



# Europe

Eric Witte

Europe's rich patchwork of diverse peoples continued to face frequent challenges from agents of intolerance in 2007.

Yet in Europe the ongoing marginalization of many minority ethnic, linguistic and religious communities is challenged by perhaps the densest network of oversight organizations, monitoring mechanisms and legal infrastructure on any continent. These safeguards are most robust within the 27-state European Union (EU), but not always in every regard. For example, France joins non-EU members Andorra, Monaco and Turkey as one of only four of 47 member states of the broader Council of Europe not to have signed or ratified that body's Framework Convention on National Minorities (FCNM). Belgium, Greece, Iceland and Luxembourg have all signed the FCNM but have not ratified it.

Within the EU, by agreement of the Council of the European Union, in March 2007 the European Monitoring Centre on Racism and Xenophobia (EUMC) became the EU Agency for Fundamental Rights (FRA). The FRA is tasked with the development of policies relating to fundamental rights for EU institutions and member states, and maintains the EUMC focus on issues of racism, xenophobia and anti-Semitism. In its 2007 *Report on Racism and Xenophobia in the Member States of the EU*, the FRA noted that by the beginning of the year some states had not yet passed necessary domestic legislation to implement the EU Council's June 2000 Racial Equality Directive, namely the Czech Republic, Latvia and Malta. By banning discrimination in employment on the basis of race or ethnicity, Estonia and Poland had only implemented the directive in part.

In August 2007, former Foreign Minister of Norway Knut Vollebaek became just the third High Commissioner on National Minorities at the Organization for Security and Co-operation in Europe (OSCE). Addressing the OSCE Permanent Council for the first time in November, he stressed the importance of good governance and democracy for the protection of minority rights, and the importance of coordination within the international community in addressing minority issues and preventing conflict.

These needs were indeed borne out by developments in 2007. In Bosnia, Georgia and Kosovo, ongoing abuses of minority rights have

raised the spectre of conflict, with the international community at times floundering in its attempts to respond in coordinated fashion.

High Commissioner Vollebaek also echoed his predecessors' long-standing mantra of the imperative to balance integration with respect for diversity. France and Turkey, which fashion themselves as homogeneous societies, are struggling to respect a diversity that they deny. Likewise, many countries continue to expect integration of minority religious communities, especially Muslims, and are intolerant of minority religious groups that continue to practise their faiths. At the other extreme, some European countries rationalize policies of Roma segregation as recognition of diversity. However, important victories for Roma rights at the European Court of Human Rights during 2007 may place new limits on this practice.

Another point highlighted by incoming High Commissioner Vollebaek was the need for states and the international community to include minorities in devising policies that affect them. For such Arctic peoples as the Inuit and Sami, whose livelihoods and traditions are threatened by climate change caused by greenhouse gas emissions around the world, this is the monumental challenge to protection of their rights.

The topics of religious intolerance, Roma inclusion and global warming are considered in greater detail below.

### Religious intolerance

European religious minorities have confronted intolerance to varying degrees for centuries. Although today such organizations and monitoring mechanisms as the European Parliament, the Council of Europe, the OSCE and the European Court of Human Rights provide much more robust institutional advocates and safeguards for minority religious groups than in previous eras, recent years have seen an increase in religious tension and debate over the role of religious minorities in European society. The terrorist attacks of 11 September 2001, and subsequent attacks in Madrid and London in March 2004 and July 2005 clearly provided strong impetus for this, and the fall-out continued in 2007.

In Belgium, the nationalist Flemish party Vlaams Belang chose the sixth anniversary of the 11 September attacks to protest against the 'Islamization of Europe'. The event in Brussels, a city with a significant immigrant and Muslim

community, led to party members clashing with police. Similar anti-Muslim sentiment remains strong in the Netherlands following the 2002 murder by Islamic extremists of right-wing politician Pim Fortuyn and that of film-maker Theo Van Gogh in 2004. A nascent movement of young former Muslims in the Netherlands, alienated by violence in the name of Islam, launched a campaign on 11 September 2007 to make it easier for Muslims to choose to renounce the religion. Although fractured between those advocating a strident anti-Islamic tone and those simply advocating freedom of religious choice, members of the Committee for Ex-Muslims fear that Islamic radicals could use violence in seeking to enforce literal interpretations of the Koran to punish apostasy.

Islam is at the centre of current issues of religious intolerance in Britain as well. Just over two years since the terrorist bombings in London, a poll in August 2007 found that Britons were more suspicious of Muslim communities than the populations of any other EU state. The survey found that 38 per cent of Britons viewed Muslims as a threat to national security. Comments from government officials may have played a role in forming distrustful views of Muslims. The leader of the House of Commons, Jack Straw, caused controversy in October 2006 with his comments on women wearing the Muslim veil, and in December 2006 Prime Minister Tony Blair stressed the importance of immigrants' integration. In a rhetorical shift, new Prime Minister Gordon Brown instructed his ministers not to use the word 'Muslim' when talking about failed car bombings attempted by Islamic radicals in London and Glasgow in June 2007 and instead to keep the focus on the criminality of the acts. A spokesman explained: 'There is clearly a need to strike a consensual tone in relation to all communities across the UK. It is important that the country remains united.'

As Europe confronts new issues of intolerance largely revolving around Islam, the Jewish community in Germany is experiencing a revival decades after its attempted extermination under Hitler. Despite sporadic incidents of anti-Semitism, especially in the eastern parts of the country, Germany now has the fastest growing Jewish community in the world. In a nationally televised

ceremony in 2006, three rabbis were ordained in Dresden – the first ceremony of its kind in Germany since 1942. In August 2007, Germany's largest synagogue re-opened in Berlin following extensive renovations.

### Arctic peoples and climate change

Rising global temperatures through the emission of greenhouse gases over more than a century are cause for alarm in many parts of the globe. In April 2007 a group of 250 UN-sponsored scientists released the *Arctic Climate Impact Assessment*, a four-year study that found the Arctic warming approximately twice as fast as the rest of the planet. The extent of the Arctic ice-melt in northern summer 2007 shocked scientists, and is having immediate impact on indigenous Arctic peoples.

In the self-governing Danish territory of Greenland, around 90 per cent of the population is Inuit. Over 4,500 years, the Inuit have survived by adapting to the icy environment, which has given broad definition to their unique culture. The accelerating melt of ice and permafrost has had a direct effect on their lives. Landslides and loss of permanent ice-pack have damaged infrastructure, including significant loss of housing and contamination of drinking water. The daily effect has been felt most acutely in northern Greenland. There, towns have never been connected by roads, and dog sleds were usually used to traverse the distances between them; as the snow and ice recedes, sleds are becoming useless in the newly exposed rocky landscape and towns are becoming more isolated. The north, in particular, is an area where many communities have long relied on hunting and fishing to survive. The Arctic melt is vastly reducing habitat for seals, polar bears and walrus, and warmer waters are leading to shifts in populations of fish species. Inuit hunters, who have long been secure in their ability to navigate the ice, are finding it difficult to read the new landscape and many hunters have been lost to accidents on thin ice.

Beyond physical threats, these rapidly changing environmental circumstances are placing Inuit culture in jeopardy. Activities including hunting, ice-hole fishing and dog-sledding are at the core of Inuit identity. Even though southern Greenlanders dabble in potato farming and sheep herding in adaptation to the milder climate, these new opportunities do not fill the hole of their cultural loss.



Aqqualuk Lynge is a leader of Greenland's Inuit people. The Inuit – and other Arctic indigenous groups – have campaigned internationally to draw attention to the dramatic impact of global warming on their natural environment.

'In my lifetime, we have seen a big difference in flocks of ice and animal migration, and we have seen the weather change. My community is lucky it is not in Alaska, where a village is crumbling into the sea because of rising sea levels. The Alaskan state is supporting them to relocate.

'The Greenland ice cap is melting very fast and this will affect the rest of the world – that's why the Arctic is a barometer. We have known about it for a long time – before other famous people started talking about it.

'We need to study much more the effects of this on Inuits. We have existed for thousands of years and our culture and lifestyle have changed for lots of reasons, but because of climate change it will be over in two generations. We are asking scientists worldwide to study what will happen to human beings if the ice caps disappear.

'We know what the effect will be on polar bears, on whales and on fish stocks. But the

heating of the sea is far worse than we thought. We have tried to adapt to new circumstances but any small change in sea temperature can change many things and now it is too high.

'Each community in the Arctic is isolated – connected only by sea, no roads, no air. My mission is to say that local matters are global as well. People know that what happens here today will have an effect tomorrow.

'The permafrost is also disappearing: the environmental things that make the rest of the world stable are now unstable in the Arctic.

'We are very nervous and sometimes we are angry that the decision-makers are not taking the right decisions. We have to wake up the governments to the reality of what is happening.

'We have a legal petition under way in the US at the Inter-American Commission of Human Rights, to look into the issues we are facing. The case is not to get compensation; we need support for decision-makers to understand that we are paying a great price for what others are doing to the environment. I hope the government realizes this and adapts for the future. We are small nations and we cannot afford to shut up.'

*Interview by MRG's Preti Taneja*

Other indigenous Arctic peoples are facing similar situations. The Sami of Scandinavia and Russia, for example, have noted that warmer temperatures have brought with them a large increase in the number of mosquitoes. Mosquito-borne parasites are increasingly infecting reindeer herds, and thus pose a potential threat to Sami traditional herding culture.

Arctic peoples have banded together to claim that the climate change affecting their lives and threatening their cultures is a human rights issue, and that governments are doing too little to cut emissions of such greenhouse gases as carbon dioxide. The global nature of the problem, however, has made it difficult for campaigners to target the roots of the problem.

In May 2007, Aqqualuk Lynge, a leading Inuit politician from Greenland, took a high-profile role in fighting the proposed expansion of London's Stanstead Airport, which would result in 2 million tonnes of additional carbon dioxide emissions annually. With greenhouse offenders ubiquitous, Lynge readily admitted that, by itself, stopping the airport expansion would mean little. However, he argued that failure to tackle such policies on an individual basis would be 'an excuse for doing nothing'.

In February 2007, Greenlanders, together with representatives from the US, Canada and Russia in the Inuit Circumpolar Council, argued in their latest hearing before the Inter-American Court of Human Rights that, by refusing to curb greenhouse gas emissions, Washington was violating the American Convention on Human Rights. With 5 per cent of the world's population, the United States emits around 25 per cent of the world's greenhouse gases and the Bush administration has consistently opposed aggressive proposals to reduce them.

Scientists expect global warming to continue and, absent a new willingness in such far-flung capitals as Washington, Beijing and Brussels to reduce greenhouse gases, it is not clear that the trend will be reversible or that Arctic peoples' traditional cultures can survive.

## Roma

Widely dispersed Roma communities remain the most chronically marginalized groups across Europe. Roma largely remain mired in poverty, with widespread discrimination blocking paths to employment and Roma children often segregated into separate, inferior classrooms that fail to prepare

them for entry into the job market. Discrimination often extends to housing, and many Roma routinely face the threat of eviction. Authorities too often tolerate rampant anti-Roma racism and violence, with police sometimes among the perpetrators. Roma women confront compounded discrimination, and in several countries have been subjected to forced sterilization. Roma communities generally have poor access to healthcare, and lower life expectancy rates reflect this. In many places there are obstacles for Roma seeking citizenship documents, which is one cause of the communities' scant political representation across Europe; grossly under-represented, Roma have found it difficult to bring adequate political attention to the many problems they face.

These problems remain acute in Central and Eastern Europe, where Roma live in the highest concentration. Although international attention has again focused on simmering tensions in the Balkans, there has been little new attention to Roma issues there. As negotiations over Kosovo's final status intensified over the course of 2007, Roma representatives were excluded from the talks between ethnic Albanians and Serbs. In Kosovo, Roma face widespread harassment for using their mother tongue, either Serbian or Romany, in majority Albanian areas. Many displaced Roma, accused by Albanians of complicity in Serbian atrocities during the 1998–99 war, remain encamped near the Trepca lead mine in the north. There, many children have suffered severe, sometimes fatal, lead poisoning from living next to piles of toxic industrial waste, worsened by some of their parents' smelting of lead from used car batteries; United Nations administrators have been slow to organize their relocation to new, unpolluted settlements.

In Bosnia and Herzegovina, Roma live in extreme poverty and, along with other non-Bosniacs, Serbs or Croats, fall under the ethnic category 'Others', which denies them certain rights to political representation and further marginalizes them in the country's polarizing political system. Likewise, in Macedonia, where Roma continue to face discrimination and exclusion in all spheres of life, politics are dominated by ethnic Albanian–Macedonian relations and Roma barely participate.

Across Central and Eastern Europe, pervasive anti-Roma sentiment often surfaces in the statements of government officials. General elections

in 2006 in Slovakia returned the ultra-nationalist party of Jan Slota to government as a junior partner. Anti-Roma rhetoric during and after the campaign worried Roma rights advocates, especially in light of the continued problem of hate crimes directed at the community. Slovak statistics provided to the EU Agency for Fundamental Rights showed an average 45 per cent annual increase in recorded incidents of racist violence between 2000 and 2006, with a 55 per cent jump between 2005 and 2006. In 2007 a Czech senator and district mayor in the city of Ostrava openly called for Roma to be segregated behind an electric fence. And in May 2007, Romanian President Traian Basescu called a reporter 'a stinky Gypsy'; two months later, Romanian Prime Minister Calin Popescu Tariceanu reportedly made comments calling all Roma criminals.

Despite continuing grave problems for Roma communities, the EU accession process has provided an impetus for change in the region. Ahead of Bulgaria's accession in January 2007, the government adopted a number of measures aimed at improving Roma rights. A new health initiative, the training of Romani-language teachers, anti-segregation school regulations, and increasing Roma representation at the municipal level offer hope that Bulgaria is finally tackling the ongoing deep marginalization of its Roma community. Hungary, which joined the EU in May 2004, likewise has increased its efforts to reduce Roma marginalization. The Hungarian government has undertaken an aggressive initiative to desegregate schools, and has taken steps to enforce strong anti-discrimination laws; in 2006 the government began a programme of legalizing previously unregistered Roma settlements.

Domestic and international legal cases offer another avenue for improvements in Roma rights. In June 2006, an appeals court in Debrecen, Hungary ordered an end to *de facto* school segregation in Miskolc, which it found violated the rights of Roma children to equal treatment. In Serbia, a war crimes court convicted a former member of the Kosovo Liberation Army (KLA) for anti-Roma atrocities in 1999; meanwhile, the war crimes trial of KLA leader Ramush Haradinaj and others, charged with targeting Roma as well as Serb civilians, continued into 2007 at the International Criminal Tribunal for the former Yugoslavia. In 2006, the European Court of Human Rights

(ECHR) rejected a legal challenge to Roma school segregation in the Czech Republic, finding that the Roma organizations bringing the case had failed to prove the state's intent to discriminate. In January 2007, MRG backed the organizations' appeal before the ECHR's Grand Chamber, which in November 2007 issued a groundbreaking ruling in favour of the 16 Roma pupils. The Chamber made use of statistical patterns in finding that the Czech Republic had systematically discriminated against Roma by sending them to special needs schools. Roma rights organizations expected the ruling to have swift and sweeping effect on the education policies of other countries in the region. The ECHR ruled in two cases in July 2007 that Romania and Bulgaria had both failed to pursue justice for Roma victims of violent hate crimes, making clear that European governments must respond robustly to such acts.

The Decade of Roma Inclusion, launched by nine Central and Eastern European governments with support from the World Bank and Open Society Institute in 2005, committed signatories to 'work toward eliminating discrimination and closing the unacceptable gaps between Roma and the rest of society'. In June 2007, a coalition of European Roma rights organizations issued the first *Decade Watch* report on each country's progress toward fulfilment of its Decade Action Plan. Consolidated scoring for various aspects of the initiative showed that Hungary was making the most progress in implementing its plan across the priority areas of education, employment, housing, health and anti-discrimination. Bulgaria and Slovakia were placed second and third. Of the nine states, Montenegro scored lowest, with the report finding that it 'has yet to embrace responsibility for developing integrated programmes or policies backed up with budget financing'. Macedonia and Serbia also scored poorly.

Although EU accession has spurred some positive developments for Roma rights in Central and Eastern Europe, ongoing discrimination in older EU member states serves as a warning that accession alone cannot be expected to eliminate Roma marginalization. Amid a flurry of anti-Roma rhetoric in May 2007, the Italian cities of Rome and Milan approved 'Pacts for Security' that aim at the abolition of informal settlements and the eviction of 10,000 Roma and Sinti. In Germany, many Roma and Sinti who have been in the country for years, or

were even born there, continue to be denied citizenship. Roma and Sinti are vastly under-represented in political institutions and, in the face of pervasive societal discrimination, members of the community are subjected to constant pressure to move elsewhere.

## Country by country

### Belgium

Disputes between Belgium's majority Flemish and minority Walloon linguistic communities brought the country to the brink of a break-up in 2007. The wealthier Dutch-speaking Flanders region resents subsidies for the poorer francophone Wallonia region. This resentment builds upon memories of historical French and Walloon political, economic and linguistic dominance that lasted to varying degrees until 1970.

Over five months after June 2007 parliamentary elections, Flemish and Walloon legislators still were not able to agree on a new government. At issue were Flemish demands for greater regional autonomy and a cut in financial support to Wallonia. Enacting these changes, opposed by Walloons, would require a two-thirds majority of parliament. Flemish parties were unwilling to agree to a government with parties rejecting the proposal, and Walloon parties were unwilling to join a government advocating the proposal.

In November, Flemish parties broke with a tradition of seeking inter-communal consensus and used their majority in parliament to split a bilingual voting district straddling bilingual Brussels and Flemish Flanders, so that henceforth Walloon voters in the Flanders part can no longer vote for candidates in Wallonia. In 2003 a Belgian constitutional court had ruled the bilingual status of this part of the district unconstitutional, but had not prescribed a solution. Walloon parliamentarians walked out of the November parliamentary session. As the crisis endured, several thousand Belgians rallied for national unity in Brussels in mid-November; while most of the demonstrators were Walloons, some were Flemish. Indeed, opinion polls showed that even as most Belgians expected the country to eventually split apart, majorities in Wallonia and Flanders preferred continued unity. Divorce scenarios were further complicated by the dispensation of Belgium's third region: bilingual Brussels.

### Bosnia and Herzegovina

Over the course of 2006 and 2007, international officials have grown increasingly alarmed by the stalling of reforms in Bosnia and Herzegovina and a resurgence of nationalist rhetoric among the country's leading politicians. The Bosnian election system, created through the 1995 Dayton Peace Agreement, systematically strengthens nationalist candidates in a polarizing, vicious cycle because they must only seek votes from largely mono-ethnic electorates. Such was the dynamic again in the October 2006 general elections, and the poisoned atmosphere carried over into 2007. As a result, the three main ethnic groups of Bosnia and Herzegovina – Bosniacs, Croats and Serbs – all feel insecure in parts of the country where they live as minorities.

Bosnians who are not of these ethnic groups, including Roma and Jews, or who are of mixed ethnicity, are categorized as 'Others' under the Dayton structure, a formulation that is inherently marginalizing. In March 2007 the UN Committee on the Elimination of Racial Discrimination criticized Bosnia and Herzegovina for failing to reform its constitution to allow minority participation in the parliamentary House of Peoples and the country's presidency. The European Commission noted the same failure in its November 2007 assessment of Bosnia and Herzegovina's progress toward EU membership. In 2007 MRG supported the application of Jakob Finci, a Bosnian Jew denied the opportunity to run for the federal presidency on the basis of his ethnicity, to the European Court of Human Rights. The European Convention on Human Rights is binding, pre-eminent law in Bosnia and Herzegovina, and the case holds the potential to force far-reaching reform.

In 2006 and 2007, the international community continued to push for an overhaul of police structures in Bosnia and Herzegovina. Currently there are 14 police forces in the country, with criminals (sometimes linked to politicians) exploiting the uncoordinated, fractured jurisdictions. Although constitutional court rulings require that all areas of public administration reflect the ethnic proportions of the 1991 Census, to a large degree the various police forces remain ethnically homogeneous. For minorities returning to their pre-war homes, the presence of often-hostile police forces, in which their ethnic group is hardly represented, has been intimidating, and is one reason why most minority

returnees quickly leave. Bosniac returnees to the country's Republika Srpska (RS) entity have also encountered perpetrators of the July 1995 Srebrenica massacre still on the police force.

Serb and Bosniac nationalist leaders rejected police reform in October 2007, and in response the European Commission refused to initial the country's Stabilization and Association Agreement, an important step toward EU accession. Following the failure, the international community's High Representative for the country, Slovak diplomat Miroslav Lajcak, used his powers to impose new laws making it more difficult for obstructionists in cabinet and parliament to block legislation through failure to participate. The RS prime minister reacted by threatening to withdraw all Serb representatives from state-level institutions, the Serb member of the country's three-person presidency resigned and Serb politicians again mooted a referendum on secession.

In February 2007, the International Court of Justice in The Hague determined that RS forces in Bosnia during the war had committed genocide against Bosniacs, although the justices ruled that they did not have enough evidence to find Serbia guilty of genocide for its supporting role. The ruling echoed previous findings from the International Criminal Tribunal for the former Yugoslavia (ICTY), notably in the Krstic case relating to Srebrenica. Until 2005, the RS had only prosecuted two criminal cases against Serbs suspected of committing atrocities during the war. At the end of 2005 the pace increased, parallel to war crimes proceedings at the State Court in Sarajevo, which is responsible for more sensitive cases. Meanwhile, as of December 2007, the most wanted Bosnian Serb fugitives from the ICTY, Radovan Karadzic and Ratko Mladic, remained at large.

## France

In May 2007, France elected Nicolas Sarkozy as its new president. He faces distrust among many French Muslims for incendiary comments he made as Interior Minister about youth rioters in 2005 and 2006. At his inauguration, Sarkozy pledged to make human rights a priority, but a petition launched by French intellectuals in June 2007 lambasted his powerful new Ministry of Immigration and National Identity as a sop to the far right.

The centralized nature of the French state, and its emphasis on a unified identity, has long made action

on minority issues difficult. The country is only one of four of the 47 members of the Council of Europe not to have signed its Framework Convention for the Protection of National Minorities (FCNM) and neither has it ratified the Charter on Minority and Regional Languages. On constitutional grounds, France has declared a complete reservation to the article on the rights of minorities in the UN Convention on Civil and Political Rights, claiming in effect that there are no minorities in France.

In short, French policies continue to reflect an assumption that minorities should assimilate into the majority culture. On a visit to France in September 2007, UN Independent Expert on Minority Issues Gay McDougall observed:

*'Currently, there is a widespread feeling within the communities of new minorities that to become a citizen of France is not sufficient for full acceptance; that acceptance will be granted only with total assimilation that forces them to reject major facets of their identities. Only when a way is found to shed the colour of their skins, hide the manifestations of their religion or the traditions of their ancestors, only then will they be accepted as truly French.'*

France's sizeable – mostly North African – Muslim community, estimated at 6 per cent of the population, felt the brunt of new policies instituted in the wake of the 11 September attacks on the United States, including police searches, in some circumstances without a warrant. Already widely ghettoized on the margins of large cities, these Muslim immigrant communities felt deepening marginalization amid rising popular Islamophobia fed by politicians and the media. Arab and other underclass immigrant youth riots erupted in November 2005, and in 2007 tensions continued to simmer.

Amid rising popular fear of Islam, in 2004 the French government banned the wearing of overt religious items in public schools. While the law has disproportionately targeted Muslim girls wearing head-scarves, it also applies to such items as the Jewish skullcap, heavy Christian crosses and the Sikh turban. In 2005, French courts upheld the expulsion from school of several Sikh boys who refused to remove their turbans for religious reasons. In June 2007 a Sikh organization lodged a challenge at the European Court of Human Rights following a French court ruling that, ostensibly for security

reasons, requires Sikh men to be photographed without their turbans to obtain a driver's licence. The Sikh organization representing a man denied a driver's licence when he refused to remove his turban argued that the French law undermines freedom of thought, conscience and religion. MRG is providing legal advice in the case and helping to publicize the implications of the ban.

## Georgia/Abkhazia and South Ossetia

In December 2006, Russian President Vladimir Putin stated that if Kosovo gains independence from Serbia, then Abkhazia and South Ossetia should be free to become independent of Georgia. As tensions between Georgia and Russia mounted in 2007, conditions worsened for ethnic minorities in Georgia's unrecognized break-away states of Abkhazia and South Ossetia. Exclusion of minorities in these regions threatened to push the region into conflict.

Soviet-era settlement of Georgians in Abkhazia and the demographic marginalization of ethnic Abkhaz led to their distrust of Georgia's drive for independence in the final days of the Soviet Union. With Russian assistance, ethnic Abkhaz defeated heavy-handed Georgian forces in a 1992–3 war that saw atrocities on both sides. Abkhazia lost over half of its population as an estimated 200,000 ethnic Georgians fled to Georgian-held territory, mostly in the neighbouring Zugdidi district. Abkhaz now form a plurality of the population, alongside sizeable Armenian and Russian populations. Those Georgians who remain are concentrated in Abkhazia's southern Gali district. Abkhaz authorities have gradually extended their *de facto* control over most of the territory. Talks remain at an impasse as Abkhazia insists on recognition of its independence as the first step in peace talks, while Georgia places priority on the return of displaced Georgians.

Displaced Georgians are not allowed to vote in Abkhaz elections. Those who have returned, estimated at 40,000, live mostly in the Gali district, where they are prone to gangsterism and intermittent upheavals and instability. Georgian-language education in Abkhazia remains a major area of contention. Abkhaz officials have been reluctant to make concessions in this area precisely because it would encourage Georgian return. The authorities also have taken pains to highlight the identity of remaining Georgians as Mingrelian, a

Georgian dialect sub-group prevalent in western Georgia, whose members resist seeing any conflict between simultaneous embrace of the Mingrelian and Georgian aspects of its identity.

Ethnic Abkhaz are of two minds regarding Russia's backing. Russia has gradually asserted control in the area through issuance of passports, introduction of the rouble, payment of pensions, attempted control of politics, and increasingly through language. While some Russophone Abkhaz join ethnic Russians and Armenians in generally favouring integration with Russia, Abkhaz speakers tend to favour a future of independence.

Rising tensions between Tblisi and Moscow are increasing the threat to the Georgian minority while making ethnic Abkhaz more reliant on Russia, whether Abkhazia becomes independent or not. Against the backdrop of Russian anger at Georgia's intention to join NATO and Georgia's 2004 expulsion of alleged Russian spies, in June 2006 Georgian military forces increased their presence in the Kodori Gorge, a part of Abkhazia still under divided control. In May 2007, Georgia established a 'patriot youth camp' in an area under its control near the ceasefire line, and refused access to UN observers. In response, Abkhaz authorities increased nearby patrols, as did peacekeepers from the Commonwealth of Independent States.

A similar situation exists in South Ossetia, where conflict with Georgian authorities in 1989–90 increased the desire of South Ossetians to work towards closer integration with Russian North Ossetia. While South Ossetians have set up a *de facto* government, Russians have provided most residents with passports. Although a 2004 ceasefire has held, near-daily shootings continue. In the conflict zone of Tskhinvali, ethnic Ossetian villages are interspersed with ethnic Georgian villages, as well as those of mixed ethnicity. If tensions boil over again, both groups stand to suffer. South Ossetian officials are largely looking to developments in Abkhazia to provide a precedent for finalizing their split from Georgia.

In August 2007, the Georgian government accused Russia of violating its airspace to fire a heavy missile (that failed to detonate) near South Ossetia. Russia denied the claim, accusing Georgia of staging the incident as a provocation. In September, military clashes occurred in both Abkhazia and South Ossetia. Georgian President

Mikhail Saakashvili, addressing the UN General Assembly, blamed these on Russia and accused Moscow of backing a 'mission of terror'.

## Russia

Under President Vladimir Putin, Russia continued its slide into authoritarianism over the course of 2007, in parallel with the development of deepening xenophobia in Russian society and government policy. Although large-scale fighting in Chechnya was over for the time being, severe government violations of Chechen rights continued unabated.

SOVA, a Russian non-governmental organization (NGO) that monitors hate crimes, recorded 539 attacks on ethnic minorities, including 54 murders, over the course of 2006. A public opinion poll in December 2006 found that 54 per cent of Russians surveyed agreed with the statement 'Russia is for Russians'. Public officials have frequently stoked such chauvinistic sentiment. In November 2006, the deputy chief of the Russian migration service explained that ethnic minorities should not exceed 17–20 per cent of the population in any town, and that 'exceeding this norm creates discomfort for the indigenous population'. That same month, President Putin explained that planned restrictions on the employment of non-Russian citizens, including legal immigrants, would serve to 'ease tension on the labour market and make it more civilized'.

Putin's embrace of xenophobic sentiment has coincided with his consolidation of power at the expense of parliament and local government. Independent media and civil society organizations, both domestic and foreign, face increasing harassment. Indeed, Russian police are increasingly turning to violent disruption of peaceful, anti-government protests.

A youth movement, 'Nashi' ('Our People'), which is directly and indirectly sponsored by the Kremlin, is actively promoting Putin and an anti-European, anti-American agenda. Founded following the 2004 Orange Revolution in neighbouring Ukraine, Nashi (dubbed the 'Putinjugend' by some critics) now boasts some 10,000 members and 200,000 participants at its events. Senior members of the organization have received plum jobs in government or at Kremlin-friendly state enterprises. Some members have undergone paramilitary training specifically to learn techniques for breaking up opposition demonstrations. In October 2007,

Human Rights Watch wrote to the Moscow city police to express concern about the service's recruiting of Nashi members to help 'police' forthcoming human rights and other opposition demonstrations. Although awash with Russian nationalism, Nashi states that it opposes ethnic bigotry. Some civil society organizations worry, however, that this new, enthusiastic public arm of Kremlin power could yet follow the government's lead in adopting an increasingly xenophobic agenda.

Xenophobic sentiment in Russia is often directed at Chechens, on both ethnic and religious grounds. In Chechnya itself in 2007, major fighting has ended for the time being, following the June 2006 killing of Chechen resistance leader Sadullaev. Russian police killed another senior rebel, Rustam Basayev, in August 2007 in an ongoing campaign to 'liquidate' the remaining resistance leadership. Although Moscow is eager to portray the situation in Chechnya as completely under control, the Russian and puppet Chechen governments continue to inflict severe human rights abuses on the Chechen population, including disappearances and torture.

Human Rights Watch issued a report in November 2006 based on extensive interviews in Chechnya, finding that the Moscow-backed Chechen government and federal forces were employing the widespread and systematic use of torture, with no accountability for the perpetrators. The Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, echoed those findings on a visit to Chechnya in March 2007, noting that every single prisoner he had spoken with had complained of abuse. In a landmark case in July 2007, the European Court of Human Rights (ECHR) ruled that the Russian government was responsible for the 'disappearance' and death of a young Chechen man, Khadzhi-Murat Yandiev, in 2000. It was the eleventh ECHR ruling against Russia for disappearances, deaths and disproportionate use of force stemming from the Chechen conflict; 200 similar cases were still pending. Moscow has not complied with the rulings. In June 2007, however, there was a rare conviction of four Russian soldiers in a domestic court for the killing of Chechen civilians in 2002.

The government remains sensitive to criticism about Chechnya. In August 2007 a court stiffened the suspended sentence for human rights activist

Stansilav Dmitrievsky, who in 2006 had been convicted of 'inciting racial hatred' for publishing articles by Chechen resistance figures, after Dmitrievsky assisted in the organization of peaceful anti-government demonstrations. While domestic criticism is quashed, foreign criticism of Russian abuses in Chechnya continues to be muted, as other issues and interests have dominated Russia's relations with the EU and United States.

## Turkey

As detailed in a report from MRG in December 2007, Turkish attitudes and laws on minorities have progressed considerably over the past decade, but many reforms lie ahead if the country's legal framework and practice are to reach international standards. Minority groups including Alevis, Armenians, Assyrians, Caferis, Caucasians, Kurds, Jews, Laz, Roma, Rum (Greek Orthodox) Christians, and Yezidis still confront systematic repression in today's Turkey. Officially, the government still only recognizes Armenians, Jews and Rum Christians as minorities, but, as used in Turkey, this term denotes clear second-class status. All other groups have faced intense pressure to assimilate.

The January 2007 murder of Armenian rights campaigner and writer Hrant Dink offered a stark reminder of Turkey's ongoing failure to protect the rights of individuals from minority communities. Dink had been convicted and sentenced to six months imprisonment in 2005 under the notorious Article 301 of the Turkish penal code for 'denigrating Turkish identity'. This provision often has been used to suppress any discussion or acknowledgement of the 1915 Armenian genocide. Dink's offence was writing about Turkish–Armenian relations. Dink's assassin, a 17-year-old with 18 alleged accomplices, told police that Dink 'had insulted Turkishness'. Such concepts are not only enshrined in law; schoolchildren continue to learn negative stereotypes of Armenians and other minorities from their textbooks. At a hearing in October, the gunman's family accused the authorities of collusion in the killing; one co-defendant was a police informant who had notified the authorities of the plot, and Turkish media broadcast a recorded phone call providing further indication that police knew of the plan in advance.

As a large, unrecognized minority, Kurds continue

to face systematic marginalization. Around 30,000 people have been killed in fighting between the Turkish military and the Kurdistan Workers Party (PKK) since 1984, and over 1 million people remain displaced in heavily Kurdish south-eastern Turkey. PKK attacks on the Turkish military from northern Iraq during 2007 raised tensions further, as Ankara massed troops in south-eastern Turkey for possible entry into Iraq.

The government continues to conflate any effort to promote Kurdish rights with support for 'PKK terrorists'. When in January 2007 the city council of the old-town section of the multi-ethnic south-eastern city of Diyarbakir agreed to provide municipal services in Arabic, Armenian, Assyriac, English and Kurdish, in addition to Turkish, the Ankara-appointed governor of the region removed the council, the old-town mayor, as well as the popular Kurdish mayor of the city. In July, prosecutors introduced charges against the two mayors and 17 council members on charges of 'abuse of office', and they may be jailed for up to three years if convicted. In February, the president and 12 members of a pro-Kurdish party received 6–12 month sentences for holding their party congress in the Kurdish language. On the basis of a vague 2006 anti-terror law, another Kurdish leader was convicted and sentenced in August for a speech he gave in March. Ahead of elections in 2007, government officials harassed one pro-Kurdish party's leaders through arrests, searches, seizures and prosecutions. Government harassment also targeted Kurdish media outlets.

Other ethnic minorities also continue to be targeted. In Afyon province in April, a mob attacked a Roma family and burned down several Roma houses. The police made no arrests. Religious intolerance remains a major shortcoming, too. In an attack in April on a publishing company that prints Bibles, extremists slit the throats of three Protestants. In May, the 2007 report of the US Commission on International Religious Freedom criticized restrictions on non-Muslim religious groups that prevent them from owning property or training clergy.

Two professors, Baskin Oran and Ibrahim Kaboglu, who drafted a report on minority rights on behalf of a human rights advisory committee affiliated with the prime minister's office in 2004, remain in legal jeopardy. The draft report, which



**Left:** Children in the Roma neighbourhood of Sulukule, Turkey. The area has started to be demolished due to 'urgent' urban transformation proposals developed by the Fatih and Greater Istanbul municipalities. Photo by Hacer Foggo

was leaked to the press but never published, called for a far-reaching overhaul of the country's constitution and statutes in order to achieve international standards. According to Agence France Presse, it described as 'paranoia' the notion that rights for Kurds and other groups would lead to the break-up of the state. Charges of sedition against Oran and Kaboglu were dismissed on free speech grounds by a court in 2006 but reinstated by an appellate court in September 2007.

In early 2007 the ruling AKP (Justice and Development Party) nominated Foreign Minister Abdullah Gul – a practising Muslim – for the largely ceremonial post of president in early 2007, sparking outrage among nationalists and the military. Incumbent President Ahmet Necdet Sezer warned that

Turkey's secularism was under threat, and told military officers they had a duty to protect the regime from a move toward radical Islam. A statement on the army website shortly thereafter warned that the army would defend the secular system, which many Turks interpreted as a threatened coup. Army Chief of Staff General Yasar Buyukanit also openly criticized the European Union (EU) and MRG for considering such groups as Assyrians and Roma as 'minorities'.

Nationalists launched mass demonstrations throughout the spring, with hundreds of thousands rallying in Turkey's largest cities against political Islam. However, early elections in July, spurred by the crisis, resulted in an absolute majority of parliamentary seats for Prime Minister Erdogan's AKP. For the first time since 1991, Kurds were

elected to parliament. Although receiving over half of the vote from the south-east in previous elections, their parties had failed to clear an onerous 10 per cent hurdle that has worked against all minority groups. This time Kurds ran as independent candidates, and 22 were elected, including one Kurdish activist elected from prison who was immediately released due to her newly acquired parliamentary immunity. Following previous criticism that no non-Muslims were represented in parliament, the AKP included four Alevis on their successful list.

Despite a renewed warning from General Buyukanit in August that the military would protect Turkey's secularism from 'centres of evil', the new parliament proceeded to elect reformist foreign minister Abdullah Gul as Turkey's new president.

Turkish liberalism is creating new challenges for old-order nationalists and military-backed secularists. In response to the Dink murder in January nearly 200,000 protesters took to the streets of Istanbul carrying signs reading: 'We are all Hrant Dink. We are all Armenians.' New minority organizations are springing up and fighting for their groups' rights in domestic courts and the European Court of Human Rights. Liberal Turks shifted support away from secular parties and toward the moderate Muslim AKP party in the July elections. One academic liberal Turk who recently joined the AKP told the *New York Times* ahead of the elections, 'In 50 years, people will write that this was the time Turkey started to come to terms with its own people.'

The EU accession process has been a major catalyst for human rights reforms. In July, Amnesty International, in reporting on the continued practice of torture in Turkey despite the government's 'zero tolerance' policy, noted that the situation had improved following legal reforms prompted by the EU accession process. In its 2007 report on Turkey, the US Commission on International Religious Freedom stated that everyone interviewed for the report, from all religious communities in Turkey, 'stressed EU membership as the most promising means to advance religious freedom and other human rights protections and to drive democracy forward in Turkey.' Within the EU, however, some governments (notably France) and political parties (notably Germany's Christian Democratic Union) oppose Turkey's eventual accession on the basis of religion, which could undercut the impetus for further reform.

#### Kosovo

On 17 February 2008, Kosovo's parliament declared independence. The move was swiftly backed by the US and some European states, including Britain, France and Germany, but attracted the opposition of others, including Spain, Cyprus, Greece and Bulgaria. Russia vehemently opposed the declaration, urging the UN Security Council to declare the move 'illegal', and signalling that it

would block Kosovo's membership of the UN. In Serbia, there was anger and resentment, boiling over into attacks against a number of foreign embassies seen to have supported independence. While the declaration marks the end of one phase of Kosovo's existence, there is grave uncertainty for the future, particularly for minorities in the self-declared state, which for the time being will largely be administered by the EU.

Kosovo Albanians make up an overwhelming majority of the population. Ever since the Serbian assault of 1998–9, which cost around 10,000 mostly civilian Albanian lives, they have insisted that they could never again be ruled from Belgrade. However, the minority Serb population – thought to number about 120,000 – bitterly oppose an independent Kosovo. In the predominantly Serbian north-western corner of the country, daily demonstrations were organized against the move and NATO troops sealed the northern borders after hundreds of protesters stormed two crossing points. There have been mutterings that the Serbian stronghold in the north-west might secede from Kosovo.

In the run-up to the independence declaration, Prime Minister Hashim Thaci vowed to protect the rights of all minorities. But the concerns remain acute. Apart from Serbs, Kosovo's other minority groups include Ashkali, Bosniacs, Croats, Egyptians, Gorani, Roma and Turks and. These latter groups have been completely excluded from international discussions on Kosovo's status.

The minority situation in Kosovo is complex. Serbs and other minorities in Kosovo, including pockets of Albanians in majority-Serb northern Kosovo, face some of the most hostile conditions of any minorities in Europe. Following the withdrawal of Serbian forces in 1999, radicalized Albanians turned on minority communities, especially Serb and Roma. Pogroms in March 2004, hardly contained by NATO peacekeepers and UN police, claimed the lives of over 28 civilians and one NATO soldier, and wounded hundreds; 3,600 Serbs were displaced and 30 Serb churches destroyed, along with 200 Serb houses. Many minorities have fled Kosovo. Most Serbs who remain are still confined for their own protection to ethnically homogenized enclaves under international armed guard, or live north of the Ibar river in a Serb-controlled area that maintains close connections with Belgrade. Christian Orthodox churches south of the Ibar have

required the protection of NATO peacekeepers in order to prevent vandalism by Albanian nationalists. Serbs and other minorities face harassment and physical violence for being who they are, for living in their own homes if they belong to the 'wrong' community, and for speaking their own language. Kosovo government authorities, UN administrators and police, and NATO peacekeepers have been unwilling or unable to bring to justice many perpetrators of crimes directed at minorities.

Several years after the conflict, minority return to pre-war homes has barely occurred. In June 2007 the mission of the Organization for Security and Cooperation in Europe in Kosovo cited several reasons for this, including the failure to rebuild over 10,000 residential properties destroyed during or after the conflict, bureaucratic inefficiency in processing property and compensation claims, and widespread security fears among would-be returnees. Those who did return faced not only physical threats, but also widespread economic exclusion, including through discrimination in employment and provision of social benefits. In June 2007 the non-governmental organization Humanitarian Law Centre (HLC) released a survey of ethnic minorities conducted during 2006. While it found progress in majority Albanian acceptance of Ashkali, Bosniac, Egyptian and Turkish, minorities, including their improved freedom of movement, there was little improvement with regard to Serbs and Roma. The HLC survey reported that Kosovo's government had made no attempt to integrate Serb pupils into Kosovo's educational system; Serb and some Gorani children were attending a parallel school system financed and controlled by the Serbian government. Turkish and Bosniac children were being afforded education in their own languages within Kosovo-run schools, but in practice this has proved difficult due to an acute lack of textbooks and trained teachers. Roma-language education was unavailable in either the government or parallel Serb school systems.

In education and other areas, government and international UN administrators found it difficult to develop long-term policies due to the lack of clarity on Kosovo's final status. The status limbo has also had a more directly negative effect on minority rights by encouraging extremists on both sides of the Albanian–Serb divide to stake out maximalist positions and jockey for control of territory by driving out the other. Since 1999 the divided

northern city of Mitrovica/Mitrovicë has been a particular flashpoint in this regard.

After eight years of international rule, Kosovo's Albanian and Serbian communities remain as divided as ever. As the UN mission in Kosovo starts to wind up, the European Union will begin to assume an even more important role. Their involvement will be based on the plan unveiled by

UN envoy Martti Ahtisaari in February 2007. EU administrators will replace UN administrators, and extensive decentralization is planned, which will lead to six autonomous Serb districts, some of which would include majority Albanian villages. But much will depend on whether Kosovan Serbian leaders will cooperate with this plan, or whether they will continue to press for secession. ■

### Preventing conflict

In 2007, MRG laid out 10 practical steps which must be taken after an ethnic or religious conflict, to prevent violence re-occurring. These conclusions were based on research conducted for MRG's conflict prevention programme.

- 1 Stop violence against minorities and ensure a justice system that identifies and prosecutes perpetrators, especially the leaders. Ensure that all communities are free from attack, including minority women.
- 2 Ensure that minorities do not leave against their will by providing security and financial assistance. Provide conditions for minorities who have recently left to return as quickly as possible. Set up systems for identifying owners of property and returning these.
- 3 Prohibit and prosecute hate speech, especially in the media and education.
- 4 Create a political system based on equality. Remove (and do not insert any new) references to a country being based on a particular people, religion or constituent peoples.
- 5 If power-sharing is considered the only option, have a clause providing for a review or termination after a fixed period. Do not

have any system that forces persons into ethnic groups.

- 6 Create an effective legal system that uses all languages in the country and is open to all. Ensure that minorities have financial means to use it.
- 7 Create a system to outlaw discrimination and give effective (legal and other) remedies against it.
- 8 If quotas are deemed necessary, make them temporary and ensure the discrimination is addressed first.
- 9 Ensure economic development does not marginalize communities, or destroy their identity. Ensure those involved in development understand discrimination.
- 10 Create an education system that ensures that all children can learn their community's language, religion and culture, but also creates common experiences and understanding. Ensure a shared history curriculum.

**Report:** *Minority Rights: The Key to Conflict Prevention*, by Clive Baldwin, Chris Chapman and Zoe Gray. To view/purchase full report go to [www.minorityrights.org](http://www.minorityrights.org)