



Session 6  
Contribution to the

## **OSCE CONFERENCE ON ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE**

**Cordoba, 8 - 9 June 2005**

Refugees, asylum seekers, other non-citizens and displaced people of concern to UNHCR all too often face discrimination in the communities where they seek safety. Political manipulation, irresponsible media or lack of education and awareness in the host population can easily cause or aggravate such intolerance further undermining public support for the reception of these groups. Refugees, asylum seekers and victims of human trafficking are also often associated in the media with criminals, adding to the rising tide of xenophobia and discrimination. Discrimination, racism and xenophobia are also major causes of human displacement and the successful combating of such practices and challenges is therefore decisive to all efforts aiming at the creation of conditions conducive for sustainable return in safety and dignity.

UNHCR therefore fully endorses and is an active partner in the broad range of OSCE efforts in the field of tackling racism, xenophobia and non-discrimination. In this respect UNHCR firmly supports the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, adopted at the Maastricht Ministerial Council in December 2003, where it is *inter alia* acknowledged that participating States should step up efforts to counter threats arising from discrimination and intolerance against various groups including asylum seekers (paragraph 38). UNHCR remains concerned with expressions of racism, xenophobia and discrimination all throughout the OSCE area, which seriously endanger refugees' rights to international protection. Protection must include both the physical security and respect for the human dignity of refugees. One of the essential elements of international protection, then, is non-discrimination, in addition to admission to safety, exemption from forcible return (*non-refoulement*), and assistance to meet refugees' basic needs and fundamental human rights.

### **UNHCR's Role in protecting refugees against intolerance**

Racism is a challenge facing all segments of society and government. While the issue cannot be successfully addressed by legislation alone, a proper legislative framework is nevertheless

essential. Respect for human rights, in particular for the principle of non-discrimination vis-à-vis all persons within a State's territory, is a precondition for the development and maintenance of a general culture of inter-ethnic tolerance. The creation of (legal) norms not only sanctions particular behaviour but, in the long-term, will influence value systems within society. The recognition and continued respect for such rights is essential and, in the refugee context, particular attention must be given to the observance of State obligations under the 1951 Convention and its 1967 Protocol.

In this respect, UNHCR carefully follows all developments in the national legislative frameworks that affect persons of concern to the High Commissioner. While our legislative monitoring and lobbying efforts concentrate mainly on asylum and citizenship legislation, attention is also given to the amendment of alien, social, criminal and anti-discrimination legislation. UNHCR is, for example, carefully observing the transposition of the European Commission (EC) anti-discrimination directives, in particular the Racial Equality Directive 2000/43/EC, into national law and practice in regard to its impact on refugee protection issues.

As part of UNHCR's ongoing co-operation with the Office of the High Commissioner for Human Rights (OHCHR) and the UN human rights machinery, UNHCR, *inter alia*, closely co-operates with the Committee on the Elimination of Racial Discrimination (CERD) and in particular assisted the Committee in its efforts which led to General Recommendation 30 on Discrimination Against Non-citizens.

The need to promote greater awareness and understanding of the experience of refugees and thereby enhance respect for refugees is a key element in addressing xenophobia and thereby in improving the protection of refugees. UNHCR has initiated a broad range of activities to prevent racist attacks and discrimination against refugees on an operational level, which reach beyond general monitoring and UNHCR's efforts to address developments in the legislative framework. The media has a particularly important responsibility in this respect and UNHCR has worked to raise awareness of refugee concerns, combat xenophobia and provide balanced briefings to the media, including through workshops targeting local media from Europe to Central Asia and beyond.

In Austria, for example, UNHCR led a billboard and internet campaign called "fairness instead of prejudice" including free banners on prominent websites, free cards and testimonials (including by the President) to counter prejudice and the use of asylum-seekers as scapegoats for the increasing crime rate. In Lebanon, a local television channel produced a short documentary about the lives of refugees in the country, why they had fled their homes and the problems they now faced in their daily lives. In many other countries, including several OSCE participating states and partner countries, schools, community and religious groups, artists and filmmakers helped to present a more human picture of the challenges faced by refugees in reaching safety. A web-based game called "Against All Odds", created upon initiative by UNHCR in Sweden is designed to give secondary school pupils an insight into the experience of being forced to flee one's country. Beyond these preventive measures, it should be noted that legal counselling services in many countries assist refugees who, *inter alia*, have become victims of crimes motivated by racism or xenophobia and till recently a 24-hour hotline serving refugees and asylum-seekers was kept in operation in an Eastern European country.

Outside Europe, Peaceful Coexistence Initiatives (PCI) were particularly pursued in the context of repatriation. Such initiatives serving to promote tolerance as a vital dimension of relief,

rehabilitation and reconciliation in the context of refugee return programmes have been successfully tested in Bosnia and Rwanda and are now followed by similar projects in Sri Lanka and Côte d'Ivoire.

## **Racism as Root Cause of Refugees' Displacement**

While 'racism' is an important factor when analysing root causes for displacement, it does not give a complete picture. Often, the development of inter-ethnic conflict is not the sole responsibility of one (racist) party, but rather the result of mutual lack of inter-ethnic tolerance. Conflict and tension escalate over time, both sides feeling that they are the victims and that their use of violence is merely a response to violence inflicted against them. Such cycles must be broken, and the earlier the efforts to do so begin, the higher the chances for success.

Ethnic and racial tensions can be seen as a root cause of refugee flows for two reasons:

First, they can be a consequence, or form an intrinsic part of political strategies to exploit the differences between various ethnic groups in order to mobilise support. Ethnic antagonisms can be deliberately fanned for their own and sometimes unrelated ends. Second, despite the fact that most States contain a variety of ethnic groups, the ethnic identity of a single group is all too often made into a defining characteristic of nationality. Some minority groups may be seen as an obstacle to nation building, incapable of adapting to a homogenous, national identity.

While the events that trigger refugee outflows are specific to each particular setting, certain common characteristics are apparent. The immediate cause of flight is in most cases an imminent threat to life, liberty or security. The deliberate expulsion of an ethnic group may be the direct tactic and object of the conflict itself.

Recurrent conflict among ethnic or communal groups within a State calls for mediation by the central government. If the State is party to the conflict or if it is otherwise unwilling to perform its mediating role effectively, 'ethnic cleansing' or other forms of forcible segregation of populations may be the result.

A requisite for the prevention of refugee flows and the promotion of voluntary repatriation as a solution to refugee problems is sufficient political will by the State directly concerned to address such issues as lack of human rights, the use of force, inter-ethnic disputes and economic and social degradation.

## **Conclusion**

Racism and discrimination on the basis of race and ethnicity affect all of us and all of us have the responsibility of challenging and ending it. Efforts must be made to ensure that all concerned parties tackle this issue. There can be no doubt that failure to take positive action often leads to more serious social problems, even to violent conflict and outflow of refugees. The protection of returnees from discrimination of any form and the protection of the rights of minorities in general become imperative.

Very relevant to the issues discussed today are some personal remarks made recently by the newly appointed High Commissioner for Refugees, Mr Antonio Manuel de Oliveira Guterres: *“UNHCR is more relevant than ever, starting from the need to promote a strong counter-offensive vis-à-vis negative public opinions, in favour of tolerance, as opposed to xenophobia and racism. People must understand that societies will be multiethnic and multicultural and that neither rejection nor assimilation is possible anymore. Social cohesion will be more and more the result of cultural diversity with different communities living together within the constitutional framework of a democratic state, guarantor of human rights.”*

UNHCR  
Cordoba (Spain) 8 June 2005

## **Recommendations to the OSCE participating States**

### **Legislative, Institutional Mechanisms and Governmental Action**

- States should enshrine comprehensive equal rights and non-discrimination in their constitution and all relevant legislation (including non-nationals, such as asylum seekers, refugees, returnees, displaced people and stateless persons).
- States should take measures to combat racism, racial discrimination and xenophobia directed against asylum seekers and refugees. In this respect, credible and up-to-date public information on the numbers of those in need of international protection, where that protection is being provided and in what form, has an important part to play in redressing some of the commonly held myths about refugees and asylum seekers.
- States should pass and implement equally comprehensive non-discrimination legislation, complemented with adequate complaints, legal recourse and remedy provisions.
- Perpetrators of racist and xenophobic violence must effectively and openly be condemned through courts of law, human rights commissions and ombudsmen offices. The judicial system and penal institutions must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold.
- States which have introduced in their legislation provisions granting indemnification to victims of serious crimes should make sure that such provisions and benefits are also available to non-nationals who become victims of racist crimes. Where existing, reciprocity requirements should be lifted in particular to allow refugees to benefit from such indemnification provisions.
- States should fully comply with their reporting obligations with the UN Treaty Monitoring Bodies and are requested to give particular attention in their reports to the situation of refugees, asylum seekers, and other displaced.
- States should regularly report on problems and progress in this field.

### **The Role of Governments and Civil Society in Promoting Tolerance**

- States should encourage the development of a strong and independent advocacy by NGOs in order to sensitise the public and officials on problems of racism, ethnic discrimination and xenophobia.
- Officials and politicians, in recognition of the influence they exercise on public opinion must be made more responsible and accountable for their public statements. They should reflect and be made aware that they could contribute to social tensions.

## **Education, Information and Awareness Raising**

- States should invest in providing strict guidelines and training to civil servants (particularly law enforcement officials).
- States should take the lead in promoting inter-cultural activities where all sectors of the community participate in and learn from each other in a spirit of mutual respect and co-operation. Major institutions at all levels of social life should be targeted, including the family, schools, colleges and universities, the workplace, religious institutions and leaders.
- The media should play an essential function as a tool for positive social change as opposed to an instrument to propagate hatred and intolerance.

UNHCR  
June 2005