



United States Mission to the OSCE

Session 7 Freedom of Movement

As prepared for delivery by Kathleen Newland
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Mr./Madam Moderator,

Freedom of movement, broadly speaking, is grounded in a number of specific international commitments. Before saying a few words about what freedom of movement *is*, I would like to say a few words about what *it is not*.

Freedom of movement does not mean the right to enter or remain in any and all foreign countries. Accordingly, for a variety of reasons the United States continues to exercise its authority to exclude non-nationals seeking entry to the United States. In particular, those who commit serious violations of human rights should not expect an open door to the United States. It is a simple proposition, and one that we urge other participating States to follow.

While getting a visa to enter a foreign country remains a privilege, the ability to leave your own country and to return to it is a right recognized in the Universal Declaration of Human Rights and other international instruments.

The extension of visa-free travel within the European Union to a number of non-member states is one of the more positive developments in recent years that directly benefit the citizens of Western Balkan countries. However, we are concerned that persons from Romani and other minority groups may have been prevented from exercising the right to leave their country on the presumption that they will seek asylum once they reach their destination country. We urge that European Union officials discourage this practice and, instead, find more transparent ways of handling the increase in asylum cases resulting from visa-free travel. Moreover, negative comments about Roma made by officials from some European Union countries may have fostered such discriminatory practices.

We are also concerned that some persons from Romani or other minority groups in the Balkans lack citizenship documentation, which limits their freedom of movement, property rights, and access to basic services. The United States has supported the UN High Commissioner for Refugees to provide legal aid to persons in need of citizenship documentation in the Balkans.

The freedom of movement inherently includes the right to decide for ourselves whether to move or not. The United States is troubled by the large numbers of Roma—conservatively estimated in the tens of thousands, and possibly in the hundreds of thousands—who have found themselves displaced from long-term permanent housing, employment or family and social ties over the past two decades. True freedom of movement implicitly includes the freedom not to move. Moreover, the conditions – including non-discrimination in access to housing, education and employment - must also exist so that movement is sustainable. Freedom of movement includes the ability to move from town to town within one’s own country. Ultimately, it is up to national authorities to ensure that people are neither punished by local authorities for exercising that right, nor prohibited by physical barriers.

A few years ago, there was a scandal in Michalovce, in eastern Slovakia, when it was discovered that a community of Roma was siphoning water from the town’s water supply. For this particular Romani neighborhood, it was the only way to get water for drinking, bathing and washing. As the Mayor at that time explained to the press, there would be no way to legally supply the neighborhood with water because “officially, they don’t exist.” Since the individuals living in the community were considered “unregistered”—they had no way to demonstrate to their own government that, in fact, they do exist.

This phenomenon is replicated all over the OSCE region. Most recently, the Mayor of Baia Mare, Romania, said that hundreds of Romani residents would have to leave, because they were not originally from that town. Mr./Madam Moderator, forcing people to move from town to town by refusing to register or recognize them is a clear indication of the depth of discrimination that Roma face. Such forcible internal relocation is just as much a violation of universal principles as forcing them to move from country to country.