



ICELAND

ATLANTIC  
OCEAN

IRELAND  
UNITED  
KINGDOM

NORWAY

SWEDEN

DENMARK

FINLAND

ESTONIA

LATVIA

LITHUANIA

Kaliningrad  
(Rus.)

POLAND

BELARUS

GERMANY

NETHERLANDS

BELGIUM

LUXEMBOURG

FRANCE

SWITZERLAND

AUSTRIA

SLOVAKIA

CZECH REP.

HUNGARY

SLOVENIA

CROATIA

BOSNIA  
AND HERZE

SERBIA

MONTENEGRO

SAN MARINO

MONACO

ANDORRA

PORTUGAL

SPAIN

ITALY

ALBANIA

MACEDONIA

KOSOVO

BULGARIA

ROMANIA

MOLDOVA

UKRAINE

BLACK SEA

TURKEY

CYPRUS

GEORGIA

ARMENIA

AZERBAIJAN

RUSSIA

# Europe

Katalin Halász and  
Nurçan Kaya

In 2010, the international financial crisis exposed existing human rights violations and increased the hardships faced by the most vulnerable minority groups in Europe. In many countries, the far right made its presence felt, with xenophobic and racist rhetoric pervading mainstream politics, media and public dialogue more widely. Conversely, Europe has developed beyond a mere economic partnership to a region whose governance is based on fundamental rights. Every European country has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Charter of Fundamental Rights is given effect within the European Union (EU) by the Treaty of Lisbon entering into force at the end of 2009; and the EU is moving to ratify the European Convention on Human Rights (ECHR).

### The emerging human rights framework

The successful passage of the Lisbon Treaty means that, ten years after its formulation, the Charter of Fundamental Rights has finally acquired legally binding status, and as such sets out a Bill of Rights for citizens and residents of the EU. The Charter draws on rights already enshrined in existing EU law (e.g. the right of free movement in Article 45), the ECHR and the case law of the European Court of Justice. Its legal effect means that individuals are now able to claim Charter rights against member states and EU institutions when they are implementing EU law. In terms of minority rights protection, the new Treaty and the Charter establish that the rights of persons belonging to minorities should be respected and that the EU should respect cultural, religious and linguistic diversity, with Article 21 of the Charter significantly extending the list of protected grounds. Furthermore, third-country nationals have acquired a set of rights through the Charter, which extends the scope of rights holders beyond citizens of EU member states. In October, the European Commission launched a strategy to ensure the effective implementation of the Charter. According to the strategy, the European Commission should provide information for individuals on when it can intervene in fundamental rights issues, and it should verify that all EU laws are compatible with the Charter.

Official talks on the EU's accession to the ECHR started on 7 July 2010 marking another historic

**Right:** A woman addresses the crowd at an anti-racism demonstration in Örebro, Sweden, 2010. *Ron Pyke.*

moment in furthering human rights protection within the EU. Thorbjørn Jagland, the Secretary-General of the Council of Europe stated that:

*'The European Convention on Human Rights is the essential reference for human rights protection for all of Europe. By accepting to submit the work of its institutions to the same human rights rules and the same scrutiny which applies to all European democracies, the European Union is sending a very powerful message.'*

With the accession of the EU to the ECHR, the European Court of Human Rights (ECtHR) will have jurisdiction over alleged fundamental rights breaches by the EU and over breaches of EU law committed by member states.

Despite these positive developments, negotiations have reached a standstill on the proposal for a new anti-discrimination directive to prohibit discrimination on the grounds of religion or belief, age, disability and sexual orientation outside employment. Amnesty International collected 50,000 signatures in favour of the draft directive to hand over to representatives of Germany, which has been against the adoption of the draft directive since it was proposed by the European Commission in 2008. The new anti-discrimination directive is also blocked by the difficulties some member states still face in transposing the Race Equality and Employment Equality Directives adopted in 2000 into national law. In 2010, the European Commission closed legal proceedings against Germany and the Czech Republic on the two directives, after both countries presented evidence of complying with EU requirements. The Commission also referred Poland to the European Court of Justice for failing to implement the Race Equality Directive correctly in its national law.

The evolution of a stronger human rights framework that provides additional means to hold nation-states to account is a significant development in terms of furthering minority protection. The economic reality may, however, endanger the full implementation of these rights. European countries have been through a major economic upheaval, the social consequences of which are only starting to come to light. In June 2010, the EU adopted the



'Europe 2020' strategy to prepare the EU economy for the battle for growth and jobs. Two of the strategy's five targets relate to employment and poverty: 75 per cent of the population aged 20–64 should be employed, and 20 million fewer people should be at risk of poverty by 2020. The strategy was heavily criticized by analysts for its reliance on the political will of member states, and by human rights non-governmental organizations (NGOs) for the lack of emphasis on the human dimension and fundamental rights. On 19 November, a coalition of NGOs initiated a human ring around the European parliament to call for a more equitable response to the crisis, one that puts human rights and equality between men and women and ending all forms of discrimination at its centre.

### Rise of the far right

The legal framework and fine declarations are at odds with the rhetoric of intolerance witnessed across the continent, and with the lived experience of minority communities in every European country. The rise of the far right across Europe has been a significant concern for some time. Racist rhetoric

has gained ground as the anti-terrorism agenda of many governments has led to the targeting and demonization of minority communities. The economic crisis has given an added dimension to this, as extremist groups target minorities as scapegoats (for example Roma in Hungary and the Czech Republic). The recruiting grounds for the far right have become those communities which, at a very local level, are often untouched by, or distrusting of, European discussions. A poll conducted by the Vienna-based research agency Karmasin showed that although the majority of respondents agreed with adhering to human rights, only 18 per cent of Austrians think ethnic minorities are in need of protection and only 20 per cent think the same about asylum seekers and migrants.

With campaign advertisements that were blatantly racist, xenophobic and reminiscent of Nazi slogans, such as '*Mehr Mut für Wiener Blut*' ('More courage for Viennese blood'), Austria's right-wing Freedom Party's (FPÖ) gained considerable ground in local elections in Vienna in October, winning more than double the number of seats it had previously had in the regional parliament. Elsewhere, Jean-Marie Le



**Left:** Around 10,000 anti-Nazi protesters gathered in Dresden, Germany, to stop a neo-Nazi march scheduled for 13 February. *Christian Demarco.*

a strongly worded speech making a link between immigration and crime, French President Nicolas Sarkozy was accused of using the language of the far right in order to regain popularity.

### Migration and asylum

According to the 2010 *World Migration Report* issued by the International Organization for Migration (IOM), almost a third of the world's 214 million migrants head for Europe. After the USA, six of the top ten countries with the largest foreign-born populations are in Europe: Russia, Germany, France, Spain, Ukraine and the United Kingdom. The mistreatment of persons seeking asylum or migrating within and to Europe is a serious concern, and was denounced by the Council of Europe and the United Nations (UN) on several occasions in 2010. On 19 October, UN Secretary-General Ban Ki-moon addressed the European parliament in Strasbourg, France, and pointed to a 'new politics of polarization' in Europe, and to a growing intolerance of and discrimination against migrants, whether from Europe or beyond, and against Muslim immigrants in particular.

The 2010 *International Migration Outlook*, published by the Organization for Economic Co-operation and Development (OECD), analyses recent developments in migration movements, highlighting the fact that international migration has fallen during the economic crisis. The report emphasized that, in order to fill labour and skills shortages, migrants will be the key to long-term economic growth. However, the lack of recognition of the contribution that is made by immigrant communities to Europe's economy, society and culture, and the denial of their human rights has been a key feature of the European migration debate. While states and the EU are moving towards a more restrictive security approach, human rights NGOs are urging governments to end violations of economic, social and cultural rights of many migrants, including asylum seekers, undocumented migrants and others.

On the 20th anniversary of the adoption of the UN Migrants Workers Convention (ICRMW), not a single EU member state had signed or ratified the

instrument, which provides a comprehensive normative framework for the protection of the rights of all migrant workers and members of their families. The Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, stated:

*'I find it worrying that democratic countries governed by the rule of law, with significant numbers of migrants living in their societies, are hesitant to become a party to this core UN human rights treaty, and commit themselves to guaranteeing migrant workers their fundamental rights.'*

Hammarberg also raised his voice against the trend to criminalize the irregular entry and presence of migrants in Europe. He visited Calais in northern France and the surrounding area in May, after the police closed down a makeshift shelter that was used by Afghan migrants and run by a local campaign group. French Immigration Minister Eric Besson had termed the camp 'a new jungle'. In a letter issued after the visit, the Commissioner called for detention and return practices to be reformed. The French parliament instead adopted stricter immigration provisions in October, including the extension of the French nationality removal provision that was previously only applicable in cases of terrorist acts. It will now apply to French citizens who have been naturalized for less than ten years and who have been convicted of murder of a police or fire brigade officer.

The Stockholm Programme, the EU's strategy for 2010–14 covering migration and asylum, has been criticized for its strong focus on controlling 'illegal' migration to the detriment of developing an adequate framework for legal migration, and for slow progress in establishing a common asylum system (set to be in place by 2012). The consideration of the status and protection of undocumented migrants is strikingly absent from the programme.

Spain's move to join 12 other European countries – the Czech Republic, Denmark, Finland, France, Iceland, Ireland, the Netherlands, Norway, Portugal, Romania, Sweden and the UK – to establish an annual resettlement programme was welcomed by the UN High Commissioner for Refugees (UNHCR). Meanwhile, other countries, including Belgium, are struggling to provide basic care for asylum seekers. The government promised to provide housing for an additional 2,000 asylum

seekers only after Belgian refugee organization Vluchtelingenwerk Vlaanderen warned that the upcoming winter could result in a humanitarian crisis.

Europe's record in providing asylum seekers and refugees with safe and adequate protection is relatively poor. Frontex, the EU's external borders agency, has no protection mandate. Nonetheless, UNHCR called on the agency to carry out its activities in accordance with fundamental rights, and to incorporate operational safeguards into its procedures in order to guarantee that persons seeking international protection are identified and given access to EU territory, as well as to fair and effective asylum procedures and adequate support.

The growing participation of women in global migratory movements has been a striking phenomenon of the last decade. According to IOM figures, the share of female migrants had grown to 50.1 per cent in 2010. The need to integrate a gender perspective and to address the discrimination faced by immigrant women as well as their specific circumstances is now accepted, but how these commitments will be translated into practice remains to be seen.

The year 2010 also marked the 15th anniversary of the Beijing Platform for Action, formulated at the fourth UN World Conference on Women, in which states made commitments to addressing inequality between women and men. The European Women's Lobby published a report on implementation across the twelve critical areas of concern identified in the platform at national and European level. It found recurrent shortcomings in relation to data collection, lack of targeted financial resources and coordination between the national and EU levels, as well as neglected policy areas, such as media policies, the environment, education, health and the girl-child. Invisibility of migrant women still remains an issue as regards other related policy and legislative initiatives. The 2000 Equality Directives, for example, recognize that women can be victims of multiple discrimination but effective gender mainstreaming mechanisms are lacking, and issues related to gender and ethnicity are not addressed as part of an integrated approach.

### Political rights

National and ethnic minority groups and migrants continue to face a range of barriers when accessing

**Right:** A Muslim couple walk by the Grande Arche of La Défense in Paris. *Mark Henley/Panos.*

the political sphere. In most EU member states, only nationals and EU citizens are eligible to stand for elections and to vote, with the exception of the Netherlands and Sweden, which grant voting rights at municipal elections after five years of residence. In Denmark, Finland and Ireland, third-country nationals are also allowed to vote at administrative elections. In Latvia, members of the Russian minority must pass a strict language test in order to acquire Latvian citizenship. Otherwise, they are classed as 'resident-aliens' – even if born in Latvia – and as such are seen as non-citizens who are denied access to voting rights.

In the current 2007–12 French legislature, four out of 555 deputies are from an ethnic minority background. The reshuffling of the French government in November left Rama Yade and Fadela Amara, respectively ex-Secretary of State for Sports and ex-Secretary of State for Urban Policy, without ministerial posts. Together with Rachida Dati, now a member of the European parliament, they were the three members of the French government who entered office in 2007 who had an African background. Sworn in as Lower Saxony's social affairs minister in April, Ayguel Oezkan became Germany's first female Muslim minister. She caused controversy and reportedly received death threats after she suggested the removal of religious symbols, including crucifixes, from state schools. Slovenia also saw its first African-born mayor in 2010, when Peter Bossman (originally from Ghana) was elected mayor by the inhabitants of Piran.

After the October elections in Bosnia and Herzegovina, issues concerning the Constitution remained unaddressed. This was despite the successful challenge mounted at the ECtHR by Jakob Finci and Dervo Sejdić to Bosnia's discriminatory constitutional and electoral provisions that deny the right to public participation on the basis of ethnicity (this case and its implications are discussed in detail in *State of the World's Minorities and Indigenous Peoples 2010*). The year 2010 also marked the 15th anniversary of the massacre in the Bosnian town of Srebrenica. During the 1992–5 Bosnian conflict, some 8,000 Muslim men and boys were executed after Serbian forces overran the UN-protected town.



### Religious intolerance

In March, some hundred people protested against the planned building of a mosque in Warsaw, only a couple of days after the UN Human Rights Council condemned Switzerland's ban on building minarets (which is still pending before the ECtHR), and other recent discriminatory measures as 'manifestations of Islamophobia that stand in sharp contradiction to international human rights obligations concerning freedoms of religions'.

Increasing intolerance towards the Jewish community and blatant incidents of anti-Semitism across Europe have also been grave concerns discussed at several UN meetings during 2010. At an International Conference on Anti-Semitism and Holocaust Denial in Ireland, the UN urged delegates to fight religious extremism and to dispel myths associated with anti-Semitism and Holocaust denial. A study published in April by the Stephen Roth Institute for the Study of Contemporary Anti-Semitism and Racism at Tel Aviv University in Israel analysed the upswing in anti-Semitic attacks in Europe. According to the report, there was a considerable increase in violent incidents against Jewish

sites and individuals after Israel's assault on Gaza in early 2009. Looking at the number of violent incidents in absolute terms, the UK and France led the EU league table, followed by Germany, Belgium and Austria. Relatively high numbers are also seen in the Czech Republic, Denmark, Hungary, Italy, Lithuania, the Netherlands, Poland and Sweden.

The movement to outlaw the wearing of full-face veils (*niqab* and *burqa*) in public moved into the mainstream in 2010. First, the Belgian lower house voted to ban the wearing of full-face veils, imposing a fine of between €15 and €20, and up to a week in jail for wearing the veil. The Chamber of Deputies will consider the bill in 2011. France followed suit with a law which enters into force in spring 2011, setting out a fine of €150 or a compulsory citizenship course. The Northern League, part of Italy's ruling right-wing coalition, also proposed a bill suggesting that full-face veils be banned in Italy. Spain became the latest to propose legislation to ban the *burqa* and the *niqab* with Austria, the Netherlands and Switzerland also considering laws.

Human rights organizations, including MRG, Human Rights Watch (HRW) and Amnesty

International strongly condemned bans on the wearing of the full-face veil, arguing that these violate the right to freedom of expression and religion. The Parliamentary Assembly of the Council of Europe (PACE) unanimously opposed a general ban on wearing the full-face veil in a resolution adopted on 23 June. PACE stated that veiling is often perceived as 'a symbol of the subjugation of women to men' but a general ban would deny women 'who genuinely and freely desire to do so' their right to cover their face. It also added that legal restrictions may be justified 'for security purposes, or where the public or professional functions of individuals require their religious neutrality, or that their face can be seen'. On 8 March, International Women's Day, Commissioner Hammarberg stated that 'Prohibition of the *burqa* and the *niqab* would not liberate oppressed women, but might instead lead to their further alienation in European societies.'

### Roma

*'This is a situation I had thought Europe would not have to witness again after the Second World War.'*  
Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship, September 2010

This unprecedentedly strong remark from one of the EU's highest officials came after several rounds of discussions between the EU and the French and Romanian governments on an anti-crime initiative launched by French President Nicolas Sarkozy on 28 July, specifically targeting the Roma community. The initiative included the expulsion from France of all Roma with Romanian and Bulgarian citizenship who had committed public offences, and the closure of unauthorized camps. The daily *EU Observer* reported that 200 Roma were deported to Romania the same day that Ms Reding spoke out, and some 230 people, including children, the day before. In what France was calling 'voluntary deportations' nearly 1,000 Romanian and Bulgarian citizens were expelled and 440 Roma camps were reportedly dismantled over a couple of weeks. In February, Bulgarian Roma were offered €300 per adult and €100 per child to return home from Bordeaux. The financial initiative, which was taken up by 200 Roma, was condemned by the human rights organization Romeurope as 'costly and unnecessary', as most will probably return.

The Roma controversy in France triggered strong reactions from all sides. Pierre Lellouche, the French Secretary of State for European Affairs was reported by the news agency Euractive to have warned Romania 'not to interpret freedom of movement in the EU as a right to get rid of its Roma at the expense of other countries', while Romanian Foreign Minister Teodor Baconschi spoke out against labelling any ethnic group as criminals. Ms Reding's statement was rejected by France's minister for EU affairs who said that the 'unseemly' remark in effect compared France to the Nazi regime. 'This is not how you speak to a major power like France, which is the mother of human rights', he said, according to Radio France.

The move by the EU Justice Commissioner to investigate France for violating EU law, in the event that the measures taken by the French authorities in applying the Free Movement Directive had targeted a certain group on the basis of nationality, race or ethnic origin, was supported by the EU College of Commissioners. In addition, László Andor, Commissioner in charge of social affairs, came to the defence of Ms Reding's strongly worded comment. According to the *EU Observer*, he spoke of how 'O Baro Porrajmos' ('Great Devouring') or the Roma Holocaust is part of the collective memory of Roma, and that the historical context cannot be ignored when the destruction of the camps has strong echoes within the community of the round-ups that took place across Europe 70 years ago. The European parliament also showed strong support and adopted a resolution requiring France and other EU member states to 'suspend all expulsions of Roma'.

After announcing that it would start infringement procedures against France for the discriminatory application of the Free Movement Directive and for lack of transposition of the procedural and substantive guarantees under it into national law, the European Commission gave Paris until mid-October to prove that its policies complied with EU laws guaranteeing the free circulation of people. At the same time, infringement procedures were launched against other EU countries for failing to transpose the directive into national law, ensuring that France was not singled out. The Commission finally dropped the charges against France on 19 October, once the French government had presented plans to bring the country's legislation in line with EU

law. As expressed by Commissioner Reding, 'France has responded positively, constructively and in time to the Commission's request. [...] This is proof of the good functioning of the European Union as a Community governed by the rule of law.' Human rights groups, however, were less satisfied with the outcome of the case. The European Roma Policy Coalition argued that the Commission's acceptance of France's pledge to adapt its immigration rules in the future meant that those who had already suffered discrimination and lost their homes were denied justice.

The violations of the rights of Roma in France underlined the need for a coordinated European response to the widespread discrimination and marginalization of Roma. The Second European Roma Summit had previously ended on 8 April with relatively limited commitments. In the so-called 'Cordoba Declaration', the EU trio presidencies of Spain, Belgium and Hungary pledged to ensure that the EU's financial instruments are made accessible to Roma in order to contribute to their social inclusion and improve living conditions. The summer's events demonstrated the urgent need for greater cooperation on Roma rights issues. On 20 October, the Council of Europe organized a meeting where 47 member states agreed to joint efforts and subscribed to the 'Strasbourg Declaration' that sets out common guidelines and training programmes for Roma. Developing and adopting a European Roma Policy on the basis of common economic and social conditions rather than on ethnicity is among the priorities of the Hungarian EU presidency, which took over on 1 January 2011.

Sadly, the forced sterilization of Roma women is still an unresolved issue in some countries, as are the issues of compensation for the victims, prosecution of perpetrators, and the urgent need for state medical reforms in the area of patients' rights. Following a call from the European Roma Rights Centre (ERRC) to the UN on the ongoing refusal of the Czech Republic to accord compensation to Roma women (who were subjected to coercive sterilization under the communist regime and up until 2007), the UN Committee on the Elimination of Discrimination against Women (CEDAW committee) urged the Czech government to ensure that victims of this gruesome practice can access justice. Despite an apology from the government, the pos-

sibility of compensation for the victims remained remote. Elena Gorolova from the Group of Women Harmed by Sterilization explained:

*'The Czech government said it will not compensate us, but never discussed why. Since we know other countries have compensated women who were sterilized without their consent, why won't the Czech Republic compensate us? The government gave no explanation, just a very clear "no" to the idea of compensation.'*

The ECtHR delivered some key judgments in cases relating to abuse by police forces and on segregated education in 2010. On 7 January, in the case *Sashov v. Bulgaria*, the Court found that Bulgarian police had engaged in inhuman and degrading treatment of three Bulgarian nationals of Roma origin during their arrest and detention in police custody, and that the use of force by the police against the applicants had been extensive and disproportionate. The applicants complained of police brutality, of verbal and physical abuse during their arrest in 2001 on suspicion of stealing metal, and of the failure of the state authorities to institute an effective criminal investigation into their allegations of ill-treatment. The applicants were awarded financial compensation by the Court.

In the case *Oršuš and Others v. Croatia*, the Court ruled on 16 March that the segregation of Roma children in separate classes based on language was unlawful discrimination. The case involved 14 primary school children who were placed in segregated Roma-only classes due to alleged language difficulties. The applicants argued that placement in these Roma-only classes stemmed from blatant discrimination based on ethnicity, reinforced by the local majority population's anti-Roma sentiments. Marking the three-year anniversary of the case *D.H. and Others v. the Czech Republic*, which first declared school segregation illegal, the Open Society Justice Initiative, the ERRC and the Greek Helsinki Monitor filed a complaint with the Committee of Ministers of Strasbourg, which is charged with overseeing implementation of ECtHR rulings. The human rights organizations argued that the Czech Republic had failed to implement the judgment and integrate Roma children into mainstream schools to date. The ERRC also filed a case with the European Committee on Social Rights against Portugal concerning the substandard housing situation of Roma in the country on 23 April.

## Georgia

Following the conflict between Georgia and Russia in August 2008, which broke out in the break-away republic of South Ossetia/Tskhinvali region and quickly spread to parts of the break-away republic of Abkhazia, both republics declared full independence. This move was only backed by Russia, and the two regions have had a Russian military presence ever since. The conflict, which lasted only a couple of days, has had long-lasting consequences for the civilian population in South Ossetia. As reported by MRG, the active hostilities caused a significant displacement of civilians, forcing a high number of people to flee their homes, including members of minority groups such as ethnic Armenians and Svans, a Georgian ethnic sub-group with their own distinct language, as well as ethnic Georgians.

According to the UNHCR Global Appeal 2011 update on the country, there are some 355,000 people in need of protection by the UN body, of whom 247,000 are internally displaced persons (IDPs). The situation of those who returned to Abkhazia and South Ossetia as well as to other parts of Georgia, following earlier civil conflict, is described as precarious, with many going as long as 16 years without adequate shelter. In a 2010 submission to the Organization for Security and Co-operation in Europe (OSCE), the Georgian government identified 131,169 IDPs and victims of ethnic cleansing after the 2008 conflict, many of whom are in the process of returning, but who are facing problems in accessing adequate housing and employment. There are also some 900 refugees from the Chechen Republic and the Russian Federation, and 1,700 stateless people in the country. The UNHCR appeal refers to the lack of a strong asylum system (that would ensure the international legal principle of non-refoulement, namely that no person should be returned to a situation where her or his life or freedom is at serious risk) as a serious problem, as well as the fact that the country is neither a state party to the UN conventions on statelessness, nor to the European Convention on Nationality. Widespread gender-based and sexual violence, and a lack of effective protection for IDP women have also been reported.

The European Commission against Racism and Intolerance (ECRI) published its third report on the country in June 2010. ECRI's Chair, Nils Muiznieks, identified positive initiatives in fight-

**Right:** Foreign nationals, mostly Palestinians, Iranians and Afghans requesting political asylum, protest outside the UNHCR offices in Athens, Greece. *Simela Pantzartzil/EPA.*

ing discrimination on the grounds of nationality or national or ethnic origin, race, colour, language and religion. Key positive developments concern the work of the Georgian Ombudsman, who is setting up various regional branches such as the Tolerance Centre, the Council of Ethnic Minorities and the Council of Religion, in order to reach persons in need of protection. The report also notes the adoption of the National Strategy for Tolerance and Civil Integration, which aims to preserve ethnic minorities' culture and identity, and promote equal opportunities and the effective participation of ethnic minorities in all fields. The report stipulates that, when implemented, the strategy could help to make the majority population aware of the problems faced by minorities. At the same time, contacts between the majority population and ethnic minorities are limited due to language barriers and infrastructure problems that contribute to the isolation of Armenians, Azerbaijanis and others in the south and south-east of Georgia. According to the report, the Roma minority, as well as Jehovah's Witnesses and Muslims still face widespread prejudice, harassment and violations, and are not appropriately protected by the police.

The ECRI report highlights the particular situation of the Meskhetian Turks, a minority group deported in the 1940s by the Soviet authorities from the region of Meskhetia (now known as Samtskhe-Javakheti). National legislation in Georgia does not use the term Meskhetian Turks, as some of the persons concerned do not identify themselves as such. The law 'On forcefully deported persons from Georgia by the former USSR in the 1940s of the 20th century' in respect of the entire group was adopted in 2007, and ECRI refers to the recommendations of the 2009 Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) on easing administrative burdens related to the repatriation process for formerly deported persons who would like to return.

The Swedish Kvinna till Kvinna Foundation has supported women's organizations in Armenia, Azerbaijan and Georgia since 2002 and advocates



on behalf of the rights of women in the South Caucasus. According to their findings, the difficult period that followed independence from the Soviet Union has had a particularly detrimental impact on women's access to their social and economic rights, as well as to basic medical care and health services. Denial of sexual and reproductive rights has led to a high abortion rate and high rates of sexually transmitted diseases, as well as high rates of child mortality and miscarriages. Bride kidnapping also occurs in certain rural communities in the region, and violence against women is widespread. In an interview for a regional information portal Leila Suleimanova, the director of the NGO Association of Azeri Women in Georgia, which has been active in speaking for the rights of Azeri and ethnic Georgian women in Kvemo Kartli, listed some of the many problems ethnic minority women face in Georgia, including early marriages, lack of education and violence in the family. 'We think that the stereotype, banning involvement of women and limiting our rights, which is considered to be cited from Koran and Islam, actually is not and things are not like that', she added.

## Greece

The situation of minorities and asylum seekers featured prominently in the public debate in Greece, which still hasn't ratified the FCNM or signed the European Charter for Minority Languages. The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, visited Greece in February to hold discussions with the authorities about issues relating to the human rights of asylum seekers and minorities.

The recognition of the right to freedom of association and expression of persons belonging to the ethnic Macedonian community (who live in the administrative region of Macedonia), and of members of the Turkish community (who, along with Pomaks and Roma, comprise a Muslim minority in Western Thrace) has been a long-standing concern that remains unresolved. Regarding ethnic Macedonians, the 1998 ECtHR judgment of *Sidiropoulos and Others v. Greece* found Greece in violation of Article 11 on its refusal to allow the registration of the organization 'Home of the Macedonian Culture'. The Greek courts refused the application on the basis that the use of the

term ‘Macedonian’ questioned the Greek identity of Macedonia and undermined territorial integrity. Implementation of the 1998 judgment is still pending, and the organization has not yet been registered. In 2007 and 2008, the ECtHR rendered three judgements against Greece for violating Article 11 (freedom of assembly and association) of the ECHR regarding members of the Turkish community (in the cases *Bekir-Ousta and Others*; *Emin and Others*; *Tourkiki Enosi Xanthis and Others*).

In a letter to the Greek government, Commissioner Hammarberg raised concerns that ethnic Turkish and other minority associations that have recently tried to secure registration have been unable to do so. These cases strike at the heart of the right to self-identification for members of minorities in Greece, where ethnic Macedonians are not granted minority status, and the right to collective minority identity is denied to the Turkish minority, who are only counted as part of a larger Muslim minority. During his visit, the Commissioner recommended ratification of the FCNM, which Greece signed in 1999, and the implementation of the ECtHR judgments. He stressed that the Greek authorities need ‘to show greater receptiveness to diversity in their society and to take further measures that would allow minority groups to express their identity on the basis of self-identification’.

The treatment of asylum seekers, refugees and migrants in Greece became a particular focus of international attention during 2010. In March, Amnesty International published a report highlighting the failure of the Greek asylum system to provide a fair asylum determination procedure and the right to an effective appeal. Amnesty urged state parties to the EU Dublin Regulation to stop transferring asylum seekers to Greece, where they face multiple violations of human rights, including the risk of being forcibly returned to a country where they are in danger of persecution. The Dublin Regulation is an EU law that determines which member state is responsible for examining an asylum application lodged within the EU, and usually requires that asylum seekers be returned to the first country they entered upon arriving in the territory of the EU. In September, in his first-ever oral intervention as a third party in an ECtHR case concerning the return of an Afghan asylum seeker from Belgium to Greece, Commissioner Hammarberg

expressed his particular concern regarding Greek asylum law and practice. Issues include the risk of refoulement, non-compliance with human rights safeguards, and asylum seekers’ reception and detention conditions. He also added that ‘under the “Dublin Regulation” certain countries face the challenge of dealing with numbers of asylum applications beyond their capacities’ and called for a halt to transfers. The UNHCR echoed these concerns and recommended that EU member states not send asylum seekers back to Greece, where the ‘continued absence of a functioning asylum system’ was described as a ‘humanitarian crisis’, with many asylum seekers, including women and children, receiving no basic assistance and living on the streets.

The poor asylum detention practices of Greece, and in particular the detention of unaccompanied minors was examined by Médecins Sans Frontières in a report published in June 2010, which presented data from psychological counselling sessions as well as individual testimonies. The report demonstrates that detention can exacerbate existing problems and contribute to new traumas and psychological distress. Amnesty International also voiced its dismay concerning the substandard conditions in which unaccompanied minors are held.

Realizing the seriousness of the issue, Rapid Border Interventions Teams from the EU’s border agency, Frontex, were sent to Greece on 24 October. The news agency Euractive quoted the European Commission as describing the vast inflow of refugees and undocumented migrants into the country from neighbouring Turkey as ‘increasingly dramatic’ and reported on the EU’s call to its member states to assist Greece in dealing with the humanitarian situation. Athens has turned to the EU requesting assistance in administering the Turkey–Greece border, which has seen an increase in the number of undocumented migrants, since other EU member states tightened border controls in the Mediterranean Sea. In reaction to the deployment of Frontex border officials to Greece, UNHCR warned that the rights of asylum seekers must be protected.

The influx of immigrants also stirred up heated emotions within the borders of the economically distressed country. Violent incidents occurred as tensions grew over undocumented immigration at the busiest transit point for human trafficking in the EU. On 16 November, during the Muslim holiday

Eid-al-Adha, local residents and members of the far-right Chrysi Avgi, a group widely linked to a growing number of violent attacks against migrants, clashed with police at a prayer site. Chrysi Avgi also won its first ever seat on the Athens City Council in local elections in 2010.

## Hungary

Parliamentary elections were held in Hungary in April 2010 and were won by the right-wing Fidesz party. Both the radical nationalist and openly anti-Roma and anti-Semitic Jobbik or 'Movement for a Better Hungary' party and the left-liberal LMP or 'Politics Can Be Different' also won seats for the first time. While 5 out of 16 of LMP's representatives are women, the 2010 European Gender Equality Law Review noted with concern that none of the parties addressed issues related to gender equality in their programmes. As a result, gender issues have effectively disappeared as an area of concern in Hungarian politics. The Third Opinion of the FCNM Advisory Committee adopted in 2010 also points out that 'although the Hungarian Constitution and the 1993 Law on the Rights of National and Ethnic Minorities guarantee in general terms the possibility for minorities to be represented in parliament, a specific mechanism for the representation of minorities in parliament is still lacking'. The Opinion also recommends that the institutional framework is adjusted rapidly to ensure adequate minority representation.

One of the new government's first moves was an amendment to the Hungarian citizenship law, passed almost unanimously in May 2010. The measure that came into effect on 1 January 2011 allows ethnic Hungarians living abroad to apply for dual citizenship, and will primarily affect ethnic Hungarian minorities living in neighbouring countries. Of these neighbouring countries, only Slovakia (home to 500,000 Hungarians) has objected to the new law. Robert Fico, Prime Minister of Slovakia at the time, called the move a 'security threat' and introduced counter-measures withdrawing Slovak citizenship for people who apply for Hungarian citizenship. In contrast, Romania raised no objections to members of its Hungarian minority obtaining dual citizenship.

Jobbik's election campaign had centred on addressing what it classed as 'Hungary's biggest domestic problem', namely 'the coexistence' of

Roma and Hungarians. Once elected, in September Jobbik proposed the creation of 'public order zones' in Roma-inhabited areas of the north-eastern city of Miskolc. The proposal, which was condemned by governing party Fidesz as an 'outrageous proposition', amounted to the establishment of cordoned-off areas where public order offenders would be sealed off and kept under surveillance by local gendarmerie. Jobbik leader Gabor Vona also proposed schooling Roma children in segregated boarding schools.

Jobbik's racist proposals hit a nerve in the country, which saw a series of killings of Roma in 2008 and 2009. A delegation from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) visited some 12 locations where fatal incidents had taken place, and published its report in June 2010. The resulting report identified challenges including:

*'The relative frequency of extremist anti-Roma statements in the media and public/political discourse and the weakness of legal or political mechanisms to restrict or counter such extremist rhetoric'.*

and

*'The weakness of legislation specifically addressing hate crimes and limited capacity to investigate or prosecute such crimes.'*

Hungary will come before the UN Human Rights Council in 2011, as part of the Universal Periodic Review (UPR), in order for its compliance with international human rights obligations to be assessed. In a joint submission to the Human Rights Council made in November 2010, MRG and other human rights organizations urged the Council to act firmly 'against flagrant human rights abuses of Roma'. The joint submission gives a detailed account of the ongoing discrimination that Roma suffer in the areas of employment, education, health care and housing. It raises grave concerns regarding the lack of adequate legal protection against the exploitation of Roma women in human trafficking, gender-based and domestic violence, and the over-representation of Roma children in the Hungarian child protection system. According to research conducted by the ERRC, gender-based violence is an acute problem for Roma women, who are reluctant to report incidents of

violence for fear of experiencing further victimization and discrimination from the police. The submission points out that there is no specific law on domestic violence against women, and existing measures do not provide adequate protection.

The 2010 European Gender Equality Law Review reports of a case lodged before the Equal Treatment Authority (ETA) by a member of the Roma minority self-government against the mayor of Edelény, a town with a large Roma population. The mayor had alleged that some pregnant Roma women had intentionally harmed their fetuses, damaging their mental or physical health in order to receive higher child benefits. As the Review states:

*'the ETA found that this statement – which was then widely spread across the media by its opposition – violated the dignity of pregnant Roma women and Roma women in general and created a hostile and degrading environment for them, thus constituting discrimination in the form of harassment. The ETA ordered the cessation of the violation and, after the Court of the Capital City had turned down the appeal against the decision it acquired final and binding force.'*

Fidesz, the mayor's political party withdrew his candidacy, but he ran in the elections and won a seat as the only independent representative in the new parliament.

Hungary took over the Presidency of the EU on 1 January 2011, with the ambitious objective of pushing through the adoption of the Framework Strategy on Roma Integration at the 2011 June meeting of the European Council. The Framework Strategy is supported by the European Roma Policy Coalition (a coalition of human rights NGOs) and has been under discussion at the European Commission and the European parliament since 2008. As stated on Hungary's official EU Presidency website, 'the Framework Strategy would be the cornerstone of a unified European Roma Policy, on the basis of which Member states would in the future develop their own Roma integration reform programs'. It remains to be seen whether the adoption of such a Roma strategy is realistic at the EU level, and whether Hungary, itself facing major problems in protecting the human rights of its Roma population, will succeed in negotiating and seeing through the adoption of the Framework Strategy at the European Council.

## Italy

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### Special report

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# Responses to trafficking in women in Europe: the emergence of a rights-based framework?

Human trafficking is an issue that has attracted increasing attention in recent decades. Although international conventions from 1926 and 1949 on slavery and trafficking demonstrate that trafficking has long been an international policy concern, more recent efforts by global and transnational actors such as the UN, the Council of Europe, the EU, and the OSCE, as well as numerous NGOs have combined to bring about the near-universal recognition that human trafficking constitutes an international crisis requiring coordinated legislative, political and social responses.

The 2000 UN Convention against Transnational Organized Crime and the annexed protocols on human trafficking and human smuggling define what constitutes trafficking in modern times. According to Article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (referred commonly to as the Trafficking Protocol):

*'[T]rafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of*



*Left:* A trafficked Moldovan woman, in hiding with her baby after escaping her traffickers in Moscow. *Andrew TestalPanos.*

victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.’

According to the most recent UN Global Report on Trafficking in Persons (2009), recent years have seen international pressure exerted on individual states to enact legislation and define policies on the issue. In particular, the 2003 UN Trafficking Protocol prompted a wave of amendments to criminal codes to introduce specific offences on trafficking in persons. Today, virtually every country in Europe and Central Asia outlaws trafficking in persons as a criminal offence, with Turkmenistan being the only exception. Data from the *UN Global Report* demonstrates that sexual exploitation is the most common form of human trafficking worldwide (79 per cent). Victims of sexual exploitation are predominantly women and girls, and almost 20 per cent of all trafficking victims are children. Where available, data also show that women play a key role among traffickers.

Due to its clandestine nature, differing national definitions, victims’ unwillingness to report their experiences and lack of harmonized data –to name just a few basic problems obstructing quantification – the true extent of trafficking remains hidden. The *UN Global Report* recognizes the methodological weaknesses in gathering data and sticks to prosecuted and convicted cases of trafficking. Regarding labour exploitation, which is recognized by international law as the second most common form of trafficking, the report advises for example that its finding of forced labour constituting 18 per cent of the total cases ‘may be a misinterpretation because forced labour is less frequently detected and reported than trafficking for sexual exploitation’. This goes to the

*force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving payments or benefits to achieve consent of a person, having control of another, for the purpose of, exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.’*

Subparagraph (b) states that ‘the consent of the

heart of the many debates on women's rights and trafficking, as it is argued that the narrow focus on exploitation in the sex industry masks the abuse of women and men who are trafficked into other industries, as well as the root causes of trafficking. As a result, other forms of exploitation remain under-reported, including 'forced or bonded labour; domestic servitude and forced marriage; organ removal; and the exploitation of children in begging, the sex trade and warfare'.

The definition of trafficking included in the UN Trafficking Protocol was used in the majority of instances by states party to the protocol as a model when drawing up national anti-trafficking legislation. The tripartite definition of trafficking as involving deceptive/coercive recruitment, transportation and exploitation of a person without their consent has sparked debate, as it is difficult to prove all three parts of the claim. Coercion and deception are complex issues. Studies have found that deception occurs not only when victims are told half-truths of the nature of the work, but also when they know they will be working in the sex industry but are unaware of the extent of exploitation and control. In many cases, victims are physically restrained and constantly controlled, but coercion can also be psychological. According to Anti-Slavery International, coercion occurs in 'any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved'. Trafficking then can be described as ownership of persons: the individual effectively becomes the possession of the trafficker, a commodity that one can buy and sell. Further, some commentators, like Antonio Maria Costa, Executive Director of the UN Office on Drugs and Crime, whose foreword introduces the *UN Global Report*, claim that too much emphasis is placed on the process, rather than 'on the transaction aspects of a crime that is more accurately described as

enslavement'. Indeed, the difference between people smuggling and trafficking – both involving a process of movement – may be apparent at the point of destination. A smuggled person is normally free when they arrive, whereas trafficked persons are denied personal autonomy.

The Human Trafficking Indicators produced by the UN Office on Drugs and Crime give some indication of when human trafficking is taking place, and when the presence of any of the indicators can lead to investigation. These include general indicators, as well as indicators specific to: trafficking in children; domestic servitude, sexual and labour exploitation; and begging and petty crime. Having tattoos or other marks indicating 'ownership' by exploiters, the inability to show an identity document, knowing only sex-related words in the local language and (in the case of children) lack of smiling are some of the indicators that may be exhibited by children and adults trafficked for sexual exploitation.

Discrimination and exploitation suffered by women in their home countries is one of the root causes of trafficking. In much of its project work, Anti-Slavery International has clearly established the link between discrimination and slavery. According to its findings, victims of slavery practices, including trafficking and forced labour, are 'frequently from minority or marginalized groups who face institutionalized discrimination and live on the margins of society where they are vulnerable to slavery practices'. This includes those facing caste-based discrimination – Dalits in India for example – or members of indigenous and other minority groups, including religious minorities.

The unstable political, social and economic situation in countries of origin, resulting in high unemployment, abject poverty, internal conflicts and grave violations of human rights, are push factors that drive many women to Europe. The political and economic crises in the former communist states of Central and Eastern Europe and in Russia have fuelled migration predominantly to

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the western part of Europe. The move towards increasingly restrictive migration policies closes routes of legal migration to the EU, however, and leaves many women prey to traffickers. Trafficking in women occurs within the borders of the EU too. A conference on Trafficking in Romani Communities held on International Human Rights Day, 10 December 2010, discussed research conducted recently by the ERRC in Central and Eastern European countries. The ERRC found that Roma are highly vulnerable to trafficking. According to the research findings:

*'Roma are perceived to represent 50–80 per cent of trafficking victims in Bulgaria, 40–80 per cent in Hungary, 70 per cent in Slovakia, up to 50 per cent in parts of Romania and up to 70 per cent in parts of the Czech Republic. At the same time, very few Roma were reported to access victim prevention and protection services in the target countries and general social protection systems are failing to reduce the extreme vulnerability of Roma to trafficking.'*

A 2010 publication on the character, causes and consequences of human trafficking in Europe includes analysis on trafficking of women and girls from Russian and Ukraine. On the controversial question of coercion and consent, the study argues that:

*'[M]any women live in coercive contexts underpinned by poverty, gender inequality and demand for sexual services which make the concept of choice meaningless. As expressed by one woman who was sold by a criminal group but managed to escape and return to Ukraine: "I understood everything and had a foreboding, but I never imagined that it would be so horrible. But I had no other way of feeding my child".'*

Protection of victims, acknowledgement of their

human rights, and preventative measures must be put at the core of policies to address trafficking. At the launch of a global action plan to combat human trafficking on 31 August, UN representatives underlined the importance of prevention, which has recently moved up the UN policy agenda. The action plan calls for the establishment of a UN voluntary trust fund for victims of trafficking (especially women and children), and stresses the need for more research, data and analysis.

A human rights-based approach that puts protecting the victim at the centre is slowly developing. This is a departure from initial policies and legislation that were developed within the framework of criminal justice and law-enforcement against organized crime, and on the basis of the UN Trafficking Protocol, that itself grew out of the UN Convention Against Transnational Organized Crime. EU responses, like the 2002 Council Framework Decision 'On Combating Trafficking in Human Beings' and the 2004 Council Directive 'On the Residence Permit Issued to Third-country Nationals Who Are Victims of Trafficking', were also bound up with defining the crime of human trafficking and with irregular migration, leaving little room for protection or prevention. An increasing concern with the exploitation of people, and with addressing global injustice and pull factors at the demand side, is slowly being brought to centre stage. While retaining criminal provisions, the draft Council Framework on Preventing and Combating Trafficking includes enforceable rights for the victims and measures on the demand for sexual services. OSCE and Council of Europe initiatives are also beginning to employ a human rights-based approach; the Council of Europe Convention on Action Against Trafficking in Human Beings represents a notable step in this direction. ■



The poor treatment accorded to Roma and migrants by the Italian authorities prompted the UN High Commissioner for Human Rights Navi Pillay to undertake her first ever country visit in 2010. On 11 March, the same day the UN human rights chief visited Italy, Amnesty International published a report examining the 'Nomad Plan', a scheme developed under the 2008 'Nomad Emergency' presidential decree which allows forced evictions of Roma and resettlement to camps on the outskirts of Rome. Amnesty found the plan discriminatory and in violation of the housing rights of Roma, who were not consulted before evictions started in

July 2009. According to the report, under the plan an estimated 6,000 Roma are to be resettled into just 13 camps, and over 100 settlements are to be dismantled. The major demolition of Roma camps could leave as many as 1,000 Roma homeless.

In January, Italian police began evicting Roma from one of the largest and oldest camps in Europe. The Castilio 900 camp in Rome has been in existence for over 40 years and is home to 600 people. While some welcomed the prospect of better housing conditions, many did not want to leave. Voice of America quoted a Roma woman who had lived in Castilio 900 for 35 years and who said, 'My



**Left:** A Roma family stand by their belongings during the evacuation of the Casilino 900 camp in Rome, Italy, January 2010.

*Andrew Medichini / AP Photo.*

‘[T]he situation is the result of years of neglect, inadequate policies and discrimination by successive administrations. [The] plan is incomplete and risks making the situation for many other Roma even worse. It is the wrong answer.’

The UN High Commissioner raised her concern regarding ‘the excessive resort to repressive measures such as police surveillance and forced evictions’, but such practices continued throughout the year. In Milan alone, at least 61 forced evictions took place, rendering many Sinti and Roma homeless. Italian Interior Minister Roberto Maroni was also active in lobbying the EU for permission to expel Roma and announced in August that he would push for endorsement to expel citizens of other EU countries who ‘are a burden on the social welfare system hosting them’. When opposition parties accused him of racism and discrimination, Maroni commented that the policy would apply to all non-Italian citizens.

During September and October, further camps were dismantled in Rome and Milan. As with neighbouring France, rising rates of crime was the rationale for the bulldozing of hundreds of small, impromptu camps inhabited by new immigrants, and the eviction of Triboniano, Milan’s largest authorized Roma camp. A landmark decision in the case *COHRE v. Italy* delivered by the Council of Europe’s European Committee of Social Rights may call a halt to forced evictions. On 3 November, the Committee found Italy in violation of the prohibition on discrimination, and in violation of the rights of Roma people to adequate housing; social, legal and economic protection; protection against poverty and social exclusion; and the right of migrant Roma families to protection and assistance. The destruction of camps was condemned, as were the illegal evictions that had been enforced without notice, and without offering alternative housing.

In the city of Rosarno, some 320 African migrants were taken to an emergency centre in the aftermath of two days of rioting after injuries were inflicted on two immigrants by a group of local youth using air rifles. Human rights groups and the opposition criticized Italy’s migration policies, raising their concerns that

grandchildren live here as well and what they are doing is not right. It’s not right that they are creating problems among us.’ During her visit, the UN High Commissioner visited authorized Roma camps on the outskirts of Rome and commented with dismay, ‘I am profoundly shocked by the conditions of the camps. [...] For a moment I thought I was in one of the poorest developing countries and not in one of the richest nations in the world’, she said. Improving the living conditions of many Roma would be welcomed, given that many have been living without running water and basic hygiene. But as the Italy expert at Amnesty International stated,

the violence revealed the consequences of long-term xenophobic and anti-immigrant discourse that had fuelled prejudice and tensions between migrants and the local population. Jorge Bustamante and Githu Muigai, respectively the UN Special Rapporteurs on the human rights of migrants and on contemporary forms of racism, issued a joint statement on the unrest stating, 'Violence, be it perpetrated by Italians or migrant workers, must be addressed in the most vigorous manner through the rule of law and human rights should always be protected, regardless of immigration laws.' Just a month later, racial violence broke out again, this time in Milan after the stabbing of a young Egyptian man, allegedly by a South American. The anti-immigrant Northern League responded with xenophobic comments and steadily increased its popularity, gaining important seats in the 2010 local and regional elections.

## Russia

The extent of radical nationalism and a steady rise in ethnicity-based violence continued to be a cause of concern throughout 2010. According to data from the Moscow-based SOVA Centre for Information and Analysis, 37 people were killed and 368 injured in racially motivated attacks in 2010. The capital Moscow and the surrounding *oblast* saw the most violence, but incidents occurred in other cities across Russia, including St Petersburg and the surrounding Leningrad *oblast*, in Krasnodar, Nizhny Novgorod and in Rostov-on-Don.

An ultra-nationalist rampage in Moscow in the last month of the year caused an upsurge in xenophobic violence, resulting in the deaths of two people, and a further 68 sustaining injuries, according to SOVA. On 11 December, a group of ultra-right extremists gathered at Manezh Square in Moscow to commemorate the death of a football fan, Egor Sviridov, who allegedly had been killed by people from the North Caucasus a few days earlier. The demonstration, where 'Sieg Heil' salutes were exchanged and xenophobic slogans like 'Russia for Russians', 'Moscow for Muscovites' and 'Kill, Kill' were chanted, ended in violent clashes with the police. Violence continued in the following days, targeting people from the North Caucasus. According to the *Moscow Times*, President Dmitry Medvedev described the rioting and violence as 'pogroms' and called for the prosecution of those responsible. According to a poll quoted by the

media outlet, nationalism has gained a strong foothold amongst ethnic Russians, 56 per cent of whom support the ideology of a 'Russia for Russians'. Nonetheless, a counter-demonstration, 'Moscow for All', was organized after the rampage, and was attended by up to 2,500 people.

Another event that attracted headlines in the country was the murder of Federal Judge Eduard Chuvashov, who was shot dead in front of his home on 12 April. Chuvashov had received death threats on a number of occasions, as a result of his strict judgments against ultra-nationalists. Chuvashov conducted a number of trials on racially motivated crimes. This included one in February involving 9 people from the neo-Nazi group 'White Wolves', who were found guilty of murdering 11 people from Kyrgyzstan and Uzbekistan. A week before his death, Chuvashov had ruled in a case against Artur Ryno and Pavel Skachevsky (both minors), and Roman Kuzin, who received 10 years (the maximum penalty permitted for minors) and 22 years in prison respectively for committing 20 murders and attempting 12 murders of people of non-Slavic appearance. The group frequently uploaded video-footage of their activities onto the internet. An investigation into Chuvashov's death is ongoing.

Although comprehensive figures on hate crimes and violent attacks with xenophobic or racist motives are hard to establish, according to SOVA, 82 convictions were made and 283 people were sentenced in 2010 in cases involving violence with ethnic hatred as a motive. Fifty-two trials were conducted against 62 people on charges of incitement to hatred, and 4 charges were issued for the distribution of xenophobic propaganda. SOVA also published a report on the inappropriate enforcement of anti-extremist legislation during 2010. Incidents of racial violence are officially identified as 'extremist crimes' that threaten the security of the country. A Federal List of Extremist Materials and a separate one for extremist organizations are maintained and updated every year. In 2010, the list of extremist materials grew from 467 to 748, and the list of extremist organizations, which are banned from carrying out any activity, included 18 organizations by year's end. SOVA notes that anti-extremist legislation continues to be misused, including the 'criminal and administrative prosecution of Muslims and followers of new religious groups including Scientologists, Jehovah's Witnesses, and followers of

Said Nursi’.

In January, Russia ratified Protocol 14 to the ECHR, which paves the way to improve the efficiency of the Court. The Council of Europe welcomed the decision of the Russian parliament, the Duma; Russia was the last of the 47 member states to vote for the ratification of Protocol 14. Russia’s Constitutional Court remained critical, however, of its Strasbourg counterpart, and issued statements about withdrawing from the jurisdiction of the ECtHR and introducing mechanisms to allow national authorities not to implement its judgments. The ECtHR has found Russia in violation of human rights in a series of cases in recent years. In November 2010, the PACE Committee on Legal Affairs and Human Rights issued its report on the implementation of judgements of the ECtHR and found that ‘extremely worrying delays in implementation have arisen’ in Russia. Key concerns relate to ‘chronic non-enforcement of domestic judicial decisions’ and ‘death and ill-treatment by law enforcement officials, and a lack of effective investigations thereof’, as well as ‘repetitive grave human rights violations’ in the Chechen Republic.

Chechnya is a semi-autonomous republic within the Russian Federation, governed by Chechen President Ramzan Kadyrov, who is directly appointed by the Kremlin. Although freedom of dress is guaranteed to all women in the Russian Federation, including those in Chechnya, and is enshrined in Russian law as part of the constitutional right to freedom of conscience, recent years have seen increasing harassment and discrimination against those who do not follow the publicly enforced dress code in Chechnya. Women and girls who choose not to wear a headscarf are banned from working in the public sector and from attending schools and universities. In June, a young woman was hospitalized following a paintball attack on the street, which occurred because she had not been wearing a headscarf. HRW quoted an interview with Kadyrov with the television station Grozny on 3 July, in which he expressed his ‘unambiguous approval of this lawless practice by professing his readiness to “award commendation” to the men engaged in these activities’. Kadyrov went on to say that ‘the targeted women’s behaviour deserved this treatment and that they should be ashamed to the point of “disappearing from the face of the earth”.’

Stressing ethnic minority women’s particular

vulnerability, and especially Chechens, Roma and women of African origin, the CEDAW committee called on Russia to adopt comprehensive anti-discrimination legislation, paying special attention to the needs of ethnic minority women. Multiple forms of discrimination experienced by ‘certain groups of women and girls, including female domestic workers, asylum-seeking women, refugee women, internally displaced women, and girls living in the street’, as well as violence, police harassment and discrimination against lesbian, bisexual and transgender women, were highlighted as particular concerns. In their alternative reports to the CEDAW committee, Amnesty International, the Russian Lesbian, Gay, Bisexual and Transgender (LGBT) Network and the ANNA National Centre for the Prevention of Violence voiced their dismay at Russia’s non-compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The ANNA Centre drew attention to the continued practices of bride kidnapping and so-called ‘honour’ killings in some regions of the country, particularly the North Caucasus. Due to the lack of any official statistics on these crimes, the 2010 ANNA Centre submission to the CEDAW committee refers to NGO figures from 2008 that estimated the numbers of bride kidnappings in Dagestan at 180, but such crimes are committed in other parts of Russia and figures could reach several thousand every year. ‘Honour’ killings were also identified in Dagestan and Chechnya, although, again, the prevalence of this crime is very difficult to establish. The submission refers to dozens of women a year being victims of ‘honour’ killings in the whole country, and warns that perpetrators are often exempt from punishment as these crimes are most commonly covered up or reported as accidents.

Russia’s Third State Report on the Implementation of the FCNM, submitted on 9 April 2010 states that, as regards anti-discrimination measures, which was a key concern raised by the CEDAW committee, no specific laws have been enacted. Instead, the report refers to legislation in the fields of education, labour, health care, judicial procedures, social protection and culture, including measures to protect human rights. In the field of extremist crimes, the report refers to the country’s Constitution, which guarantees the rights of national and ethnic minorities and indigenous peoples,

and to the Criminal Code, which rules out terrorism and extremist activities. It states that ‘investigation and proper classification of extremist crimes has been gained, including hate crimes’.

Russia signed the European Charter for Regional and Minority Languages on 10 May 2001; however, the process of ratification is proving to be complex and drawn out. In September 2010, the Council of Europe reported on a series of events due to start in October 2010, working towards the Charter implementation in the ‘Minorities in Russia’ Joint Programme. This includes awareness-raising activities with the participation of local and regional officers, NGOs, and federal judicial authorities, with a view to working towards ratification.

## Turkey

Nurçan Kaya

2010 saw few changes in the situation of minorities in Turkey. This was despite hopes raised in 2009 by the ‘democracy opening’ programme launched by the government, with the aim of ensuring equality to all citizens and bringing a peaceful solution to the Kurdish question. Promises made by the government in 2009 to adopt a comprehensive anti-discrimination law and set up an equality body, a national human rights body and an independent complaints mechanism against police forces also came to nothing. In addition, the 10 per cent electoral threshold which prevents many parties, including the pro-Kurdish party from winning seats in the parliament is still in place, despite suggestions from an opposition party to lower the threshold.

In September 2010, a referendum was passed by 58 per cent to amend some provisions of the Constitution. The amendment strengthened provisions for positive measures to ensure equality between women and men, and for the prosecution of members of the military before civil courts for crimes not related to their duties and/or committed against civilians. The ‘No’ campaign was run by the main, Kemalist opposition party and many left-wing groups, in the belief that the government was aiming to establish control over the judiciary in order to pursue an Islamist agenda and weaken the secularity of the state. Nationalist conservative parties also ran a ‘No’ campaign, while the pro-Kurdish party chose to boycott the referendum, arguing that the proposed constitutional changes did not include anything new for Kurds.

Following the referendum, many provisions in the Constitution that affect minority groups have remained in place, such as Article 42 that bans the teaching of any languages other than Turkish as a mother tongue, and Article 24 on compulsory religious culture and ethics classes. Nevertheless, civil society and minority activists see the approved changes as an indication that more than half of the population may be prepared to accept further changes. The governing Justice and Development Party has itself acknowledged that the changes were not adequate, and promised that an entirely new Constitution would be drawn up in 2011, although only once national elections have taken place (scheduled for June 2011). A new Constitution would present an important opportunity to bring an end to the state policy that has sought to assimilate minorities and create one type of Turkish citizen, who is secular Sunni Muslim, speaks Turkish and is nationalist. Such a change would enable Turkey to recognize the rights of minorities and effectively guarantee equality to all its citizens, regardless of their ethnic, religious or linguistic origins.

Turkey continues to accept only three non-Muslim groups as minorities: Armenians, Greeks and Jews. This means that other non-Muslim groups and ethnic minorities, such as Alevis, Assyrians, Circassians, Kurds, Laz and Roma, are not officially recognized, limiting the exercise of some political and cultural rights by these groups. Even minorities with official recognition cannot exercise their rights fully, as Turkey limits their rights to those guaranteed in the Lausanne Peace Treaty (signed in 1923 between Turkey and the Allied forces following the First World War).

One positive development in 2010 was the continuation of dialogue between the government and some minority groups. But these dialogue meetings did not lead to any concrete changes. For example, during discussions, representatives of the Alevi minority called for children from the group to be exempted from attending obligatory religious culture and ethics classes (which remain centred on Sunni Islamic teachings, despite some revisions), but this request was denied. Exempting Alevi children from these classes would have given them the same rights as Jewish and Christian children, who do not have to attend, and would have reflected the judgments of the Court of Cassation and the ECtHR (*Hasan and Eylem Zengin v. Turkey*, Application

no.1448/04, Judgment of 9 October 2007) given in favour of their exemption from this class. In addition, the Halki (Heybeliada) Rum Orthodox theological college remains closed (as it has been since 1971, when it was closed for refusing to align with a public university, which would have compromised its independence).

The Ministry of Education printed Armenian textbooks for Armenian minority schools for the first time, although these schools continued to receive no financial support from the state and remain subject to heavy financial and bureaucratic burdens. Only Armenian children who have Turkish citizenship can study at these schools, meaning that children who are Armenian citizens living in Turkey are excluded. More positively, the first Armenian language and literature department in the country was opened at Erciyes University.

Clashes between the Kurdish Workers' Party (PKK) and security forces diminished in the latter part of 2010, following the PKK's declaration of a ceasefire in August 2010. The armed conflict is ongoing, however; 152 Kurdish politicians and civil society activists (104 of whom are in prison) face charges of belonging to the Kurdish Communities Union (KCK), which is alleged to be the urban branch of the PKK. The trial is ongoing. The suspects' request to defend themselves in Kurdish has been rejected by the Court.

Education in Kurdish has been at the top of the agenda of the pro-Kurdish Peace and Democracy Party (BDP), and of many NGOs and academics. But this and demands for the use of Kurdish in public life have been rejected strongly by the government. Despite this, municipalities where the BDP are in charge have started to use bilingual signs and doorplates. Mardin Artuklu University applied to the High Board of Education for approval to set up a Kurdish language and literature department and a Kurdology Institute. Their application was rejected, and instead the Board decided to set up the Institute for Living Languages, without referring to Kurdish language in its name, but enabling the university to open an MA programme in Kurdish language within this Institute. There has also been greater public discussion of demands by Kurdish groups for the establishment of truth commissions and for the acknowledgment of gross human rights violations by the state.

The reported number of racist or hate crimes

rose in 2010. Many of the perpetrators of these attacks have been arrested and convicted, including a 39-month prison sentence handed down to someone who threatened the staff of *AGOS*, an Armenian weekly newspaper based in Istanbul. But as the Penal Code contains no provisions relating to hate crimes, perpetrators are charged under ordinary criminal law. Roma homes and vehicles were attacked in Manisa/Selendi in January 2010, and 21 Roma families had to leave the town as they did not feel safe there. The displaced Roma families received some short-term support from the state, but have since then been living in very difficult conditions. Kurds were subject to racist attacks in Hatay/Dörtyol and Bursa/İnegöl in July. In Hatay/Dörtyol, the BDP building and some Kurdish offices were set on fire, and in Erzurum a BDP convoy was stoned. In Hatay/İskenderun, Catholic Bishop Luigi Padovese was murdered. The trial of those suspected of murdering Armenian journalist and editor Hrant Dink in 2007 entered its fourth year, with as yet no prosecution of police and intelligence officers who failed to protect Dink. The Malatya case, brought against perpetrators of the brutal murder of Christian staff at the Zirve Publishing House, is still pending.

Data disaggregated by ethnicity is not collected in Turkey, meaning that there are no official figures to illustrate discrimination against minority women. However, the results of some surveys disclose disparities between access to education by girls and women in Turkey in general and those in east and south-east Turkey, regions mostly populated by Kurds. According to data provided by the United Nations Development Programme (UNDP) in 2008, the literacy rate of women is 60.3 per cent in south-east and 63.6 per cent in east Turkey, compared with 79.6 per cent nationally. School graduation rates also differ between east and west Turkey. A report published by MRG, *Forgotten or Assimilated? Minorities in the Education System of Turkey*, revealed problems in accessing education for minority children in general, and minority girls in particular. Poverty emerges as one of the most important factors, particularly for Roma, displaced Kurds and children of seasonal workers, who are mostly Kurds. Roma NGOs report that nowadays most Roma families enrol their children at school, but then withdraw them after a couple of years, as parents cannot



afford the expense and children are needed to work in order to contribute to the family budget. Girls are usually withdrawn before boys. Another factor cited was the lack of role models for Roma children, and early marriages are also reported to play a role in drop-out rates. In addition, urbanization projects carried out in some provinces of Turkey caused displacement of many Roma and affected many Roma children negatively, again impacting on education. National governmental programmes to address girls' access to education are being implemented and are seen as a positive development, although these programmes do not target

minority girls specifically.

Women who have been displaced are among those most affected by the armed conflict in Turkey. It is estimated that over a million people, most of whom were Kurds, were displaced from east and south-east Turkey, in particular in the early 1990s. Some fled to Europe, but most moved to large cities in Turkey. Reports issued by some NGOs show that most of these people have not received any state support to enable them to integrate in their new places of residence, and that they form one of the poorest sections of society. Women and children are particularly affected. Many of the displaced women



**Left:** A Liberal Democrat representative tries to entice a passerby to vote at a polling station in London's East End, England, 2010. *Andrew Testa/Panos.*

age and trauma that cannot be compensated by cash payments.

## UK

Passed on 8 April, the Equality Act was one of the last measures of the outgoing Labour government, which lost office in May 2010. The Act, which covers England, Wales and Scotland (Great Britain) but not Northern Ireland, reflects the pan-equalities (i.e. cross-cutting) approach towards addressing discrimination that gained pace under New Labour. The 2010 act was preceded by the 2006 Single Equality Act, which set up an independent single equality watchdog, the Equality and Human Rights Commission (EHRC). The integrated approach to equality law enforced by a single Commission is reflected in the new act that covers discrimination on grounds of race, religion, gender, disability, age and sexual orientation, as well as socio-economic status, pregnancy and gender reassignment. The pivotal aim of the 2010 act was to achieve simplification and harmonization of existing equality law – it replaces previous laws on all protected strands – and to harmonize protection for different grounds.

A notable feature of the act is the prohibition of multiple discrimination, although a provision that would have allowed for the combination of two grounds of discrimination was removed by the Conservative–Liberal Democrat coalition government in early 2011. The new legislation, which entered into force on 1 October 2010 and will be brought into operation in stages, could assist in closing some of the equality gaps that still exist in British society. A report entitled *How Fair Is Britain?* by the EHRC draws a picture of a country increasingly at ease with its diversity, but also where – for some minority groups – encountering negative stereotypes and gross violations of their human rights is an everyday experience. This is particularly the case for migrants and Gypsies, Roma and Travellers, but also for some settled minority ethnic groups. In its Fourth Report on the UK published in March, the Council of Europe's ECRI noted with concern that 'racist incidents had become more frequent, police powers were exercised in a manner

do not speak Turkish well and this prevents them from accessing public services, in particular health services. Literacy rates and integration in economic life are very low, and the state has not developed any specific programme to address the economic, social and cultural needs of these people. A law adopted to provide compensation to those displaced by or suffering other losses as a result of 'terrorism' provided monetary compensation to many people, although the application system and the amount of compensation awarded were strongly criticized by some NGOs. In addition, no rehabilitation programme has been developed to deal with the dam-

that disproportionately affected minority groups, Gypsies and Travellers still faced serious discrimination and asylum-seekers remained in a vulnerable position'. ECRI also pointed to severe levels of hostility and prejudice towards these groups, as well as towards Muslims, and to negative media and public discourse with racist and xenophobic overtones.

On the day the African-American activist Reverend Jesse Jackson arrived in the UK to launch a campaign against the discriminatory and disproportionate use of police stop and search powers against black and Asian people, the *Guardian* newspaper revealed shocking findings of recent research into the issue. According to analysis by the London School of Economics and Political Science (LSE) and the Open Society Justice Initiative, black people are 26.6 times more likely and Asians are 6.3 times more likely to be stopped and searched than white people, and there are 60 searches for every 1,000 blacks compared with 1.6 for whites. The analysis of government data on stop and search powers under section 60 of the Public Order Act, where a police officer does not require reasonable suspicion to undertake a search, demonstrated obvious racial profiling, according to the study. Revd Jackson said:

*'We've gone through this process in our country of ethnic and religious targeting. [...] It resulted in disastrous consequences. Wherever it happens it undermines the moral authority of the democracy. It damages the image of Britain, because Britain is held in high esteem.'*

He rejected police claims that race has nothing to do with the practice. 'It is racial profiling. It's as fundamental as that. It is based on sight, suspicion and fear. It's a systematic pattern.'

The excessive use of police force was confirmed by a 2010 ruling of the ECtHR. In the case *Gillan and Quinton v. the United Kingdom*, the Court investigated sections 44–47 of the Terrorism Act 2000 allowing the police to stop and search individuals without reasonable suspicion of wrongdoing. It found that the right to respect for the private and family life of the claimants was violated, that the stop and search powers were 'not sufficiently circumscribed' and there were no 'adequate legal safeguards against abuse'. It also concluded that 'the risks of the discriminatory use of the powers' were 'a

very real consideration'.

Evidence of the discrimination and human rights abuses suffered by migrants increased considerably during the year. An EHRC inquiry in the meat and poultry processing sector uncovered widespread mistreatment and exploitation of migrant workers, including physical and verbal abuse and a lack of proper health and safety protection. The treatment of pregnant workers was highlighted as a particular concern. The report notes that many migrant workers had little knowledge of their rights. The *Guardian* newspaper quoted a community advocate of the London-based charity Kalayaan that advises migrant domestic workers, who stated:

*'Two-thirds of the domestic workers we see report being psychologically abused. That means they've been threatened and humiliated, shouted at constantly and called dog, donkey, stupid, illiterate.'*

Drawing from an investigation undertaken by the *Dispatches* documentary programme for Channel 4, the *Guardian* reported that 20 per cent of the 15,000 migrant workers who come to the UK every year hoping for better living standards and supporting families left behind are physically abused or assaulted. Examples of abuse included being burnt with irons, threatened with knives and having boiling water thrown at them. Conditions amounting to modern-day slavery were successfully challenged in a case in April. The employment tribunal found a farmer, who treated his workers 'like dogs', guilty of race discrimination, unlawfully docking wages and unfair dismissal.

Concerning Gypsy, Roma and Traveller communities, the Europe-wide trend towards forced evictions is evident in the UK as well. In a report analysing recent policy changes introduced by the new government, the Institute for Race Relations (IRR) points out that 'the scale of the Gypsy "problem" is remarkably modest.' The report's authors judge that in the whole of England there are probably only 3,729 caravans on unauthorized sites, and 13,708 on private or council sites, and that according to an EHRC report, 'the entire Gypsy and Traveller population could be legally accommodated if as little as one square mile of land were allocated for sites in England'. The new coalition government, however, has withdrawn the £30 million already offered to local authorities to develop Gypsy, Roma

and Traveller sites, and on the whole abandoned Labour's more progressive policies to meet the needs of travelling communities. Eric Pickles, the new state secretary for communities said back in 2008, 'It's not fair that hard-working families have to save up to get on the housing ladder while Travellers get special treatment at taxpayers' expense.' Pickles is driving the new 'Travellers policy', including proposals to increase police powers to evict and arrest people for trespassing on private land by turning trespassing from a civil into a criminal offence; making it more difficult to obtain permission to put caravans on private land; abolishing regional planning bodies in charge of provision of registered sites; and revising the allocation of pitches within local authorities.

Human rights campaigners have condemned the prospect of families being evicted from plots of land many of them own and forced to move back onto illegal sites or wasteland camping. In one case, the UN Committee on the Elimination of Racial Discrimination requested clarification of plans to demolish the homes of 90 families erected on land they own at Dale Farm, on the outskirts of Basildon, Essex. As a woman living on the farm commented to the BBC:

*'It used to be a dirty scrapyard, but we cleaned it up. Each family has their own deeds.[...] The government at the time said let Gypsies and Travellers provide for themselves and so we did.'*

In April 2010, the UN Special Rapporteur on adequate housing, Raquel Rodnik, also wrote to the British Ambassador to the UN about the proposed mass eviction from Dale Farm. As reported by the IRR, the UK government's response given by the communities and local government minister with responsibility for Gypsies and Travellers has been condemned as inadequate and misleading by the Liberal peer Eric Avebury, for ignoring 'the endemic shortage of sites for Gypsies and Travellers in England' and for not addressing 'acute medical and educational needs of residents, and the combination of local authority cuts and endemic prejudice which has eroded provision of specialist education and welfare services for Gypsy and Traveller children'. ■