Chechens whom they arrested in connection with the bombings on Pushkinskii Square in 1999. Publicity stunt or not, this is a milestone in the Russian human rights community as it exposes the common practice in Russia of planting evidence, usually drugs or weapons, on detained foreigners in order to obtain bribes.

Two Officers Charged in Death of Azeri Man

On October 31, 2002, in the wake of the Nord Ost tragedy, the Mytishchin City Police carried out a "cleansing operation" (mass arrests) on the "Vegetta" marketplace. Officially under the auspices of Operation Anti-terror Whirlwind 3, for "routine verification of documents", the operation resulted in the death of a young Azeri man.

Police trucks encircled the marketplace and, in broad daylight, swooped down on the marketplace, detaining anyone of Caucasian appearance. The fatal incident occurred when police forced the more than 80 detainees, mostly Azeris and Moldovans, onto one bus. By the time they began to unload the bus at the station, a young man from Azerbaijan had expired from suffocation.

The trial has begun against Whirlwind 3's leader, Lieutenant Colonel Vladimir Zaznobin, and the bus's driver, sergeant Aleksei Konchev, for "negligence". 17 other detainees have lodged charges of "rendering of bodily harm" against the Mytishchin Police.

4. Russia:

The General Situation of Black People in Russia

The complexity and the spectrum of **daily problems encountered by Africans is so wide in Russia** that the **St Petersburg Social Organisation African Unity** barely resolves them, partially due to financial and legal problems that we encounter. Solving this range of problems, in some cases means saving an individual life from a racial assault, which in certain cases had resulted in death. Among those who met this tragic fate, there was a medical student from Mauritius (Africa) who was ambushed late in the evening and heavily beaten up by skinheads near his hostel; he passed away later that night.

The NGO "African Union" would like to address the problems that African descendants are facing in this country. They are mainly children of Russian girls and African students, who departed to their home country after they completed their studies, leaving their girlfriends and children behind. Those children were very often also abandoned later by their mothers. In the child house or the orphanage, which has become their place of residence, they have become easy targets of discrimination from their Russian mates.

We also do look at the problems encountered by African graduates who, due to one reason or another, were unable to leave Russia for their country after finishing their studies to their home country and have presently fallen into the trap of the Russian legal system, where most of them face the problems of residence registration, the lack of employment and proper accommodation and money to fund their return journey. Among these postgraduates there are also some people with strong family values, who preferred to stay with their newly families rather than return back home.

The problems of refugees are also acute, most of whom are former students who stayed in Russia after their graduation by fear of danger if they returned to their home country. Other refugees, mainly from Sudan, Sierra-Leone, Rwanda and some other countries joined them, though Russia is unlikely the final destination for a refugee coming from Africa. Among those who came are former students, who traveled home and were later forced to return back. Others have trouble with military background in their home country. They hoped that Russia will provide them with a certain degree of security. However, many arrived to face open injustice from the police and nationalist groups that has become a trend in the modern Russian society.

Not all Africans in this country are illegal. Among them, there are those who were lucky and had the opportunity to obtain a permanent Russian residence permit, or citizenship, through marriages and property acquirement. Some have established small businesses to support themselves, their families and other fellow Africans. These are the free places where Africans can get part-time employment and understanding of their problems. However, time after time, the lack of employment documents have attracted the corrupt police attention, who constantly harass them to get bribes from the little money they get. Not to mention that these businessmen do also face injustice from the bureaucratic, discriminatory and corrupted attitude of many governmental officials.

In Saint-Petersburg, one can encounter at any moment: racist graffitis and leaflets on the city walls, boards or other advertisement posters; incessant reference to ethnicity in the mass media. All this is a clear and constant reminder that there is indeed a problem.

We can feel the racist pressure all the time and we do not wish to be either passive witnesses or victims of racist attacks. Early this year, we conducted in our Organisation a research in order to assess the problems of racism in Saint-Petersburg. We sent information requests to some Governmental agencies (Ministry of Interior; Federal security service) and some academic institutions (Center of sociological analysis of interethnic conflicts; Russian academy of

science; institute of sociology...). To our great disappointment, none of these highly respectable Organizations accepted to answer to a mere non-governmental group of African people.

With the assistance of Saint-Petersburg Union of scientist groups in support of ethnic minorities, we conducted a sociological survey among Africans in the city. The findings seem disturbing, because it shows that the Authorities are indifferent to racist attitude or are even permissive, despite the fact that Saint-Petersburg has a law that stresses "the administrative responsibility for the production, dissemination and demonstration of nazi symbols in Saint-Petersburg's territory".

The finding also shows that even those people who do not share racist views choose a passive position. If the public had been more active in challenging the Authorities on this issue, the existence of racist propaganda would have diminished. This passivity may be explained by the fact that people are afraid of neo-nazis and also think that their appeals to authorities may bring no result, or that the concerned officials may be neo-nazis or sympathizers.

We should also mention that the fight against racism should not be limited to Human Rights actions. People from ethnic and racial minorities should be more active in promoting their culture, and be more open to communication. One of the positive way should be teaching traditional ethnic art and crafts to local children. This should act as a "vaccine against racism". Besides, there is a need for education for ethnic minorities (especially migrants) in order to help them to develop communication and conflicts-resolution skills.

The survey results show the need to discuss the issues of interracial relations both with Saint-Petersburg inhabitants as well as the city administration. We sent a letter to the local Authorities, which listed specific manifestations of racial hatred towards Africans. The letter was addressed to the Governor, and other officials such as the Chair Saint-Petersburg committee on education, the head of Saint-Petersburg and Leningrad region main police department and the Chair of external relations committee. A similar letter was sent to other non-governmental Organizations in the city, such as Citizen watch, Memorial and others.

In response to the letters, we received an invitation to a round table session on the issues of interethnic and interracial relations held by the main police department. The round table was attended by officials from the city administration, the visas and passports office, and other political Authorities, as well as local NGO's. The participants suggested a number of measures which might be helpful in addressing the problems discussed.

The round table also helped us to reach agreements, which we consider very important, between the main police department of Saint-Petersburg and the region of Leningrad and our NGO "African Unity". This agreement includes co-operation in a whole range of issues concerning the life and activities of African people in Saint-Petersburg and the region of Leningrad. More particularly, it has become possible to give lectures and talks within the police schools about African countries, their climate, geography, their economic conditions, their culture and traditions. On the other hand, the police officials would also give

lectures to "African Unity" members on the rights and responsibilities of the Russian Federation citizens.

Prepared by:

Aliou Tounkara

St Petersburg Social Organisation - African Unity

unionafricainespb@hotmail.com

5. Spain:

How the State Deals with Immigration and Roma Communities

Madrid, September 16th 2003

In the last decade, Spain has suffered an important increase in the quantity of immigrants. As a matter of fact, the Spanish population has changed attitude towards immigrants. Spain has become a country that hosts more immigrants and in which immigrants look for a better life. It is not only a transit before getting into Northern Europe. Now, the immigrants who arrive in Spain decide to stay in this country. This phenomenon has forced the Government to make decisions and update their Immigration legislation. Later we will discuss this legislation and its consequences. However, I would like to emphasize another issue such as the people's attitude and ideas towards minorities such as the migrants in Spain. The latest statistics data published for the Sociological Research Center (CIS) will show us how the Spanish society perceives the immigration phenomenon as a real danger for native people. Indeed, a large number of Spaniards link immigration with crime as if this was an inevitable consequence. All of the researchers know that it is a wrong idea and nobody can prove the connection between immigration and a rise of crime. But this idea exists in the Spanish society and has entered deeply in the general subconscious.

As an indirect consequence, **the rights of Roma groups have become invisible**. Roma people have disappeared from the general subconscious. They are no more in the mass media. Their problems and hopes are no more a concern for common people, so the Government does not include them in their priorities. This is the reason why the European Commission against Racism and Intolerance have denounced in their latest report on Spain, the health, education and housing poor conditions. As a consequence, the Spanish Authorities have shown a common interest to improve the situation of Roma people. This is a good news but not enough! The invested efforts have not been successful. Probably because the Roma community has not been involved in the development of the National Program for Integration of Roma Community. However, the positive part of this program is the increase in the last decade of the rate of Roma children being integrated in the Spanish education system. But this effort is not enough for a democratic and developed society based on the equal access to opportunities, rights and obligations. Then, we still observe an important rate of school failure among Roma children.

What are actually the main national policies developed to integrate minorities such as immigrants or the Roma community? What is the effectiveness of these policies? We can answer this question with three different points of view. We must consider that the Spanish administrative structure is divided into three different levels: the State Government, the Autonomous Community and the Local Authorities. The State Government has developed a plan called GRECO addressed to migrants and other programmes such as the Plan for Roma Development. Both of them have had a low impact in the real life of these groups despite the good intentions that were announced in the prologue of the law. Firstly, the GRECO is only an instrument to control regular immigration and fight against illegal mafia but it is not a real instrument to promote integration. This plan treats migrants only as an economic resource and does not solve integration problems (health, education, housing, employment or racism). What happened with illegal migrants? They have become invisible human beings for the Government. The latest data issued by the Ministry of Interior about the situation of foreigners show us that around 1.448.671 people in 2003 and 500.000 more are in an illegal situation, so without administrative documents. These human beings are invisible to the Administrative system and the Government only applies control and strict policies on immigration. It is a lack of responsibility and it goes against the International Declaration of Human Rights.

Next month, the Spanish Government will begin a new reform of the Organic Law 4/2000 of January 11th 2000 regarding the rights of foreigners in Spain and their process of integration, as modified by the Organic Law 8/2000 of December 22th. Hence, this Law will have been modified three times in three years. This is not a coherent policy on immigration. None of the civil Organisations are expecting a favourable outcome of the new text of law. Currently, the policies implemented by the right-wing Government attack the work done by NGOs. Last month has been namely marked by constant denouncement of the conservative immigration destructive policies. In spite of this, the Government has tried to discredit our work. We hope though that in future we will be able to positively report the collaboration of all the national and international network Organizations working for fairer and solidarity policies for all human beings.

Prepared by:

Oscar Llorente Pelayo

Movement for Peace, Disarmament and Liberty (MPDL)

mpdl@mpdl.org

6. France:

The recent Immigration and Asylum Laws

Nicolas Sarkozy, the Interior Minister's recent **Law on Immigration and the stay of foreigners in France was adopted in July 2003 by the Parliamentary Assembly**. The right wing voted for its adoption while the left wing opposed it.

However, the Law was adopted and transmitted to the Senate on October 16th, which brought some amendments regarding notably the administrative detention centres for illegal residents. For instance, the Senate has given the detainees the right to have a better access to a lawyer. The Law has ever since been sent back to the Assembly for a second reading. The final text of this Law should be implemented by the end of the year 2003, as declared by the Government which wants to go fast on this issue.

Here are some of the main points of the Draft Law as adopted by the Assembly :

FINGERPRINTS: Creation of a fingerprints file withdrawn from the visas requests deposited by the non-EU citizens as well as in the borders controls.

DETENTION: According to the new Law, illegal residents will be detained for a maximum of 32 days instead of 12 before being deported. The Appeal deadline before being deported will also be shortened to 48 hours instead of 72. The new Law sets up a national commission monitoring the detention centres or other waiting areas. However, it gives the opportunity to the courts to chair and hear the cases in ports, train stations or airports.

SMUGGLERS: The new law reinforces the sanctions against smugglers or carriers transporting illegal migrants.

HOST ATTESTATION: it is a host document that a French resident should send to a relative or a friend who requests a visa to come to Europe. With the new law, the mayor may refuse to deliver such a document if he/she considers that the accommodation conditions are not good enough or if he/she suspects a fraud. The Office of International Migrations (OIM) and the local social services have the right to visit the host's house. Then, the latter will have to pay 15 Euros for each application.

MEDICAL EXPENSES: Those who will apply for a tourist visa will have to contract an insurance that will cover their medical expenses in France.

RESIDENCE PERMIT: It will be suppressed for the EU-citizens. For the non-EU citizens, the residence permit will be delivered after 5 years of residence instead of 3. They will also have to prove their integration will.

FAMILY REUNIFICATION: The residence permit will be submitted to certain conditions : a satisfactory integration and a 2-year residence in France.

MARRIAGE: False marriages will be severely punished (5 years detention and over 30.000 Euros fine).

DOUBLE CONDEMNATION: If a non-EU foreign resident breaks the law, he/she is first sent to jail then he/she is deported to their country of origin. The new law moderates the present rule: no deportation will be pronounced against foreign residents born in France or living there since childhood, or those who already have a family in France.

Exceptions: acts of terrorism, or threats for public security.

CITIZENSHIP: Only « terrorism facts » could imply the withdrawal of the French citizenship. The previous laws would also prevent those who were condemned to obtain the French citizenship.

The new Immigration law tends to be tougher in order to prevent illegal residents to reach the French territory. In reality, many of these points are linked to the concept of "Fortress Europe" that is being raised in all the EU countries. The powers of mayors have been increased also to better control and prevent the entrance of too many extra-EU residents in France (such as the supervision of host attestations, family reunification process, etc.).

Since September 11th, France as well as other European countries have been using the pretext of terrorist threats to close their borders and raise up a fortress against all extra-European citizens. As usual, only the NGO field carries on their active involvement and reflexion to condemn the State's tough measures or keep on suggesting the necessary improvements of asylum & immigration discriminatory texts.

The recent French reform of the right of asylum

The aim of this reform, which was recently adopted by the Senate, is clearly founded on the reduction of the length of asylum procedures ; the average length presently is 2 years and the reform plan is to reduce it to 2 months !

This means that the new Law gives the French Protection Office of Refugees (OFPRA) the power to treat ALL the asylum applications, including the « subsidiary protection » (i.e the refugee status given for humanitarian motives).

To respond to the harmonization of the European Union asylum policies, the present Draft Law contains 3 innovative elements : "to abandon the criteria of persecutions by state-agents" but to introduce the controversial notions of "internal flight alternative" and "safe country of origin".

Thus, the refugee status will be given even though the applicant was persecuted by non-state agents (i.e. local militia, mafia or terrorist organisations). However, the OFPRA will reject an asylum application if it considers that the applicant can obtain protection within his/her origin country.

For the asylum seekers who come from safe third-countries, as listed by the OFPRA, their applications will be treated in an accelerated procedure.

The Left wing has opposed this Draft Law, complaining that the Government makes a confusion between asylum and immigration, as it clearly considers asylum seekers as suspects. It also announced that it will make an appeal to the Consitutional Council (the highest appeal organ).

With such a reform, the right-wing French Government clearly wants to curb the number of asylum seekers. The risk of such drastic reduction of the length of asylum procedures is that many asylum seekers will have no chance to present in details their story and the danger they would run if they are turned back to their country of origin.

The reality of asylum seekers today in France and in Europe is that they are mixed up with "bogus" applicants who flee only dreadful economic or political conditions. Indeed, the Government's intention is clearly to keep these people, including those who risk their lives, far from the EU borders. One of the ways is to transfer asylum applicants to other "safe" countries or in other "safer" regions within the country of origin. With such measures, it is the very notion of asylum that is threatened!

Compiled by:
Rachida Toudert
Amnesty international and United member
rachida_toudert@hotmail.com

7. Other Discriminations Against Minorities Information: **[Discriminations Against the Roma and Travellers Communities; New Asylum Legislation in Austria](#)**

The message behind Roma humour - www.dzeno.cz

08.09.2003

JOKES can serve not only as a source of entertainment, but can also provide an excellent look into the mentality, opinions, and attitudes of those who tell them - and of those who find them funny. They resonate with audiences because they effectively address issues that interest them - ones they often find difficult to address seriously. The case of Roma jokes is no exception. A careful look at **the way Slovak jokes depict the Roma community and its life** therefore reveals the beliefs many Slovaks have about the Roma. Due to their explicit nature, it is not too difficult to decipher the messages they bare. It is especially important for foreigners to be aware of these stereotypes; otherwise, they just might not get the punchline. The following are a set of stereotypes about the Roma, which keep repeating themselves in various forms in most Roma jokes:

Number one - the Roma are actually not the 'Roma'; they are Gypsies. In cases when the word 'Roma' is used, it is meant with a sarcastic undertone and what it really means is - Gypsy.

Number two - the Roma have little or no understanding of hygiene; they wash rarely and live in filth. This belief is often reinforced by the images of the worst Roma settlements on Slovak television. Interestingly, these are also the places where foreign representatives are taken when interested in the Roma issue.

Number three - the Roma never work, they were born to despise any form of labour, and their income is made up entirely of child support, goods taken from Slovaks, stolen potatoes, and unemployment benefits. In short - they are all criminals, or, at best, parasites.

Number four - incest is the rule among the Roma, who all start having sex, and usually children, before becoming teenagers.

Number five - Slovakia would be a better place with Roma out of the country, either sterilised or dead.

The way the "Roma problem" (to which the Roma community is often reduced) is depicted by Slovak media does little to help change these attitudes. If they continue to live in the minds of the people, the "Roma problem" may indeed be very difficult to solve.

The fact racist jokes still attract rather than deter the masses, clearly illustrated by the fact they continue to be presented by large companies and the media, who usually know very well what their customers want, shows how deeply rooted these beliefs are. And how hard it will be to do anything about them.

(From The Slovak Spectator)

Travellers 'neglected' by councils - (www.dzeno.cz)

08.09.2003

Many regional councils are failing in their legal duty to treat travellers as homeless, a report suggests. An investigation carried out by Liberal Democrat peer Lord Avebury says the Homelessness Act 2003 grants travellers specific rights that many of the 157 councils surveyed are failing to recognise. Nearly 70% of 152 authorities whose strategies were examined failed to mention travelling communities, the report says.

Lord Avebury, who is also president of the Advisory Council for the Education of Romanies and Travellers, said: "Local authorities which experience unauthorised encampments of travellers need to recognise the fact that any person living on an unauthorised site is homeless in law. "Travellers do not want the upheaval of being moved on from unlawful sites, but do not have a choice if the local authorities fail to provide lawful sites."

Landless

The Children's Society has called for the government to ensure adequate areas for travellers through legislation. Trevor Phillips, chairman of the Commission for Racial Equality, said: "Across pretty much every index of deprivation, gypsies and travellers are particularly disadvantaged. "We therefore welcome this research as it highlights the way in which gypsies and travellers are consistently overlooked by policy makers in local government."

Almost a fifth of the UK's gypsy and traveller community does not have an authorised settling area and are consequently homeless, the Traveller Law Reform Coalition says. This figure compares to 0.6% of the settled population being without living quarters.

(From BBC News)

Austria adopts controversial asylum law

10/23/2003

Source: AFP English Wire, 23 October 2003 - by Katinka Mezei

VIENNA, Oct 23 (AFP) - The Austrian parliament adopted Thursday a new law on asylum that non-governmental agencies and the opposition have attacked as the most restrictive in Europe.

The law was pushed through by the conservative-far-right coalition government of Chancellor Wolfgang Schuessel, despite the opposition plastering parliament with photographs of important figures who were refugees.

The latter included the father of Sigmund Freud and former US Secretary of State Madeleine Albright who emigrated to the United States from the then Czechoslovakia as a child.

"I admit that we now have the toughest asylum law (in Europe)," said Helene Partik-Pable, legal affairs spokeswoman for the junior partner in government, the far-right Freedom Party of firebrand nationalist Joerg Haider.

Interior Minister Ernst Strasser, who is from Schuessel's conservative People's Party, told parliament the new law would make it possible to "make decisions more quickly" on granting people asylum.

"Austria remains an open house for people who need asylum but it is not an open door," Strasser said in reference to foreigners coming to Austria looking for better jobs.

The new law replaces legislation adopted in 1996 when Austria had 15,000 refugees a year. By 2002 the flow had swelled to 39,000 a year, making Austria the fourth largest destination in Europe for refugees.

The opposition Social Democrats and Greens and several non-governmental organizations said Thursday they would seek to have the law overturned by Austria's Constitutional Court.

The new law says refugees can be expelled even while appealing against government decisions for them to leave.

The United Nations High Commissioner for Refugees said in a statement from Geneva the new law meant refugees could be summarily sent back "into the hands of their torturers."

"Appeals are an essential means to ensure that initial mistaken decisions can be corrected," said UNHCR legal official Erika Feller. Only one asylum seeker in five is determined to be a genuine refugee by Austria's appeals system.

The refugee watchdog added that it was also concerned by Austrian plans to refuse to accept any asylum claims at land borders.

"Even refugees who are clearly in need of international protection will be refused access to the Austrian asylum procedure," the UNHCR said.

The Catholic charity organisation Caritas said the provision on repatriation during the appeal process and another forbidding refugees to bring new arguments when they appeal meant that "Austria has the most restrictive asylum law in Europe."

Rights organisations also said they were alarmed because the new law introduces a list of third countries to whom Austria can expel refugees if they had entered from one of those states.

These include all the current member states of the European Union as well as Switzerland and Lichtenstein and the 10 mostly former communist candidate countries set to join the bloc in May 2004.

Among the members-in-waiting are Hungary, Slovenia and the Czech Republic whose laws allow them to send refugees back to their countries of origin, according to Michael Genner, the head of the Austrian group "Asylum in Distress".

"These countries are not secure for a refugee," he said.

NGOs and the opposition also attacked a list of grounds on which the state can refuse to give any material support to an asylum-seeker. These include the "the non-cooperation of a refugee when asked to reveal his identity" and submitting "an illegitimate asylum request".

Rights activists protested outside the Austrian parliament as the law was passed Thursday, but police prevented them from putting up texts condemning it outside the legislature.

8. A matter of interest: **To Fight All Kinds of Discrimination**

05.092003

Join European Roma Information Office

Would you like to be a volunteer or carry out an internship in a truly international environment? To see your ideas contribute to the development of programs and tools to improve access for the biggest and most discriminated ethnic minority in Europe with extremely limited human and financial resources to main European and international scene? To cooperate with colleagues from a great variety of professional and national backgrounds, including experts, experienced diplomats, human rights activists, academics and IT professionals? To work in a flexible, innovative and open work environment either via the Internet or in our local office in Brussels? If so, consider applying for a volunteer position or internship with European Roma Information Office and join our ERIONET.

The violation of human rights of Roma minority in Europe is considered to be a part of daily life in most of the European countries.

Requirements include a good command of English (we are looking for native speakers of English or any other European language), both written and spoken, the ability to work in a diverse, challenging environment as well as to undertake independent tasks.

Successful completion of an internship does not imply any promise of employment. However, successful interns will be notified and given priority consideration when jobs do become available.

Interns will gain valuable work experience in an international NGO environment. ERIO will provide a letter of reference for successful interns.

For full details please contact:

Valeriu Nicolae

valeriu.nicolae@erionet.org

Invitation to the second European Social Forum

You are all welcome to the European Social Forum (ESF) in Paris and Saint Denis (November 12-16th, 2003).

Tens of thousands of civil activists from all over Europe and beyond are expected. This is a unique opportunity to meet other international civic networks sharing the same values. You can visit the ESF official website for further details:

www.fse-esf.org/francais/index3.html

There is already an official program of the ESF (see below). But such an event is not limited to the "plenary sessions" as described in the program. Tens of seminars and hundreds of self-organised workshops will take place in Paris Saint-Denis.

ESF general (and provisional) program

The official program is divided in 6 mains topics, and twenty "plenary sessions":

I. Against war, for a Europe of peace and justice, of solidarity, open upon the world:

1. Against global and permanent war. Globalisation and militarization, imperial politics, role of the USA, role of petrol, role of NATO, the right of people to auto-determination and to fight against their oppressors.
2. Building peace, a culture of peace, global disarmament, international law.
3. North-South relations: debt, ecological debt, the financing of development, trans-Atlantic repayments, colonialism, and compensation.
4. What future for Eastern Europe and Turkey? What common Europe for its peoples?
5. A Europe of liberties and justice; security policy, penal policy, the legal terrain in Europe, anti-terrorist laws and criminal condemnation, police and legal management of communities.
6. Europe within liberal globalisation. The role of the European Union and the responsibilities of European states in the architecture of world powers (WTO, World Bank, IMF, ILO, WHO, United Nations . . .).

II. Against neo-liberalism, against patriarchy, for a social and democratic Europe of rights. For a Europe of citizens' rights, democratic rights, analysis and critical assessment of the Convention. Role of the institutions, participative and representative democracy.

1. Indivisibility of rights and development of social, economic, cultural and environmental rights. Charter of fundamental rights, workers' rights - men and women (the right to work and labour law). Citizenship and the universality of rights.
2. Against the deregulation of public services, assessment of privatisations, laws of commercial competition, GATS
3. The 'have-nots' as social actors: new forms of resistance, new social conflicts. Against exclusion and poverty; for the effective exercise of their rights.
4. Women and men: from equality within the law to equality in reality. Against the sexual division of labour. For the liberty of women within society.

5. Lesbian, gay and transsexual fights from claims for rights to the assertion of their identities: for another globalisation freed from moral order and gender determinism.

III. Against the logic of profit; for an ecologically sustainable society of social justice and for food sovereignty:

1. For global public property and goods: liberal globalisation and the pillaging of resources, the role of the WTO and multinationals, democratic control of common goods, water, bio-diversity, energy, means of financing.
2. Work conflicts against the logic of profit: the fight against social and environmental dumping, against relocations, against work instability. Labour rights within Europe. Employment policies in Europe.
3. Creating and distributing wealth differently: monetary, budgetary and fiscal policies in favour of employment, against fiscal dumping, breaking the power of financial markets, multinationals, social and environmental responsibilities of companies, territories and globalisation.
4. For sustainable agriculture: for food sovereignty, for a CAP reform, for changing the rules of international agricultural commerce, and producing healthy, safe food, fighting GM products; peasants' rights.
5. Sustainable methods of production and consumption, ecology and preservation of the ecosystem; against the merchandising of the environment, role of a social economy of solidarity; the question of growth; fair trade.
6. Ecological policy for energy and transport: energy policy, the nuclear question, the fight against pollution, the greenhouse effect; regulation of means of transport.

IV. Against merchandising processes; for a Europe of democratic information, culture and education:

1. Against deregulation policies and privatisations in Europe; for the defence of public services and information, culture and education.
2. Against media concentration and the merchandising of information; the right to pluralist information and the right to inform, for the development of independent and alternative media; media and war.
3. For cultural and linguistic exception and diversity in Europe; against the merchandising and the liberalisation of culture at the WTO; for the liberty to create.
4. The role of art, cultural and artistic practices in social transformation and emancipation. Experiments in cultural self-management and auto-production.
5. The right to education for all and against merchandising: the education system and popular education - of social and democratic importance or merely economic opportunity? For a public education service that guarantees the success of everyone, male and female, from early childhood to university.
6. Science and research: for a control of scientific development by citizens; against the merchandising of science; for scientific solidarity between North and South that ensures equality of access to knowledge and technology; against the patenting of the living.

V. Against racism, xenophobia and exclusion for the equality of rights, dialogue between cultures; for a Europe open to migrants, refugees and asylum seekers:

1. Against Europe as a fortress: for residence citizenship, the liberty of circulation, the right to settle, equality of social, civic and political rights; against persecutions; the right of asylum, the rights of refugees (obligatory residence rights).
2. European immigration policy: the cessation of expulsions, the closing of retention centres; migration and development; for a positive contribution of migrants within their countries of reception or of origin.
3. Racism, xenophobia, anti-Semitism, Islam phobia; discrimination; the condemnation of migrants and populations descended from immigration; Romany and travelling people; the role of the media; for a dialogue between cultures.
4. Migration and work: access to social rights; labour, delocalising within Europe; equality of rights.
5. Immigrant women, migrants and globalisation; autonomous status; the civic and political contribution of women within their country of reception; women made objects of trade, victims of sexist and sexual persecutions.
6. Immigrants without residence rights: against new management of labour; residence rights for all.

UNITED for Intercultural Action
European network against nationalism, racism, fascism
and in support of migrants and refugees
Postbus 413, NL-1000 AK Amsterdam, Netherlands
phone +31-20-6834778, fax +31-20-6834582
info@unitedagainstracism.org, www.unitedagainstracism.org