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PC.DEL/838/19
8 July 2019

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

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AT THE 1234th MEETING OF THE OSCE PERMANENT COUNCIL**

4 July 2019

**On violations of the human rights of asylum seekers and migrants in
Member States of the European Union**

Madam Chairperson,

Even after several years, the topic concerning the situation with asylum seekers and migrants in Member States of the European Union is, unfortunately, no less relevant. This is indicated by data from the United Nations, relevant European structures and international human rights organizations.

Despite the reduction in the intensity of migrant flows and the adoption by the authorities of European States of necessary measures, the situation remains grave. The root causes of the mass exodus of refugees and migrants from States in the Middle East and North Africa have been mentioned here on many occasions, and we will not repeat them again.

However, it is worth remembering that, again and again, thousands of people who are forced to leave their homes in search of a safe refuge from wars and natural disasters die on the way to Europe, many become victims of human traffickers, nationalists and xenophobes of all descriptions, and get caught up in the hard millstones of the State bureaucratic “machine”. Forced migration within the EU also contributes to this situation, where people often have to leave their homeland due to the violation by the authorities of their rights based on ethnicity, including the application of discriminatory citizenship laws to them.

These findings are confirmed by the recent annual report of the European Union Agency for Fundamental Rights (FRA), which states that discrimination against migrants, crimes against them motivated by prejudice and hate, and manifestations of xenophobia still occur in the EU. The year 2018 saw an increase in the number of reported cases of violence against migrants committed by the police and border guards. Reference is made to the violation by certain EU countries of the principle of non-refoulement of refugees, enshrined in Articles 18 and 19 of the Charter of Fundamental Rights of the European Union.

Experts note that migrants and refugees arriving in Europe from across the Mediterranean Sea have to wait for weeks on ships before they are given permission to disembark, owing to the chronic inability of the EU Member States to agree on how to distribute new arrivals among themselves. This is described as an “alarming ... gap in the EU’s protection of fundamental rights.” Bureaucratic red tape and unnecessarily lengthy procedures for issuing residence permits to migrants increase the risk of asylum seekers becoming

involved in criminal activities. We would add that as a result of this treatment, migrants are demonized in the eyes of the host society and are subject to repeated victimization.

Moreover, in individual EU States, the intimidation of humanitarian non-governmental organizations (NGOs), volunteers and journalists who assist migrants and objectively report on the situation in this area is continuing.

The FRA highlights the problem of incitement to hatred and right-wing extremism in the statements of a number of politicians in relation to Muslims and refugees, which have become mainstream across the EU. With reference to the 2018 report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, it is emphasized that “certain political rhetoric and impunity for such speech can fuel neo-Nazism and extremism.”

We have repeatedly drawn the attention of the participating States and the relevant structures of the OSCE to this alarming trend. However, we have not seen any change for the better. Incidents of neo-Nazism and xenophobia, aggressive nationalism and racism against migrants in the EU continue to occur. Detailed evidence of this can be found, in particular, in a report published in May by the Ministry of Foreign Affairs of Russia on the situation with the glorification of Nazism and the spread of neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Unfortunately, it is not only adults that are in danger. Migrant children are also confronted with major challenges in the EU, where they often face an unenviable fate. According to a report by the United Nations Children’s Fund (UNICEF) of March 2019, children make up one quarter of the total number of migrants. They are subjected to violence, including sexual violence, threats and exploitation. Children, many of whom arrive in Europe unaccompanied by their parents or guardians, die, go missing, end up in slavery, or are subjected to other forms of coercion. In 2018 alone, around 400 minors died.

We once again call on the EU Member States to strictly adhere to their international obligations to protect the human rights of migrants, refugees and asylum seekers, especially children. Attempts to conceal or deny entrenched anti-migrant sentiment, manifestations of neo-Nazism and other extreme forms of intolerance should be prevented. The OSCE executive structures, within their competencies, should provide the necessary assistance in this area.

Thank you for your attention.

ON THE VIOLATION OF THE RIGHTS OF MIGRANTS AND ASYLUM SEEKERS IN MEMBER STATES OF THE EUROPEAN UNION

According to the latest report by the European Union Agency for Fundamental Rights, a total of 2,299 migrants have died or gone missing at sea while trying to reach Europe. That is more than six people per day.

In 2018, 16 cases were recorded in which migrants and refugees were not allowed to leave the vessel on which they had arrived in Europe. In nine cases, the waiting period at the port was over a week. The States in question were Italy, Spain and Malta. The reason for this situation is the refusal to allow migrants and refugees to disembark until an agreement is reached between the EU countries on an even distribution of people.

Of the recent examples, it is worth recalling the high-profile case involving the vessel of the German non-governmental organization (NGO) Sea-Watch, whose crew saved 42 Middle Eastern and North African migrants. The Italian authorities are refusing to accept them, and the captain of the vessel is under arrest on charges of people smuggling. This time the European Commission restricted itself to merely issuing a statement that it was “closely monitoring the situation,” while acknowledging, in fact, the inability of the EU’s existing mechanisms to distribute rescued asylum seekers among Member States.

The report recorded multiple cases of violation of the principle of non-refoulement.

For example, in Croatia, detained migrants were expelled to the border with Serbia and Bosnia and Herzegovina. According to some of the migrants, they had been denied a request for refugee status. In Bulgaria, detained migrants from Afghanistan and Iraq were expelled to Turkey. In Spain, migrants who came to the country across the Ceuta border fence in the semi-enclaves of Ceuta and Melilla were sent back to Morocco (Note: Spanish immigration legislation allows for “expulsion at the border” if a third-country citizen enters Ceuta/Melilla in a “non-standard way”). In Poland and Lithuania, cases have been recorded in which applicants for international protection have been denied entry to the country.

Now I shall turn to the cases of intimidation of NGOs, volunteers and journalists who provide assistance to migrants.

In Belgium in 2018, two journalists, a social worker and one other person were put on trial after helping migrants. One of them spent eight months in a pre-trial detention facility, and the social worker spent two months in a pre-trial detention facility. In Italy, an Italian citizen who transported illegal migrants from France to Italy in his car was sentenced to nine months in prison. The punishment was not even mitigated by the fact that the citizen had no knowledge of the illegal status of the people he was transporting.

As for “hate rhetoric” and right-wing extremism, here too, things are no better.

For example, in Italy on 2 June 2018, a 29-year-old native of Mali was shot dead after a hate-filled statement made on air by a high-ranking local politician. We recall that on 26 June 2019, after the Sea-Watch vessel with 42 migrants on board entered the territorial waters of Italy without permission, the

same politician stated the following: “We will use any democratic means necessary to stop this lawlessness ... I am fed up and I speak on behalf of 60 million Italian citizens.”

It is necessary to focus separately on the problem of manifestations in the EU Member States of neo-Nazism, xenophobia and violence against migrants.

Recently, the Ministry of Foreign Affairs of Russia issued its latest report on the situation with the glorification of Nazism and the spread of neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

According to this document, 1,162 incidents of racial intolerance were recorded in Austria in 2017, which is the highest level in recent years. Most cases occurred online (44 per cent of the total number of offences and an increase of more than 100 per cent over the past two years), in public places (15 per cent) and in the service sector (12 per cent). The majority of cases involve racism on social media (35 per cent of online offences are directed against refugees), everyday racism, and shouting slogans or drawing symbols of National Socialism.

In Germany, according to preliminary data of the Federal Criminal Police Office for 2018, 1,775 crimes against migrants and 173 attacks on accommodation facilities for migrants were recorded in the country. At least 315 people were injured. However, the police have not ruled out the fact that those figures may rise.

The activities of the local neo-Nazis in Sweden are no less intense. On average, they annually stage around three thousand demonstrations against immigrants, national, religious and sexual minorities, left-wing politicians, activists and journalists.

Immigrants, including second-generation immigrants, are regularly targeted by xenophobic neo-Nazi campaigns. One recent example is the harassment on Swedish Internet forums of a football player for the Swedish national team at the 2018 World Cup in Russia, Jimmy Durmaz (an Assyrian, who, however, was born and has lived his whole life in Sweden), in connection with his unsuccessful performance in a group match against Germany.

Unfortunately, the sad statistics do not end there, particularly in relation to many other EU countries. Joint efforts are needed, including efforts within the OSCE, to eradicate all these negative phenomena.