



United States Mission to the OSCE

Session 11

Humanitarian Issues and Other Commitments
Migrant workers, the integration of legal migrants;
Refugees and displaced persons;
Treatment of citizens of other participating States;
Citizenship and political rights;
Democracy at the national, regional and local levels

As prepared for delivery by Ambassador Cynthia Efir
OSCE Human Dimension Implementation Meeting
Warsaw, October 3, 2011

Mr./Madam Moderator,

The United States government remains deeply concerned about the vulnerability of migrants, refugees, and displaced and stateless persons within the OSCE region as we commemorate the 50th and 60th anniversaries of the 1951 Convention relating to the Status of Refugees and the 1961 Convention on the Reduction of Statelessness.

Recent political transitions in the Mediterranean and North Africa have resulted in close to a million displaced persons, with many fleeing to European borders by sea and other means. We support ongoing efforts by the International Organization for Migration (IOM) and the Office of the UN High Commissioner for Refugees (UNHCR) to work with governments, including by providing migrants with the opportunity to seek and receive protection if necessary, and by assisting local maritime authorities to assist those in distress. We view such efforts as integral to support for democratic efforts taking place in the region and urge participating States to treat these vulnerable migrants with respect, compassion, and humanity.

The circumstances giving rise to refugees and displaced persons around the Mediterranean Basin remind us that the requirements of the Dublin Regulation place a disproportionate asylum burden on OSCE border countries with accompanying tensions in these countries. We must better address this continuing challenge in the context of our OSCE commitments. Specifically, at the Ljubljana Ministerial Council of 2005, the participating States committed to “. . . promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments.” The failure to distinguish asylum seekers from those migrating for other reasons and the increased use of detention, including for unaccompanied children, continue to be major obstacles for those seeking protection and hinder efforts to meet the expectations laid forth in Ljubljana.

The plight of refugees and displaced persons in the Western Balkans—numbering in the hundreds of thousands—remains a concern even as the countries move closer to European integration. Finding permanent solutions requires, first and foremost, addressing the still pervasive hostility toward returnees. Threats, harassment and even attacks on returnees and potential returnees must stop. Local authorities, particularly in parts of Croatia, the Republika Srpska entity of Bosnia-Herzegovina, and throughout Kosovo, have a responsibility to take action to counter anti-return sentiments. European countries outside the region who have hosted those who fled the conflicts of the 1990s must also ensure that the conditions exist for safe and sustainable returns. This particularly applies to the return of Roma to Kosovo. Helping local authorities in receiving and integrating those who return is not only a humane act but also one that serves the self-interest of all the parties involved. Without such assistance, returnees may feel compelled to leave their homes once again to seek greater security elsewhere in Europe. We welcome the decision in August of authorities in Baden-Wuerttemberg to suspend the deportation of Roma back to Kosovo. Although the GOK and partner organizations have improved their capacity and have more of the resources needed to reintegrate Roma, this group still faces fundamental challenges, including unemployment and inadequate housing.

On another issue in the Western Balkans, we encourage Bosnia and Herzegovina, Croatia, Montenegro and Serbia to continue in their joint efforts, in coordination with the international community, to assure durable solutions for refugees and IDPs remaining from the displacement of 1991-1995.

We favor the protection of displaced populations in the South Caucasus and the provision of humanitarian assistance to address the needs that result from their displacement. In Georgia, we support a meaningful international presence that includes the OSCE and other international actors. This can play a valuable role in reducing tensions, facilitating humanitarian assistance, and monitoring and improving human rights and humanitarian conditions on the ground. We note, however, that the success of any international effort depends on unhindered access to the whole of Georgia, including the separatist regions of Abkhazia and South Ossetia.

We are also concerned about continuing obstacles faced by persons displaced by the violence that took place in southern Kyrgyzstan in June 2010. While temporary housing and building material has been provided by international donors, ongoing city redevelopment plans threaten long-term rebuilding efforts and property rights. Displaced ethnic Uzbeks have been disproportionately affected by such plans, and continue to face excessive bureaucratic obstacles in their efforts to recover property deeds or other documents or receive compensation for their losses. Kyrgyz authorities have done little to rebuild ethnic Uzbek businesses destroyed during the violence; instead there are credible and disturbing reports that ethnic Kyrgyz have expropriated ethnic Uzbek businesses through coercion or threats.

The United States remains concerned that government officials and political leaders in the OSCE region continue to contribute to a climate of xenophobia through anti-immigrant statements. In its worst instances, this can lead to bias-motivated violence against refugees,

asylum seekers, and others. For example, the recent tragedy in Norway was inspired in part by misguided beliefs that Muslim migrants were destroying Europe, as well as the desire to stop politicians and others who were perceived as having facilitated entry into Europe for Muslim immigrants and their descendants and others.

Government officials and political and civic leaders should strive toward strategies that reduce racial prejudice and community tension around immigration issues, and maximize the human capital potential of those entering the country. We should use the ongoing debate regarding the expulsions of Roma from France and evictions of Roma in Italy and elsewhere to move us closer to those goals.

In this context we welcome the 2011 OSCE Parliamentary Assembly Annual Session Resolution on “Strengthening Efforts to Combat Racism and Xenophobia and Foster Inclusion,” and look forward to follow up on it in the OSCE. We also commend the Council of Europe Report “Living together: Combining diversity and freedom in 21st-century Europe.”

Challenges also remain in our own country. We continue to battle negative views and actions towards migrants, including by collecting data on and responding to hate crimes directed against them.

We encourage participating States to utilize the many resources the OSCE has developed that can assist us in implementing our commitments. We support the OSCE’s Annual Hate Crimes Report, new Training against Hate Crimes for Law Enforcement program and continue to support cooperative efforts to address the problem, such as the Memorandum of Understanding between UNHCR and ODIHR to further bolster existing cooperation in monitoring, reporting

and capacity-building related to hate crimes. We encourage the use of the OSCE/IOM “Training

Modules on Labour Migration Management –Trainer’s Manual” in the development of migration programs and policies that will contribute to stability and security. We also remain supportive of efforts by the OSCE High Commissioner on National Minorities that have focused on the integration of migrants and relieving societal tensions linked to migration.

As the United States noted at the Lithuanian Chairmanship’s timely Special Thematic Event on Internally Displaced Persons and Refugees, the OSCE has a unique role in fostering the capacity for the dignified voluntary return of displaced persons and finding durable solutions for refugees.