

Amnesty International

Statement to Working Session 3: Combating intolerance and discrimination and promoting mutual respect and understanding – implementation of commitments

Protection of minorities

Amnesty International is concerned that before the resolution of the future status of **Kosovo**, some EU and Council of Europe member states are making preparations to forcibly return, or have forcibly returned to Kosovo persons who the organization considers in need of temporary protection, including members of minority communities.

Amnesty International urges states to refrain from the forcible return of such persons, especially members of minority communities and others for whom a continued international protection need continues. Temporary protection should only cease when there has been an agreement on the future status of Kosovo, an end to the current political instability and respect for the rights of minority communities, so that refugees may return in safety and in dignity.

In **Bosnia and Herzegovina** (BiH) throughout the post-war period, the international community has made efforts to encourage the return of those who fled or were driven from their homes, to reduce ethnic discrimination and to ensure that all parts of the country function as multi-ethnic communities. Despite these efforts, discrimination in employment continues to be one of the most serious obstacles to the return of refugees and internally displaced persons.

In **Croatia**, one of the main obstacles to the sustainable return of Croatian Serb refugees remains the lack of housing solutions for those willing to return. The Croatian authorities, under pressure from the international community, have adopted a range of measures to provide housing to Croatian Serbs willing to return, including two “housing care” programmes. However, these measures are being implemented very slowly, if at all, and, even if implemented, would not constitute a comprehensive, human rights-based solution to the housing needs of Croatian Serb refugees.

In **Montenegro** over 16 000 Roma and Serbs displaced from Kosovo continued to be denied civil, political, economical and social rights because they were refused civil registration. Similar problems faced thousands of people in Slovenia – all coming from other former Yugoslav republics – who had been unlawfully ‘erased’ from the register of permanent residents in 1992, after the country became independent.

Across Europe the Roma remain largely excluded from public life and are unable to enjoy full access to rights such as housing, employment and health services. Amnesty International believes that the circle of poverty, racism and discrimination exclude Romani children from education in many participating States. Romani children in **Bosnia and Herzegovina, Croatia, the Czech Republic, Slovakia, Slovenia** and many other participating States, continue to be denied their right to equal education without discrimination, and consequently their ability to enjoy a range of other fundamental human rights. These include the right to access health care and employment, to freedom of expression and political participation, key avenues to breaking out the cycle of poverty and marginalization.

Amnesty International continues to express its concerns on how authorities in **Latvia, Poland and Russia** continue to foster a climate of intolerance against the lesbian, gay, bisexual and transgender (LGBT) communities, at times obstructing public events organized by LGBT groups amid openly homophobic language used by some highly placed politicians.

Recommendations:

Amnesty International is calling on Participating States to:

- Ensure that, in post-conflict situations, the right of return of all displaced people is realized through the elimination of discrimination against minorities and by taking steps to ensure that minority returnees have access to their economic and social rights.
- Publicly condemn attacks, threats of attacks and other harassment of LGBT individuals, making clear that such violence is a criminal offence and will be prosecuted as such.
- Ensure that all individuals within their jurisdiction are able to effectively exercise their right to freedom of peaceful assembly without discrimination and that the police have sufficient resources and training to take effective steps to protect this right.
- Ensure that participating States actively fight discrimination against Roma in Europe and promote the full inclusion of Romani children in education.