

# Annual Report 1999

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European Monitoring  
Centre on Racism  
and Xenophobia

# EUMC

## European Monitoring Centre on Racism and Xenophobia

### Why do we exist

Europe's future is based on its cultural, ethnic and religious diversity. Racism, xenophobia and anti-Semitism are phenomena that are diametrically opposed to these principles.

They pose a threat which must be fought throughout Europe. The European Union considers that one of its tasks is to develop concrete measures to combat these trends by establishing a comprehensive strategy.

The European Monitoring Centre on Racism and Xenophobia is entrusted with this task.

### Our agenda

We will critically review the extent and development of racist, xenophobic and anti-Semitic phenomena in the European Union and submit to the Community and its Member States objective, reliable and comparable information including analyses of their causes, consequences and effects, examples of good practice and proposals for specific measures to be taken.

This ground work is designed to help the Community and its Member States to plan appropriate action in their respective fields of responsibility. To accomplish this end efficiently we have developed an action plan that concentrates on the following priorities:

- ★ European Information Network "Raxen"
- ★ Documentation Resources
- ★ National Round Tables
- ★ Identification of key issues
- ★ Research initiatives
- ★ Networking of available knowledge
- ★ Conclusions and expert opinions
- ★ Annual report
- ★ Public relations

# PREFACE

The European Monitoring Centre on Racism and Xenophobia (EUMC) is an independent body of the European Union. The EUMC was established in 1997 by Regulation (EC) no. 1035/97. It is based in Vienna.

This report covers the period from January to December 1999 except for information regarding the opening of the EUMC which took place in the year 2000.

All readers who wish to have more detailed information on the issues covered by this report are encouraged to contact the European Monitoring Centre on Racism and Xenophobia.



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# SHAPING REALITY

## **Introduction by the Chairman of the EUMC Management Board**

**JEAN KAHN**

The year 1999 may be seen as one that has summed up the evolution of Europe during the past century. No matter how large the achievements, Europe has witnessed another shake up of its foundations only fifty years after the Holocaust. The war crimes against the Albanian people in Kosovo have shown us again that racism, xenophobia, intolerance and violence are phenomena still prevalent in the Europe as it enters a new millennium. The conflicts in the Balkans together with the continual violent discrimination experienced in many Member States by ethnic minority people have made it clear that the fight against racism and xenophobia requires, more than ever, our joint efforts, our spirit and devotion.

In a very different context one witnessed xenophobia being used as a campaigning message by the Freedom party of Austria during the October elections in the mature democracy of Austria. This raised legitimate concerns about the nature of democracy in the European Union. As the EUMC has stressed democracy must be built on respect for human rights, tolerance and the rights of minorities.

These recent developments have made it very clear that the European Monitoring Centre on Racism and Xenophobia, the “youngest” of the decentralised agencies of the European Union, situated in the very heart of Europe, is an indispensable institution that is bound to play an important role in making Europe a better place, striving for togetherness and understanding. It was also these developments, which were apparent a few years ago, that led to the founding of the EUMC.

Part 2 of the 1998 Annual Report of the EUMC was published under the motto “Looking Reality in the Face” – we wanted to give a clear and undistorted picture of the situation of racism, xenophobia and anti-Semitism in Europe (Part 1, “Giving Europe a Soul”, concentrated on the activities of the EUMC). 1999 was the first full operational year of the EUMC. A year that should take us one step further – the distinctive step from accepting what is there to the attempt of creating something new.

Racism, xenophobia and anti-Semitism come in many guises and form a vast field. One of the main activities of the EUMC during 1999 was to screen this field, to look for the relevant levers:

- What are the crucial questions and problems in the field of racism and xenophobia that will influence the future of a changing Europe?

- What is the most efficient way to act as a networking organisation in this vast area?
- How can the EUMC add value to the work already done in the field of racism and xenophobia?
- Summing up all these questions – what is the best way to shape the reality into something new, into a Europe of living and lived diversity, of an inclusive equality, of cultural and ethnic variety.

Finding these levers, defining the answers to the questions involved and paving the way for the steps into the new millennium that would allow us to shape reality in a positive way were the tasks of the EUMC during the year. These steps have laid the foundation for the next moves – joint efforts, a networking approach and integrated concepts involving all the relevant forces combating racism and xenophobia in Europe.

I would like to take the opportunity here to thank the members of the Management Board as well as the staff of the EUMC for the effort, the engagement and the spirit they have continued to show during this year full of excitement, challenge and heavy workloads.

We do not so much lack ideas and concepts, but rather the implementation of concrete activities. It must be possible to measure our credibility by word and deed. We all know that xenophobia, anti-Semitism and racism are a danger for Europe and its democratic society. We all know from the background of our own history that we must take action to nip such beginnings in the bud.

We therefore appeal to the political parties in Europe to do everything in their power to ensure respect for the Charter of European Political Parties for a non-Racist Society. We should not only direct our attention to parties using xenophobia as a campaigning platform, but also to the fact that many positions, which were previously attributed to xenophobic parties, are now found in the political centre. We therefore appeal to the legislative forces throughout Europe to ensure that political parties which use racism as a propaganda tool in their election campaigns, do not get their election expenses reimbursed in those countries that provide reimbursement of election expenses.

We appeal to the European institutions to do their utmost to enable the anti-discrimination measures contained in Article 13 EC Treaty to become a reality in the Member States. The anti-discrimination package of the European Commission has taken the first steps on this matter.

We call upon the governments of the Member States to link the promotion of projects more visibly with anti-discrimination measures.

We call upon all the forces of society to participate in joint action. The EUMC is striving to become a tool for dialogue with civil society. We see the need for greater responsibility to be taken by civil society and private foundations. It is this civil society, particularly young people, who have distanced themselves from politics and from the idea of Europe, whom we have to win over.

The EUMC was created because of the commitment of all those people who had been fighting for years and even decades for human rights and against racism, xenophobia and anti-Semitism. It is remarkable that a coalition of members of civil society and non-governmental organisations made an important contribution in convincing the policy-makers that Europe required an institution so fundamentally important as the EUMC in order to combat xenophobia and racism in an effective way.

I call upon you all to join our spirits and proceed to joint action in order to build this Europe of ethics that we all share as a common vision, a Europe built on fundamental rights and freedoms and respect for the rights of minorities. I call upon you all, together with the EUMC, to be the eyes and ears of Europe in each and every Member State.



# WORK IN PROGRESS

## **Introduction by the Director**

**BEATE WINKLER**

### **A Vision for Europe**

The EUMC, as a new instrument for a constructive dialogue in the civil society, considers the fight against racism and xenophobia as a core issue of all organisations and all professions for and in Europe. The EUMC sees itself as a “catalyst for change” and as an agency influencing EU policies or activities, as a key-player visible and active at the European level. Another role of the EUMC is that of a safeguard for equal rights and as an early warning system in and for Europe.

### **Dealing with Cultural, Ethnic and Religious Diversity**

The EUMC underlines the fact that Europe is and has always been multicultural. The EUMC recognises historical diversity. One of the tasks of the EUMC is to identify common and different approaches to the problem of racism and xenophobia at European and national levels. The historical as well as the present situation in the Member States varies, but problems of racism and xenophobia are a common feature.

The EUMC seeks to provide good examples of how people may live in cultural diversity, and how to handle conflicts productively by turning them into opportunities in order to develop a new culture for diversity and equality, creating the “politics of recognition”. This can be done by establishing a positive “image” for diversity in order to improve the support of European societies for the objectives of the EUMC and to overcome the taboo of the phenomena of racism, xenophobia and anti-Semitism.

### **Networks of Knowledge**

The EUMC identifies what is known, where and by whom in order to establish “networks of knowledge” and to identify “key questions” (i.e. principal complex problems, their backgrounds and causes, which are of decisive importance for the realisation of the tasks of the EUMC).

The establishment of contacts between the key actors, and the preparation of an index of practices is an essential part of the networking tasks of the Centre. One of the main difficulties, both at national and EU level, is to identify the different phenomena of racism and xenophobia, and where they appear. We also identify good practice in the field and will concentrate on pooling energy and collecting existing material and data. The EUMC is first a network organisation and does not dedicate resources to reinventing structures but builds on existing structures and data.

All areas of society must be encouraged by political leaders, educators, entrepreneurs etc. to convey a natural approach to diversity. Starting in school and in the home, it must become everyday practice to accept differences, to learn from and, above all, to respect each other.

### **The EUMC during 1999**

The year 1999 was an exciting and challenging one. It was characterised by growth and change. The EUMC grew from a small group of three statutory and three temporary staff members to a structured team of nearly twenty highly qualified and motivated persons.

Most of all though, it was the year when the EUMC took up its assigned tasks and objectives, where it switched from the setup phase to the operative mode. We are proud to look back on a period when we achieved some major successes despite the ongoing process of building the organisation. Just to name one example, the Media Conference in Cologne, received excellent media coverage as well as participation.

### **Perspectives**

There is still a need to concentrate on a limited number of issues and to identify priorities. One of the key activities in 2000 will be to establish RAXEN, the European Network on Racism and Xenophobia. The EUMC will hold further National Round Tables and a First European Round Table Conference. 'Calls for projects' will be organised and a list of priorities will be established which will also include ongoing projects that began in 1999, such as the working group 'key issues' and work on national reports related to Article 13 EC Treaty.

A number of important steps are going to be taken to combat racism and xenophobia both in Europe at the "European Conference against Racism" in Strasbourg in October 2000 and on a global level at the "UN World Conference on Racism and Xenophobia", which is due to take place in South Africa in 2001.

At a European level the EUMC will play a key role in informing the European institutions, the Member States, the NGOs and the citizens about all political, legislative and practical steps taken against discrimination, xenophobia and racism.

The EUMC will publish in early 2001 the results of a special Eurobarometer survey on attitudes towards immigrants and minorities. The Eurobarometer is a tool for the European Union to monitor what values and attitudes, their variations and changes, are shared by which groups of people in the 15 EU Member States. In addition, the EUMC will publish a report on activities of political parties employing xenophobia and racism in their political campaigning and programmes.

A diverse and equal Europe is our vision, and I want to thank all the different

organisations and people who support our vision, ideas and work, such as the European Parliament, the European Commission, other European and international institutions, NGO's, research centres, the media – and especially the Members of the Management Board of the EUMC and its Executive Board. Special thanks are due to the Chairman, Jean Kahn, the Vice-Chairman, Bob Purkiss, and the enthusiastic staff of the European Monitoring Centre.



# PART I



# INTRODUCTION

This report examines the state of racism, xenophobia and anti-Semitism in the fifteen Member States of the European Union. In this Report the term “racial discrimination” shall mean “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”<sup>1</sup>. The concept of discrimination is that employed in the EC Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>2</sup>.

The interpretation of racism the EUMC employs is broad and includes a spectrum of incidents that are racist in their consequences. That means not only overt racist violence is called racism, but also the subtle expressions of exclusions on grounds of race, ethnicity, religion and culture. The working use of the term also includes anti-Semitism and xenophobia.

This report is not country based but rather examines various themes giving examples from the countries to illustrate areas that require further government examination to ensure that they do not reflect a wider and at times possible systemic situation. In this light it must be stressed, as it will be repeatedly, that the collection of reliable and comprehensive data on the situation of ethnic minorities and immigrants is not only important to gain an accurate picture of the situation, but to ensure that isolated incidents are not taken out of context or diminish the many excellent initiatives launched by governments, social partners and others. Governments have a particular responsibility to contribute to this area.

The sources of information used in this report range from the EUMC’s own projects, official publications by EU institutions, government publications, academic studies to NGO reports. In addition, the EUMC is developing its cooperation with international organisations such as the Council of Europe, the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE). All of these organisations have extensive experience and expertise in areas related to racial discrimination and related intolerance. The EUMC has a technical cooperation agreement with the European Commission against Racism and Intolerance (ECRI) of the Council of Europe, a part of which is to

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1 International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969. All EU Member States have signed the treaty but one Member State, Ireland, has yet to ratify it. The Government of Ireland has signaled its intention to proceed with steps for Ireland’s ratification as soon as the Equal Status Bill, currently before Parliament, is enacted.

2 Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

share information. The EUMC has therefore taken into account the work of the various bodies of these organisations charged with work related to racial discrimination and related intolerance such as the country reports published by ECRI, the periodic reports submitted by Governments to the UN Committee on the Elimination of Racial Discrimination (CERD), and work undertaken by the OSCE's High Commissioner for National Minorities amongst others.

As in the previous year the quantity of information provided under each country heading is not an indication of the level of racism in that particular Member State compared to the others, nor are the number of reported racist incidents indicative of any ranking of particular Member States in terms of the situation of racism in that particular country. There are many reasons for differences in the quantity, quality and level of information, some of them institutional, some of them indicating a greater awareness and acceptance of the problem. Countries, in each chapter, are arranged in the order adopted by the work of the European Parliament and the European Commission.

The report this year gives particular attention to two important areas related to the phenomenon of racism and xenophobia and the fight against it at the European level: racism and the Internet; and the legislative initiatives proposed by the European Commission.

The EUMC has tried to use information and statistics compiled through official and unofficial sources to illustrate the nature and the extent of the challenges facing the European Union and its institutions. Where no or very little statistical data is available, the EUMC has quoted incidents which it believes may reflect a wider phenomenon or require particular attention.

It must be stressed that the EU Member States, as a whole, have recognised the difficulties associated with racial discrimination and the action required to address them. To different degrees they have all launched various initiatives either to tackle the weaknesses in legislation, to identify the scale and nature of the problem, or to strengthen policy and practice, institutional mechanisms and educational opportunities. Some of these initiatives are outlined in the chapter below entitled "Combating Racism and Discrimination".

The report examines racism in the public sphere which includes the areas of the application of the criminal justice system, education, employment, housing and the use and delivery of goods and services. It also provides examples of good practice where governments and others have recognised problems and have tried some innovative solutions.

# **1 ACTS OF RACISM AND DISCRIMINATION**

## **1.1 RACIAL VIOLENCE AND THREATS, VICTIMS AND PERPETRATORS**

The various reports in Europe on racism in 1999, whether the subject of the national media, the official authorities or NGOs, reveals that no country of the European Union is immune from it. To gain an accurate and comprehensive picture though requires a certain degree of uniformity and/or common definition in the Member States on the subject of racial/ethnic minorities and the methods of data collection. At present this does not exist. The EUMC is still therefore lacking the complete set of tools to monitor racism effectively. The EUMC's Information network, Raxen, which should begin its data collection operation towards the end of 2000, has a task of defining common criteria for data collection and will make proposals, but the issue of the lack of common or uniform data collected by the governments themselves on racism in the Member States must still be addressed.

Another important area hampering reporting is that criteria used to draw up statistics differ in the EU Member States. Some Member States take into account for example complaints lodged either to the police authorities, or within the independent/specialised bodies or to the Non-governmental Organisations while others do not. There is also the question of the extent to which complaints to police authorities and other organisations, and other forms of data analysis, truly reflect the situation in the particular Member State. As the information below will testify there is a common feeling among the data collectors across the Member States that there is under-reporting and under-recording of racist incidents, partly as a consequence of the manner of collecting data, but also as a direct result of the institutional mechanisms available in Member States to collect information and monitor racism. The varying degrees in the quantity and quality of information available in the Member States, as the entries below testify, is a further important argument for more effective monitoring of incidents related to racial, ethnic and religious discrimination. This will ensure consistency of information from and on the Member States. There is also the need for establishing criteria for comparable data in the Member States to ensure that the data supplied is accurate and reliable.

It is nevertheless very important to start somewhere to obtain figures of racist incidents, not to establish a prize list among the countries concerned, but to gather knowledge about the legal and institutional gaps in the Member States to tackle racism and to ensure that developments in policy and practice are effective. As the information below indicates, some Member States have recognised this problem and are trying to address it through various means.

The victims highlighted below range from citizens of Member States of the European Union to immigrants with irregular status facing deportation. All share one basic characteristic – their difference from the majority population, whether it be their colour, their nationality, their religion or their cultural

habits. The perpetrators are not necessarily confined to the extreme fringes of European society, but include members of the public and those whom a trust has been placed by society to administer justice fairly and equally and protect the human rights of all people irrespective of their status or their activities.

As acts of racism are considered an offence in all EU Member States, the police and security forces have a major role to play in their suppression and prevention. However, in some countries the police themselves are not free of racism. This can have serious consequences not only for the victims, but for the effectiveness of the criminal justice system. The security forces should behave in an exemplary fashion, show respect for human rights and protect victims. The police and courts are therefore not exempt from any examination of racial discrimination.

**In Belgium**, in 1999, there were 919 complaints recorded nationwide by the Centre for Equal Opportunities and the Fight against Racism. 101 of those complaints (just over 11 percent of the total number) were lodged against the police and gendarmerie. The police were implicated in 80 cases and the gendarmerie in 21 cases.

In the case of the treatment of immigrants with irregular status, Amnesty International reported on the unresolved judicial investigation into the death during forcible deportation of Semira Adamu, a Nigerian national, where physical assault and the use of dangerous restraint techniques are alleged.

**In Denmark**, during 1999 the Danish police recorded a total of 33 racial incidents (compared to 26 cases in 1998) and in 15 of these cases charges were brought.

In November, Copenhagen experienced some of its worst rioting in years. The rioters were demonstrating against a decision of the High Court of Eastern Denmark to expel a 23-year-old Turkish citizen who was born and had lived his whole life in Denmark. The expulsion was criticized particularly because the deportee had a wife and child in Denmark. The court ordered the expulsion for life to take effect immediately after a 3-year jail term for armed robbery. The sentence gave rise to severe riots among second generation immigrants and groups of so-called "*autonomes*"<sup>3</sup> in one of the neighborhoods of Copenhagen, Nørrebro, that has a relatively high ethnic minority population.

Section 77 of the Danish Constitution ensures citizens' right to freedom of expression. But several NGOs and the UN Committee on Elimination of Racial Discrimination (CERD) have expressed concern about the fact that a local station, Radio Oasen, owned by a neo-Nazi association, received a broadcasting license and annual funding of 31,200 Dkr from the Danish Ministry of Culture. Among other things the radio station broadcasts readings of segments from Hitler's "Mein Kampf", but the authorities have not found sufficient grounds to intervene, as the specific parts read aloud did not contain concrete incidents of racial hatred.

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3 Groups of radicals

**In Germany**, the number of criminal offences with racist/xenophobic motives in 1999 totalled 10,037. More than 66% of these criminal offences fell – as in the previous years – under the category of propaganda offences. In comparison with 1998, the data showed a decrease of the total amount of criminal offences with racist motives (down 9.2%) but an increase of violent attacks (plus 5.4%). The number of anti-Semitic desecrations of Jewish cemeteries was 47, which was a decrease from 1998.

In total 746 acts of violence with racist/xenophobic motives were reported. Most violent acts (60%) with racist/xenophobic motives were aimed at people of foreign descent. Two examples:

On 29 September a man from Mozambique died as a result of severe injuries received in an attack on 15 August by a 31 year old German man with xenophobic convictions who hit him during a quarrel in a Bavarian tavern. A warrant of arrest was issued.

On 13 February an Algerian man died as a result of injuries which he suffered as he was running away from a group of skinheads. The perpetrators are to go on trial. The offence was treated by the judge as a “breach of the peace” (Landfriedensbruch) rather than the more serious crime of attempted murder.<sup>4</sup>

As another case demonstrated, immigrants and foreigners are not the only targets of members of xenophobic groups. On 9 August two skinhead members of xenophobic groups broke into an apartment of a 44 year old German national in Eschede, Niedersachsen who had previously criticised the xenophobic attitudes of one of the perpetrators. The skinheads, under the influence of alcohol, inflicted injuries upon the man which resulted in his death a day later. The perpetrators were juveniles and received five year prison sentences.

According to the Verfassungsschutzbericht, the estimated number of right wing extremists in Germany in 1999 was 51,400. The total number of members of right wing extremist/neo-Nazi parties and organisations decreased by 2,200 in comparison with 1998. But at the same time as the number of the neo-Nazis slightly decreased, the number of right wing extremist skinheads and other violent right wing extremists continued to rise. Their number is now around 9000.

Cases of ill-treatment of foreigners by the police, in particular members of ethnic minorities and asylum seekers, were reported by Amnesty International<sup>5</sup>. These mainly concerned forcible expulsions of asylum seekers, during which one person was killed. Alleged ill-treatment of asylum-seekers by officials in places of detention were investigated by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment. The Committee made recommendations for the improvement of the physical conditions in the

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4 Verfassungsschutzbericht 1999 (<http://www.bmi.bund.de/publikationen/vsb> 1999)

5 <http://www.amnesty.org> The report covers the period January to December 1999

detention centres and requested information about past investigations into alleged ill-treatment by officials.

Amnesty International also reported on the actions of federal border police officers, who may have contributed to the death of a Sudanese deportee in May by using restraint techniques which impeded breathing.

**In Greece**, various incidents have given rise to concern about the treatment of ethnic minorities. Diverse international organisations, such as ECRI<sup>6</sup>; Amnesty International; Human Rights Watch<sup>7</sup>; and the International Helsinki Federation for Human Rights (IHF)<sup>8</sup> have raised similar concerns about cases of ill-treatment by the police of ethnic minorities and members of the Roma community. Concern was also expressed about detention conditions for immigrants with irregular status.

ECRI reported that “Roma/Gypsies, Albanians and other immigrants are frequently the victims of misbehaviour on the part of the police in Greece. In particular, Roma/Gypsies are often reported to be victims of excessive use of force – in some cases resulting in death – ill-treatment and verbal abuse on the part of the police. Discriminatory checks involving members of the police are widespread. In most cases there is reported to be little investigation of these cases, and little transparency on the results of the investigations<sup>9</sup>”.

According to the International Helsinki Federation for Human Rights, on 3 July 1999 the Greek police reportedly rounded up foreigners found on the streets, including holders of legal residence documents, and took them to police stations where they were finger printed for possible matching against pending criminal cases. The organisation also highlighted the case of the situation of Roma who had been affected together with Greeks by an earthquake in September 1999. It alleges that the Greeks were resettled quickly, but the Roma are still awaiting resettlement and in one case were evicted. It has reported on numerous cases when tent-dwelling Roma were evicted from their settlements, as well as the case in Aspropyrgos where the local authorities accompanied by the police and district attorney set fire to five Roma lodgings. It reported that only Roma housing was singled out even though the whole residential area, also inhabited by non-Roma, did not comply with town planning.

ECRI reported that “some media continue to contribute towards prejudices and stereotypes about foreigners and minority groups. There have been instances where potentially inflammatory material has been published in the press<sup>10</sup>”. It continued that it is “concerned at the significant amount of anti-foreigner sentiment directed particularly, although not exclusively, towards Albanians,

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6 ECRI: Second Report on Greece adopted on 10 December 1999

7 World Report 1999

8 Annual Report 1999 and 2000

9 ECRI: Second Report on Greece, adopted on 10 December 1999

10 ECRI: Second Report on Greece, adopted on 10 December 1999

which has paralleled the increase in the number of non-Greeks living in the country in recent years". The report acknowledges major controversy and concern about interpretations of available data, but remains concerned about the impact of negative stereotyping and the link to possible social exclusion for those particular groups so portrayed.

**In Spain**, racist attacks against immigrants continued to increase in 1999 according to a study on the media coverage of racism<sup>11</sup>. In numerous cities, immigrants were the victims of racist incidents. Among those which attracted media and public attention, were the following.

In mid-July, rioting occurred in Catalonia after two Moroccans were involved in an incident on the occasion of a local festival. Around 1,200 persons gathered in the town square, and, under the slogans "Moros fuera" (Moslems out), the angry demonstrators began to demolish several shops owned by immigrants. A 21 year old man was challenged after television pictures showed him with a knife in his hand, threatening to kill female Moroccan immigrants. Violent social tensions broke out over the following days in several Catalonia towns. In Girona, racists set fire to a mosque, and in Banyoles, a Gambian family helped put out a fire in their house while three women were led to the hospital with burns.

In August, the authorities of the municipality of Sabadell asked the police force to grant permanent police protection to a gypsy family, because neighbours of the district of Planed del Pintor threatened to set fire to their house. Neighbours threatened to take justice into their own hands after a gypsy boy had been repeatedly suspected of involvement in fights.

In September, in the Campohermoso village, in Eastern Almeria, a group of Spaniards wearing hoods attacked 24 Moroccan immigrants with chains and baseball bats. An African man also suffered facial injuries after three men threw stones at him. Numerous other racist attacks took place throughout the year in Almeria, where the population of some cities comprises more than 20% of foreigners. The foreigners are employed in the local agricultural sector and the region serves as a magnet for immigrants (some undocumented) from North Africa.

**In France**, according to the report by the National Advisory Commission on Human Rights<sup>12</sup> acts of racist and anti-Semitic violence increased from 27 in 1998 to 36 in 1999. The Report also stated that there was a decrease in racist and anti-Semitic threats from 164 in 1998 to 130 in 1999. In addition, the overall number of threats has gradually fallen from its height of 656 in 1990. There were 11 people injured as a result of racism in 1991 compared to 4 in 1998. In 1999 there were 4 people injured as a result of anti-Semitism.

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11 Inmigracion y racismo. Octubre, Noviembre y Diciembre de 1999. Consultelo en Internet <http://www.eurosur.org/CIPIE>

12 1999. La Lutte contre le racisme et la xenophobie, discrimination et droits de l'homme

Several prominent cases of ill-treatment in custody raised by the International Helsinki Federation for Human Rights (IHF), Amnesty International (AI) and le Mouvement Contre le Racisme et pour l'Amitié des Peuples (MRAP) have given rise to concerns on the treatment of ethnic minorities held in detention. The actions of the police force came under scrutiny and as in other Member States of the EU the treatment of detainees being forcibly deported also caused grave concern.

Amnesty International highlighted the case of Ahmed Selmouni, a Moroccan and Dutch national, which went to the European Court of Human Rights where it was ruled that France had violated international norms on torture and the length of judicial proceedings. Police officers were also implicated in shootings in disputed circumstances of Abdelkader Bouziane who died, Mohammed Dries (wounded) and Farad Boukhalfa (serious head wound).

In the case of Ahmed Selmouni, the criminal court commented that the “complete unreliability of the documents produced by the investigation [by the police] is extremely serious in that the entire functioning of the criminal justice system rests on the reliance that may be placed on the reports of senior police officers and their assistants”.

MRAP reported on the case of a forty one year old Tunisian who died at a Retention Centre. The Tunisian, who had lived in France for 19 years and was the father of two French children, suffered serious renal pathology during his retention.

IHF reported that a Malian was physically assaulted on an aeroplane during an attempt to deport him. Witnesses testified that while handcuffed to a chair he was violently beaten to prevent him protesting against his deportation. The protest of some passengers and the intervention of the pilot put an end to the abuse and the victim was disembarked.

IHF also reported that on 8 September, three wardens from the *maison d'arret* at Grasse were given three month suspended sentences for molesting a young detainee. In total, eight detainees of North African origin, three of whom were minors complained that they suffered abuse and were the subject of racist remarks by drunken wardens.

In the area of freedom of religious expression, the authorities in France have continued to ignore the rulings of the European Court of Human Rights supporting respect and protection of the right of Jehovah's Witnesses to worship. The authorities in France have continued with a policy of targeting Jehovah's Witnesses as a dangerous sect. Since 1995 Jehovah's Witnesses have faced legal obstacles as well as taxation hurdles that seriously undermine their right to worship. The Parliamentary enquiry in 1999 into their religion was reported by the International Helsinki Federation for Human Rights as contributing “to setting a repressive administrative policy and media condemnation of Jehovah's Witnesses”.

**In Ireland**, according to Amnesty International, the negative attitudes towards asylum seekers, refugees and travellers have created a climate of racism and increased the number of attacks against minorities. Even though the number of incidents is not registered in official statistics several non-governmental organisations raised concerns about the development. The Amnesty Report in 1999 highlighted a number of racially motivated physical and verbal abuse against both asylum seekers and Travellers in Ireland.

The Lord Mayor of Dublin received hate mail after launching an antiracist promotional campaign. One mail said: "Save Ireland: Stop the Nigerian invasion". Other racist literature had been stuffed in letterboxes targeting immigrants, refugees and asylum seekers. The full extent of unprovoked attacks is not certain because many people are reluctant to report them, but both authorities and NGOs have planned awareness campaigns to increase the reporting of racial incidents. The lack of accurate and reliable data is seen as undermining attempts to tackle the issue effectively, especially in its institutional form. Two initiatives have been taken to try and deal with this issue by the Central Statistics Office and the National Development Plan for Ireland.

**In Italy**, according to the First Report of the Commission on Policies for the Integration of Immigrants<sup>13</sup> there are no general statistics on immigrants as the victims of crimes. It does however state that, "sample surveys have confirmed that there are numerous occasions in which foreigners are victims of discrimination, or, in its more serious form, of racially motivated offences". On the question of convictions for offences concerning racial discrimination, it states that these are "numerically insignificant" and provides one explanation which may be that foreigners may "tolerate criminal behaviour against them in order to avoid police control which could reveal situations of illegality, or because of fear connected to their ethnic, cultural or linguistic diversity". The report also states that this is "the main reason why so-called common offences of which immigrants are victims, and against which legal action could be taken, tend not to emerge. Foreigners emerge as victims of crime only in the most serious cases, where there is official prosecution".

In the various reports from the European Roma Rights Centre and in well published reports in the Italian media, members of the Roma community have been subjected to attacks, threats and intimidation and have been forcibly removed from camp areas surrounding cities in Italy<sup>14</sup>.

These incidents are particularly important in the UN-Committee on the Elimination of Racial Discrimination (CERD) that expressed concern "about t h e

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13 Commission for Policies for the Integration of Immigrants: Summary – First report on the Integration of Immigrants in Italy, November 1999

14 <http://errc.org>

continuation of incidents of racial intolerance, including attacks against foreigners of African origin and against Roma people, which are sometimes not recognised by the authorities as having a racial motivation or are not prosecuted”.

CERD urged the Italian Government to strengthen its efforts to prevent and prosecute incidents of racial intolerance and discrimination against foreigners and Roma, as well as dealing with cases of ill-treatment of foreigners and Roma in detention.

Various organisations such as Amnesty International and the International Helsinki Federation for Human Rights reported cases of ill-treatment of foreign nationals and the Roma.

Amnesty International highlighted cases of allegations of ill-treatment and torture of foreign nationals and Roma by law enforcement officials in its submission to the UN Committee against torture during the examination of Italy's third periodic report on its implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>15</sup>. Amnesty International stated that a high proportion of the allegations of ill-treatment it has received against the law enforcement officers concern foreign nationals, many from Africa and a number of Roma.

According to a recent study on Italy an increasingly criminalizing discourse on immigration has been documented especially since the new Albanian wave of migration in 1997<sup>16</sup>. The first ten days of 1999 in Milan were characterised by a series of killings. No witness could identify the perpetrators as non EU citizens, yet all the subsequent discussions and activities were not about criminality as such, but about the link between criminality and migration. The issue was used by the opposition and by the Lega Nord to organise anti-government demonstrations. The major object of protest was the 1998 Migration Law.

**In the Netherlands**, racist acts began to attract more attention in the 1990s, but the number of recorded incidents has remained stable throughout this period, with approximately 200 cases each year, over the last five years. For some observers, these figures represent a small fraction of the total partly due to under-recording and the unwillingness of victims to report incidents. The Anne Frank Foundation estimates that the true figure of racist incidents could be somewhere between 800 and 8,000 a year. Anti-discrimination bureaux in the Netherlands reported around 3000 complaints a year related to racism between 1997–1999<sup>17</sup>.

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15 Amnesty International: Concerns in Europe, January–June 1999, August 1999 AI Index: Eur 01/02/99

16 The Ethnobarometer Report May 1999: 145

17 LBR (National Bureau against Racial Discrimination) Year in perspective – The state of racism and the fight against racism in the Netherlands 1999

In 1999 incidents of a racist nature which implicated immigrants and asylum seekers (foreigners) dominated media reporting.

On the first of May 1999 Marianne Vaatstra, a 16 year old girl, died as a result of several knife wounds in her neck after being most likely sexually abused. A 32 year old Dutch suspect was released, because his DNA did not match the DNA-material that was found on the scene of the crime. Shortly after that the suspicion of the locals concentrated on 'de Poelplaets', a centre that housed asylum seekers.<sup>18</sup> A 26 year old Iraqi and a 19 year old Afghan, inhabitants of that centre, became suspects. They both disappeared and an international wanted notice was put out against them.

The incident and suspicion on the two members of the centre further led to the postponement of a planned new centre to house refugees and asylum-seekers. The mayor announced the tightening up of the policy against mis-behaving asylum seekers.<sup>19</sup> After both suspects were apprehended they submitted to DNA tests which found them innocent. Although the asylum seekers feel relieved, they still feel they are seen as criminals.<sup>20</sup>

The result of the situation is that none of the inhabitants of 'de Poelplaets' go into town alone. They are spat at, driven off the road and verbally abused. There is concern that this incident has helped political parties campaigning on xenophobia to gain support in these and similar communities.<sup>21</sup>

On 25 October 1999, the inhabitants of Elst were notified by the local authorities about the establishment of a temporary centre for asylum seekers in their town<sup>22</sup>. This caused a lot of commotion amongst them, that resulted in a hostile confrontation at an information meeting, where the local shopkeepers requested the introduction of a curfew. This was supported by their mayor and the justice department.<sup>23</sup> This has resulted in the gate of the centre being closed at 11.30pm and the inhabitants of the centre being expected to return to their dormitory at that time, though those who fail to return are not punished. The result is the first centre with a restriction on freedom of movement 'houserule'.

**In Austria**, 1999 was an election year for the Parliament. During the campaigning, particularly in Vienna, the FPÖ, (Austrian Freedom Party), employed campaigning techniques exploiting xenophobia and racism against immigrants. Coupled with the previous statements made by its leader Jörg Haider, a climate of fear and intolerance was attempted to be stoked up against the

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18 "Verdachte van moord Vaatstra gaat vrijuit", in : de Volkskrant, 02. 06. 99

19 "Vechtpartij in Kollum om centrum voor asielzoekers", in: NRC, 08. 10. 99, p. 1.

20 "Teleurstelling overheerst in Kollum", in: NRC, 16. 10. 99

21 "Het zit heel diep bij de Kollummers", in: de Volkskrant, 09. 10. 99; "Teleurstelling overheerst in Kollum", in: NRC, 16. 10. 99 en "Geest uit de fles in verdeeld Kollum", in: NRC, 14. 10. 99.

22 "Avondklok" asielzoekers moet Elst geruststellen", in: de Volkskrant, 27. 10. 99.

23 "Avondklok asielzoekers", in: het Parool, 26. 10. 99.

immigrant and Jewish community. Some mainstream newspapers carried the campaigning adverts of the FPÖ and in the streets were placed placards and posters highlighting the dangers of the immigrant community. The use of the term “Überfremdung” in their campaigning caused particular concern among the Jewish community as it was the term used by the Nazis under the Hitler regime.

According to the Ministry of the Interior<sup>24</sup>, 717 charges were brought against alleged perpetrators of racism in 1999 (against 392 in 1998). The charges were brought as a result of 378 incidents with racial motivation (against 283 in 1998). Similarly an increase in the spreading of xenophobic propaganda from groups of the extreme right was recorded by the Ministry. Among the most severe incidents reported by the Ministry of Interior, which were highly publicised and in which charges were filed, were seven assaults, three cases of arson (including at a shelter for refugees), an anonymous threat against the President of the Israelitische Kultusgemeinde and the desecration of a Jewish cemetery.

Two Turkish children, aged eleven and twelve were assaulted in the city of Graz by juveniles who verbally abused them with racial slurs and wounded one child with a knife. There was an assault on a Yugoslavian woman and her young daughter in a Viennese park by a man under the influence of alcohol. A Bosnian and a Turkish national were assaulted in a tram in Graz by an unemployed man who verbally abused and physically attacked them.

There were cases of arson in two bars in Vienna which are frequented by foreign nationals. All these attacks were carried out by four juveniles aged between 16 and 19 who allegedly belong to a Skinhead's group. The two 19-year olds who were also involved in other racist incidences were sentenced to five years in prison. The two younger perpetrators got a jail term of two and a half years.

With regard to anti-Semitism, there was a desecration of twelve grave-stones with Nazi rhetoric and symbols in a Jewish cemetery in Graz by unknown perpetrators. Another example was an assault of two young men by an Austrian pensioner who assumed the young men were of Jewish origin. The perpetrator who was under the influence of alcohol called them "Jewish pigs" and punched them in the face. Charges were brought by the victims<sup>25</sup>.

The United Nations High Commissioner for Refugees (UNHCR) criticised detentions (Schubhaft) of asylum-seekers in Austria, in particular of youths.<sup>25</sup> Because of inhuman conditions, the organisation SOS-Mitmensch asks for

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24 Bundesministerium für Inneres, Gruppe C, Abt. II/7 (Ed. 2000): Rechtsextremismus, Neonazismus, Rechtsrevisionismus und fremdenfeindlich motivierte Gewaltkriminalität 1999. Wien, pp. 29–30; 34

25 Bundesministerium für Inneres, Gruppe C, Abt. II/7 (Ed. 2000): Rechtsextremismus, Neonazismus, Rechtsrevisionismus und fremdenfeindlich motivierte Gewaltkriminalität 1999. Wien, pp. 31–33

reforms relating to the detentions. They also point out that compared to previous years (8,200 in 1990) many more refugees have been detained in the past few years (about 15,000 people a year since 1994<sup>27</sup>).

Human rights groups, church organisations, and politicians sharply criticised Austria's detention and deportation practices during 1999. These groups and individuals, including the Austrian government's Minister for Family and Youth, were particularly critical of Austria's detention of unaccompanied minor asylum seekers<sup>28</sup>.

At the end of 1999, Austria hosted about 16,600 refugees and asylum seekers in need of protection, according to statistics provided by the Austrian government and the UN High Commissioner for Refugees (UNHCR). These included 3,393 persons granted asylum during the year, 11,084 applicants pending a decision, and 1,600 Kosovo Albanians and 482 Bosnians with temporary protection at year's end. Asylum seekers filed 20,129 applications for asylum in Austria during 1999, a 46% increase from the 13,805 applications filed in 1998, and a 296% increase from the 6,791 applications filed in 1997<sup>29</sup>.

According to Amnesty International<sup>30</sup> instances of police ill-treatment of foreigners is on the increase, especially during identity checks. Complaints mention detainees suffering blows from batons, punches and kicks and even pepper spray. The organisation stresses that disciplinary action against police officers committing these offences is slow to materialise or non-existent. Eight attacks by members of the police force on persons of foreign origin, motivated by racist sentiments, were recorded in 1999. Nine police officers were suspended.

On 1 May 1999, a twenty-five year old Nigerian asylum-seeker, Marcus Omofuma, died on a flight from Vienna to Sofia during an attempt to forcibly deport him. Austrian police officers had bound his arms and legs and covered his mouth with adhesive tape allegedly to stop his verbal protest on the plane. There is an ongoing controversy whether his death has occurred as a result of suffocation, his medical condition (heart disease), or both.<sup>31</sup>

**In Portugal**, researchers claim that "Militant racism" or violent acts of skin-heads is considered extremely rare<sup>32</sup>. Skinhead groups in Portugal do not have

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26 Contribution to the Annual Report on Racism 1999 from the Institute of Conflict Research (Institut für Konfliktforschung – IFK and Caritas Vienna (Caritas Wien, Beratungsstelle für Ausländer und Ausländerinnen)

27 ORF online: <http://www.orf.at/orfon/ticker/8771html?tmp=10665> ; accessed 27. 7. 00

28 USCR: Country Information: Austria: <http://refugees.org/world/countryrpt/europe/austria.htm>

29 *ibid*

30 Amnesty international Report 2000, POL 10/01/00 pgs. 38–39

31 Die Presse, 9. September 2000; Kurier, 15 Dezember 1999; Der Standard, 21<sup>st</sup> July 2000;

social support or any numerical relevance compared with the situation in other European countries. Still the skinheads in Portugal are responsible for most of the racial violence in Portugal according to the UN Report on Human Rights. The victims are first of all Roma but also “Black people”, other immigrants and foreigners.

**In Finland**, police statistics of racist crimes show an increase from 194 cases in 1997 to 319 cases in 1998. The increase may have been due to previous underreporting and under-recording of racial incidents. Though an increasing number of cases are being taken up by the police, there is still the need to identify to what extent incidents are systemic, isolated or cyclical.

According to a victim survey undertaken in 1996–97<sup>32</sup> by Inga Jasinskaja-Lahti and Karmela Liebkind, 18% of the immigrants questioned declared to have been a victim of a serious crime, within that percentage 35% of them did not report the incident to the police force. 61 per cent of the immigrants questioned had experienced harassment on the street. 42 per cent had experienced some form of discrimination of which only 10% reported the incident to the police force.

The passive acceptance of discrimination has the danger of spreading to the rest of society. As many as 51% of the immigrants in the study felt that there had been a recent increase in discrimination in Finland. Negative attitude of Finns towards immigrants was revealed through teasing and insults on the street, the provision of bad service and discriminating against foreigners in employment<sup>34</sup>.

According to the Finnish League for Human Rights more cases of ethnic discrimination and racially motivated crime were dealt with by the courts in 1999. Lawyers working on the cases reported that an increasing number of offences with a racist motive were reported to the police, prosecuted and taken up by the courts in 1999. In several cases the racist motive behind the offence was found by the court to be an aggravating factor to be taken into account when deciding the sentence.

**In Sweden**, the Security Police Authority keeps records of differentiated crimes in the field of racism, separating crimes with racial/xenophobic motive

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32 M. I. Baganha, G. M. da Fonseca, J. C. L. Marques (1999) Towards an emerging ethnic class in Portugal? In *Towards emerging ethnic classes in Europe? Volume 2: Southern Europe*. Freudenberg Stiftung. page. 83–84

33 Inga Jasinskaja-Lahti & Karmela Liebkind. *Maahanmuuttajien sopeutumisen paakaupunkiseudulla*. Helsingin kaupungin tietokeskuksen tutkimuksia 1997: 9

34 Experiences of Ethnic and Racial Discrimination in Finland – a presentation of NEON material, 1998–99, Silka Koskimies, Swedish School of Social Science, University of Helsinki, Centre for research on Ethnic Relations and nationalism.

rom crimes with anti-Semitic, homophobic motives and crimes connected to the White Power World<sup>35</sup>.

According to the Security Police Authorities racial crimes in Sweden have become more numerous and more violent in character during the last three years. In 1999 the Police Authorities received a total of 1,800 reports. There were a total of 2,363 crimes with racial/xenophobic motives directed against ethnic minorities in Sweden. Out of these 1,902 were considered as having racist motives by the authorities and 461 are described as uncertain<sup>36</sup>.

The three most common types of racial crimes aimed at ethnic minorities were illegal threats (337 confirmed, 99 uncertain), assaults (281 confirmed, 146 uncertain) and molestation (312 confirmed, 78 uncertain) followed by defamation (282 confirmed, 37 uncertain), persecution (246 confirmed, 3 uncertain) and illegal discrimination (179 confirmed, 31 uncertain).

A comparison with the two previous years shows that the amount of reported crimes with racial/xenophobic incentives directed towards ethnic minorities have increased in all categories. The total amount of reported crimes was in 1997: 1,752, in 1998: 2,210 and in 1999: 2,363. Assaults towards immigrants were behind most of the increase in crimes in 1999. The amount of violent attacks has almost doubled from 1997 to 1999.

Anti-Semitic crimes have increased every year from 1997 to 1999. In 1999, a total 125 (114 confirmed) crimes were committed against person and properties in the Jewish community. Persecution was the most common (32 all confirmed). In half of the cases it was in the form of scrawling and damage. In 12 of the total 32 cases the crimes were evidently connected to neo-Nazi organisations.

Neo-Nazi organizations in Sweden are resorting to terrorism. Neo-Nazi propaganda has become an increasing crime activity in Sweden in the last few years, according to the Swedish Security Police.

From 1997 to 1999 the amount of crimes committed by these neo-Nazi organisations has doubled. In 1997, 469 crime cases were reported and in 1999 a total of 966 crimes connected to the White-Power-World was reported. The crimes are not just directed towards Jews and immigrants but also towards political opponents and homosexuals. In fact, crimes directed towards immigrants constitute a quarter of all crimes committed by the White-Power-World.

The most serious of the violent crimes committed by neo-Nazis and skin-heads during 1999, was four murders and four attempts at murder. Two of the mur-

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35 Security Police: Crime connected to Sweden's security 1999  
web adress: <http://www.police.se>

36 The Swedish Police Authorities make a distinction between motive and incentives. For a crime case to be classified as having evident racial motive it must be obvious that the crime should not have been committed independent of the victim's ethnic, cultural or religious background. Otherwise it is classified as uncertain.

dered persons were police officers. The third victim was a trade union leader, who was murdered in his home after protesting against the election of a neo-Nazi as the representative of the local union. The fourth murder victim was a young man of Turkish origin, murdered in the street by skinheads.

The four murder attempts were directed in one case towards a Swedish journalist who had been investigating neo-Nazism in Sweden. The journalist and his son were seriously injured by a bomb placed in their car outside their home in Stockholm. In six of the 42 reported cases of serious attacks, the victims were persons active in the anti-racist/anti-fascist movement.

**In the United Kingdom**, ethnic minorities account for around 6% of the total population<sup>38</sup>. According to the Home Office<sup>39</sup> the number of racially aggravated offences in the period April to September 1999 was 10,982, around half of which were related to harassment. One million stops and searches were carried out by the police under the Police and Criminal Evidence Act of which 15% were of ethnic minorities, Black people accounting for 60% of this total. In 1998–99 the police recorded 1,890 murders, of which ten had racist motivation. The police were less likely to identify suspects for murders involving black victims than for white or those from other ethnic groups, but differences in type of murder must also be taken into account.

Around 1.3 million arrests for notifiable offences took place of which 12% were of ethnic minorities. Black people again accounted for around 60% of those arrested of the ethnic minority total. Black people are more likely to be arrested than white or other ethnic groups. The police cautioned about 190,000 persons for notifiable offences of which 11% related to ethnic minorities, but relative to the number of persons arrested the rate was slightly higher for white people as opposed to ethnic minorities.

In June 1998 ethnic minorities accounted for 18% of the male prison population of which Black prisoners represented around 67% of the total for ethnic minorities.

The racist incidents recorded by the police rose by 66% to 23,050. This is believed to be a consequence of better recording and the wider definition applied to racist incidents after the MacPherson Report into the death of Stephen Lawrence.

Cases that highlighted particular issues around the treatment of ethnic minorities and supported claims of institutionalised racism in the police and criminal justice system included the deaths in custody in disputed circumstances of two Black detainees, the police handling of the cases of Michael Menson and Ricky Reel and the case in Scotland of Gulbar Chokrar Singh.

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38 Figures based on Ethnic Minorities in Britain, CRE Factsheet 1999

39 Home Office: Statistics on Race and the Criminal Justice System 1999

## 1.2 ACTS OF DISCRIMINATION

Acts of discrimination appear in fields such as the application of the criminal justice system, education, employment, housing and the supply or access to goods and services. Much more than the violent events or the threats, visible by their spectacular character, they are often diffuse and therefore difficult to recognise. They aim at individuals or ethnic groups, different from one country to another, and take a variable breadth according to the social condition of the victims or depending on the state of the economy of a country.

These acts of discrimination are characterised by the fact that their perpetrators, apart from a minority who acknowledge their act for racist reasons, hide their racist motivations and use pretexts, creating difficulty in proving cases various mechanisms. Several states of the European Union developed in order to fight more effectively against these acts of racial discrimination, particularly by shifting the burden of proof, i.e. the obligation of those deemed responsible for the alleged discrimination to prove that their actions were not racist.

Racial discrimination, and the knowledge of it, varies from one country to another. In some of the Member States within the institutional framework there are specialised bodies, such as offices of the Ombudsman or legal bodies such as a Commission for [Racial] Equality, which keep records of different acts of discrimination and monitor the application of the law on anti-discrimination. In some Member States the remit of the bodies is much wider. In many Member States this is yet to be developed. The information below attempts to give an overview of the situation of racism in the areas of employment, education, health, housing, media and the police and criminal justice system.

There are in all Member States groups that are more vulnerable with regards to racism, discrimination or exclusion than others. These groups are often segregated from the majority population and have worse living conditions than the average. In order to move from a position of isolated instances to one of systemic or systematic discrimination and inequality more research and information is still required. In this governments can be of enormous help as they are the major employers and are therefore in an important position to extract information from their public bodies and to initiate investigations. Some governments have taken on this responsibility, but more is required if the fight against racism is to be effective.

**In Belgium**, an inter-University research study carried out in 1999, on the initiative of the International Labour Office, confirmed the hypothesis that with equal qualifications (diplomas and professional experience), the candidates of white Belgian nationality and Belgians of Moroccan origin are treated differently during the recruiting procedure. This differentiated processing of applications, performed by the employers, takes practical form not only in the pure and simple refusal to engage a person of foreign origin, but also in untrue state-

ments, the deterioration of the procedure or issuance of divergent information on the working conditions and wages.

The study stresses the diversity and the convergence of the Belgian legal tools to sanction discrimination at the time of recruitment, and moreover shows the difficulty of their implementation.

The Centre for Equal Opportunities and the Fight against Racism (Centre pour l'égalité des chances et la lutte contre le racisme) (CEOFAR) recorded nationwide a total of 919 complaints. The public sector witnessed the highest number of all complaints around 17% (an identical figure to that of 1998). The complaints concerned mainly difficulties related to the minimum wage and social assistance claims, marriage and divorce issues and issues related to residence and work permits.

What perhaps stands out the most in the analysis of the 1999 data is the increase in complaints concerning issues of education. These were mainly related to problems such as enrolment in schools and verbal and physical violence in schools. These complaints totalled 11.5% (a year on year increase) of the total number of complaints.

The CEOFAR devotes a large part of its work and its proposals to fighting all kinds of discrimination, detecting and seeking remedies to serious inequalities as regards public and private sector recruitment, self-employment issues, social welfare issues etc. In this respect, the Centre noted various adverts in the press concerning job opportunities in the public service, which were in breach of the inter-ministerial decision on immigrants directive WEL-97/04 (6, November 1996). These breaches were with regard to adverts, which stressed wrongly the conditionality of Belgian nationality for these posts. The Centre raised it with the organisations concerned and requested them to comply with the directive. The Centre contacted around 20 such organisations in the course of the year.

**In Denmark**, according to figures from the Ministry of Labour only 56% of the immigrants are in the Danish labour force against 80 % of the Danish population, and the unemployment rate for foreign nationals was 16.5% against the total unemployment rate of 5.5%.

The Board for Ethnic Equality published a survey to document the scope and type of perceived discrimination among ethnic minorities in daily life, in the labour market, and in their dealings with public authorities. The nationwide questionnaire survey was conducted among ethnic minorities from Bosnia, Lebanon, Somalia and Turkey.

In the labour market, Lebanese immigrants report the most cases of discrimination: 48% of those who have applied for a job within the last five years say they have been turned down for jobs for which they were qualified because of

their ethnic background. In comparison, 36% of the Turks, 34% of the Somalis, and 17% of the Bosnians report being turned down for jobs for which they were qualified.

As far as treatment in public transportation, stores, and in connection with leisure activities, the Somalis report most discrimination: almost half have experienced discrimination in connection with renting or buying on credit and harassment in public transportation. Lebanese, Turks and Bosnians report most discrimination when shopping: almost 30% of the Lebanese and about 20% of the Turks and the Bosnians. Many Turks still experience discrimination when they try to get into discotheques. The Somalis experience most discrimination in the form of verbal and physical assaults by Danes and they experience the highest insecurity in their neighborhood. In these areas, the Bosnians experience the least discrimination.

The survey thus reveals a significant difference in the level of discrimination experienced by the different ethnic groups. Somalis experience most discrimination, Turks and Lebanese less, and the Bosnians experience the least discrimination.

In all four groups, men experience more discrimination than women, and young people experience more discrimination than older people. Except among Bosnians, the well-educated experience most discrimination. This indicates that those with the most resources experience a greater level of discrimination, probably because they perceive discrimination as more illegitimate than people with fewer resources.

The Documentation and Advisory Centre on Racial Discrimination found, based on data including complaints from victims of racial discrimination between 1993–1999, that in Denmark there is a failure to respond to cases of racial discrimination due to a narrow interpretation of racial discrimination, that they were technical hurdles in anti-discrimination legislation, an insufficient and/or neglect in the investigation process by the police and that discrimination is an increasing problem.

An example given media publicity in 1999 was when the founder of a political party was sentenced to seven days' suspended sentence to prison for having said in a television programme that Muslims will expose the Danish population to invasion, castration and homicide and for having characterised Muslims as world criminals. In November a former town council candidate was found guilty of inciting racial hatred and fined 4,000 Dkr by Silkeborg's Town Court. The person, who failed to be elected to office, was found to have broken the law, when he made racist remarks during the general election campaign in March.

In a further development, the High Court of Eastern Denmark sentenced a person to 20 "day fines" of Dkr 100 for having made statements on Muslims and immigrants on the Internet.

**In Germany**, the Union representatives (Deutscher Gewerkschaftsbund) point out that non-Germans, in particular juveniles, encounter a lack of professional training, limited access to the labour market, and are at a higher risk of unemployment. More than 70% of the 15–20 year-old non-Germans were born or raised in the country. Still, they encounter discriminatory practices in the search for training and jobs and suffer the most from structural changes in the labour market.<sup>39</sup>

In the field of education, at the secondary school level, pupils of foreign-descent attend schools with less academic challenge (Hauptschulen) twice as often as German nationals. Almost 20% of them do not graduate, compared to 8% of German nationals. Forty-five to fifty percent of the 20–25 year old age group of foreign nationals have not completed vocational training, compared to about 12% of German nationals.<sup>40</sup>

In the field of politics, a petition by the conservative CDU/CSU against the proposed dual-citizenship rights for immigrants, which was perceived by many as a way to “sign against foreigners” stirred xenophobic sentiments. It was signed by five million people. However, there were campaigns against increasing intolerance and xenophobia, one of them endorsed by almost 100, 000 in the *Frankfurter Rundschau*.<sup>41</sup>

**In Greece**, legal and undocumented immigrants are mostly employed in the sectors of agriculture, animal husbandry and the construction industry. They are also active in the shadow economy, estimated as accounting for between 30–50% of GNP.<sup>42</sup> The immigrants are divided between those of high levels of skills and those undertaking low level work. Pay for highly skilled immigrants, especially those employed by foreign firms is reported as comparable with Greeks, but in low level work immigrants are reportedly paid around 30% less than the Greeks for comparable quality of work.

The largest immigrant group are the Albanians. After the chaos in Albania in 1997 and the hostilities in Kosovo in 1998–99, there has been a mixture of economic migrants and refugees. The Greek authorities estimate the number of Albanians working at certain periods in Greece, to be about half a million persons. The majority do not have a work permit.

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39 DGB-Bundesvorstand (Ed., 8/1999): Zugang zum Arbeitsmarkt, Ausbildung für Jugendliche ausländischer Herkunft. Düsseldorf. pp. 3–13

40 Bericht der Beauftragten der Bundesregierung für Ausländerfragen (Februar 2000): Über die Lage der Ausländer in der Bundesrepublik Deutschland cited by Proasyl (<http://www.proasyl.de/texte/netz-antirass.htm>)

41 Contribution to the Annual Report on Racism 1999 from the Interkultureller Rat in Deutschland e. V.

42 Ethnobarometer p. 148

In addition to the Albanians, there are Kurds from Turkey and Iraq, Indians, Pakistanis, Malaysians, Filipinos, Africans, Poles, Romanians and other former socialist countries linked to the former Soviet Union. An increasing number of African immigrants have also been recorded. Undocumented labour is now crucial for the survival of sectors such as agriculture, tourism and construction.

The Roma people continue to suffer from discrimination, racism and social exclusion. Representatives of the Greek Helsinki Monitor and the Minority Rights Group Greece, have informed the UN Committee on the Elimination of Racial Discrimination, that Roma people are subjected to ill-treatment, exclusion and discrimination<sup>43</sup> in areas such as employment, housing and education. In addition, it is reported that the vast majority of Roma children do not attend school.

Greece officially recognises the existence of one minority group, the Muslim minority of Western Thrace. The majority within the Muslim minority identify themselves as Turks, although Pomaks and Muslim Roma are grouped together with them under this heading. Many members have complained about discrimination in regard to their expression of ethnic identity, their right to establish, manage and control foundations used to support education, social welfare and minority activities.

ECRI has raised concern about complaints of differences between sentences handed down to foreigners and those handed down to Greek defendants convicted of comparable crimes. It also called for research into the causes of the high representation of foreigners in the overall prison population of Greece. According to the Ministry of Justice the total prison population in September 1998 was 7,511 of which 3,388 were foreigners.

**In Spain**, many immigrants are the victims of discrimination in different fields of society, especially in the labour market. Immigrants find work mainly in the sector of agriculture, the construction industry and in the service sectors.

According to US Human Rights Reports on Spain, they are often paid appreciably less than the Spaniards and often experience the hardest working conditions. In the construction industry, persons originating in the south of the Sahara or Eastern Europe have often to work under unsafe conditions. In Andalusia, tens of thousands of African immigrants work in agriculture below the minimum wage for an eight-hour working day in greenhouses made out of plastic. Some of them end up living in the open air or in poor "chabolos" without water or electricity since they cannot obtain suitable housing. Indeed, numerous reports mention the refusal of certain owners to rent to foreigners.

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43 <http://athensnews.dolnet> August 2000.

CIPIE (Centro de Investigaciones, Promocion y Cooperacion Internacional – International Centre for Research, Promotion and Cooperation) presented four quarterly reports in 1999 on the way in which the Spanish press describes problems linked with immigration and racism. They found that, in three out of four cases, the press makes “negative” comments on immigration and racism (CIPIE deemed comments to be negative where immigrants are associated with violence, crime and illegality; and to be positive when immigrants are described in a favourable light).

A study involving ten newspapers, five television channels and six radio stations showed that, during the first three months, nearly 78% of all reports on the subject were negative and only 15% positive. Of the 1,100 reports analysed, only 7% were “neutral”. The percentages were almost unchanged during the second quarter, but the number of reports fell by half; according to CIPIE this decrease was mainly due to the “Kosovo war”. During the third quarter, following the unrest in Terrassa and the racist arson attacks in Banyoles and Girona, the number of press reports on immigrants and racism increased sharply to a total of 1,547. Immigration across the Straits of Gibraltar also contributed to the press’s “hot summer”. But the situation is changing: “negative” reports represented no more than 68%, while positive reports increased to 16% and neutral reports also went up to 16%.

**In France**, where information on the phenomenon of racial discrimination was still in its infancy before 1997, the Government announced in 1999 the creation of a Group d’étude and asked for a study on the situation in France.

The National Advisory Commission on Human Rights<sup>44</sup> (NACHR) has continued to highlight as inadequate the numbers sentenced by courts for racism. There were 115 sentences in 1998 compared to 97 in 1997, an increase of 19%, out of which 82% were related to freedom of the press legislation. NACHR has noted the significant numbers of complaints lodged by victims, which bore no result, explained by the difficulty in supplying evidence for a prosecution. It welcomes the advent of European wide legislation as an opportunity for France to improve its own legislation.

NACHR also conducted a second study on discrimination in employment, housing and services which covered mainly three subjects: the shift in the burden of proof in civil and criminal law, positive action to combat discrimination and the creation of a project for an independent administrative authority to fight against discrimination.

Information about levels of employment of racial and ethnic minorities is still difficult to gauge precisely, but it is generally accepted that levels of unemploy-

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44 1999 *La Lutte contre le Racisme et la Xenophobie – Discriminations et Droits de l’Homme*, Commission Nationale Consultative des Droits de l’Homme

ment among non-European Union citizens is around three times the level for French citizens. In the area of employment various reports have highlighted that it is prone to racial and ethnic discrimination and the French population of immigrant origin are the victims as much as foreign nationals.

In May 1999, the Ministry of Employment and Solidarity convened a Round Table on racial discrimination at the workplace, which resulted in a joint statement between the Government and the social partners. Various legal measures have been proposed by the French authorities to combat racial discrimination (see below under Legislation and Institutional Initiatives).

Social exclusion of young people of immigrant background is another area of particular concern. This has been recognised by the French authorities and by a circular of 18 January 1999, the Ministry of Interior created the *commissions départementales d'accès à la citoyenneté* (Departmental Commissions for Access to Citizenship – CODAC), whose role is to examine and resolve complaints about discrimination and to promote the integration of young people of immigrant background. These Committees, established in each *département* under the chairmanship of the *prefect*, bring together the public services (including the police and housing institutions), non-governmental organisations and the trade unions.

**In Ireland**, discrimination has been a continuing issue for members of the Travellers community over a wide spectrum including housing, employment and health. According to the US State Department Report 1999, there are approximately 25,000 nomadic persons who regard themselves as a distinct ethnic group called “Travellers”. The report states that Travellers are regularly denied access to premises, goods, facilities and services; many restaurant and pubs, for example, will not serve them. Despite national school rules that no child may be refused admission on account of social position, Travellers frequently experience difficulties in enrolling their children in school. Sometimes they are segregated into all-Traveller classes.

There were also concerns raised about new legislation currently being debated in parliament (the Citizenship and Nationality Bill) which would, according to International Helsinki Federation, significantly narrow the possibilities of non-nationals to obtain Irish citizenship, including making the grant of citizenship to the spouse of an Irish citizen a matter for the absolute discretion of the Minister of Justice.

**In Italy**, according to the National Statistical Institute of Italy there were almost one million legal foreign residents in 1998<sup>45</sup>. The number of undocumented immigrants varies between 150,000 and 200,000 according to the estimates of the Ministry of the Interior.

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45 Foreign residents include EU citizens and citizens of the USA who together account for over 10% of the total

According to the report of the Commission for Policies for the Integration of Immigrants<sup>45</sup> the percentage of unregistered immigrant workers among those who hold official residence permits is estimated around 30% in 1998. The report acknowledges that immigrants are still involved in the shadow economy (mainly agriculture, construction and the service sector<sup>47</sup>) experiencing low wages, heavy shifts, unhealthy conditions and, in the most extreme cases, subjection to slavery. In a study in Vicenza, in the field of education, results indicated that a large percentage of foreign pupils, 31% in elementary school, almost 67% at the middle school level and over 71% in senior school were behind for their age groups. In all grades the percentage of students who fail their year is higher among foreign pupils than Italian ones.

In the area of housing the report stated that immigrants are subject to “exorbitant rents being charged for dilapidated and crowded living accommodation, and discrimination in access to the market”. It continued by stating that “many landlords are reluctant to rent property to foreigners because of their tendency to insecure income and to poor maintenance. Living conditions, along with working conditions, cause many illnesses that affect immigrants once they are in Italy: respiratory and digestive illnesses, as well as psychosomatic disorders linked to stress and fear of failure in their new life. Having left their countries in good health, many fall ill due to poor living conditions in Italy”.

The report states that immigrants make up 25% of the prison population and over 50% in correction homes for juvenile delinquents. Some of the factors affecting this high proportion, according to the report, could be the difficulty to apply alternative measures to immigrants (such as house arrest, when they are without domicile) and the fact that the figures include many repeated arrests involving the same habitual criminal.

The number of undocumented immigrants from Kosovo living in Italy is according to the Commission on Foreigners in Italy estimated at hundreds of thousands. In 1999, the Italian border police stopped 115,000 Kosovo immigrants without documents. About 50,000 were expelled.

The Roma and Travellers experience racism and discrimination. The total estimated number of Roma people and Travellers in Italy is 100,000 persons<sup>48</sup>. Of these, some 70,000–75,000 are Italians and 20,000–25,000 are Slavs. Many came in the 1970s and are legally resident. The latest arrivals came from Kosovo in 1999. Italy agreed to provide temporary protected status to 10,000, many of whom were returned home.

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46 Commission for Policies for the Integration of Immigrants: Summary – First report on the Integration of Immigrants in Italy, November 1999

47 P. Ruspini (1999) Living on the edge: irregular immigrants in Italy. Paper presented at the International Expert Meeting on Irregular Migration: Dynamics, Impact, Policy Options. Jerusalem 20 Augusti–2 September

48 Denied a Future? The right to education of Roma, Gypsy and Traveller Children. March 2000. Save the Children, p

The statistics on school provision for Roma, Gypsy and Traveller children are fragmentary. Still different studies show that school attendance is notably low. The estimated amount of illiterate among Roma, Gypsy and Traveller is 40% and 60% have never attended primary school. La Repubblica (21 December 1999) reported from camp Poderaccio outside Florence, where 34 Roma children were being refused their right to go to school. The children had arrived from Kosovo during the war.

CERD<sup>49</sup> highlighted the situation of Roma who it states “in a number of areas, in particular housing, ...live in camps outside major Italian cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to physical segregation of the Roma community from Italian society, but to political, economic and cultural isolation as well”.

According to the European Roma Rights Centre (ERRC)<sup>50</sup> the Italian Government uses racial segregation of Roma, Gypsy and Travellers in remote camps that severely hinders the access for children to adequate education. Children attending ad-hoc classes in the camps are not taught by professionally certified teachers and do not receive official grades, so they may not qualify for secondary school. In addition, the health situation of the Roma is grave with mortality rates in the Roma camps four times higher than the national average.<sup>51</sup>

**In Luxembourg**, the Act against racist acts and incidents, adopted by the Parliament in 1997, remains unused. However, NGOs have expressed concern that due to the policy of expelling asylum seekers, mainly Albanians from Kosovo, as a result of the application of the Dublin Convention, the attitude of the public seems to have changed towards immigrants. On the one hand, new forms of solidarity across all layers of society appeared spontaneously in demonstrations and newspaper articles; on the other hand a new form of latent xenophobia manifested itself, mainly noticeable in anonymous letters and newspaper articles.

**In the Netherlands**, as highlighted in the CERD report, there is concern that ethnic minorities are still under-represented in most areas of education, particularly in higher education.

The Dutch Government introduced the Municipal Compensatory Policy (Education) Act 1997. The Act grants local authorities the power to pursue their own policies to combat educational deprivation vis-à-vis disadvantaged groups.

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49 CERD, Concluding Observations/Comments CERD/C/304/Add. 68, March 1999

50 Written Comments of the European Roma Rights Center Concerning Italy for Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 54th Session, 8–9 March, 1999; <http://errc.org>

51 US Department of State, Human Rights Reports for 1999: Italy, 25, February 2000

The authorities can claim grants to target specific groups. Within the context of the National Policy Framework, directed at giving children the best possible start to school, for instance in Dutch language skills, to reduce drop out rates, to bring children from the disadvantaged groups into the school system and to improve compatibility between educational system and the local needs.

According to the National Bureau against Racial Discrimination (LBR) the issue of discrimination in the educational system still persists in schools in the Netherlands. Parents of white children opting to send their children to schools with a majority of white children and schools with predominantly black children being in deprived neighbourhoods and facing problems attracting adequate teaching staff.

All this in spite of the fact that primary school education in the Netherlands was obliged to prepare students for a multicultural society in 1984 and secondary education since 1996.

According to another report by LBR concerning the criminal justice system, although the guidelines for the handling of discrimination cases were revised in 1997, the Public Prosecution Office has still failed to go ahead with prosecutions without providing compelling explanations for its action.

LBR also report that discrimination within the police force is still evident and that police internal culture may prevent the retention and recruitment of ethnic minorities.

With regard to the labour market LBR reported that there were still disproportionately higher levels of unemployment among ethnic minorities. In 1999 LBR conducted research into compliance with the Employment of Minorities (Promotion) Act. It discovered that half the businesses researched failed to comply with their annual obligation to prepare a report on its implementation and that business rarely takes steps to encourage the recruitment of foreigners.

Among those businesses that submitted reports to comply with the Act many do not meet the required standard with regard to content and policy. The employment and recruitment policies are hardly ever adopted, the benefits of the law are not acknowledged and employers are frustrated by their administrative obligations from the Act.

**In Austria**, discriminatory practices in the labour market continued in 1999.<sup>52</sup> As a proportion of the entire work-force non-Austrians were employed mainly as labourers, working under low level conditions for less pay, lower employment security and with less comprehensive benefits than their Austrian counterparts.

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52 Wiener Integrationsfonds (Ed. 2000): MigrantInnen in Wien, 1999. Daten & Fakten & Recht. Report 1999. Teil II. Wien. Eine Publikation des Wiener Integrationsfonds. pp. 9–13

Besides general economically discriminating practices, many non-Austrians continue to face limited access to adequate and decent housing. According to a study undertaken by the Institute of the African studies, 20% of owners in Vienna refuse to rent an apartment to persons of African origin, 40% of Viennese employers refuse to entrust them with qualified employment and a third declares not to have confidence in them.<sup>53</sup>

**In Portugal**, there is evident social stratification of the Portuguese society, a hierarchical social and economical order with regards to the population. On the top of the hierarchy are the immigrants from other EU countries<sup>54</sup>, followed by the immigrants from Brazil. On the third stage are the Portuguese people and on the last stage the immigrants from former Portuguese colonies in Africa, officially referred to as the Blacks<sup>55</sup>. The Roma people are to be added to the very lowest stage. The immigrants from the former Portuguese colonies in Africa are predominantly in blue collar occupations, their children are less successful in primary school, have more drop out rates and their living conditions are worse than the average population in Portugal.

The immigrants are concentrated in the Metropolitan Area of Lisbon. The living conditions in these areas are extremely poor and there is a lack of social infrastructure. The majority live in shanties or non-standard dwellings. In addition, immigrants, especially of African origin are over represented in crime statistics among the accused, the convicted and the imprisoned.

**In Finland**, as many as 60% of all Africans immigrants interviewed said that they had experienced some form of discrimination in the labour market. The existence of racism and discrimination has been confirmed also by the Organisation of the trades union (SAK). This discrimination in employment is not always visible or extreme, on the part of employers or on the part of employees.

According to a study of the National Equal Opportunities Network (NEON), covering 176 cases of racist acts, 20% were related to discrimination in the services, and 32% to the non-application of the laws. Those responsible for discrimination were both individuals and institutions.

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53 Contribution to the Annual Report on Racism 1999 from the Institute of Conflict Research (Institut für Konfliktforschung – IFK) and Caritas Vienna (Caritas Wien, Beratungsstelle für Ausländer und Ausländerinnen)

54 Essentially composed of retired people from UK, Germany and the Scandinavian Countries, Baganha, da Fonseca, Marques 1999, p: 57

55 Most African immigrants come from Cap Verde, *ibid*: p. 57

In 1998–99 a system to monitor racist phenomena was set up gradually, on recommendation of a Working Party created in 1997 by the Ministry of the Labour, with the cooperation of the Finnish League of Human Rights.

The monitoring and reporting of racial incidents in Finland is still in its infancy. As with some other Member States ethnic data collection is problematic. The authorities of Finland do not gather data on ethnic or racial and religious minorities as such, but on minorities based on national, linguistic and country of origin basis. Data collected in this manner runs the risk of excluding groups of minorities not defined on these grounds – an example is nationals of Finland who are born in Finland, speak Finnish but are of mixed parentage. Another notable omission is the case of Roma. It has to be noted though, that some minority groups, in particular the Roma, are resistant to the idea of ethnic monitoring.

**In Sweden**, according to the Ombudsman against Ethnic Discrimination reports of discrimination have constantly increased since 1997. In 1997 the Ombudsman received 59 reports, in 1998 the amount of reports were 121 and in 1999 the amount had increased to 184.

In a study, 40% of the immigrants in Sweden said that they had been exposed to threats, insults or other forms of harassment on the street and in other public places because of their foreign background<sup>56</sup>. Forty percent of the immigrants in Sweden believed that they had not got the job they applied for because of their foreign background. Every fifth immigrant in Sweden reported being subjected to harassment at work or to harassment by neighbours, or being badly treated by the social service.

The Africans, the Arabs and the Turks reported more experiences of discrimination, especially by various authorities, than did the Vietnamese and the Slavs. Only one out of ten with experiences of discrimination had reported this to the police authority. The results indicate that personal experience of racism and discrimination seriously undermine the immigrants' confidence in the authorities in the country of settlement and add to perceptions of increased xenophobia. The long-term residents had less trust in the authorities than those who had arrived recently.

Most cases of reports to the Ombudsman of ethnic discrimination are in the employment sector, and the amount has increased in the last years of the 1990s.

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56 K. Liebkind, I. Jasinskaja-Lahti and A.Lange (1999) Reducing racism through victim research. Helsinki and Stockholm. A comparative survey questionnaire study was done in Finland and in Sweden in 1997.

The explanation for the increase in 1999 in reporting in the area of employment is, according to the Ombudsman, the new law.

The Police Authorities registered 210 (179 confirmed) reports of ethnic/racial discrimination. Half of the amount of the confirmed cases referred to restaurant visits and denial of entrance of persons on racial grounds. Other cases referred to discrimination in shops and public transport. One specific restaurant in Stockholm was reported eight times and one specific restaurant in the city of Malmo nine times in 1999.

One example reported in the media involved a bus company in southern Sweden that set up a quota to limit the number of passengers of foreign origin. According to the bus company, the reason for this was that customs always examine buses that carry more than five passengers with foreign names (the Swedish Public Service Broadcasting).

**In the United Kingdom**, special mention is given to the MacPherson Report (Stephen Lawrence Inquiry Report) published in 1999, the result of the inquiry into the racist murder of the black teenager Stephen Lawrence, as it set a new benchmark and standards for policing and dealing with racism in the United Kingdom. The acceptance by the Government that “institutional racism” was prevalent in the United Kingdom acknowledged publicly what many members of the ethnic and religious minority community had long suspected.

In the United Kingdom the situation of ethnic minorities<sup>57</sup> has spurred the Trade Union Congress (TUC), which represents all the UK’s trade unions, to set up a task force to tackle institutional racism at the workplace. Ethnic minority communities make up around 7% of the total working population in the UK and the TUC has expressed concern about the success gap between Black and Asian and White workers. Named the Stephen Lawrence Task Group, the new body includes Neville Lawrence, the father of Stephen Lawrence.

According to a report by the TUC, the chances of being unemployed in the 1990s are still significantly higher if you are Black. The TUC report entitled “Black and Excluded” shows unemployment among Black and Asian workers at 13% which is 2% higher among Black and Asian workers in 1999 than in 1990. During the same period the rate for white workers unemployment returned to its 1990 level of 60%.

However, discrimination does not just affect access to employment but also the type of job Black and Asian workers get. Another TUC report entitled “Qualifying for Racism” shows that though a higher proportion of Black and

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57 Information in this part of the report is taken from articles reproduced in Diversity-onLine. Diversity-onLine is run for the International Media Working Group Against Racism and Xenophobia (IMRAX) and is supported by the European Commission.

Asian employees have degrees, they still do not get promotion to management or supervisory posts.

The survey also shows that proportionally twice as many Black and Asian male workers than white workers work in part time jobs because they cannot get full time work. Over half of all black males over the age of 25 in part time jobs are in this position. In 1999 a fifth of Black part-timers worked part time "involuntarily" compared to only a tenth of White part-timers. Involuntary part-time work is much higher among Black workers, aged 25–65 over half of whom are working part-time because they cannot find full-time work.

In a prominent case of discrimination at a major company Ford Motor Company admitted at an Industrial Tribunal in 1999 that an Asian production worker had been subjected to racist abuse and bullying at Ford's Engine plant for a four year period. This was followed by two walkouts at other parts of the plant over racism and bullying in the Paint and Assembly plants which brought production to a standstill.

According to figures published by the Home Office in 1999, ethnic minorities continue to be under-represented in the police and prison services, the lay magistracy and senior posts in all criminal justice agencies<sup>58</sup>.

According to a report from the Social Exclusion Unit, ethnic minority groups are disproportionately more likely to live in deprived areas, and in unpopular and overcrowded housing. Poor implementation of effective race equality policies and lack of communication between for example social landlords and ethnic minority tenants are some reasons for the continuing discrimination associated with housing.

Ethnic minorities have often been allocated to poor housing stock and some policies adopted by social landlords have effectively encouraged the ghettoisation of some housing around ethnic minority communities.

The Social Exclusion Unit found that almost half the local authorities have yet to adopt the Commission for Racial Equality's "Race Equality Means Equality Standard", even though it is one of the UK's Audit Commission's indicators. Twenty five percent of local authorities do not have an explicit policy to provide services fairly to all sections of the community and a further 23% have such a policy, but have failed to monitor it.

According to a report entitled, *Part-time Students and Employment: Report of a Survey of Students, Graduates and Diplomates*<sup>59</sup>, employer support for students varies with ethnicity, this despite the fact that students from ethnic mino-

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58 Home Office: Statistics on Race and the Criminal Justice System, 1999.

59 Report carried out by the Quality Support Centre for Higher Education Research and Information (QSC) and published in 1999, as part of a project funded by the Department for Education and Employment, with the support of various academic institutions.

rities tend to be younger and to have career-related reasons for study. White students were more than twice as likely to be given time off and a contribution to their fees than were ethnic minority students.

Notwithstanding the fact that students from ethnic minorities are more likely to study for career reasons and are more likely to study courses directly relevant to employment, these students reported lower income increases than white students (ethnic minority graduates gained 21% compared to 28% for white graduates).

In a report of the Social Exclusion Unit, entitled *Minority Ethnic Issues in Social Exclusion and Neighbourhood Renewal*, it found that as a group ethnic minorities were as well-qualified as white people, but some Black and Asian groups do not do as well as others, and African-Caribbean pupils are disproportionately excluded from school.

In another report aimed specifically at schooling, entitled *Truancy and School Exclusion*, the Social Exclusion Unit found that 16% of permanently excluded children are of ethnic minority origin; and nearly half of those are African-Caribbean. Yet African-Caribbean children make up only a little over 1% of the school population.

OFSTED, the Office for Standards in Education, the UK's independent watchdog for the educational system, discovered in a survey of 48 schools in 1999 that there was a lack of comprehensive monitoring and analysis of pupil behaviour by ethnicity. The result of which would severely hamper the effectiveness of initiatives designed to counter ethnic discrimination and may in fact reinforce stereotypical impressions.

## **1.3 RACISM AND HATRED ON THE INTERNET**

The Internet is widely used by racist groups because it has proved to be an effective medium for disseminating racist, anti-Semitic, xenophobic and hate-filled ideas to a wider audience, and with a great degree of impunity. Furthermore, this tool is a practical means – for all racist groups, groupings and even individuals – of recruiting new activists and emerging from their relatively clandestine existence. This successful dissemination comes on the one hand from the growing success of this modern means of communication, especially among young people and, on the other hand, from the freedom of expression on which it is founded.

It was several years before an awareness of this phenomenon developed; now it is better documented, evaluated and studied by governments, researchers and non-governmental organisations. Three areas of Internet activity have already attracted the attention of the public authorities and the general public: paedophilia, terrorism and financial crime.

The phenomenon of racism on the Internet has been the subject of several international symposiums and of preparatory work for the international Conference on Racism, held under the auspices of the United Nations.

### **1.3.1 FACTS AND FIGURES**

Since the end of the Second World War, racist, anti-Semitic and xenophobic groups in Europe have successively used three types of methods to disseminate their ideas:

- They began underground, circulating written material (brochures, newspapers, leaflets, letters) which was more or less confidential;
- Next came messages on telephone answering machines, records and video-games;
- Finally they entered the age of the Internet.

#### **Video-games**

Video-games on diskette first appeared in Europe in 1988, when a documentary on Austrian television drew attention to the existence of these games. A few months later, a teacher in the city of Graz discovered that his pupils were in fact trafficking in diskettes. He was appalled and alerted their parents. The Police and Education Ministries then initiated vague, inconclusive inquiries. The teacher was attacked by unknown persons and had to leave town.

One schoolchild in five admits to having played with this type of game, and a survey conducted in Linz revealed that 39% of pupils are familiar with, exchange and use the diskettes. Just over 1 in 5 (22%) have already tried them. What could be easier than to copy a diskette? In Germany, the Director of the Office for the Surveillance of Documents barred to Young People listed more than 120 different versions of these programmes, located in Austria, Germany, the

Netherlands, Sweden and the United States. The games were sold under the counter, sometimes in deceptive packaging. Above all, hundreds of copies had been made outside of any commercial network. The Office subsequently banned 106 of these games.

Picking up on the survey carried out in Germany, the Italian daily paper *La Repubblica* reported that 10% of young Germans who owned a computer had in their possession at least one video-game glorifying Nazism. *La Repubblica* revealed moreover that, of the 20,000 video games available on the German market in June 1989, at least 6,000 had a Nazi or racist content.

Several years have passed by, and although this type of game is still in circulation, the extremists are nowadays doing without diskettes, whose distribution is too risky. They now prefer to use all the opportunities provided by the Net.

### **Websites**

According to researchers at the Simon Wiesenthal Centre, in 1995 there was just one site inciting racial hatred. By November 1997, the Centre had already logged 600. A new figure was announced in January 1999: 1,429 sites encouraging racism and anti-Semitism, disseminating "*hate music*" (neo-Nazi or like-minded rock) or neo-Nazi ideas. By 15 July 1999, this figure had risen to over 2,100, and these statistics are confirmed by other sources. Thus there exists an initial indication of scale, enabling us to measure the development of these sites.

But in reality the researchers consider this figure to be a considerable underestimate.

The principal feature of this rapid proliferation is that racist sites are not necessarily based in Europe.

According to Joe Roy, one of the directors of the Southern Poverty Law Center – an independent organisation seeking to combat racism and anti-Semitism, based in Alabama in the United States – the number of American sites devoted to spreading racist and anti-Semitic ideas has risen sharply. 163 sites were recorded in 1997, 254 in 1998, and 305 were operating by the end of 1999. At the same time, many individuals are increasingly becoming "*professionals*" in solitary hatred, not affiliated to any organisation.

In Germany, the number of far-right websites registered by the *Bundesamt für Verfassungsschutz* rose from 200 in 1998 to 300 in 1999.

In the early 1990s it was relatively difficult to obtain propaganda; nowadays this can much more easily be found on the Net. Indeed, any surfer can – within a few minutes – find the site of one or other of these movements, browse through it and read all the information and propaganda it contains. From their offices, surfers can print out and order any sort of material and buy CDs or video-cassettes. What was proscribed, undercover, shameful and liable to prosecution in the past is today readily readable and viewable on the Net. It can even be asserted that movements which were in decline in both Europe and the United States have received a new lease of life thanks to the sites they have created.

### 1.3.2 COUNTER-MEASURES

Racist remarks are prohibited under criminal law in most European countries. Therefore, in order to escape possible conviction, racist groups often use American providers outside the European Union to relay their racist ideas. In this way they are reasonably certain that they cannot be identified and, even more importantly, prosecuted.

**In Germany**, *T-Online*, a subsidiary of Deutsche Telekom specialising in Internet access, took the initiative of blocking access by its German subscribers to the website run by the German-Canadian Holocaust denier Ernst Zündel. But when Zündel's site was blocked, students at some American universities went so far as to offer on their servers a "*site documenting his theories*". It included the following warning: "*This site mirrors that of Ernst Zündel, the most loathsome revisionist on the planet. We disagree with his opinions. We nevertheless support his right to express them.*" Another example occurred in January 1999 when investigators from the German Office for the Protection of the Constitution managed to track down a neo-Nazi website hosted by an access provider in the United States. Police in Cologne arrested the young man who was behind this site.

**In Belgium**, the various racist, xenophobic and anti-Semitic texts circulated via the Internet fall specifically under the sanctions laid down by the Act of 30 July 1981 on the suppression of racism, or by the Act of 23 March 1995 the purpose of which is to "*crack down on the denial, belittling, justification or commendation of the genocide committed by the German national-socialist regime during the Second World War*". But are these laws enforced when documents denying or belittling the Holocaust are available for consultation on the Net? If criminal proceedings were taken, according to an initial analysis, they could relate only to Belgian sites established in Belgium. That is why xenophobic sites have been blocked by their providers, but are now being hosted on advantageous terms by GeoCities in America.

**In France**, the French Holocaust denier Robert Faurisson was prosecuted for displaying a tract entitled "*Cockeyed Views of the Holocaust*". Counsel for Robert Faurisson argued that none of the acts of which the latter was accused had taken place on French territory, since the contentious publication had been issued exclusively in the United States, where the publisher was located. The defence team concluded that for geographical reasons the Paris court was not competent. The court recalled that, pursuant to Article 113-2 (2<sup>nd</sup> paragraph) of the Criminal Code, an offence is deemed to have been committed on the territory of the Republic as long as one of its constituent acts took place on French soil. As far as the media are concerned, in France, the principle is always that the crime is deemed to have been committed wherever the document has been circulated, or the broadcast heard or seen. Faurisson was eventually acquitted

by the 17<sup>th</sup> division of the Paris magistrate's court, but due to a lack of evidence that he really was the author of the offending texts. On the other hand, the court held that the circulation of documents, even from the United States, could be punishable in France.

**In the United Kingdom**, the managing director of the Internet Watch Foundation, a UK regulatory body overseeing the Internet, has acknowledged that the task assigned to it by the Government – that of taking action against racist sites – is bound to be difficult because of a lack of technical and legal powers. *“We do not expect to shut down a large number of sites”*, stated David Kerr, since the UK law banning racist publications is very vague, and *“the most obvious sites, such as those of the British National Party or skin-heads, are compiled in such a way that they are certainly not illegal.”*

### 1.3.3 DEBATE

Regulatory action to exclude racism and hatred from the Internet is the subject of wide-ranging debate in Europe.

For some people, in the name of freedom of opinion and expression, there should be no interference whatsoever by governments, or even by the public.

Another approach seeks to regulate the Net in order to monitor or, as far as possible, eliminate incitement to racial hatred. For adherents of this attitude, it would be a matter not of censorship but of an acceptable restriction, as provided for in the Universal Declaration on Human Rights: regulations intended to safeguard democracy.

The former argue that, in the face of racist or neo-Nazi propaganda, those who oppose it are able to express their views just as freely. The latter wish to retaliate against the racists' own cynical strategies.

In most European countries, racism is regarded as a crime and not as an opinion equal to any other. The European Council and the European Parliament have on several occasions reaffirmed their political will to combat this scourge. Among the international community, racism is unanimously regarded as a serious violation of human rights.

The question is whether the Internet can and should remain a space beyond the law. Be that as it may, the Internet certainly remains a major phenomenon of our age, a formidable means of communication, culture and trade, contributing to the prosperity of the modern world.



## 2 COMBATING RACISM AND DISCRIMINATION

Governments, public authorities and private bodies acting either individually or through coordinated action are in a position to take positive action to combat discrimination or apply sanctions against perpetrators of racist acts. Measures are built on constitutional and legal protection. These constitutional and legal guarantees on their own cannot eradicate all the various ways discrimination is applied in society, they require supplementary and complementary action through the development of policy and practice, education and awareness raising, information and communication campaigns and the publicity surrounding successful initiatives. In many cases these measures can be regarded as “Good practices” put into operation in a town, a region or a country. They do not all give “perfect” results, but they can be used as examples, which may inspire other experiments, by adapting them to different contexts.

Measures taken in 1999 add to and complement initiatives taken at an earlier date. The impression they give, on examination, is that none of them can expect to solve the problem on its own. Racism which changes in nature, victims and perpetrators must be confronted by a range of solutions each adapted to the situation in question. Today, nobody has a “miracle cure” for the definitive eradication of racism. For more than 60 years, democratic Europe has been searching for it. It is a struggle which mobilises public authorities, non-governmental organisations and individuals alike. The realisation that racism is a danger, which must disappear, is not universally shared. Currently, government initiatives vary widely and public awareness is by no means uniform.

Numerous bodies and agencies are in a position to combat racism; for example, the police, security services and the legal authorities, and to complement the work undertaken by these bodies and agencies, education and training, and work with the media are important areas in the overall fight against racial discrimination. In this chapter, we will give an overview of some examples taken from various European Union countries.

### 2.1 LEGISLATION AND INSTITUTIONAL INITIATIVES

Legislation to combat racism and xenophobia forms the bedrock upon which policy and action can be developed. The European Monitoring Centre on Racism and Xenophobia commissioned a study on the legislative measures currently available in all the European Union Member States. An important outcome of the study was the ability to see and examine the differences and variety of legislation in the fifteen Member States. After examining the considerable differences among the Member States the package of directives from the European Commission based on Article 13 EC Treaty appears even more timely and important – the role of the package to set a minimum framework for legislation and set guidelines for policy development and practice is particularly welcomed.

In the European Union, some countries are endowed with extensive and comprehensive legal machinery, while others have no more than superficial legislation. It is therefore essential that European wide legislation is introduced, though providing minimum standards but nevertheless introducing important structures, and building on the effectiveness of current national legislation in the Member States with the most effective national laws. At the same time, some Member States of the EU are working to improve their legislation to tackle racism. Apart from their punitive aspect, these laws have a significant dissuasive force. However the laws still have to be systematically and rigorously enforced by the courts, which is not always the case.

Moreover, access to the law, that is the possibility of having a complaint brought before the courts, is far from satisfactory. Compared to the number of complaints, there are still too few sentences passed against perpetrators of racist acts or discrimination. There are many reasons for this shortfall: lack of awareness on the part of investigators or judges; difficulties in some countries in proving racist motives for offences; congestion and slowness in the courts; complexity or shortcomings of some laws; hesitation or even fear on the part of victims to go to the police or the courts; the often high costs incurred by victims for judicial and defence procedures; difficulties for the police in completing their inquiries, in particular concerning racist incitement by political parties or perpetrators belonging to ill-defined movements; indifference or fear on the part of witnesses who do not lend their support to victims; and, as revealed by the Stephen Lawrence Report in the United Kingdom, institutional racism – a form of deep-seated inbuilt racism that affects the fair and proper functioning of the criminal justice system.

There is no doubt that, by eliminating or improving these factors, the law could act more effectively in the fight against racism. The new European directives based on Article 13 of the Treaty of Amsterdam will make a major contribution to this improvement.

Confidence and awareness of institutional mechanisms, where they exist, is also an area of concern for the EUMC, as these factors affect the accuracy and reliability of information and data. Beyond the technical aspects of data collection, they may have a direct impact on the effectiveness of the institutional framework to combat racial discrimination and xenophobia.

The institutional framework in EU Member States varies considerably. Although some Member States can claim to possess some form of institutional framework to deal with discrimination, ranging from independent specialised bodies to an Ombudsman, the powers, legal status and role of the various organs differ. Article 13 of the recently adopted Council Race Directive, ECRI General Policy Recommendation No. 2: Specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at the national level, and the various recommendations and reports from the United Nations related to

national institutions for human rights and to combat discrimination provide a basis for the establishment/designation of such institutional bodies.

**In Belgium**, there are constitutional provisions relating to equality for all Belgians. Articles 19 and 20 contain provisions on the freedom of worship. The Social partners concluded an agreement in 1983 which covers all grounds of discrimination mentioned under Article 13 EC Treaty. The National Labour Council has laid down rules in accordance with the agreement. The legislative Act on racism and discrimination of 1981 is part of criminal law and is based on the International Convention for the elimination of all forms of racial discrimination. The law also prohibits membership of a group or association that practices discrimination. In addition, the Act provides sanctions against persons who publicly state an intention to practice racial discrimination. The law of 12 April 1994 provides more stringent penalties for acts related to racial discrimination and is framed to enhance the deterrent effect and encourage prosecuting authorities to initiate proceedings.

In 1999, a turning point was reached in combating racism, xenophobia and Holocaust denial through the law. Legislation was enhanced in May, with the introduction into the Constitution of Article 150 giving summary jurisdiction over racist press offences. They are now no longer the exclusive competence of the *Cour d'assises* (Court of Assizes), but can be referred to a magistrate's court.

Moreover, legislative measures were taken against non-democratic political parties, which may encourage racism. Thus, the Act of 12 February 1999 (inserting an Article 15b into the Act of 4 July 1989 on control of electoral expenses and the funding of political parties) stipulates that any political party which *shows manifestly and through several corroborating indications its hostility towards the rights and freedoms granted by the European Convention on Human Rights* may be deprived of all or part of its public funding.

The Act of 7 May 1999 (amending the Acts of 30 July 1981 and 25 March 1995) empowers judges to impose an additional penalty of forfeiture of certain political rights, including eligibility for office, even for conviction for a first offence under either of these laws.

The Belgian Government has also proposed changes related to the acquisition of nationality. The changes proposed would aim to simplify and streamline the process.

At the institutional level, the **Centre for Equal Opportunities and the Fight against Racism** provides assistance to victims of racial discrimination and monitors the effectiveness of anti-discrimination legislation.

In a statement of 7 July 1999, the Federal Government publicly undertook to evaluate the effectiveness of enforcement of its current legislation against racism and revisionism, in association with the Centre for Equal Opportunities and the Fight against Racism. In October 1999, the Ministry of Justice asked the Centre for proposals to improve the Act of 30 July 1981. In addition, the Government urged greater commitment on the part of the judges of the country's various judicial districts.

**In Denmark**, the Constitution under Article 70 states 'No person shall for reason of his creed or descent be deprived of access to complete enjoyment of his civic and political rights, nor shall he for such reasons evade compliance with any common civic duty'. The reference to descent is aimed at racial discrimination. Furthermore Article 71 (1) guarantees the personal liberty of Danish citizens on the grounds of political opinion, belief and descent.

Over recent years several Acts have been passed covering specific areas of life to prohibit inter alia discrimination on grounds of race and religion such as the Act on Prohibition against Differential Treatment on Grounds of Race and the Act on Prohibition against Differential Treatment in the Labour Market. In the public sector the Principle of Equality in Administrative Law exists to ensure that all cases must be treated equally before the law and there shall be no discrimination with regard to right and access to public sector opportunities and facilities such as recruitment, education, training and public housing. In 1997, as part of collective bargaining, the social partners concluded a supplementary anti-discrimination agreement to prohibit discrimination in the workplace in the public sector.

In criminal law, the Criminal Code contains an anti-discrimination provision providing sanctions against the dissemination of racist statements and information. Propaganda can be considered as an aggravating factor during assessment of sentencing. The Criminal Code also prohibits racial discrimination in the access to commercial goods and services.

The new Act on Integration came into effect on 1 January 1999. The Act concerns the reception and living conditions of, primarily, refugees for the first three years of their stay in Denmark, and the aim of the Government has been to fulfil the objective of ethnic equality and improve the integration-process. But according to a number of NGOs, such as Mellempfolkeligt Samvirke, a part of the Act on Integration institutionalised Discrimination, because the Act institutes an unprecedented distinction between refugees and other members of the society with respect to payment of social welfare benefits. After concerns were expressed by various organisations the Minister of the Interior in November proposed an amendment to the provisions concerning special social welfare benefits for immigrants and refugees, and the amendments were planned to be adopted by the Parliament in 2000.

Throughout the year different political discussions have taken place among which most have concentrated on tightening up existing legislation on immigration and conditions for non-citizens, e.g. stipulations for family reunification and for obtaining Danish citizenship. According to various opinion polls the Danish People's Party, a political party whose programme is mainly built on an anti-immigration platform, has advanced considerably during 1999. The Party at one point suggested that it should be possible to expel whole non-citizen families from the country if one family member was sentenced for a criminal offence and expelled. After severe criticism in Parliament the Party later withdrew the proposal.

The Ministry of Justice in July set up a commission to assess the needs to incorporate into national legislation several human rights conventions, including the UN Convention on Elimination on all Forms of Racial Discrimination (CERD). The Commission is expected to finalize its work in 2001.

The institutional framework is centred around the **Board for Ethnic Equality and the Centre for Documentation and Counselling about Race Discrimination**. They both offer assistance to victims of racial discrimination.

The Board of Ethnic Equality proposed in 1999 the creation of an institution which can receive the complaints of ethnic discrimination, in accordance with a request made by the report of CERD, in March 1999.

**In Germany**, the Basic Law (Constitutional) provisions of article 3 (1) and 3 (3) exist that prohibit racial and religious discrimination and guarantee equality before the law. This principle of equality guarantees that statutes may not be applied differently in identical situations. Citizens who believe that they have suffered prejudice by public institutions may bring cases before the Constitutional courts. In the public sector, Civil Service Codes further supplement the principle of equality. In the private sector section 75<sup>60</sup> of the Works Constitution Act<sup>61</sup> deals with the issues of discrimination in companies where there is a works council<sup>62</sup>. The Criminal Code prohibits incitement to racial hatred and violence against certain sections of the population. It also prohibits attacking the human dignity of others.

In line with an ECRI recommendation the Government introduced a new law

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60 Section 75 is not applicable to discrimination in recruitment. It should be noted though that industrial tribunals often apply the basic rights of the Constitution as directly enforceable law to private employee-employer relationships

61 The Works Constitution Act is not applicable to enterprises and organisations which are directly and predominantly of a political, religious, charitable, educational, academic or artistic nature or which serve to report information or express an opinion, in as much as this would conflict with the nature of the said enterprise or organization – section 118 (1).

62 That is private sector companies which have at least 5 permanent employees

on naturalisation, the aim of which is to strengthen the process of integration of persons of foreign extraction by granting them German nationality more readily. This law was to come into force on 1 January 2000. It introduces criteria relating to the "right of birthplace" (*jus soli*), whereas the traditional German legal principle was founded solely on the "right of blood" (*jus sanguinis*). Thus, children who are born in Germany and both their parents are foreign, can become German citizens if the family meets a number of conditions (for example one of the parents has lived in the country for the preceding eight years).

On 1 February 1998 the Council of Europe Framework Convention for the Protection of National Minorities came into effect. The four national minorities, the Danish minority, the Sorbic people, the ethnic group of the "Friesen" in Germany and the German Sinti and Roma fall under the protection of this agreement in Germany. The European Charter for the Regional or Minority Languages of the Council of Europe took effect on 1 January 1999 in Germany.

At the institutional level, the Commissioner for Foreigners' Affairs (*Auslaenderbeauftragte*), both at the federal level and at the regional level is responsible for matters concerning the integration of migrants and minorities, reviewing policy and legislation in these areas and making recommendations. The Office also formulates suggestions concerning migration policy and anti-discrimination practices.

The Federal Commissioner is heard on all relevant issues regarding minorities and impacting provisions. Some regional offices provide consultation on foreigners' legislation, visas, family-reunification, access to housing and the labour market (legal advice) as well as intervention and mediation for discrimination cases and intercultural differences. These services are offered in several languages.

Funding is allocated to migrants' projects and intercultural activities that provide information on issues related to migration and cultural areas for example media work and public relations. Some offices (on the regional level) initiate and conduct education programmes and diversity training.

They act as a sort of "clearinghouse" for all issues, grievances, initiatives of good practice and policy development coordinating with all other Government offices, NGOs, religious denominations and social partners as a focus in mainstreaming multi-ethnic affairs.

**In Greece**, the Greek Constitution contains a prohibition of discrimination on the basis of racial or ethnic origin, religion or belief. There is no specific anti-discrimination legislation in civil or labour law, but legislative provisions which contradict the Constitution would be invalid. The Constitution contains a provision that states that international law and conventions form an integral part of domestic legislation and take precedence over domestic legislation in cases

of conflicting provisions. Criminal law prohibits acts or activities on the grounds of racial or ethnic origin and religion or belief. Under criminal law it is prohibited publicly to incite or provoke discrimination or to refuse the supply of goods or services.

The Government of Greece has signed various international and European level instruments to combat discrimination. In 1997, Greece signed the Framework Convention for the Protection of National Minorities, however according to ECRI<sup>63</sup> ratification still requires certain legislative and other amendments to bring Greek legislation in line with the commitments under the Convention. Greece signed the European Convention on Nationality towards the end of 1997 and has begun the preparatory work for ratification. It has signed the Revised European Social Charter and the European Convention on the Legal Status of Migrant Workers. Greece is also considering the signature and ratification of the European Charter for Regional or Minority Languages and the UNESCO Convention against Discrimination.

In June 1998, Greece repealed Article 19 of the Citizenship Code that had deprived almost 60,000 people of their citizenship, most of those affected belonged to the Muslim minority of Greece. The repeal of the Article did not have retro-active effect therefore former Greek citizens now have the option of applying for the cancellation of the decision or applying for Greek citizenship through the naturalisation process.

In the area of criminal law, a committee of experts in the Ministry of Justice has been established with the purpose of making proposals to strengthen anti-discrimination legislation.

Over the last few years, the Government of Greece has recognised some of the problems associated with irregular immigration and taken some action by Presidential Decree<sup>64</sup> to regularise the residence and employment status of immigrants. A regularisation process was launched in 1997–1998 involving two stages which results in immigrants being granted a “green card” that serves as a residence permit and allows the immigrants to live and work in the country for up to five years. Currently, 23,000 out of the 220,000 applications have been accepted. In addition, Presidential Decree 359/97 established a committee which examines pending applications and can issue green cards on exceptional and humanitarian grounds.

Three Presidential decrees were issued between 1998 and 1999. Decree 189/1998 regulates issues related to employment status and vocational rehabilitation, as well as asylum seekers and those resident in Greece for humanitarian reasons. Decree 61/1999 regulates the procedure to be followed for the reco-

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63 ECRI, Second Report on Greece, CRI (2000) 32, adopted on 10 December 1999

64 Presidential Decrees 358/97 and 359/97

gnition of refugee status and Decree 266/1999 regulates the functions of the ad hoc Centre for Refugees in Lavrion/Attiki as well as issues related to the social care of recognised refugees, asylum-seekers and persons provisionally resident in Greece for humanitarian reasons. Observers report that to assist the effectiveness of these positive developments provision of adequately trained staff should be ensured.

In the area of institutional mechanisms, Greece established in 1997 an **Ombudsman's office** to fight discrimination against minorities and promote respect for different cultures. Although still a relatively new institution, the office of the Ombudsman is reportedly having a positive impact in diverse areas such as naturalisation proceedings, protection of stateless persons, fair and equal treatment of aliens and providing assistance to victims in front of the relevant authorities.

In addition, in another positive development Greece established a **National Committee for Human Rights (NCHR)** in 1999. The NCHR is due to hold its first session in March 2000. A sub-committee dealing with the rights of aliens has also been created.

**In Spain**, Article 14 of the Constitution of Spain guarantees the principle of equality and non-discrimination for Spanish citizens. The principle offers protection in two ways. Firstly, the principle is binding on all public authorities and secondly, any citizen may make a claim for enforcement of this principle before the regular courts and the Constitutional Court.

There exists laws to combat discrimination in the areas of employment, the Workers' Statute provides protection against discrimination in recruitment and work and guards against discrimination in collective and individual agreements and unilateral decisions by employers. These provisions relate to employed persons and do not cover self-employed persons. The Penal Code has a range of sanctions from imprisonment to fines for discrimination at the work in the public and private sector.

On 22 December 1999, the deputies adopted by majority vote a new immigration law. The new Immigration Act is a clear improvement on the previous 1985 legislation and aims to guarantee foreigners the same conditions as Spanish nationals regarding the rights and privileges recognised by the Constitution. It will grant them the freedom to gather and associate, the right to education, social security, medical assistance and hospitalisation. All immigrants detained at the border will have the right to a lawyer and, if they are refused a residence permit, they may appeal under the new law. After five years in Spain they can obtain a permanent residence permit.

Political parties made efforts to give a more positive image of immigrants, in particular the contribution that they make to the Spanish economy. In October,

the government sent out a political signal to the country in the wake of an agreement reached with trade unions and employers with a view to doubling the number of immigrants coming into Spain in the next three years. Under the agreement, the Government will pay the costs of visas valid for nine months, finance transport and provide accommodation and medical assistance for one million seasonal workers who come to work during times of peak activity in agriculture and the construction sector, where labour is short.

In Spain there does not exist a body that specifically monitors the legislation and general issues relating to racial discrimination. Labour Inspectorates and Social Security Inspectorates exist to monitor implementation of legislation related to their fields.

In the area of Roma policy, Spain established a permanent consultative body, the **Consultative Commission**, that advises the Spanish Government on the Gitano Development Programme (GDP), which was created in 1988 and has the task of promoting equal opportunities and improving the social status of the Gitano population in Spain. The Consultative Commission is made up of ten members who represent NGOs working on Gitano community issues. Four represent national NGOs and the other six represent NGOs in the autonomous regions of Spain. The Commission is under the auspices of the Director General for Social Action for Children and the Family in the Ministry of Social and Labour Affairs which has responsibility for the GDP.

**In France**, the Constitution works on the principle that all citizens are equal before the law. On current interpretation of this principle minority groups as such are not recognised in France<sup>65</sup>. For instance, the Government of France signed in May 1999 the European Charter for Regional or Minority Languages. The Constitutional Court of France, however, in June 1999 ruled that certain general provisions in the Charter were against certain fundamental principles of the French Constitution. Given this situation, the Government of France has decided to apply those parts of the Charter, which were not deemed unconstitutional.

France has extensive legislation to counter discrimination and anti-racism ranging from the Constitutional provision of Article 2 to numerous articles in the Penal Code, the Law of the 29 July 1881 on the freedom of the press and the Law of 1 July 1972.

The question of to what extent the legislation should be contained under a single body of law was a subject of the Second Report<sup>66</sup> on France, of the European Commission against Racism and Intolerance (ECRI), Council of

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65 The EUMC notes the observation by the Government of France to the Second Report of ECRI

66 ECRI Second Report on France Adopted on 10 December 1999, CRI (2000) 31, Strasbourg, 27 June 2000

Europe. While noting the extensive and wide ranging nature of French law against racism, it remarked that “the relevant provisions [on racism] are scattered throughout French law and their implementation has not proven to be as effective as desired”. It therefore stressed the need for the introduction of a single and comprehensive body of anti-discrimination legislation that, based on the experience of other countries, “has proved a valuable tool”.

The Ministry of Justice undertook to improve the efficiency of judicial proceedings, in accordance with its circular of 16 July 1998, which called for public prosecutors to intensify their efforts to combat racism and to cooperate closely with the rest of the judicial system.

In line with this, the ECRI Report welcomed the proposed reform of the Labour Code to facilitate proof in cases of breach of the principle of non-discrimination. The proposal to allow the possibility of trades unions in agreement with the victim to initiate judicial proceedings in the cases of racial discrimination vis-à-vis an employee or an applicant also will contribute to strengthening protection and facilitating action against racial discrimination.

At the institutional level, the work against racism and discrimination is undertaken both in the context of assisting the integration of aliens resident in France and combating racism and discrimination.

The **High Council of Integration** is responsible for examining the conditions of integration of aliens resident in France, developing policy on integration, gathering information and data on immigration and integration and acting as an expert facility for the Prime Minister.

In 1998, a report by the High Council for Integration on the fight against discrimination and on respect of the principle of equality proposed the establishment of an institutional body working specifically on combating discrimination. As a consequence a member of the Council of State, J-M Belorgey, prepared a report<sup>67</sup> on the possible powers and make-up of the body. The Belorgey Report proposed among other things the establishment of an independent body capable of examining complaints, giving advice and negotiating with social partners on plans of action and codes of conduct.

The work on combating racism and discrimination has been a specific task of the **National Advisory Commission on Human Rights** (NACHR) since 1990. The NACHR has the task of monitoring human rights in France and providing opinions and studies for action by the Government. It is composed of Government representatives, members of the Council of State and the bench, the Ombudsman and representatives of civil society. It is attached directly to the Prime Minister’s Office. NACHR also publishes an Annual Report.

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67 Lutter contre les discriminations – Rapport a Madame la Ministre de l’Emploi et de la Solidarite, Jean-Michel Belorgey, Mars 1999

The French authorities established in April 1999 the **Groupe d'étude des discriminations** (GED), a public interest group with the task of analysing the phenomenon of discrimination on the basis of ethnic origin, providing recommendations and promoting awareness and information. GED is composed of representatives from different Government Ministries, the Social Action Fund for immigrant workers and their families (Government institution), the National Building Society for Workers (public enterprise) and an association of researchers. GED will work with other partners, public employment and training services and organisations active in the fight against discrimination. On 24 September 1999 GED held its first meeting.

France, as in some other Member States of the European Union does not officially categorise ethnic or racial groups in its data collection. The collection and monitoring of ethnic data is regarded as against the Constitution and prohibited by the Penal Code. This gives rise to restrictions in the ability of organisations to monitor racial incidents comprehensively and accurately and to collect relevant information to assess progress in developments to counter such discrimination. Information provided about the number and nature of incidents related on ethnic grounds may therefore be subject to underreporting and under-recording as in other Member States.

**In Ireland**, Article 40 of the Constitution of Ireland guarantees equality before the law and Article 44 concerns freedom of religion. The Employment Equality Act 1998, which came into force on 18 October 1999 and covers membership of the Traveller community, prohibits discrimination in relation to employment on all grounds covered by Article 13 EC Treaty. The Act, though, does not apply to self-employed persons. The Unfair Dismissals Act 1977–1993 prohibits dismissals based on grounds of race or ethnic origin and religion or belief.

The Equal Status Bill, published in April 1999, is currently before the Dail and is expected to come into force in 2000. This will outlaw discrimination in the provision of services and facilities, the disposal of premises, the provision of accommodation, participation in education establishments and participation in clubs and covers all of the grounds in Article 13 EC Treaty.

In criminal law, the Prohibition of Incitement to Hatred Act, 1989, prohibits the stirring up of hatred against groups of persons. The Act covers discrimination on the grounds of racial or ethnic origin and religion or belief. The Hotel Proprietors Act, 1963 provides an obligation to provide accommodation, food or drink on request unless there are reasonable grounds for refusal.

The Housing (Traveller Accommodation) Act 1998 obliges local elected officials to draw up and implement Traveller accommodation plans on a 5 year basis and requires Traveller input in the process. In the event of failure to agree on a draft plan, county and city managers are responsible for their adoption and implementation. According to Traveller groups, the Act has been implemented with mixed results during its first year.

The institutional framework consists of various bodies charged with dealing with discrimination and monitoring legislation. Under the Employment Equality Act 1998 the office of **Director of Equality Investigation** was established and provides the main forum for redress of first instance under the Act and an **Equality Authority**. The Equality Authority has been created to monitor and review the implementation of this legislation and as appropriate make proposals to the Minister of Justice, Equality and Law Reform to amend it.

The Ombudsman Act 1980 under section 4 (2) enables the Ombudsman to investigate any action in the performance of administrative functions by or on behalf of a Department of State or certain specified bodies, where it appears to the Ombudsman that the action has or may have adversely affected a person and the action was or may have been inter alia, "improperly discriminatory".

An important piece of proposed legislation is the Human Rights Commission Bill 1999. The Bill will establish a Human Rights Commission, a requirement of the Good Friday (Belfast) Agreement, to maintain an overview of the extent to which human rights are protected at both constitutional and legal levels, to assess the adequacy of the protection and to make recommendations to Government for the better protection of these rights. In addition, the Commission will be able to conduct enquiries and institute proceedings in certain cases.

A National Consultative Committee on Racism and Interculturalism was established in July 1998. The Committee cooperates with NGOs, state agencies, social partners and Government Departments. The objective of the Committee is to provide an ongoing framework to tackle racism and promote interculturalism by developing programmes and actions based on integration. It also advises the Government on racism and interculturalism.

A Committee to Monitor and Coordinate the Implementation of the Recommendation of the Task Force on the Travelling community was established in June 1998. The Task Force oversees the recommendations of the Report on the Travelling Community published in 1995.

**In Italy**, the Italian Constitution has no explicit prohibition of discrimination on the grounds of racial or ethnic origin and religion or belief, but Article 3 states that all citizens have equal social dignity and are equal under the law, regardless of sex, race, language, religion, political persuasion or personal and social conditions.

The Workers Statute prohibits discrimination on the grounds of racial or ethnic origin and religion or belief, but was superseded by the more detailed protection afforded under Law No. 40 introduced in 1998. Law No. 40 deals in general with the question of immigration and affords comprehensive protection and outlines a series of acts which can be regarded as discriminatory for the appli-

cation of the law. These acts cover much of the ground outlined in the proposed Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

In fact with Law No. 40 Italy has introduced legislation that puts it in a good position to protect the rights of those residing within its borders. The areas that have been identified for more examination relate to a sense on the part of some observers that Italy requires a more widespread conviction that the various forms of subtle or invisible discrimination should be treated with the same attention as the violent acts related to racial discrimination.

In the area of criminal legislation Law 654/1973 implements the International Convention on the Elimination of All Forms of Racial Discrimination and provides for sanctions for violations of the Convention.

Law No. 40 encourages regional governments in cooperation with provincial and municipal governments acting with voluntary associations to create monitoring, information and legal aid centres, this in general has not been acted upon. At the national level Italy does not at present have an institutional framework to monitor and provide assistance for victims of racial discrimination.

Under legislative Decree no. 286, 25 July 1998, the Consolidation Act of the provisions concerning the regulation of immigration and the rules on the condition of foreigners, the Government established a Commission for Policies for the Integration of Immigrants<sup>68</sup>. The Commission acts as an advisory board to the Government and deals with policies concerning the integration of immigrants, multiculturalism and the fight against racism. The Commission prepares an Annual Report to Parliament on the current state of implementation of policies to integrate immigrants. The Commission also has the remit to propose changes to improve policies and it responds to the Government on questions related to immigration.

The Government of Italy has issued at various intervals permits for stay to members of the immigrant population. In 1998 over 56,000 permits were granted an increase of 26,4% on the previous year. By January 1999, 275,000 had been granted<sup>69</sup>.

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68 The Commission for Policies for the Integration of Immigrants is headed by Professor Giovanna Zincone and is composed of academics and experts on immigration issues as well as officials in the Italian administration responsible for policy formulation on immigrants. It produced its first Report in 1999.

69 Commission for Policies for the Integration of Immigrants: Summary – First report on the Integration of Immigrants in Italy, November 1999

**In Luxembourg**, Article 10b of the Constitution of the Grand Duchy of Luxembourg guarantees equality before the law for all Luxembourgers. On legal effect of the constitutional provision, Article 2 of the Act of 27 July 1997 on the organisation of the Constitutional Court states that the Court shall rule on whether legislative Acts – with the exception of acts concerning approval of treaties – are in compliance with the Constitution.

In 1997, on the occasion of the European Year against Racism Parliament adopted various amendments to the Penal Code, bringing in comprehensive anti-discrimination legislation that included the grounds of race or ethnic origin and religion or belief. The Code covers the labour market, provision of goods and services and recruitment and dismissal among others.

The Charter of European Political Parties for a non-Racist Society, already signed in 1998 by the main political parties, has on the instigation of ASTI (Association de Soutien aux Travailleurs Immigrés) been signed by all parties having participated in the national and the European elections in 1999, and all delegates expressed their intention to refrain from use of the issues surrounding refugees or immigrants for electoral purposes or political use.

**In the Netherlands**, there is an explicit prohibition of discrimination on grounds of racial or ethnic origin and religion or belief in the Dutch Constitution.

The main body of law on the principle of equality and prohibition of discrimination is found in the Equal Treatment Act 1994. The Act further develops the principle of equality and non-discrimination contained in the Constitution and the various human rights conventions. The Act prohibits direct and indirect discrimination on grounds of, inter alia, race and nationality. The fields covered by the Act include employment, recruitment, labour conditions (including promotion), (vocational) training, remuneration and dismissal, advice or information regarding choice of education or career, and the offering of goods and services or concluding and implementing agreements.

There are exceptions to the Act to protect fundamental rights such as privacy, freedom of religion and belief, and freedom of education. Under the Act, the Equal Treatment Commission is responsible for monitoring compliance with the Act.

The Criminal Code prohibits discrimination on grounds of racial or ethnic origin and religion or belief. Ill-treatment, incitement to discrimination and violence against individuals are all prohibited. The penalties range from fines to imprisonment.

In a new development the Political Parties (Subsidies) Act entered into force on 1 July 1999. The Act includes anti-discrimination provisions that result in any party convicted of discrimination by a final and conclusive ruling loses subsi-

dies awarded under this Act and is no longer eligible for air time allocated to party political broadcasts.

The **Equal Treatment Commission** (ETC) forms the key body responsible for monitoring compliance with the Equal Treatment Act together with relevant articles in the Civil Code and Equal Opportunities Act. The scope of the ETC is broad: It examines whether specific instances of conduct are unlawful and makes recommendations. It can also refer cases to the Public Prosecutions Department or the civil courts.

At present the competence of the ETC will be part of an overall review of the Equal Treatment Act which is currently being undertaken by Parliament and is expected in 2000.

In 1998, a body was created to support the Public Prosecution Office to combat discrimination. It is called the **National Discrimination Expertise Centre** (Landelijk Expertise Centrum Discriminatie). The Centre is attached to the Public Prosecution Office and is there to provide advice on answering legal questions relating to the fight against racism. Its main tasks are to develop, maintain and organise expertise, for example by contributing to symposiums and training courses, to inform and advise the public prosecutor's offices at district courts, to coordinate current investigations and prosecutions, to organise regular consultations between public prosecutors and advocates general, to contribute to the development of national policy, to draft and distribute manuals, strategic plans etc. aimed at improving local law enforcement. In addition, all district courts have a public prosecutor with special responsibility for discrimination cases. There has been some criticism that few discrimination cases are resolved by the Public Prosecutor's Office, and judicial action seems inadequate.

**In Austria**, there is an equality clause and prohibition of discrimination on the basis of religion or belief in the Austrian Constitution. There is an administrative penal law which provides for fines against persons guilty of discrimination or restricting access to public areas or services on the ground of racial or ethnic origin and religion or belief. Business law empowers local authorities to withdraw operating licences from business owners who discriminate against persons on grounds of race or ethnic origin and religion or belief.

The Criminal Code contains provisions against discrimination on grounds of race or ethnic origin and religion or belief. The penalty is imprisonment for a maximum of two years.

Following the debate caused by the death of Marcus Omofuma, the Ministry of the Interior issued new guidelines in June 1999 concerning the expulsion of foreigners.

In addition, the Austrian authorities set up an Advisory Committee on Human Rights (Menschenrechtsbeirat) made up of eleven NGO and Government representatives. All its members were appointed by the Ministry of the Interior which will receive a yearly report containing observations, assessments and proposals. This report will complement the reports presented by the two Chambers of the Parliament. In its first report, published in October 1999, the Advisory Council analysed infringements of human rights during forced expulsions.

The first President of the Federal Parliament (Nationalrat) announced the setting up of a Parliamentary Committee on Human Rights for the next legislature. In addition, human rights coordinators were attached to all the ministries.

On 30 September, the Ministry of the Interior instructed the courts to institute enquiries into cases of complaints against police officers. In cooperation with NGOs, it also organised workshops for judges and prosecutors on issues arising from racism.

**In Portugal**, there is an explicit prohibition of discrimination on the basis of racial or ethnic origin and religion or belief in the Portuguese Constitution. In addition, various articles protect the fundamental rights of workers. The ratification of the International Convention for the Elimination of All Forms of Racial Discrimination and other international human rights instruments reinforces this principle. The principles and norms of international law have become part of domestic law under Article 8 of the Constitution.

There are provisions in the Portuguese Penal Code against racial discrimination with prison sentences of between one and eight years for persons setting up organizations or issuing propaganda activities that provoke, encourage discrimination, hate or racial violence. Anyone participating or financially supporting such activities may receive similar penalties. In addition, the courts are empowered to take into account the motives behind the crime when determining the length of the sentences. Changes made to the Penal Code in 1996 introduced reference to religious discrimination.

In March 1999, two laws against racial discrimination were unanimously adopted by the Parliament. The Portuguese Constitutional Law Article 13 states that a person cannot be discriminated against for reasons of sex, race, language, nationality, religion, political or ideological ideas. The anti-discrimination Law (134/99), prevents and prohibits racial discrimination in all its forms, especially with regards to the labour market, health, education and social rights. The new Anti-discrimination Law also provides for an Advisory Committee for Equality and Against Racial Discrimination. The Committee is responsible for promoting studies on equality and racial discrimination, supervising enforcement of the law, and making legislative proposals considered suitable for the prevention of all forms of discrimination. Positive discrimination is considered

an important instrument to guarantee equal access to social, economic and cultural rights by members of underprivileged groups, such as immigrants and ethnic minorities.

At the institutional level, Portugal has an Ombudsman whose main role is to defend and promote legitimate interests of citizens and in 1996 the Portuguese Government established the Office of High Commissioner for Immigrant and Ethnic Minorities whose task it is to promote integration of immigrant families and ethnic minorities into Portuguese society. The Office of the High Commissioner has a Documentation Centre which provides information on several initiatives such as those related to the Roma/Gypsy community.

A Working Group for the Equality and Inclusion of the Roma Community (Grupo de Trabalho para a Igualdade e Inserção dos Ciganos) was set up by resolution 175/96 of the Council of Ministers. Its aim is to analyse in detail the integration difficulties of the Roma community in Portuguese society and provide advice and proposals to contribute to the elimination of situations of social exclusion.

**In Finland**, the Parliament of Finland approved a new Constitution in early June 1999. The Constitution will enter into force on 1 March 2000. The Constitution will no longer list offices and duties to which only Finnish citizens can be appointed. There are provisions in Finnish Labour legislation that explicitly prohibit discrimination on grounds of racial or ethnic origin and religion or belief. The Finnish Criminal Code classifies racial discrimination as a specific crime with penalties ranging from fines to six months imprisonment.

Several new pieces of legislation related to anti-discrimination were either proposed in 1999 or entered into force. These included legislation concerning education whereby the possibility of languages taught as the mother tongue of the student can be extended to cover the native language of the student. A new Act on the Integration of Immigrants and the Reception of Asylum Seekers entered into force on 1 May 1999. The Act provides for a plan to integrate the individual immigrant or family. Through the plan integration is promoted across a wide field of social services and resources. Cooperation to aid integration is undertaken at various levels of the local bodies and includes the non-governmental organisations and religious communities.

Furthermore an amendment to the Aliens' Act entered into force on 1 May 1999. It improves the legal protection afforded to immigrants by its reference to the Administrative Procedure Act. Positive aspects include an obligation to actively assist asylumseekers. This can include the preparation and translation of documents and the provision of adequate counselling. The right of appeal has been extended and provisions for the reunification of families clarified through the definition of family members.

A Personal Data Act entered into force on 1 June 1999. The Act contains provisions on the prohibition of the treatment of information describing or intended to describe race or ethnic origin.

Finland has signaled its intention to create a separate body to deal with ethnic discrimination. In the Spring of 1999 preparations began for extending the field of activity of the **Ombudsman for Aliens** to cover ethnic minorities and ethnic discrimination. In the process the Ombudsman for Aliens will be renamed the **Ombudsman against Ethnic Discrimination**.

The Ombudsman for Aliens operating under the Ministry of Labour provides advice and assistance for individual foreigners and arranges legal aid.

An **Advisory Board for Ethnic Relations** (formerly Advisory Board for Refugee and Migrant Affairs) operates under the Ministry of Labour. It is composed of members of Government ministries, organisations representing migrants, religious communities and the municipal labour markets. The role of the Advisory Board is to advise the ministries in Government on issues related to refugees and migration as well as ethnic relations. It cooperates with different ministries in the development, planning and monitoring of these issues. An **Advisory Board for Roma Affairs** also exists to handle issues relating to the Roma community and prevent social exclusion.

**In Sweden**, there are prohibitions against ethnic and racial discrimination in the Swedish Constitution. The Constitution also contains a provision guaranteeing freedom of religion. In the area of civil and labour law a new law, the "Act on Measures to Counteract Ethnic Discrimination in Working Life" came into force on 1 May 1999. The new law prohibits discrimination on grounds of ethnicity, including race, colour, ethnic or national origin. The Act applies to those who are employed and to those who are seeking a job. Both direct and indirect discrimination are covered, as well as private and public sectors.

The Criminal Code prohibits discrimination on the grounds of racial or ethnic origin and religion or belief. Penalties range from fines to a maximum prison sentence of one year.

In 1999 the Swedish Government proposed an action plan for the protection of national minorities in Sweden, in accordance with the European Convention for the Protection of National Minorities and the European Charter for Regional or Minority languages.

With a view to promoting cultural diversity in all areas of society, the Government introduced a number of measures in June 1999, including an action plan for diversity applying to all Government administrative bodies. Public authorities were requested to implement action plans for the promotion of ethnic diversity and were required to participate in the integration of immi-

grants. A commission was to be set up to analyse and evaluate the results of this policy, whose conclusions the Government aims to present to Parliament in 2000.

In December 1999 the Swedish Prosecutor-General presented a comprehensive plan of action furnishing the country's prosecutors with overall guidelines for their effort to combat racist and xenophobic crime. All offences where a racist or xenophobic motive is suspected are to be lifted out and given special priority.

The Swedish Government began an examination into how provisions on unlawful discrimination can be made more effective. The results are expected in 2001.

The **Ombudsman against Ethnic Discrimination** was established in 1970<sup>70</sup>. In 1999 the Ombudsman was given an increase of 60% in its resources, to be able to implement the new law on discrimination in employment. The Ombudsman assists victims of discrimination and has in certain circumstances a right to plead a person's case in court. The Ombudsman has also an enforcement role concerning measures for ethnic diversity.

**The United Kingdom** has an 'unwritten' Constitution. The recent introduction of the Human Rights Act provides further protection against discrimination and gives effect to provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Implementation, which is due in late 2000, will include prohibition on grounds of race and religion.

In Great Britain, specific legislation related to civil and labour law to counter racial discrimination is contained in the Race Relations Act 1976. The scope of the Act covers the fields of employment; education; training and related matters; the provision of goods, facilities, services and premises; and the disposal and management of premises.

In Northern Ireland (NI), the Race Relations (Northern Ireland) Order 1997 based on the Race Relations Act but designed to meet the situation of Northern Ireland prohibits direct and indirect discrimination on racial grounds unlawful in employment and training matters. It also makes specific reference to Irish Travellers as a racial group.

As part of the Stephen Lawrence Inquiry Report a recommendation to extend the scope of the Race Relations Act to include the Police Force has been accepted by the Government. It was also established by the case of *Commission for Racial Equality v Dutton* that Romany gypsies constitute a racial group for the purposes of the Act.

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70 <http://www.do.se>

Though the Race Relations Act does not make specific mention of every conceivable ethnic and religious minority group in the UK, the House of Lords decided in 1983 in the case of *Mandla v Dowell Lee* that to be considered an 'ethnic group' under the Act it had to 'regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. It is essential that there is (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; (2) a cultural tradition of its own, including family and social customs and manners....'

The Race Relations Act established the Commission for Racial Equality (CRE), part of whose task it is to review the Race Relations Act. The last review<sup>71</sup> was undertaken in 1998 in which the following amendments were proposed:

- the Race Relations Act should declare that, in all areas it covers, everyone has a positive right not to be discriminated against on grounds of race, colour, nationality, citizenship, or ethnic or national origin
- people should have a positive right not to be discriminated against by any public body, and it should be unlawful for any public body to discriminate against anyone on racial grounds
- all public bodies should have a specific duty to work for the elimination of racial discrimination and to promote equality of opportunity
- all new legislation should be consistent with the Act
- principles established by European legislation or European Court of Justice decisions should be reflected in UK law.

Specific recommendations were also made in the following areas: defining indirect discrimination and victimisation; widening the scope of the Act; limiting exceptions to the Act; improving mechanisms for bringing about change in organisations' cultures and practices; making legal procedures more effective.

The UK Government responded in December 1999 through the publication of the Race Relations (Amendment) Bill. The Bill has yet to make its passage through the House of Commons though it is expected to complete its passage towards the end of 2000. Though the Amendment Bill does not include all proposals from the CRE it does include a positive duty on public authorities to promote racial equality and extends the indirect discrimination provisions to public service functions.

In the area of criminal law, the Public Order Act prohibits incitement to racial hatred. In 1998 the UK adopted the Crime and Disorder Act which introduces higher maximum penalties for racially motivated crime, or offences involving racial hostility. In Northern Ireland, the Public Order (NI) creates a series of offences relating to the dissemination or propagation of fear or hatred.

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71 Reform of the Race Relations Act 1976: Proposals for change submitted by the CRE to the Rt. Hon Jack Straw MP, Secretary of State for the Home Department, on 30 April 1998

The UK has two independent bodies, the Commission for Racial Equality (CRE) covers Great Britain and the Equality Commission (NI) covers Northern Ireland, that work towards the elimination of racial and religious discrimination. In addition, the Government has set up political bodies that serve to give advice and contribute to the development of policy in this area.

The **Commission for Racial Equality** (CRE) was set up by the Race Relations Act 1976. The CRE has three main duties: to work towards the elimination of racial discrimination and promote equality of opportunity; to encourage good relations between people from different racial and ethnic backgrounds; and to monitor the way the Race Relations Act is working and recommend ways in which it can be improved.

In Northern Ireland, the Northern Ireland Act 1998 established a Northern Ireland Human Rights Commission and an Equality Commission<sup>72</sup>, both of which are aimed respectively at granting better protection for human rights and ensuring equality of opportunity in areas related to the public sector in Northern Ireland.

The **Equality Commission** started work on 1 October 1999 and will work alongside the Northern Ireland Human Rights Commission. The Equality Commission will review the effectiveness of equality of opportunity as regards public authorities in Northern Ireland. In doing so it will provide the public authorities and others with advice, prepare guidelines on equality schemes and monitor and evaluate their effectiveness. The public authorities in NI are also required to promote good relations between people of different religious belief, political opinion or racial group – bringing into effect, for the first time, a statutory duty to address issues of community relations and reconciliation.

Other institutional mechanisms and bodies exist to support the work against discrimination on the grounds of race and ethnicity, religion or belief. They include the Race Relations Forum created by the Home Secretary, the Social Exclusion Unit (SEU), launched in 1997 by the Prime Minister, and numerous organisations targeting discrimination in specific employment sectors.

In 1998 with the support of the Commission for Racial Equality eight Irish Travellers brought a case before the Central London County Court alleging that they were refused service at five pubs in North London because of their ethnic origin. The decision of the Court will have further important bearing on the classification of minorities for the purpose of the Race Relations Act.<sup>73</sup>

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72 Under the Northern Ireland Act 1998, the separate equality bodies in Northern Ireland (NI) – the CRE (NI), the Fair Employment Commission, the Equal Opportunities Commission (NI), and the Disability Council – were merged to form a new Equality Commission.

73 On 29<sup>th</sup> August 2000, the Court found in favour of the Irish Travellers who are now classified as a minority for the purpose of the Race Relations Act in Great Britain

Almost unique in the European Union, the UK publishes extensive data based on ethnic minority categorisation. From 1998 ethnic monitoring data on the criminal justice system was published and made publicly available. In all, therefore, ethnic monitoring data includes information on the ethnic background of the general population, racial incidents, the criminal justice system and public appointments such as holders of judicial office. The UK Government has also initiated a programme of staff targets for ethnic and other minorities within the public services such as the Prison, Police, the Fire and Probation Services.

The UK Government also extended, from 1999, ethnic monitoring data on notifiable arrests to include breakdown by gender, age and offence group. As yet the UK does not collect data on religious or belief affiliation but may consider it for the Census in 2001.

## **2.2 EDUCATION, TRAINING AND AWARENESS-RAISING**

In Europe, experience from various initiatives and the European Year Against Racism have shown that legislation, though crucial in the fight against racism, requires supplementary and complementary action in other spheres. These include education and training and information and communication campaigns to raise the awareness of the public to issues surrounding racism and xenophobia. These actions may not necessarily result in immediate changes to the situation but require time and patience, and the development of a culture of trust and understanding between communities. The media itself has a valuable role to play as its actions can promote or undermine various initiatives.

Educationalists have demonstrated that very young children do not make distinctions between children of different skin colours or ethnic origin. However, they very quickly fall into the temptation of discriminating and excluding. For some specialists, racism is a "cultural" phenomenon, in other words it is accepted or promoted within a social group through stereotypes or beliefs. Anti-racism is not spontaneous among the young. It must be the subject of education, of a learning process.

Where the absurdity or danger of racism has not been taught to children and adolescents, professional training, above all in sensitive professions such as the police, can help instill awareness.

The difficulty of this preventive action lies in the fact that young schoolchildren are in most cases influenced by their immediate environment, principally the family which may, consciously or not, convey racist ideas, and in the many interests of school children anti-racism is not always highly rated or fully promoted.

Values of tolerance, respect for others, compassion, justice and equality must be shared by all European youth. The ways and means to achieve this may differ from one country to another.

The role of the media in combating racism and xenophobia, whether by informing or educating, is crucial. European media frequently rejects any code of practice governing their informative role. The way in which news items on racism are treated is however very sensitive.

The EUMC organised together with the Westdeutsche Rundfunk, assisted by the European Institute for the Media and European Broadcasting Union a Media conference in May 1999 entitled "Cultural Diversity – Against Racism" to identify some of the issues that most affect the media in reporting and representation of ethnic minorities. It was the fact that the media itself has not shown a consistent application or even attachment to codes of conduct that the EUMC decided to invite media representatives to put forward recommendations and suggestions.

Some journalists are reluctant to accept full responsibility for their treatment of information concerning racism. The perceived need for spectacular news often cancels out any educational role which the media could play. Apart from during violent upsurges of racism which sway public opinion, the media is not generally prepared to conduct prevention campaigns. One of the EUMC's tasks is to make them aware of their crucial role in combating racism, not only in moments of crisis, but on an ongoing basis.

**In Belgium**, the Ministry of Justice, in cooperation with the Centre for Equal Opportunities and the Fight against Racism (CEOFAR), set up a training programme for the judiciary entitled: "Immigrants and the judiciary: suppression of racism and xenophobia". These decentralised training sessions form part of the training of the judiciary. They took place from March to May 1999 in ten judicial districts, attended by examining magistrates, magistrates for the children's tribunal, magistrates court judges, public prosecutors, legal trainees and representatives of the police and gendarmerie.

In proposals made in 1999 concerning the recording of complaints by the police services, CEOFAR requested that the police should be trained in communication and intercultural diversity and that they should take more care in drawing up statements concerning complaints of racism.

CEOFAR set up good practices in 1999, such as a public awareness campaign for companies in each region. There are still ongoing discussions between the companies and trades unions about the impact of new EC legislation based on the experience of companies on case law relating to gender equality legislation. Discussions also highlight that codes of conduct should be established in private companies as well as public authorities which have the full support of employers and employees.

With regard to the media, the role of the media in combating racism and xenophobia has been stressed in two reports by the European Commission against Racism and Intolerance (ECRI), where it is noted how media in Belgium often contribute to reinforcing prejudice and racist attitudes towards members of minority groups.

A joint circular from the Ministry of Justice and the Principal Crown Prosecutor's College came into force 15 May 1999, and it stipulates that the authorities may, on their own initiative, communicate only certain types of personal information about individuals under investigation – namely their sex, age and, in some cases, place of residence. Other personal information, on ethnic origin or nationality, for example, may only be communicated if relevant. The purpose of the circular is to help to avoid the stigmatisation of minorities, and contribute to the general policy of combating racism.

**In Denmark**, the training programme for police personnel comprises tuition in human rights and knowledge of the role of the police in a society with many ethnic minorities as well as knowledge of the influence of culturally conditioned conduct on the interaction between aliens and the police.

The Copenhagen police has participated and co-operated with a number of NGOs and the Documentation and Advisory Centre on Racial Discrimination (DRC) in a pilot project concerning the training of police officers in anti-discrimination and ethnic equality. In 1999, 14 courses of three day sessions on human rights, anti-discrimination legislation and enforcement in a multicultural society have been carried out. In addition, several large police districts have implemented a number of initiatives in relation to ethnic minorities, continuing dialogue with ethnic minorities being a central element.

One of the positive elements in the public debate on refugees and immigrants in 1999 was that there seemed to be a growing understanding of the importance of immigrants' access to the labour market and an awareness of the actual problems Denmark has in this field.

The social partners participated in a conference – the so-called “Stafet-konference” – held by the Board of Ethnic Equality in March 1999, and both the employers' and the employees' associations agreed to take concrete actions against the problems. In November the Government set up a tripartite committee that was given the task of submitting proposals for initiatives, which may contribute to improving the integration of ethnic minorities into the Danish labour market.

Beside that several concrete initiatives were introduced: regional employment services have engaged special consultants with expert knowledge about ethnic questions; and specially organised bridge-building projects were initiated with

a view to enabling young and unskilled persons to undergo training programmes and find their own way into Danish society.

In the area of the media, a number of ethnic minority groups, especially in the big city areas, have received licences to broadcast locally. A fund of Dkr 50 million for the local broadcasting and television stations is administered by the National Radio and Television Committee and a number of local licensees offer programme services for ethnic minorities.

The Danish media coverage of ethnic minorities in general is still criticised by NGOs and ethnic minorities for having a major focus on “immigrant crime” and negative episodes and stories. Even though a growing number of members from ethnic minorities participate in the public debate in the media, their role is often still limited either to complain against discriminatory treatment by institutions or to adopt a defensive position, refuting accusations against their groups. But the awareness of making ethnic minorities visible in the media is growing among editors and journalists. At the same time Denmark has got two new schools of journalism, and now having three schools in all, more members of ethnic minorities have got access to education within the media.

**In Germany** several projects targeting youth groups have proved successful. Within the framework of the Federal “Child and Youth Plan” to promote youth work (KJP) “political education” continues to be promoted. Important is also the promotion of intercultural education and the effort toward integration.

The “Coordination department of fan projects”: there are projects aiming to counteract the occurrence of violence by young people in connection with football games; the “Centre of action, information and documentation against xenophobia” (IDA) of the youth federations and German youth initiatives offers federal youth work against racism and xenophobia; “Rock from the right”: is a media educational service about developments in the music scene. The Film project “CUTOVER” is a media educational project for Youth Clubs and schools. There also exists selected projects for cultural youth education like “Rap for courage”, videos against prejudice and violence (e.g. “violence is speechless”).

Specific measures in connection with international youth work include supporting solidarity projects in integration work, the organisation of travel to memorial sites and former concentration camps and information magazines (“understanding foreigners” understanding “Islam”, “Buddhism”, “Judaism”).

In the Anti-Racist Youth Work in Germany the following “good practices” proved particularly successful: Cross-cultural work, Diversity Training (e.g. trans-national project: “A World of Difference” by the Anti-Defamation League).

Another success was the programme for social integration of foreigners. Some key areas are:

- occupational integration, in particular the promotion of young foreigners with the transition from school to professional occupation;
- social and occupational integration of foreign women;
- improvement of local community co-habitation; (mediation in community projects)
- relevant information measures and training of multipliers (teachers, educators, etc.).
- cross-cultural conflict management in business (various proven training projects).

In connection with improving the dialogue with Muslim organisations, a pilot project “Integration of Muslims and Muslim Organisations in Germany” was started in 1999.

**In Greece**, the two human right organisations in Greece – Minority Rights Group and Greek Helsinki Monitor<sup>74</sup> have started an examination of a new co-operative project. One is the opening of a day care and educational centre for the Muslim and Roma minorities in Votanikos (in the city of Athens). The two human rights organisations will develop educational material that show respect for the Muslim minority culture.

**In France**, several initiatives were launched by NGOs in 1999. An association “Au pays de mon papa” (In my father’s country) offered nursery and primary school children the possibility of discovering the customs and life styles of a dozen countries from which immigrants originate in order to promote awareness of, and learn tolerance and respect for different cultures.

The anti-racist association MRAP set up a newspaper for children (7–13 years) on the Internet. It produced two videograms intended as support material for primary school teachers for stimulating debate with their pupils, with the title: “All friends, all humans, all equal”. It also produced a game entitled “Game of law: racism offside”, for children from 8 to 13 years, the aim of which is to make them aware of the provisions of the Act of 1 July 1972 combating racism, and its subtleties.

**In Ireland**, the police have taken a series of new initiatives to the challenge of policing Ireland’s multi-ethnic society. In the framework of the pan-European programme “Police and Human Rights 1997–2000” the Irish police, An Garda Síochána, developed education/training designed to introduce respect for human rights and personal dignity, and it was planned to establish a new intercultural unit within the police at the end of 2000 to deal with diversity.

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74 <http://www.greekhelsinki.gr>

The police has also taken initiatives to collect figures on racially motivated attacks. To date no incidents have been recorded as racist, but more detailed records will be kept within the next two years with the full implementation of the computerised PULSE system.

The Irish Government launched the Traveller Communication Programme in October 1999. The objective of the programme is to address the underlying causes of mistrust between Travellers and the settled community, and to promote greater understanding between both communities. Implementation of the programme is managed by an independent committee composed of four Traveller organisations.

The programme has been given a corporate identity i.e. logo and visual image entitled "Citizen Traveller". The programme was launched using national and local media.

An ongoing project is a Small Grants Fund which was established to encourage Traveller organisations to improve communication and media skills and have access to training opportunities across a range of media, communication and the arts.

**In Italy**, several studies have shown that children of Roma, Gypsy and Traveller families do not attend school or drop out of school. A pilot project was initiated in 1992 in several Italian schools in Turin, Udine and Milan to brake this trend by initiating Cultural mediators in schools. The mediators are trained persons with Roma, Gypsy and Traveller origins.

The task of the cultural mediator is to support the Roma, Gypsy and Traveller children who have difficulties in class and in linguistic workshops. They are mandated to support the children in their first steps in school, assisting them with language problems and by developing good relations with their families. To function as a mediator between schools and camps is important. There is a need to raise parent's awareness of the importance of school in children's development. Another task for the mediators is to contribute to the knowledge of these groups' culture in the Italian schools.

The pilot project is considered a success, according to Opera Nomadi. At the end of 1999 six cultural mediators were operational in the Turin municipality. The success has been followed by a national experiment within the European Socrates Comenius.

**In Luxembourg**, the police received training on human rights issues in 1999 and ASTI (Association de Soutien aux Travailleurs Immigrés) organized inter-ethnic information courses for future policemen and women.

Several multicultural programmes have been initiated to bring together people

from the different communities and promote tolerance and good relations between all residents of the Grand Duchy. In particular projects have been launched with young immigrant and refugee children and old aged people from the neighborhood and early learning courses of the Luxemburgish language, homework-help courses and social events.

**In the Netherlands**, in the area of linking commercial goals to social commitment, communicating across social sectors and between communities, the work of the Good Company has attempted to demonstrate the positive effects of minority integration for both society and business. The project involved introducing managing directors of companies to projects that were proving successful in the integration of minorities and encouraging them to reproduce the success in their own businesses.

In another project, the Anne Frank House has been working with Dutch employers since 1996 in a project named "Employers Do More". The goal of the project is to stimulate employers to take action on intercultural management. The Employers Do More project produces a quarterly newsletter and has published six brochures on different aspects of intercultural management, such as recruitment, introduction and mentoring, intercultural communication and the Dutch Law. In addition, the project includes an activity called "Meeting the Mayor" that brings together employers' organisations and the Mayor of a Dutch city to discuss the situation of migrants in the local labour market. So far fifteen cities have taken part and with the encouragement of the Dutch Government the project aims to organise meetings in more than 30 cities.

The problem of under-performance or failure to act by key players at the local level has prompted a project developed by RADAR (Rotterdam anti-discrimination centre). The project aims to optimise and professionalise cooperation between the police, Public Prosecution Service, local government and the local anti-discrimination center in tackling discrimination. Training courses are organised which identify the specific problems arising in the individual institutions and in the process of cooperation. A plan of action is then drawn up using this information to improve the effectiveness of action against discrimination.

**In Spain**, newspapers generally give a less negative image of foreigners than the rest of the media. For example, on 27 October 1999, the newspaper "El Mundo" published an article which directly attacks the widely held myth of immigrants taking other people's jobs and not paying tax or social security. The Article shows that 51% of foreigners living in Madrid contribute to the social security system as compared with only 40% of Spaniards.

**In Austria**, various initiatives were launched in 1999 by both the Ministry of Education and NGOs to complement teacher training, create pilot projects for prevention of racism in the classroom, teach the philosophies behind other cultures and instill human rights.

The Ludwig Boltzmann Human Rights Institute devoted a great deal of energy to anti-racism, in particular by proposing an anti-discrimination bill, pursuant to Article 13 of the Treaty of Amsterdam.

To promote best practices, the Ministry of the Interior, in cooperation with representatives of NGOs (Amnesty International, Caritas, Volkshilfe), has developed training sessions for police officers, which are intended to counter-act prejudices and racial discrimination.

In the area of media, in 1999, television channels and radio stations receive public funding for producing programmes to enhance awareness of the different ethnic groups present in the country. However, production of these programmes can be promoted by only a few decision-makers in this section of the media.

As a response to political developments in Austria some Austrian NGOs have started new initiatives in various fields to increase public awareness of the importance of issues of racism and xenophobia. Examples include the *Österreichisches Netzwerk gegen Rassismus*, *Demokratische Offensive*, *Land der Menschen*, *Ansteckende ausländerfreundliche Aktion*, und *Österreichisches Netzwerk gegen Rassismus* who have proposed an Anti-Racism Codex during regional election campaigns. However, only 5 out of 14 regional political parties were signatories.<sup>75</sup> The *Demokratische Offensive*, is a platform of political activists, they have organised anti-racism events, i.e. the December demonstration under the heading "No Coalition with Racism".<sup>76</sup> The association *Land der Menschen*, whose members conduct community projects, engaged people in various settings, i.e. public housing projects, and discussed with them experiences of daily living among people who are ethnically diverse.<sup>77</sup> *Helping Hands* provides a hotline for concerns regarding racism and xenophobia, offering free legal counselling and educational support for children whose mother tongue is not German.<sup>78</sup>

**In Portugal**, the Portuguese Government with financial support from European Funds has launched a number of public programs since the beginning of 1990, aimed at integration of immigrants and ethnic minorities. These programs are directed towards the labour market and the educational system, to guarantee a minimum wage, employment, housing, health, social education and rescue the numerous resident minority groups from social exclusion.

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75 Contribution to the Annual Report on Racism 99 from the Institute of Conflict Research (Institut für Konfliktforschung – IFK) and Caritas Vienna (Caritas Wien, Beratungsstelle für Ausländer und Ausländerinnen)

76 Contribution to the Annual Report on Racism 99 from the Institute of Conflict Research (Institut für Konfliktforschung – IFK) and Caritas Vienna (Caritas Wien, Beratungsstelle für Ausländer und Ausländerinnen)

77 Land der Menschen (<http://www.landdermensen.at>)

78 Helping Hands (<http://www.helpinghands.at/englishstart1.htm>)

One such project includes cooperation with the Portuguese Mission of the International Organisation for Migration called “In Each Face...Equality” which will deliver an interactive website to provide immigrants, ethnic minorities and the Portuguese society better access to information and documentation on rights and obligations. A Centre for Information and Documentation will also be established at Benfica, in Lisbon.

Other initiatives have been taken by the Local Authorities to encourage Roma children and children of other underprivileged groups to exercise their right to education. As in Italy there has been special training of Roma mediators to act as links between the Roma community and the public society. On a national level the Ministry of Education has set up specific training programmes for the teachers to meet with the needs of socially deprived children and to make sure that all children regardless of ethnic origin and social family background receive proper primary education.

**In Finland**, the current Finnish Government programme has highlighted the importance of good ethnic relations amongst its citizens and action to combat discrimination both through legislative initiatives and activities of Finnish authorities. In line with this the Government is launching an Action Plan against Ethnic Discrimination and Racism.

The Plan will cover all levels from the local to the national and will run from 2000–2003. The Action Plan will target new immigrants, as well as immigrants who have resided in Finland for allong period, other groups include second generation immigrants, historical ethnic communities such as Sami, Roma, the Jewish population, Tartars and the Russian population. With the help of this programme the Government will also raise the profile of ethnic minority and immigration issues and highlight positive contributions that they can make to Finland.

The results of the “Towards a tolerant Finland” programme of action undertaken under the aegis of the Advisory Board for Ethnic Relations will be published in 2000.

An urban project that has succeeded in gaining the trust and cooperation of the ethnic minority and immigrant communities is the work undertaken by the Helsinki City Sports Department. The aim was to promote the role of ethnic minority and immigrant communities in the planning and organisation of sport. Job opportunities were also created within sports clubs and organisations.

A special education and training project has been broadened to the national level. It was launched by the Romano Mission and is called “From School to Working Life”. It aims at helping non-educated Roma acquire basic education and equal status in the labour market. Roma children will be encouraged from

nursery school onwards to acquire education. Members of the Roma community are also trained to act as mediators between the Roma and relevant members of Finnish society.

**In Sweden**, various initiatives were launched in 1999. The Police National Academy included courses on human rights in its training programmes and a series of lectures on immigration policy including issues concerning multicultural society with a view to gaining a better understanding of immigrants and ethnic minorities. Questions relating to ethnic minorities were also treated in the education and training of law officers and judges. The prison administration organised special training sessions for prison staff in order to counter prejudices, xenophobia and racism.

The Swedish Government initiated the project Living History, 1997. The purpose of the project was to inform about the Holocaust, which included as well political manifestations, information booklets to all schoolchildren and activities in all levels of the education system as well as in all museums. In 1999, the Government appointed a committee to deal with issues relating to democracy, tolerance and human rights. The project concluded in January 2000, with a conference on the major Holocaust.

The Swedish Government has also initiated an investigation regarding the situation for girls with "different cultural background". The reason was a report from the Swedish School administration, showing that almost 40 percent of the youth with foreign background, especially girls, fail to graduate from Swedish secondary schools within four years.

The Swedish Government gave instructions to the national police and the public prosecutor for increased vigilance in the prevention of the racism. The national police published a manual detailing strategies for finding information on and investigating racism and for improved cooperation between departments. Training is provided at both national and local level. The police improved its information sources in order to step up the monitoring of racist movements and take preventive measures.

The Government has decided that the authorities responsible for the judicial system, shall give priority to criminal offences with racist, xenophobic and homophobic overtones. Police and prosecutors are gradually developing strategies and methods for dealing with these crimes.

The National Prison and Probation Administration in Sweden has been specifically charged with drawing up a strategy for preventing inmates erecting or maintaining criminal networks. At a dozen institutions, the prison authorities have applied a special method (MOD) for dealing with prejudice and xenophobia. The staff were given special training in 1999.

A project called EXIT, was given governmental financial support, to help people who want to leave the Nazi movement. EXIT has about 60 contacts with people who have sought help from the project.

The information project Quick Response, was initiated in order to gauge attitudes on questions concerning immigration. Quick Response, a youth group affiliated to the Swedish Red Cross, has to watch the media and respond, by means of consulting a number of experts, to erroneous or biased statements. Quick Response also works through providing journalists, students and individuals with facts and background information on multicultural questions. On the homepage an overview of nationwide media coverage on multicultural issues is published daily<sup>79</sup>.

One of the most prominent reactions against Nazi violence came from the four nationwide newspapers in Sweden: Dagens Nyheter, Svenska Dagbladet, Expressen and Aftonbladet who published the names and photographs of 62 people connected to Nazi organisations in Sweden. The week before another newspaper, Sydsvenska Dagbladet, published a similar article, focusing on Nazis in southern parts of Sweden.

**In the United Kingdom**, the authorities and other bodies have supported various research initiatives to gain a more comprehensive and accurate picture of the issues surrounding education and training.

The Commission for Racial Equality and the Prince's Trust have published a guide on good practice related to exclusion in schools<sup>80</sup>. Actions which have been successful in reducing exclusions and raising standards among ethnic minority pupils include mentoring, particular when it is integrated into a wider school strategy, there is a commitment from senior managers, there are well-trained mentors and good links with both teachers and parents.

The KWESI mentoring project in Birmingham is cited as a particularly successful example. The project, which is supported by the Local Education Authority, targeted boys at primary schools identified as underachievers or at risk of exclusion. KWESI is run by black men concerned about the education of black boys. Another initiative is the Second City, Second Chance (SCSC) project which involves secondary school pupils at risk of failure and exclusion in tutoring literacy sessions in local primary schools. The student tutors are supported by adult mentors from SCSC. The model for the project is the Cross-Age Tutoring Programme run by the Intercultural Development and Research Association in Texas.

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79 <http://www.quickresponse.nu>

80 Exclusion from School and Racial Equality – A Good Practice Guide, 1997

The implementation of the Home Office's Action Plan in the wake of the recommendations of the Stephen Lawrence inquiry report continued in 1999. The Home Secretary created and personally set up a working party to carry out the Action Plan.

One of the priorities which the Government set the police for 1999 is based on the recommendations of the Lawrence Report and aims to increase the confidence of ethnic communities in the police.

Other measures included: the creation of pilot sites in five areas of the country; the introduction in April 1999 of new disciplinary procedures and a code of practice; a recruitment and training plan for police officers from ethnic minorities; and a further internal inspection of the Metropolitan Police.

The UK Government is piloting a youth support service called Connexions. This will give all young people a single point of access to high-quality, consistent and co-ordinated advice and support which is tailored to their individual needs.

In the area of the media, reporting on situations involving ethnic minorities continues to be mixed. This is partly due to the particular topic of interest, whether the media considers the story related to political developments in the country such as asylum and refugee issues and the discussion around the Immigration and Asylum Bill.

The British Broadcasting Corporation has encouraged visible ethnic representation in mainstream news programmes, as have members of Independent Television Network, and produces programmes directed specifically at ethnic minorities such as the Asian Programmes Unit of the BBC Birmingham Network Production Department.

There exists in the UK a variety of media awards related to racism and human rights from those awarded by the Commission for Racial Equality to those from Amnesty International.

## **2.3 CONCLUSION**

After the European Conference against Racism in Strasbourg in October 2000, and with the world conference in South Africa in prospect, the situation of ethnic minorities and immigrants in the EU will be the subject of international attention. As highlighted in the report there are still concerns about data collection and the institutional framework in Member States. These need to be in place to form the basis for effective action, policy development and information and awareness-raising campaigns. As the European Year Against Racism in

1997 highlighted it requires a combination of legislation, institutional framework and mobilisation of the broader public to counter racial discrimination.

1999 was marked by numerous acts of racist violence which caused deaths and injuries in a European Union experiencing economic prosperity and a more active role in international politics. What is worrying is that the various initiatives at the European and national level over the past few years have not alerted the authorities or public opinion on the need for greater action. Everything seems to have happened in 1999 as if political leaders and citizens found it difficult to believe that racism and xenophobia are a real scourge, a serious threat to democracies and the harmonious construction of Europe.

In fact our finding is that bloody and spectacular racist violence, even if its perpetrators are a minority, is the advance warning that our societies are in fact stricken with racism. These acts of violence constitute the tip of the iceberg which must not divert our attention from the numerous threats, attacks, insults and acts of discrimination directed against men and women – foreigners, immigrants, members of ethnic minorities, Jews, Muslims and – members of religious and faith minorities – who live in Europe.

The improving economic situation in many countries as the European Union enters a period of financial and economic prosperity has not been enough to eradicate xenophobia. In fact it appears that in areas of employment racism still persists despite this improvement in the economic well-being of the 15 Member States.

In 1999, political crises in the heart of Europe, in former Yugoslavia and in particular in Kosovo, and further impoverishment of underdeveloped countries of the South continued to add to the flow of immigrants. Europe's only way of controlling this flow has been to adopt punitive and drastic measures which have mainly fallen on asylum seekers and fed xenophobic fears. Combating racism and xenophobia does not involve being lax with immigration, but it does demand fairness, respect for the dignity of human beings and respect for the rights of citizens and the fundamental liberties on which Europe is built.

In keeping with these principles, there are numerous means to counter racism and racial discrimination. The Member States of the EU apply them in both legislation and education. There are numerous examples of effective "good practices". What is lacking is a strong political will to give coherence to these efforts. This remains one of the priority tasks of the institutions of the European Union.

# 3 PREVENTIVE ACTIONS TAKEN BY THE EU

Several initiatives to combat discrimination were launched during 1999 by the European Union. The most important was the article 13 package put forward by the European Commission. The package contained two proposals for Council directives and a Community Action Programme. The package was in line with the Commission's commitment to combat racism outlined in its Action Plan of 1998. The European Parliament and the Council of the European Union has also undertaken various initiatives in support of action against racism, xenophobia and anti-Semitism.

## 3.1 Action by the European Parliament

In 1999, the European Parliament began the preparations for producing its Report on "Countering racism and xenophobia in the European Union"<sup>81</sup>. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Baroness Sarah Ludford rapporteur for the report at its meeting of 29 July 1999. The report examines the implementation of the European Year Against Racism (1997), the work of the European Commission and EU institutional activity on racism and xenophobia. The report will also take into consideration the work done by the European Monitoring Centre on Racism and Xenophobia, in particular by examining the contents of its Annual Report.

The Report will also put forward proposals for the EU in the fight against racism and xenophobia.

## 3.2 Action by the Council of the European Union

The Council of the European Union under the presidency of Finland produced its first Annual Report on Human Rights which was adopted by the General Affairs Council on 11 October 1999. An important section of the report was devoted to the fight against racism, the respect for minorities and the treatment of indigenous peoples. The Council of the European Union also highlighted the importance of the fight against discrimination at their summits.

The first ever EU Human Rights Forum met in Brussels in November. The Forum included a substantial component on racism and xenophobia. Representatives of the three main institutions of the EU, and a representation from the European Monitoring Centre on Racism and Xenophobia, discussed human rights, racism and xenophobia together with experts from civil society and the academic sphere.

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81 The Report was adopted in February 2000

In October 1999, at the European Council Meeting in Tampere, the Presidency Conclusions emphasised making full use of the possibilities offered by the Amsterdam Treaty in the area of freedom, security and justice. In the context of fair treatment of third country nationals it stressed that “A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life and develop measures against racism and xenophobia”.

The Presidency Conclusion continued that “Building on the Commission Communication on an Action Plan against Racism, the European Council calls for the fight against racism and xenophobia to be stepped up. The Member States will draw on best practices and experiences. Cooperation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe will be further strengthened. ...”.

### **3.3 Article 13 EC Treaty (Treaty of Amsterdam)**

The Treaty of Amsterdam<sup>82</sup> comprises a non-discrimination clause, included in the first pillar (Community level) and laid down in Article 13 thereof, which states that:

“Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”.

For the first time, a wide-ranging non-discrimination clause makes it possible for the Member States to take restrictive action to combat racial discrimination, particularly in respect of the principle of subsidiarity.

While it is true that Article 13 has no direct effect, that is to say, that a citizen may not cite Community regulations, and that it limits its scope to Community spheres, it nevertheless provides a legal basis for combating racism and xenophobia at European level.

It is important to emphasise that Article 13 concerns both the citizens of the European Union as well as those from non-Member States, if the latter are sub-

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82 Signed on 2 October 1997, ratified by all the Member States of the European union and in force since 1<sup>st</sup> May 1999

ject to discrimination based on their sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The Council of the European Union, on the basis of this Article 13 that allows legislative measures to be adopted, shall take "appropriate action" to combat certain forms of discrimination.

In November 1999 the Commission put forward two Directives to the Council: one "relating to the implementation of the principle of equal treatment between people, irrespective of racial or ethnic origin", and the other "establishing a general framework for equal treatment in employment and occupation".

It was decided to begin by seeking early adoption of the directive combating discrimination on the grounds of racial or ethnic origin. It is hoped that the Article 13 anti-discrimination package can be adopted in its entirety by the end of 2000.

It should be added that adopted Directives for combating discrimination will be part of the Community *Acquis*, which the countries joining the European Union under future enlargement will have to incorporate.

The two proposed Directives show many similarities.

- **Directive on the principle of equal treatment between people, irrespective of racial or ethnic origin<sup>83</sup> (Race Directive).**

In the statement of the grounds, this proposal for a Directive explicitly defines a minimum framework for prohibiting discrimination based on race or ethnic origin and for setting a minimum level of legal protection within the European Union for people who have been victims of discrimination. It provides a common definition of unlawful discrimination and defines a common minimum level of recourse within the European Union.

The scope of the Directive will cover:

All persons, as regards both the public and private sectors, including public bodies, in relation to:

- conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;
- access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

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83 This directive was adopted by the Council on 29 June 2000

- employment and working conditions, including dismissals and pay;
- membership of and involvement in an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;
- social protection, including social security and healthcare;
- social advantages;
- education;
- access to and supply of goods and services which are available to the public, including housing.

The Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

● **Directive for equal treatment in employment and occupation:**

The scope of this draft Directive is limited to the employment sphere, but it covers all forms of discrimination set out in Article 13, except on the grounds of sex.

This Directive proposes to cover the following spheres:

- access to employment, self-employment and all the professions, including selection criteria and recruitment conditions, at every level of the professional hierarchy, including promotion;
- access to vocational guidance and to the various professions;
- employment and working conditions, including redundancy and remuneration;
- membership of professional organisations or trade unions.

In both Directives, the burden of proof shall shift to the respondent (the person suspected of discrimination), who will have to prove that he or she has not breached the principle of equal treatment. This shift only occurs once the complainant has made out a prima facie case of discrimination i.e. article 8 of the Race Directive states that once "...persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment". Individuals shall be protected against any reprisals that may occur after a complaint. The Member States shall in addition give the associations or organisations the possibility of engaging in any judicial and/or administrative procedure based on a breach of the obligations of the Directive.

## ● **Action Programme against Discrimination**

While legislation is one of the means of combating discrimination, it is not the only one, and there is a great deal of work yet to be done as regards information and education. This is why the European Commission is proposing a long-term framework programme that includes measures to support Community policies on these matters:

- improving understanding of the problems associated with discrimination by improving knowledge and appraisal;
- improving the effectiveness of policies and practices;
- encouraging non-discrimination in the media;
- improving the ability of the key people involved by promoting good practice.

The adoption of this framework programme is very important for completing the implementation of the two Directives.

Reactions to these proposals and plans are generally very positive.

The European Network Against Racism (ENAR) therefore concludes a study on "campaigning against racism and xenophobia from a legislative perspective at European level" in these terms.

"The inclusion of an anti-discrimination clause (Article 13) in the Treaty is a big step forward because it is the indispensable legal basis to enable action against racism and xenophobia at European level. The insertion of this clause is the result of years of effort, concrete constructive work and concerted action by the NGOs. But the actual formulation of this clause leaves its eventual application up to the discretion of the Member States as any measure based on Article 13 requires unanimity.

...Because the two proposals for a directive and the programme of action will be the first measures to be adopted on the basis of Article 13, it is essential that the level of protection to be accorded is high and guarantees the same rights to everyone."

## **3.4 THE FIGHT AGAINST RACISM IN EUROPE – ACTIVITIES AND NEW DEVELOPMENTS IN 1999**

### **3.4.1. INTRODUCTION**

In 1999, the Commission continued to implement the policy set out in its Action Plan Against Racism (March 1998). The action was supplemented by initiatives taken in the field of non-discrimination following the introduction of Article 13 in the Treaty establishing the European Community.

### **3.4.2 CHANGE IN THE LEGISLATION**

During the Intergovernmental Conference in preparation for the Treaty of Amsterdam, the Commission, European Parliament and the NGOs insisted that the Treaty be amended to include new measures to combat violations of human rights, racism and xenophobia and discrimination in general. These amendments, approved by the Heads of State and Government in Amsterdam in June 1997, came into force on 1 May 1999 in the form of Articles 6, 7 and 29 of the EU Treaty and Article 13 of the EC Treaty.

#### **Non-discrimination**

On 25 November 1999, the Commission adopted a package of proposals which provided a comprehensive framework for protection against discrimination, including protection against harassment, positive action, remedies and appropriate application methods. These measures, once approved, will benefit all people throughout the European Union.

#### **Police and judicial cooperation**

Building on earlier intergovernmental action, the new Title VI of the EU Treaty states that one of the Union's objectives is to provide citizens with a high level of safety "within an area of freedom, security and justice, by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia".

#### **Human rights and fundamental freedoms**

Article 6 of the Treaty of the European Union clearly states that the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, principles which are common to all Member States.

In order to provide a legal basis for all the European Union's activities in the fields of human rights and democratisation, the Council adopted two Regulations (975/1999 and 976/1999) on 29 April 1999 on the development and conso-

validation of democracy and the rule of law and on respect for human rights and fundamental freedoms. These regulations, which explicitly refer to people subjected to discrimination as well as support for minorities, ethnic groups and indigenous peoples, are also aimed at supporting 'the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia'.

### **Mainstreaming: integrating the fight against racism into Community policies and programmes**

The principle of "mainstreaming", to which the Commission committed itself in its Action Plan, aims to integrate the fight against racism into all Community action and policies. This involves mobilising all the general policies and action by actively and visibly introducing consideration about the possible impact on combating racism when drawing them up.

The Commission's services have drawn up a report based on contributions by 18 Commission service's outlining the progress achieved in implementing the Action Plan, particularly as regards mainstreaming. This report was presented to the European Conference Against Racism in Europe on 24 and 25 February 2000.

The Commission undertook, in its Action Plan, to assess the results of the process of integrating the anti-racism dimension into Community policies and programmes. This assessment exercise, monitored by a steering committee within the Commission's Inter-departmental Group, is taking place in two stages.

A contract for the first assessment stage was awarded at the end of 1999. This initial analysis will report on the way in which the anti-racism dimension has been included in Community policies and will draw up a set of guidelines and proposals to be implemented in order to broaden awareness of anti-racism in sectors not yet involved, so as to integrate this dimension as a strategic objective in its own right. The possibility of broadening the idea of mainstreaming will be included in this assessment exercise, and this could cover all the grounds for discrimination targeted by Article 13 of the Treaty of the European Union.

### **Employment strategy**

The new Title on employment in the Treaty of Amsterdam provides for a coordinated strategy for employment and the adoption of guidelines<sup>84</sup> for employment, which contained a specific guideline (No. 9), calling upon Member States to pay particular attention to the needs of disabled people, ethnic minorities and other groups and people likely to be disadvantaged, and to devise appropriate preventive and active policies to encourage them to enter the labour market.

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84 Based on four factors: Employability, Entrepreneurship, Adaptability and Equal Opportunities.

In September 1999, an initial assessment of the action taken by Member States was included in the proposal for the Joint Report on Employment. The report showed that the drafting and analysis of policies were hindered by the lack of data on the scale or nature of the needs of target groups on the labour market, and that it was important to set objectives, establish a consistent set of policies that combine integration and non-discrimination.

### **The European Social Fund**

With a budget EUR 385 million from the European Social Fund for the 1995 to 1999 period, the INTEGRA section of the EMPLOYMENT Initiative caters for people excluded, or at risk of exclusion, from the labour market. Based on local, integrated action, and innovative models and partnerships for helping to reintegrate the most vulnerable members of the labour force into employment, INTEGRA has placed particular emphasis on the integration of immigrants and refugees.

For the period 2000/2006, a new Community initiative, EQUAL, will come into force. This is based on the lessons drawn from the EMPLOYMENT and ADAPT programmes and will form a 'testing ground' to develop and disseminate new employment policies to combat discrimination and inequality of any kind on the labour market. EQUAL will be jointly financed by the European Community (overall contribution of EUR 2.847 billion) and the Member States.

### **External relations**

In the context of enlargement of the European Union, great significance is attached to the development of policies that aim to combat racism and to protect minorities in the applicant countries<sup>85</sup>.

An overview of the measures which may help combat racism, xenophobia and anti-Semitism in the candidate countries is given in the Commission's Communication of 26 May 1999, COM (99) 256, submitted to the European Council in Cologne on 3 and 4 June 1999. The EU supports the candidate countries by taking appropriate action, mainly through the Phare Programme (Central and Eastern European countries) and the Meda Programme (Turkey).

### **Education, youth and vocational training**

The Community programmes Socrates, Leonardo da Vinci, Youth for Europe, European Voluntary Service and Tempus and initiatives such as Netd@ys continue to be vehicles of the utmost importance in spreading principles of democracy and respect for others.

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85 In 1993, the European Council in Copenhagen, defined the political criteria to be met by candidates for membership as "stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities". The notion of respect for and protection of minorities is a key element in the fight against racism, xenophobia and anti-Semitism in the applicant countries.

### **3.4.3 SUPPORT FOR ANTI-RACISM PROJECTS**

#### **The European Year Against Racism**

In 1999, the Commission submitted to the European Parliament, Council, the Economic and Social Committee and the Committee of the Regions a report on the implementation of the European Year Against Racism (1997)<sup>86</sup>.

The report sets out the partnership, coordination and support structures which have made the European Year possible, as well as the practical initiatives implemented, events, surveys and studies, projects supported, the political impact, particularly with regard to the strengthening of Community action and the new prospects opened up by the Treaty of Amsterdam .

#### **Developing and exchanging new models: combating racism in the context of non-discrimination**

On the basis of the budget appropriation adopted each year by the Council and European Parliament, the Commission has supported cooperation between organisations within the Member States seeking to promote the social integration of ethnic minorities in addition to combating racism and xenophobia. These initiatives have stimulated the emergence of new partnerships and new anti-racism approaches, even though it has sometimes proved difficult to work out their added value at European level because of their relatively small scale.

In 1999, in an attempt to overcome these difficulties and prepare for future initiatives under Article 13, the Commission developed an approach based on collaboration on larger scale initiatives, involving at least four Member States, to allow genuine comparison between different approaches to similar problems.

At the end of the selection process, fifteen projects were chosen, receiving an average budget of some EUR 250,000 (against EUR 700,000 in the course of previous stages)<sup>87</sup>.

At the end of 2000, the Commission will provide an evaluation of these new initiatives and particularly of the effectiveness of the changes in structure and approach introduced in 1999.

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86 COM (1999) 268 final of 03. 06. 1999

87 The priority areas for action in 1999 were: the promotion of anti-discrimination measures in and/or by public administrations, and in and/or by the media; monitoring discrimination in public bodies and in the private sector; the removal of discriminatory obstacles to involvement in decision-making processes, access to goods and services, and participation in cultural activities, the promotion of rights to non-discrimination to help protect fundamental rights and freedoms, the adoption of methods for integrating anti-discriminatory approaches.



# 4 RECOMMENDATIONS

The EUMC makes recommendations based on its reports and activities in various areas related to the fight against racism and xenophobia. The recommendations for 1999 focus on the areas of legislation, data collection, independent bodies, monitoring and the role of political parties.

## 4.1 Legislation

The EUMC calls upon Member States of the European Union to provide for legislative protection for all persons against discrimination on grounds of racial and ethnic origin which goes beyond the minimum requirements of the Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

The EUMC recommends to all Member States that the national legislative framework should expressly and specifically prohibit discrimination on grounds of race, ethnic or national origin, religion and belief in criminal, civil and administrative law and provide effective judicial and other remedies or redress, including through the creation of national specialised bodies.

The EUMC highlights the need for such legislation to cover the functions of public bodies and authorities such as the police, prison, immigration and customs or border personnel, other components in the criminal justice system, local authority enforcement powers, health and safety bodies, child protection, detention under mental health legislation and tax collection, as well as the private sector.

### **Examining the conformity of new and existing legislation with principles of non-discrimination**

The EUMC calls upon Member States to establish machinery, where no such mechanism exists, for examining the conforming of draft legislation with principles of non-discrimination on the basis of race, ethnic or national origin, religion or belief, especially in relation to potentially discriminatory effects on members of groups that are vulnerable to racism or xenophobia. In this respect, the EUMC calls for particular care to be exercised when drafting restrictive legislation in various fields.

Concerning existing legislation, the EUMC calls upon Member States to keep their legislative framework under regular review to guard against any unintended or inadvertent discriminatory impact which may arise. Such legislative appraisal will also help to "mainstream" equality issues.

## **4.2 Data Collection**

The EUMC draws attention to the importance of collecting and publishing accurate data on the number and nature of racist and xenophobic incidents or offences, the number of cases prosecuted or the reasons for not prosecuting, and the outcome of prosecutions.

Statistical, documentary or technical information processed or produced must help give regional and international organisations an overview of the phenomena of racism, xenophobia and related intolerance – their extent, causes and manifestations – as well as effects of measures already taken to combat these phenomena. The information so gathered must be such that it enables the receivers to draw meaningful comparisons between States and assist States and bodies working on racism to formulate courses of action.

Information supplied by the national, regional and international organisations must be coordinated and directed where they have the most effective impact against the perpetrators and aid effective action.

### **Collection and analysis of existing data**

Organisations at the European level charged with collecting, recording and analysing data should collect the data from sources that should include Member States, third countries, European and national non-governmental organisations, research bodies and international organisations.

The EUMC will cooperate with responsible authorities and organisations in Member States of the European Union to coordinate data collection and recording through its European Information Network on Racism and Xenophobia (RAXEN) – a European level tool to combat racism. This will form an information infrastructure that, though primarily for use of the Member States of the European Union and organisations and institutions within it, will be available to assist candidate countries and third countries and international organisations and agencies.

### **Improving data comparison methodology**

Common indicators and criteria should be established for data comparison methodology used by regional and international organisations to assist the quality, objectivity and reliability of data used in analysis and the formulation of measures to combat racism. They should be reviewed regularly to improve the consistency of the methods of measurement and analysis used by Member States and the European level institutions.

### 4.3 Independent/specialised Bodies

The EUMC highlights the key contribution of independent/specialised bodies at national, regional or local levels in promoting equal treatment irrespective of racial or ethnic origin or religious background.

The EUMC points to the range of functions independent specialised bodies may undertake at national, regional and local levels which further government policies in combating racism:

- offering opinions and advice to government bodies
- make recommendations to amend legislation related to racial, ethnic and religious discrimination
- monitoring the situation in the country
- mounting surveys or studies on discrimination
- undertaking public education and awareness-raising activities
- contributing to training programmes for certain target groups
- making the general public more aware of discrimination issues and aiding and assisting victims, including through the provision of legal assistance to enable them to enforce their rights in the courts and other institutions.

The bodies concerned may hear complaints and applications relating to individual cases and seek a settlement, either by mutual agreement or, within the limits prescribed in law, by legally-binding decisions.

EUMC urges Member States to ensure that members of the independent/specialised body are representative of the population as a whole and the body must be allowed to set its own priorities.

The EUMC calls for establishment/designation of such independent specialised bodies, or in countries where these exist, review and reinforce their effectiveness, while providing them with adequate financial resources, competence and capacity to ensure their effective functioning.

It draws attention to the *General Policy Recommendation No. 2 of the European Commission against Racism and Intolerance (ECRI)* which sets out principles for the establishment and functioning of such bodies.

## 4.4 MONITORING

The EUMC strongly recommends monitoring with more accurate statistical data the situation of vulnerable or minority groups and all policies and programmes aimed at combating racial discrimination. Monitoring of programmes and policies should also include evaluation and follow up over a recommended period. Such statistical data may be completed with public opinion surveys and also targeted surveys to ascertain the experience and perception of discrimination and racism from the point of view of potential victims.

The framework established for monitoring should clearly incorporate the role of independent bodies, including international bodies such as ECRI and the EUMC in the monitoring process by providing regular reports on the operation of the national provisions.

## 4.5 Role of the politicians and political parties

The EUMC calls upon politicians in the Member States to provide a clear political message welcoming diversity in European societies and condemning political discourse which incites or attempts to incite racial and ethnic hatred or prejudice.

It calls upon political parties to take a number of concrete steps to provide fair representation of people of different ethnic and cultural origin in public life and to explain issues to the general public in such a way as to increase understanding and acceptance of difference. Such steps include:

- to sign the *Charter of European political parties for a non-racist society* and follow its principles concerning responsible behaviour on issues of racism, both with regard to the parties' own organisation and to their activities in the political field;
- to include anti-racist policies in election programmes and to condemn racist exploitation of issues such as immigration and asylum for electoral purposes, ensuring through their internal selection procedures that any candidate for elected office is committed to anti-racist policies;
- to refuse any support, explicit or implicit, to extremist parties of racist and xenophobic character.

# PART II



# 1 Major Operative Events

## 1.1 RAXEN

### Mandate

One of the key tasks of the EUMC is to develop and co-ordinate a European information network on racism and xenophobia (RAXEN). RAXEN's task is to collect data, assess their comparability and make the results available to the Member States. It will identify what is known, where and by whom, enlarge the exchange of knowledge and disseminate examples of "good practice".

### Developments in 1999

In 1999 the EUMC was to establish a procedure designed to resolve the following issues:

- Definition of RAXEN participation.
- Definition of the development stages of a RAXEN operating system.
- Identification of the problems relating to the collection of data and information.

As the first step, the EUMC defined the following basic principles for the setting up of RAXEN – principles that will accompany this major task through all the stages of its life:

- RAXEN shall bring together the forces active in the field of racism and xenophobia.
- RAXEN shall be a network of co-operation at international, national and local level.
- RAXEN shall offer added value to its participants as well as the outside world; a one-way system where information is just flowing in is not considered desirable.
- The work of RAXEN shall be integrated into the different tasks of the EUMC as well as into the pan-European fight against racism and xenophobia.
- The process of setting up RAXEN shall be open and transparent.

A call for tender was issued for a feasibility study to deal with the above mentioned questions. The project was awarded to Prof. Karmela Liebkind, University of Helsinki. The "**Liebkind Report**" prepared the ground for building a solid foundation for RAXEN. The report dealt with central concepts examining phenomena such as racism and xenophobia, and paid attention to diverging models, definitions, and terminology as well as different methods of monitoring and record-keeping. Furthermore, the Liebkind Report put forward proposals for institutional structures and processes of RAXEN and the role of the EUMC. The Report closed with identifying steps to be taken to start the process of setting up RAXEN.

Prof. Liebkind describes racism and xenophobia as complex and multidimensional phenomena and informs that there are at least 20 definitions of racism – a fact that should not be underestimated when it comes to monitoring racism or events of racist harassment. For the purpose of her report, racist harassment is defined as any act of violence or harassment the ultimate reason of which lies in the victim's ethnic, "racial", religious, cultural or national origin. Racial or ethnic discrimination refers to unacceptable differential treatment based on racial/ethnic differences between people – direct discrimination – and to other activities, the consequence of which is that people are placed in unequal positions because of their racial/ethnic origins – indirect discrimination. The report states that ideally, monitoring systems should be able to detect racism and discrimination regardless of nationality or visibility of the targets – an objective that will be difficult to meet, since official statistics on racist incidents suffer from major under-reporting. Another method for monitoring is through research. The report presents two alternative models for a network – one building on existing resources, the other presumes the EUMC will be able to raise extra funds for RAXEN and set up its own network. The second model is preferred in the Report as far as the quality of the achievable data is concerned.

At the same time as the Liebkind Report, the EUMC started a comprehensive **consultation process**. Its aim was to involve existing know-how and expertise on a basis as broad as possible. The EUMC held consultative conferences with research institutions, social partners, NGOs, and specialised bodies and consulted other European agencies in order to build on their experiences of operating trans-national European networks.

The **consultation process** is briefly described here:

The **First RAXEN Consultation Conference** took place in June with around 70 participants from research institutes and NGOs from the Member States, nominated by the Management Board. The conference established a very constructive dialogue.

This was followed by the **Second RAXEN Consultation Conference** in September which concluded that the social partners had a key role in co-ordinating and encouraging the collection of data and information for the EUMC.

The **Third RAXEN Consultation Conference** was held in November with all the persons invited to the June conference as well as a small selection of the September group.

The discussions at the Third Conference were very concrete and concentrated on how the RAXEN and national networks should be structured, on parties to RAXEN and on procedures for data collection including quality control.

It became clear that there was general support for establishing national focal points. The EUMC achieved a broad agreement for the concept of RAXEN.

In October the **Advisory Group** on RAXEN, consisting of 10 specialists in the field, met to discuss the practical steps to be taken in establishing the RAXEN network. The meeting gave useful practical advice and impetus to the process.

The following findings were highlighted:

- Developing a common understanding in terms of research format and terminology is an essential and indispensable step forward.
- The relationship between the participants and the EUMC must be reciprocal and based on the principles of solidarity, justice and empowerment.
- The network has to be supplied with adequate resources and ensure participation on an equal footing.
- High quality research is an objective, therefore minimum standards for data collection and research have to be agreed on.
- A mapping exercise will be conducted to identify research already available. The mapping exercise will also identify gaps so that the EUMC can commission research in these areas. This will be one of the first tasks of the National Focal Points.

The EUMC elaborated a proposal for the implementation of the **next steps**. Decisions to be taken in early 2000 will concentrate on the following issues:

- Definition and nomination of the National Focal Points
- Call for tender for the National Focal Points
- Funding and timetable of the Call
- Integration of RAXEN, the Round Tables, and existing networks.
- Nomination of participants
- Definition of the technical requirements including IT and security provisions.
- Dissemination of products and results

## 1.2 Round Tables

### Mandate

Another of the core tasks of the EUMC is to facilitate and encourage the organisation of regular Round Table discussions or meetings of other existing, standing advisory bodies within the Member States. The participation of social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with racism and xenophobia is part of the mandate.

### Developments in 1999

The main objectives of the Round Table work in 1999 was: to exchange experience; to summarise the results in order to review and modify the concept; and to produce a report on the diversity of national approaches. These objectives were to obtain a recommendation on how to proceed in a co-ordinated manner at European level.

During 1999, a general concept for the Round Table Conferences was established and will be further elaborated and amended in 2000. Round Tables were initiated and took place in the following Member States:

- Austria (December)
- Denmark (December)
- France (June, September, October, November and December)
- Greece (November)
- Ireland (November)
- Italy (July)
- Luxembourg (September)
- The Netherlands (September)
- Sweden (June)
- United Kingdom (October)

The results of the Round Tables were published in nearly all the countries. It became apparent that, although local focus issues of the Round Table Fora and their logistic support may differ in the various Member States, there are common key areas for which co-operation and networking is becoming increasingly important. The EUMC identified these areas of mutual concern and will develop appropriate measures to address these key issues.

Several topics were originally introduced by the EUMC, thereby providing a service of added value to already existing structures. These topics included:

- The Charter of European Political Parties for a Non-Racist Society (Action Plan to be developed).

- The “Good Practice” Mapping Exercise / Survey of existing practices. All the Round Tables have started dealing with “Good Practice” and will continue with this approach.
- Establishing an inventory of effective programmes on intercultural communication.
- Developing a common approach with regard to the implementation of Article 13 of the Amsterdam treaty and pertinent directives.

Several of the Round Tables have decided to form working groups related to the above and other issues. The European Commission against Racism and Intolerance, Council of Europe, has also been involved as partners in some Round Table meetings.

## **1.3 Special Issues**

### **1.3.1 LEGISLATION AND POLITICS**

#### **1.3.1.1 Article 13**

##### **Mandate**

Article 13 EC Treaty as revised by the Amsterdam Treaty forms the legal basis of the Community level measures and action to combat discrimination. The EUMC as the body of the European Union responsible for monitoring racism and providing advice to the EU institutions relies heavily on Article 13. Article 13 EC Treaty as revised by the Amsterdam Treaty forms the legal basis of the Community level measures and action to combat discrimination. The EUMC as the body of the European Union responsible for monitoring racism and providing advice to the EU institutions relies heavily on Article 13. As part of the article 13 package proposed by the European Commission, the EUMC will have a key role to play in contributing to those aspects of the package that concern discrimination based on ethnic or racial origin, religion or belief. The EUMC will work closely with the European Commission to ensure the effective coordination and cooperation with regard to its views on the implementation of relevant areas of the package.

##### **Developments during 1999**

A project was designed encompassing national reports from each Member State and a synthesis report comparing existing EU and national legislation to combat racism, xenophobia and anti-Semitism, their implementation and examples of good practice, as a joint project with the Migration Policy Group.

During 1999, the project, involving representatives of all the Members States, began to draw up the national reports and the synthesis report. Furthermore, a comparative study of the Starting Line proposal and the proposal for two Directives by the European Commission will be undertaken. The results will be available in the year 2000.

The steps taken in 1999 included the following tasks: 15 rapporteurs were nominated – one from each Member State, whose task was to act as the information and co-ordination “unit” for the input by the individual Member States. In Autumn, the first meeting of the rapporteurs took place. The main purpose was to identify the project scope, define criteria and agree on a common set of working procedures and goals. As a result of this meeting, the format of the research was defined which should allow for comparability of the national legislation and the Starting Line proposal. The project progressed well – the rapporteurs provided their draft reports. Furthermore, the European Commission’s proposal was evaluated and the second rapporteurs meeting prepared.

### **1.3.1.2 Charter of European Political Parties for a non-Racist Society**

#### **Mandate**

The EUMC works to ensure that the basic common values of the EU – such as the acceptance of diversity, equality and the rights of minorities – are respected in the political field as well as in society. The EUMC is therefore concerned about the use of xenophobia or racism in political campaigning and programmes of rightwing extremist parties. Their politics of hate and fear is deeply linked with the idea of national-homogeneous societies, ignoring the pluralistic reality of Europe today.

It is possible to distinguish between extreme-right splinter groups, using violence and threats against immigrants, asylum seekers and minorities, such as the Jewish, on the one hand and extreme-right political parties also known as “national-populist” on the other, whose level of electoral success varies with the era but whose xenophobic and often anti-European political views are gaining ground in public opinion and also influencing the views and actions of mainstream political parties.

The neo-Nazi movements and other splinter groups associated with right-wing extremism, such as skinheads and hooligans are responsible for the most violent and visible manifestations of racism and xenophobia. Over the last ten years there has been two fundamental changes with regard to these extra-parliamentary activists. One change is the decisive role played by American movements as ideological models and the other change is the use of music as a principal means of recruitment and finance.

The national populist parties have three main aspects in common: they try to be integrated in the parliamentary system, they are xenophobic and they are against the European Union. Deriving from populism and presenting themselves as the only true political movement, they offer to return to the people the voice and power “confiscated” by technocracy and financial oligarchies. The characteristic of the extreme right wing is that they preach or stimulate xenophobia. For this reason the task of monitoring them is the responsibility of the EUMC.

The EUMC will publish a special report on this subject in the early 2001.

### **Developments in 1999**

By signing the Charter of European political parties for a non-Racist Society, around 80 political parties have undertaken to adopt a non-discriminatory tone in their everyday political activities or in the battle for voters. The EUMC has set one of its targets to monitor the implementation of the Charter.

The following activities and measures were taken by the EUMC in 1999 to support the implementation of the Charter:

- The Chairman of the EUMC, Jean Kahn, sent letters to the Heads of the Member States asking them to support the Charter, and the EUMC sent a letter to the Finnish Presidency with a request to integrate the Charter at the European Summit in Tampere, Finland. This action raised the awareness of the Charter throughout Member States.
- The Charter was on the agenda the Media Conference in Cologne by the EUMC.
- At the press conference held after the 4th Meeting of the Management Board of the EUMC and in several press releases, the Charter was presented and its important role explained.
- The Charter was integrated into the National Round Tables.
- Representatives of the EUMC took every opportunity at conferences and other appropriate events to draw public attention to the Charter.

The EUMC will continue to support the Charter, particularly in monitoring its implementation. It was integrated into the official opening of the EUMC and the media conference.

### **1.3.1.3 Working Group “Key Issues”**

#### **Mandate**

The regulation establishing the EUMC clearly highlights the EUMC’s role in conducting research and surveys regarding the extent, the development, the causes and effects of the phenomena of racism and xenophobia, among others in the fields of information, education, society and culture.

#### **Developments in 1999**

The EUMC raised the following questions:

- What will be the key issues in respect of racism and xenophobia in the future?
- What will be known about these phenomena, where and by whom?
- How will this knowledge be conveyed?
- What are the potential areas for knowledge transfer?

- How can the vision of cultural diversity be implemented in a way that eliminates discrimination, xenophobia and racism, how can Europe thus be “reinvented”?

In order to answer these questions the EUMC established a group of experts, which acted upon the following principles:

- The method of the approach should be interdisciplinary.
- The necessity for room to think should be considered indispensable, allowing “philosophical” discussions, but still with a focus on action.
- The role of the EUMC was defined as bringing added value to the issue of racism and xenophobia in Europe.

After discussion on the working group’s role and other principal questions, the team identified the following topics as “Key Issues”:

- Awareness of racism in society
- Integration policy – the management of diversity
- Public leadership
- Citizenship and European identity

The next steps of the working group focused on the implementation of its findings into the work of the EUMC. The aim was to find an integrative approach, which allows the selected issues to mould into the work of the EUMC.

The working group therefore decided to concentrate on the topic of **awareness of racism** in the implementation work of the Media Conference. Furthermore, education was considered a key vehicle for raising awareness and establishing common values. To this extent, the EUMC started discussions with CEDEFOP and Anne Frank Foundation to prepare a project for collecting and evaluating teaching materials.

**Integration policy** aims at creating intercultural models that respect individual choices but accommodate group cultures within limits. This field was also considered a topic that could beneficially be dealt with at the political conference at the official opening of the EUMC.

The importance of national jurisprudence and the need for some form of coordination of legal bodies in the Member States was identified. Activities could be organised on Jurisprudence with associations of judges and schools of magistrature in Europe.

**Public leadership** deals with the changing nature of politics and with the emerging role of civil society in public affairs. The EUMC itself represents not only political bodies but civil society as well. These changing roles will have to include ethnic minority groups and was to be discussed at the opening of the EUMC.

The question of **European identity** and citizenship shall be constantly wor-

ked upon by a group of experts. The first step will be to establish an inventory of work that has already been done on this topic and to bring together the key players and experts in this field.

## **1.3.2 SOCIETY**

### **1.3.2.1 Inventory of European Foundations**

#### **Mandate**

One of the mandated fields of activity of the EUMC is the area of social policy and civil society.

#### **Developments in 1999**

The objective was to carry out a project with private foundations on the topic of establishing an inventory of activities of European foundations combating racism and xenophobia.

The EUMC has launched a common project with the European Foundation Centre and the Freudenberg Foundation on the subject "Combating Racism and Xenophobia: An Inventory of European Foundations". This inventory will both list and analyse the activities of European foundations in the field of racism and xenophobia, intercultural relations and anti-discrimination of ethnic-cultural minorities in European countries. The area of good practice in combating racism and xenophobia shall receive special attention. About 120 private foundations will participate in this project. They all conduct interesting and valuable activities but have little systematic knowledge of each other's work. The aim of the project is: to increase the knowledge on these activities; to enhance the capacity for trans-national action; to devise common European strategies; and to improve co-operation between founders in Europe.

The EUMC has established a list of criteria to make clear which foundations should be included in the inventory. The criteria encompass geographic area, target groups, the subject of the foundations, and the type of activities.

The general reception of the project by the foundations addressed and interviewed throughout Europe was very positive. The awareness of the European dimension of racism and xenophobia was very high, and thus the foundations considered the project a means for networking and providing added leverage on the issue in Europe.

### **1.3.2.2 Implementation of the Results of the Consultative Commission**

#### **Mandate**

The Consultative Commission on Racism and Xenophobia presented a feasibility study in 1995. The results led to the establishment of the EUMC.

#### **Developments in 1999**

In order to find out to what extent the findings of the Consultative Commission have already been implemented, the EUMC addressed the governments of each Member State at the end of 1999 and asked them to update the information, which was collected by the European Commission against Racism and Intolerance (ECRI) in 1997.

In addition the EUMC has encouraged public participation and greater political awareness on these issues.

## **1.3.3 EDUCATION**

### **1.3.3.1 Teaching the Teachers**

#### **Mandate**

Part of the EUMC's mandate is to work in the field of education, vocational training and youth.

#### **Developments in 1999**

The EUMC discussed with various partners, among them Anne Frank Foundation and CEDEFOP how to provide further professional training to teachers on the subjects of racism and xenophobia. Late in 1999 a joint meeting to define the structure and desired results of such a study was held. This study proposed a draft outline to the EUMC indicating the first steps needed to review the situation in the field of education.

## **1.3.4 MEDIA**

### **1.3.4.1 Media Conference in Cologne**

#### **Mandate**

As part of its statute the EUMC examines the role and impact of the media on racism and xenophobia.

#### **Developments in 1999**

The EUMC cooperated with the Westdeutscher Rundfunk (WDR), the European Broadcasting Union (EBU) and the European Institute for the Media in the organisation of the European Media Conference: "Cultural Diversity – Against Racism". It was scheduled to take place in Cologne during the German presidency of the European Union. The forum addressed two related topics of interest:

- To what extent have the media influenced racism?
- What positive examples and approaches exist in the media industry to help overcome these problems?

The Media Conference took place in May 1999 and focussed on strategies for a more effective use of journalistic tools when it comes to reporting about and raising awareness for the topic of racism and cultural diversity in Europe.

More than 200 representatives of radio, television, and the press attended the conference as well as critical media-watchers, sociologists, and psychologists. The Conference got excellent media coverage, with reports in WDR, Phönix 90, SFB, BBC, Sur Channel, RAI, France 3, RTP, SVR, Berlin Aktuell and ORF.

A report was published and distributed widely.

The Conference offered the opportunity for critical self-examination with regard to the impact of media reporting on racist and xenophobic tendencies. It looked at the way stories about racism are presented in the media and on their potential impact on the receiver of the information. It examined ways to integrate cultural diversity into programme production.

The Conference produced a list of recommendations. The EUMC has begun to seek ways to promote the implementation of these recommendations and some of them will be included in its proposals for the media at the UN World Conference on Racism to be held in 2001.

Key highlights of the Conference included:

- Training and information: Efforts shall be made to heighten reporters' awareness of and competence in the cultural dimension and intercultural issues and thus promote accurate and responsible reporting.
- Networks of Programme Producers: An institutionalised dialogue between journalists and experts should furnish the media with valuable ideas for their day-to-day encounters with cultural diversity.

- Greater emphasis on sensitivity: Minorities should be represented in reporting in a more institutionalised way as well as in actual programme production and managerial posts. This should create the basis for a movement away from distorted views on the topic of racism.
- Exchanges of know-how and good practice: Databases on intercultural programme formats, containing information on competent journalists in the realm of cultural diversity, should be established with a view to encouraging cross-border exchanges of effective programmes and reports.
- WDR international exchange initiative: The WDR proposed the creation of a European workshop to promote diversity and new talent in the field of journalism in order to give young journalists the opportunity to learn about life in the cultural diversity of Europe.
- Cologne as a launch-pad for European action: The EUMC will harness the positive impact of the Media Forum to strengthen existing media networks in collaboration with programme producers and trainers in the broadcasting corporations. The development of a monitoring system on media production should provide a reliable means of charting useful and harmful developments in media reporting.

In addition to the report of the Media Conference, the EUMC published the working paper “**Challenging the media** – for equality and diversity against racism”. This publication explains the role of the media in forming public opinion and influencing awareness on the topic of racism and xenophobia. It gives a hands-on approach with very clear suggestions on how to deal with specific situations, such as interviewing right-wing extremists.

## **1.4 Working in the European Context**

### **1.4.1 CO-OPERATION WITH ECRI**

#### **Mandate**

The EUMC’s statute highlights the need for close co-operation with the European Commission against Racism and Intolerance (ECRI) of the Council of Europe.

At the end of 1998, the Council of the European Union adopted a Decision (1999/132/EC) for co-operation between the EUMC and ECRI.

#### **Developments during 1999**

The Agreement between the European Community and the Council of Europe was signed in December 1998.

It is aimed at co-operation, exchange of information and representation of the Council of Europe on the Management Board of the EUMC. In June, a joint meeting between the EUMC and ECRI took place to start the implementation of the Agreement.

As a result of this meeting, various measures for permanent as well as operational co-operation were agreed, such as the exchange of non-confidential documents and reciprocal invitations to events such as the Round Tables.

Furthermore, some projects for immediate co-operation were identified:

- Both organisations are working on projects regarding racism and the Internet, though from different angles. The complementarity of the two projects was welcomed and led to the identification of potential synergistic effects, such as the joint launch of results.
- In the field of legislation and policy, ECRI's country-by-country reports were identified as a valuable resource for the national reports for the EUMC's Article 13 project.
- The situation of the Roma/Gypsies has been identified as an area where possible co-operation can bring added value at the European level.

An exchange of information was envisaged for the following medium-term projects:

- RAXEN
- the EUMC's project with private foundations
- the media related activities
- the websites of EUMC and ECRI

Furthermore, several areas for possible future project co-operation and institutional co-operation were discussed.

## **1.5 Information and Public Relations**

### **1.5.1 DOCUMENTATION**

#### **Mandate**

The regulation establishing the EUMC requires the set-up of documentation resources open to the public.

#### **Developments in 1999**

The EUMC set out to establish a documentation site and bring together relevant information already available in order to provide a comprehensive facility of information for the public.

In the process of defining options for the documentation site it became clear that the ambition was to build a modern state-of-the-art documentation archive that offers the information on-line on the Internet and that provides links and access to other archives, libraries and bases of knowledge. This would best meet the needs and interests of people and institutions seeking information and would also match the character of the EUMC as a networking organisation.

The preparations during 1999 have mainly concentrated on consultations regarding appropriate IT systems and qualifications necessary.

The objective is to create an archive that is open to the public and to institutions and organisations. The European archive on racism and xenophobia will store documents that are not available elsewhere and provide information about documents issued within the Member States. It will initially be a database for printed material and will later include photos, videos, tapes and on-line documentation.

### **1.5.2 DEVELOPMENT OF INFORMATION STRATEGIES**

Information strategy focussed on raising awareness in the general public about the existence of the Centre. This was achieved by beginning the first stages of developing a corporate identity, ongoing press activities, the publication of an Annual Report and newsletter, the creation of a website, the hosting of conferences and the printing of information material which was distributed widely. The focus was on the work, tasks and objectives of the EUMC.

The coming year will see the development of a more comprehensive media and communication strategy. The EUMC has now published its mission statement on its website and added more information material to meet the needs and answer some of the questions of the general public and media.

### **1.5.3 NAME AND LOGO**

Defining the identity of the EUMC vis a vis the general public was one of the core tasks of the information section during the year. Emphasis was put on finding a suitable acronym for "European Monitoring Centre on Racism and Xenophobia". After examining options and usage restrictions, the acronym "EUMC" was chosen. It well reflects the European character of the organisation.

The next step was to develop a distinct and expressive logo that could lay the foundation for a coherent visible corporate identity. This was done in time for the official Opening and is gradually being integrated into the material of the EUMC. The corporate identity will be further developed during 2000.

### **1.5.4 PRESS ACTIVITIES AND ACTIVITIES TO RAISE AWARENESS**

The media coverage on the activities of the EUMC has been highly satisfactory from the very beginning. The EUMC held several press conferences during the year, partly linked to the meetings of the Management Board and also to major European events or anniversaries, such as the commemoration of the November pogrom, in order to raise public awareness of racism, xenophobia and anti-Semitism.

Two important press conferences covered the EUMC's 1999 Work Programme and the presentation of its 1998 Annual Report. In addition, press releases were issued during the year. The press releases dealt in the main with the need for vigilance and tolerance in Europe on issues of racism and xenophobia.

The EUMC made ample use of its website to publish its press statements and related activities.

#### **1.5.4.1 Raising Awareness**

The EUMC sought to raise awareness about racism and xenophobia. One example is the appeal that was directed to the heads of the Member States of the European Union towards the end of the year. The EUMC asked them to include in their New Year Millennium speeches an appeal against racism and xenophobia and a call for respect of diversity.

The results to this appeal were very positive. With human rights and equality being fundamental values of the European Union, most of the Heads of State were more than willing to remind their people of the importance of these values for the common future of Europe.

**Gerhard Schröder**, Chancellor of the Federal Republic of Germany, appealed to make the year 2000 a year of good neighbourhood, ruling out intolerance and xenophobia.

**Martti Ahtisaari**, Former President of the Republic of Finland, called for tolerance and the respect for diversity, stating that tolerance did not mean mere acceptance of what was being done, but a positive and constructive contribution of all the cultures and religions.

**His Majesty Carl XVI Gustaf**, King of Sweden, reminded the nation that diversity was a positive factor and source of strength and pointed towards the serious dangers that were posed by right-wing radicalism.

**Her Majesty Queen Beatrix of the Netherlands**, highlighted the mutual protection of needs as well as interests granted by the human rights and called for the respect of diversity and the right to be different.

**Jacques Chirac**, President of French Republic, proclaimed a century of ethics after one of terror and blood-shed. The 21<sup>st</sup> century should be built upon human rights and dignity and a new international order.

**Prof. Carlo Azeglio Ciampi**, President of the Italian Republic, mentioned the challenges that his country was already facing in respect of the number of immigrants waiting to lead a valuable life in a new country. He expressed his commitment to fight racism and exclusion.

**His Majesty Albert II**, King of the Belgians, reminded of the important role that cultural diversity was playing in our societies and called for solidarity and respect of the other.

### **1.5.4.2 Public Relations Activities**

The general interest of the media in the EUMC was consistently high during the year. Overall, the EUMC was featured in dozens of interviews on TV and radio stations throughout Europe. Furthermore, around 200 articles about the EUMC were published in newspapers, magazines and bulletins, mainly in the EU Member States, but interest was received as well from other parts of the world, as far reaching as Australia.

The Director of the EUMC was in constant contact with the Ambassadors of the EU Member States as well as other top representatives.

The EUMC sought to be present as an active partner or participant in all the relevant conferences dealing with the broad topic of racism and xenophobia. To highlight a few examples, representatives of the EUMC attended the technical working group meetings in Strasbourg of the European contribution to the UN World Conference, the Media Conference: "Cultural Diversity against Racism" in Cologne in May, the Vienna Peace Summit in July and events and conferences organised by the European Commission and the Finnish Presidency of the EU. Furthermore, the EUMC was present at a number of meetings, discussions and speeches at universities and institutions with socio-political relevance, underlining the EUMC's role as a networking organisation as well as driving force in combating racism and xenophobia. The Director's public representation alone amounted to 36 speeches and contributions for various conferences and discussions.

### **1.5.5 EQUAL VOICES**

During the second half of the year, the first issue of Equal Voices, the Newsletter of the EUMC, was published. It is also available on the website. The concept of the newsletter is based on information and feature articles in the field of racism and xenophobia throughout Europe, but allowing for input from "outside". A service section and the option for the readers to actively participate in the newsletter shall give added value to the magazine.

The newsletter was distributed to a mailing list of over 3,000 organisations throughout Europe and also in North America and parts of Asia Pacific. The mailing list included governments, academic institutions, non-governmental organisations and individual experts.

## 2 Official Opening of the EUMC

### 2.1 The Official Opening

The official Opening of the EUMC took place on 7–8 April 2000 at the Hofburg Congress Centre in Vienna. It consisted of an Opening Ceremony, broadcast live on Austrian television, the Vienna Forum – a conference on politics and racism –, and a press conference.

### 2.2 The Political Situation

Shortly after the confirmation of Mr. Prodi's participation, the event became public knowledge among a large section of the media. The EUMC responded to a large number of enquiries from many European media companies, and in particular from the Austrian media. The decision by the 14 EU Member States to impose bilateral measures against **Austria** following the formation of the **coalition government** including the FPÖe at the end of January led to a sharp rise in the number of enquiries and, in the course of February and March, some sections of the media, again primarily Austrian, tried to link the opening of the EUMC with the conflict between the Austrian Government and the other 14 Member States.

The Management Board of the EUMC decided for a number of reasons to invite only the heads of states.

The Austrian Government publicly criticised the EUMC's position, and representatives of the Austrian Government repeatedly stated, in both national and international media, that they intended to send a **representative** to the Opening Ceremony.

As a reaction to the political situation in Austria and the subsequent developments in connection with the invitations, the **Management Board** issued a **statement** which was presented by Bob Purkiss, Vice Chairman of the Management Board, at the Opening Ceremony.

### 2.3 The Vienna Forum

The Opening was based upon the “Vienna Forum”, an international conference that brought together politicians, academics, representatives of social partners and non-governmental organisations. It concentrated on the topic of racism and politics with speeches that outlined the vision for a future Europe and whether Europe has indeed reached a significant crossroad in its historical development.

The conference started on 7 April in the morning. The first session dealt with “**A Europe of Equality and Diversity**” and hosted speeches by Jean Kahn, the Chairman of the Management Board, Thomas Klestil, President of the

Republic of Austria, Nicole Fontaine, President of the European Parliament, Romano Prodi, President of the European Commission, and Maria de Belém Roseira, representative of the Portuguese Presidency of the EU.

**Jean Kahn**, Chairman of the Management Board of the EUMC, stated that racism and xenophobia have unfortunately experienced a worrying upswing in recent years and that the EUMC had been founded as a consequence. He defined the EUMC's role as a driving force behind change, striving for the implementation of all the concepts and ideas that already exist, and striving for concrete activities. Mr. Kahn reiterated concern about the inclusion of a party using racism as an argument in its propaganda. He made an appeal to all parts of society to be the eyes and ears of Europe, watchful and active in the fight against racism, xenophobia and anti-Semitism.

**Thomas Klestil**, President of the Republic of Austria, gave a picture of the role Austria has played over the last decades as a refuge for asylum-seekers and people wishing to live and work in this country. The statement aimed at correcting a picture that has recently become biased due to the prevalent political situation, and wanted to remind the audience of Austria's positive role in humanitarian work as well as all the measures already taken at many levels to deal with racism and xenophobia. Mr. Klestil further recalled the developments leading to the foundation of the EUMC and how it fits into the European context and its fundamental values, putting it against the background of Europe's traumatic experiences during World War II. Mr. Klestil concluded by restating his personal commitment to the international fight against racism and xenophobia.

**Nicole Fontaine**, President of the European Parliament, highlighted the importance of the European institutions, particularly the European Parliament, in the fight against racism and xenophobia, with particular mention of the Commission of Inquiry. Ms. Fontaine pinpointed the importance of a common European understanding of non-discrimination as a fundamental value of European integration. She mentioned the role of the Parliament calling for a reinforcement of legal provisions against racism in all its forms, but also Europe's educational role in changing collective thinking. Ms. Fontaine reassured the audience of the European Parliament's commitment to exercise all its power in the fight for human rights and universal brotherhood.

**Romano Prodi**, President of the European Commission, saw the opening of the EUMC as an explicit European signal to preserve a clear view of history and its traumatic events, as an instrument to examine and understand the causes that led to the Holocaust and still lead to racism, xenophobia and anti-Semitism. Mr. Prodi expressed his concern about the recent upswing in right-wing extremism, and called it a threat to the European house. Here, the EUMC could act as a mechanism to transmit fundamental European values. Mr. Prodi mentioned the importance of this common set of values against the background of the Kosovan war and the challenges that enlargement of the EU will bring. He pointed out the important role the European institutions are playing in this context.

**Maria de Belém Roseira**, representative of the Portuguese EU Presidency, recalled the fundamental values of the EU and reminded the audience that each and everyone in society would have to respect this common standard. She vowed that intolerance will not be accepted in Europe. Ms. Belem Roseira gave an overview over the steps and measures the united Europe has taken to combat racism and xenophobia in the recent past and highlighted the EUMC as well as the endeavours to create a common legal framework as important ways forward. Ms. Belém Roseira concluded with the statement that in the future of the EUMC lay some part of the future of Europe's common culture that should be protected and promoted.

The afternoon saw a line-up of renowned speakers, mainly from academia, delivering interesting contributions on the topic of “**Setting the Vision for Europe**”.

**Graham Watson**, Chairman of the Committee on Citizens' Freedom and Rights, Justice and Home Affairs in the European Parliament, emphasised the opportunity that lay in what could be termed a new European legal order and the emergence of an inter-institutional political will. Mr. Watson mentioned the Amsterdam Treaty, which came into force in May 1999 as the culmination of all earlier efforts due to the inter-relatedness of its provisions that would allow effective implementation of a European human rights policy.

Mr. Watson then made the point about the remarkable political will that the three core European institutions, the Parliament, the Council and the Commission, had recently shown in the fight against intolerance and discrimination. Mr. Watson concluded with formulating some expectations that the EUMC might be confronted with in connection with the Amsterdam Treaty and a possible enlargement of the EUMC's tasks regarding anti-discrimination as a whole.

**Chantal Mouffe**, political theorist at the University of Westminster, claimed that a real understanding of the causes of racism and xenophobia was a core challenge for fighting the phenomena of rejecting the other and for the work of the EUMC. She pointed out that a moralistic approach was inadequate and counter productive. Ms. Mouffe discussed various concepts of identity in a psychoanalytical as well as political context, based upon the fact that the creation of identity always implied the establishment of a difference and was a relational concept, often based on hierarchies. The way forward, Ms. Mouffe continued, was via a multiplicity of practices, institutions and discourses that could lead to a democratic form of life in which resemblance as well as diversity could be acknowledged.

**Charles Taylor**, McGill University, built his vision on inclusive democracy. Starting from democracy as purportedly the most inclusive form of government, which yet bred new forms of exclusion, Mr. Taylor called for a redefinition of what united mankind in democratic societies.

The late afternoon examined the question of “**Europe at a Crossroad?**”

**Ruth Wodak**, University of Vienna, discussed exclusion in all its forms, focusing on the investigation of racist language. This investigation was based on a study carried out over two years among leading politicians and how they dealt with ethnic and cultural minorities in parliamentary debates in Austria, the Netherlands, France, United Kingdom, Italy, and Spain. The findings showed that in all the six states the debates were extremely polarised between the left and right wing when it came to the topics of immigration and asylum. Ms. Wodak presented a wealth of quantitative data on the issues raised, on the character of the discourses, argumentation structures and others. She concluded in reminding the audience that words were weapons, that language always meant action. Language leads to power, to exclusion and ultimately to extermination, if not carefully dealt with.

The evening session concentrated on “**EUMC Challenging Society**” – the presentation of some of the EUMC’s projects. It continued next morning, introducing projects with partners and respondents.

**Jan Niessen**, Migration Policy Group, highlighted the paramount importance of legal measures in the fight against racism and ethnic discrimination. He examined proposals for European legal measures that were being considered at the European level, such as the European Council’s Draft Protocol No. 12 to the European Human Rights Convention, the EU Commission’s proposals for Directives on equal treatment, and Title IV of the EC Treaty. Mr. Niessen concluded by pointing out that diversity and pluralism needed to be firmly based on the respect of differences, which implied equality, tolerance and non-discrimination. Mr. Niessen said legal measures were part of an overall strategy, to promote equality and to cherish diversity.

**Christian Petry**, European Foundation Centre and Freudenberg Stiftung, drew attention to the role civil society played in Europe through the changes of history, pinpointing the role of non-governmental organisations and foundations. Mr Petry pointed out some problems in Europe, which would demand joint action by governments, European institutions and the civil society. One problem mentioned was the growing number of young people in Europe’s societies who are threatened by long-term unemployment and, as a consequence, turn away from democratic values and start supporting right-wing extremists. Another problem mentioned by Mr Petry, was the fact that migrants in many of European societies, occupy low social positions, especially if they arrive without papers. This will mean they will lack access to social security or health care. Their children grow up with very limited chances in society and there is a risk of forming an underclass, which is kept down by racial discrimination. Mr Petry also mentioned the Roma and Sinti minorities in Europe, whose problems are not sufficiently recognized.

Other contributions were made by Baroness Sarah Ludford, Member of the European Parliament, Fodé Sylla, Member of the European Parliament and Adam Tyson, European Commission, Directorate General Employment and Social Affairs. The Vienna Forum was concluded by the Director’s résumé

encompassing the steps that have to be taken in order to achieve an **action-oriented programme for change in Europe**. RAXEN will be an integral part of it as well as an early warning system.

## 2.4 Media Coverage

There was very extensive reporting of the official Opening Ceremony of the EUMC in the European media. In addition to the more than 100 media companies present at the Opening, nearly 500 newspapers and magazines and 100 television and radio stations in Europe reported the event on the basis of information from news agencies, pictures from agencies and live coverage by Eurovision (ORF).

There was also extensive reporting of the Opening Ceremony on the **Internet**. Less than an hour after the close of the Ceremony, the event was reported on the websites of the Austrian media, and in the course of Friday and Saturday, the number of websites reporting on the Opening Ceremony rose to more than 50 and the website of the EUMC reported more than 25,000 hits.

## 2.5 Conclusions

The EUMC's experience with the **media** from the Opening Ceremony on 7 April was positive. The success of the event has secured an unexpectedly high profile for the EUMC at its foundation, and provided an important platform for future co-operation with the media throughout the EU.



# 3 Personel and Organisational Information

## 3.1 Activities of the Management Board and the Executive Board

### 3.1.1 MEETINGS

#### 3.1.1.1 Management Board

The Management Board held the following meetings in 1999:

**4<sup>th</sup> Meeting in March:** The first topic of discussion was on the current state of racism and xenophobia in the Member States. Each Member of the Board reported briefly on their respective national situations and recent findings and statistics. The part on the activities of the EUMC dealt with the implementation of the Work Programme 1999 and the progress made in the different working groups to the projects. Particular emphasis was placed on RAXEN and Round Tables. The Board also decided to publish a declaration on the events in Kosovo.

**5<sup>th</sup> Meeting in September:** The report by the Members on the situation in the Member States was extended by a common statement on the situation in East Timor and a discussion on the reconciliation in the Kosovo. RAXEN was a focus topic again – the Board discussed the Liebkind report and decided to elaborate 12 guidelines and prepared a harmonised profile for the Round Tables. The Work Programme 2000 was agreed in principle as well as the concept for the Opening of the EUMC in April 2000.

During the meetings, a number of statements and press releases were issued.

#### 3.1.1.2 Executive Board

**7<sup>th</sup> Meeting in December:** The main focus of the Meeting was RAXEN. Mr. Sharma, consultant in charge of RAXEN, reported to the Executive Board on the consultation process. It was decided to present Mr Sharma's proposed structure of RAXEN at the next meeting of the Management Board. Another essential item of discussions was the Work Programme 2000. Some adaptations were agreed on before the presentation to the Management Board. The Executive Board also dealt with the draft programme of the official Opening of the EUMC and suggested a modus for invitations.

## 3.1.2 MEMBERS OF THE BOARDS

### 3.1.2.1 Management Board

The Management Board takes decisions on the activities of the EUMC and its annual budget. It is also responsible for the dissemination of the Annual Report as well as its conclusions and expert opinions.

The Management Board consists of 18 members: one independent person appointed by each Member State, by the European Parliament, and by the Council of Europe, and a representative of the European Commission. Each member has a deputy nominated in a similar fashion. The composition of the Management Board during 1999 was the following:

	MEMBER	DEPUTY MEMBER
Belgium:	Johan Leman	Jean Cornil
Denmark:	Ole Espersen	Morten Kjaerum
Germany:	Uta Würfel	Barbara John
Finland:	Kaarina Suonio	Tom Sandlund
France:	Jean Kahn	Martine Valdes-Boulouque
Greece:	Petros Stangos	Perikles Pangalos
United Kingdom:	Robert Purkiss	David Weaver
Italy:	Francesco Margiotta Broglio	Diego Ungaro
Ireland:	Mervyn Taylor	Mary Flaherty
Luxembourg:	Nic Klecker	Edouard Wolter
Netherlands:	Ed van Thijn	Paul B. Cliteur
Austria:	Anton Pelinka	Stefan Karner
Portugal:	Pedro Bacelar de Vasconcelos	Esmeraldo de Azevedo
Spain:	Juan de Dios Ramirez-Heredia	Joaquin Alvarez de Toledo
Sweden:	Stéphane Bruchfeld	Lena Berggren
European Parliament:	William Duncan	Jürgen Micksch
Council of Europe:	Joseph Voyame	Jenö Kaltenbach
European Commission:	Odile Quintin	Adam Tyson

The term of office for the members of the Management Board is three years and may be extended for a further term. The Management Board meets at least twice a year. Each member has one vote. A two-thirds majority takes decisions.

### 3.1.2.2 Executive Board

The Executive Board is composed of the Chairman and Vice Chairman of the Management Board, and a maximum of three other members of the Management Board, with the person appointed by the Council of Europe and the European Commission representative as ex-officio members. The third member is elected by the Management Board.

The Executive Board controls the work of the EUMC, supervises the formulation and implementation of the EUMC's programmes and, prepares the meetings of the Management Board in conjunction with the Director.

In addition, it deals with all matters delegated to it by the Management Board in accordance with the rules of procedure. The Executive Board meets every year.

FUNCTION	MEMBER
Chairman:	Jean Kahn
Vice Chairman:	Robert Purkiss
Member elected by the Management Board:	Anton Pelinka
Member appointed by the Council of Europe:	Joseph Voyame
Representative of the European Commission:	Odile Quintin

## 3.2 Staff Information

### 3.2.1 THE RECRUITMENT PROCEDURE

The recruitment for the staff of the EUMC is taking place in three steps – a 1998, 1999 and 2000 exercise. In the first step, 8 positions were advertised (2 A, 3 B, 2 C, 1 D), 7 for 1999 (4 A, 2 B, 1 C), and 10 posts for 2000 (3 A, 4 B, 3 C). The jobs for step 3 were advertised in newspapers and on the EUMC's website.

### 3.2.2. STAFF COMPOSITION

#### Staff members at the end of 1999

CATEGORIES	BEGINNING 1999	END 1999	SCHEDULED
A	2	5	7
B	1	5	5
C	0	3	4
D	0	1	1
AUXILIARY C	0	3.5	
INTERIM C	3.5	2	
<b>TOTAL</b>	<b>6.5</b>	<b>19.5</b>	<b>17</b>

#### Staff arrival during 1999

MONTHS	A	B	C	D	AUX C	INT C	TOTAL
01/1999	2	1				3.5	6.5
02/1999	2	1				4.5	7.5
03/1999	2	1				4.5	7.5
04/1999	2	1				4.5	7.5
05/1999	2	1				4.5	7.5
06/1999	2	1	1			4.5	8.5
07/1999	3	2	2	1	2	2.5	12.5
08/1999	3	2	2	1	2	2.5	12.5
09/1999	4	2	3	1	2	.5	12.5
10/1999	5	3	3	1	2	1.5	15.5
11/1999	5	5	3	1	3.5	2	19.5
12/1999	5	5	3	1	3.5	2	19.5

This table shows that recruitment did not happen as quickly as expected.

**Staff members according to nationality (at end of 1999)**

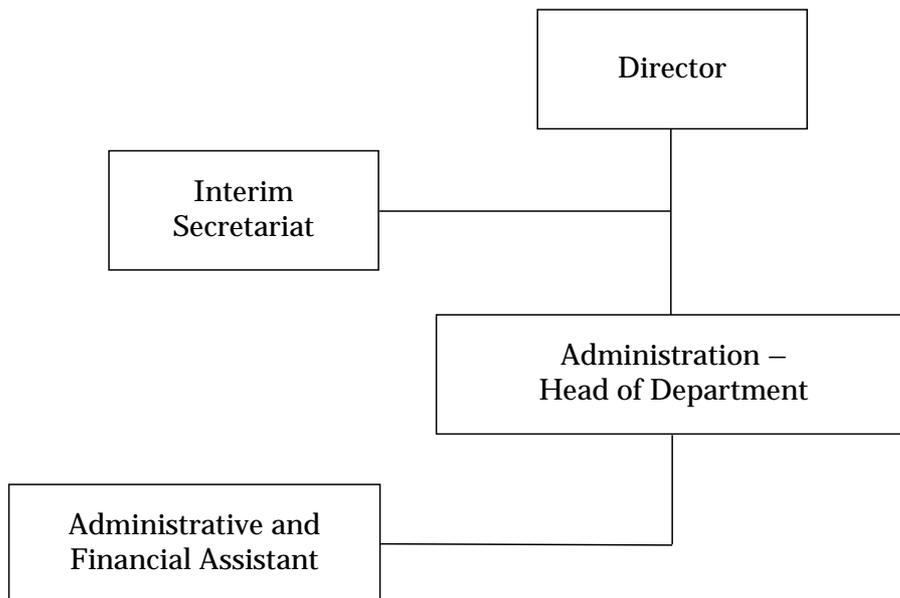
NATIONALITY	NUMBER OF STAFF
Belgian	2
German	4
Danish	1
Greek	
Spanish	1
French	1
Italian	
Irish	
Luxembourg	1
Dutch	
Austrian	7
Portuguese	
Finnish	
Swedish	1
British	2

### 3.3 Organisation Chart

The tables below show the organisation charts at the beginning and at the end of 1999, illustrating the changes in temporary staff that occurred during 1999.

Two facts are most notable:

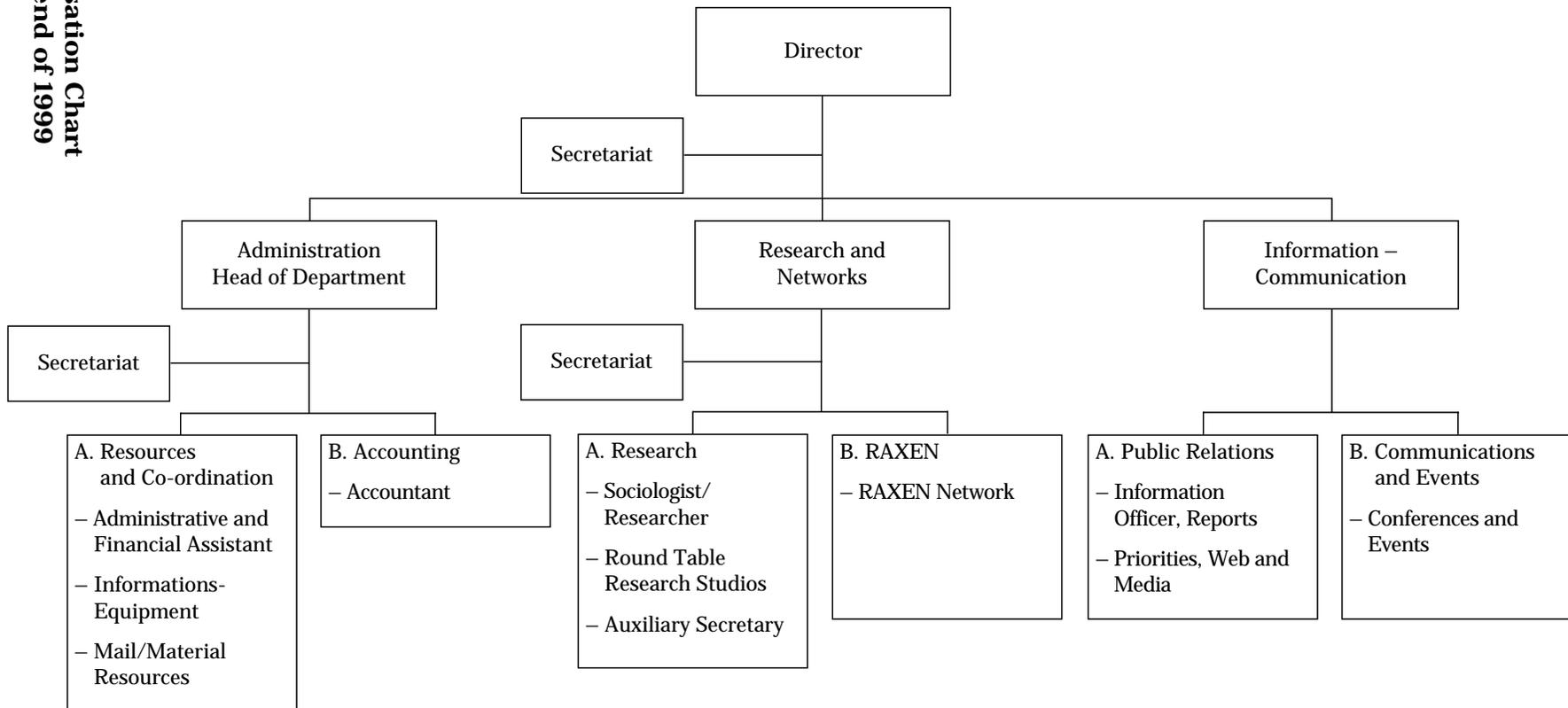
- At the beginning of the year, there were only 3 regular staff employed - a difficult situation for the EUMC, since the Work Programme was quite ambitious.



#### Organisation Chart at the beginning of 1999

- Although at the end of the year, several staff were employed, two of the three posts of Head of Unit were still vacant. This caused an exceptional situation, as the usual system of line-management could not be employed and senior staff had to take on the duties as acting Heads of Units.

**Organisation Chart  
at the end of 1999**





# 4 Financial Information

## 4.1 Revenues and Expenditures 1999

In 1999, the EUMC implemented 80% of the credits that had been made available for its operations. A non-automatic transfer of credits was requested to cover the cost of the official Opening in April 2000 (0.2 million Euro). The execution is of 88% for title 1 (staff), 77% for functioning, and 73% for operational activities.

### Revenue and expenditure account for the financial year 1999

(in EURO 1,000)

	<b>1999</b>
<b>Revenue</b>	
Subsidy received from the Commission	3,750
Miscellaneous revenue	27
<b>Total revenue</b>	<b>3,777</b>
<b>Expenditure</b>	
Staff expenditure - Title 1 of the budget	
Payments	985
Appropriations carried over	131
Administrative expenditure – Title II of the budget	
Payments	392
Appropriations carried over	564
Operating expenditure – Title III of the budget	
Payments	444
Appropriations carried over	633
<b>Total expenditure</b>	<b>3,149</b>
Cancellation 1998	151
Out-turn for the financial year	628
Result 1998	-42
<b>Balance for the financial year</b>	<b>737</b>

The under spending is attributed to the following facts:

- Until June 1999, only 3 statutory staff members had been employed due to the length of the recruitment procedure.
- The vacancy of key positions resulting thereof lead to the postponement of core projects.
- The financial contribution of the State of Austria could not be validly assessed because of the absence of a Headquarters Agreement.
- The restoration of the premises started later than schedule due to maintenance problems in the building.

## 4.2 Revenues and Expenditures 1998

### Revenue and expenditure account for the financial year 1998

(in ECU 1,000)

	<b>1998</b>
<b>Revenue</b>	
Subsidy received from the Commission	500
Miscellaneous revenue	4
<b>Total revenue</b>	<b>504</b>
<b>Expenditure</b>	
Staff expenditure – Title 1 of the budget	
Payments (1)	212
Appropriations carried over	120
Administrative expenditure – Title II of the budget	
Payments	14
Appropriations carried over	61
Operating expenditure – Title III of the budget	
Payments	29
Appropriations carried over	111
<b>Total expenditure</b>	<b>547</b>
Out-turn for the financial year	-43
Exchange rate differences	1
<b>Balance for the financial year</b>	<b>-42</b>

**Source:** prepared by the Court of Auditors on the basis of data from the EUMC  
 (1) An amount of ECU 69,000 relating to additional salary and salary deductions is to be paid during 1999.

The figures were adopted by the European Court of Auditors in October 1999. The Court stated that the budget was implemented and the financial statements presented in accordance with the internal financial provisions. Its examination allowed the Court to obtain reasonable assurance that the accounts from the financial year ended 31 December 1998 are reliable and that the underlying transactions are, taken as a whole, legal and regular.

## 4.3 Balance Sheet 1999

Balance sheet as at 31 December 1999

(in Euro 1,000)

<b>ASSETS</b>	<b>1999</b>	<b>LIABILITIES</b>	<b>1999</b>
<b>Fixed assets</b>		<b>Fixed Capital</b>	
Inventory	20	Capital	20
<b>Current assets</b>		<b>Current liabilities</b>	
Other debtors	0	Carry-over automatic	1,037
Advances on salary	36	Carry-over non-autom.	290
VAT (dr)	116	VAT (cr)	116
		EC Taxes	66
<b>Cash account</b>		Social security	64
Bank accounts	2.200	Other creditors	37
		Reused 1 <sup>st</sup> year	5
		Result 1999	737
<b>Total assets</b>	<b>2,372</b>	<b>Total liabilities</b>	<b>2,372</b>

# 5 Information Resources

## 5.1 Publications of the EUMC

- General Information – Leaflet. (available in English (EN), French (FR), German (DE))
- You can do something for better mutual understanding against racism, xenophobia and antisemitism, 7 December 1998. (EN, FR and DE)
- Equality and Diversity for Europe – Appeal for Common Action, 7 December 1998. (EN, FR and DE)
- Xenophobia and Racism in Europe: In the light of public opinion 1989–1997, 7 December 1998. (EN, FR and DE)
- Cultural Diversity – Against Racism: Report on the European Media Forum in Cologne in May 1999. (Available in EN and DE)
- Challenging the Media – for Equality and Diversity against Racism, September 1999 (EN and DE)
- Equal Voices – The Newsletter of the EUMC. (EN)
- Annual Report 1998: Part 1 – Giving Europe a Soul: The activities of the EUMC. Part 2 – Looking Reality in the Face: The situation in the Member States. (EN, FR and DE)
- Annual Report 1998 Summary (DA, DE, EL, EN, ES, FI, FR, IT, NL, PT and SV)

## 5.2 Website

The website of the EUMC was created in 1999 and will be further developed as part of the new corporate identity of the EUMC.

The website, <http://eumc.eu.int> has become a useful tool for delivering basic information about the EUMC and allowing unimpeded access to the EUMC's information by journalists, NGOs and governments. The website proved its importance for access to information during the Opening of the EUMC as journalists were able to download registration forms for the media conference and surfers were able to download speeches and photographs in a short period of time.

## 5.3 Important Contacts and Links

### **The European Union**

<http://europa.eu.int>

### **The European Parliament**

Allée du Printemps  
B.P. 1024/F  
F-67070 Strasbourg Cedex  
Tel.: (33 3) 88 17 40 01  
Fax: (33 3) 88 25 65 01  
<http://www.europarl.eu.int>

### **Council of the European Union**

Rue de la Loi, 175  
B-1048 Bruxelles  
Telephone (32-2) 285 61 11  
Fax (32-2) 285 73 97/81  
**Mail-box: [public.info@consilium.eu.int](mailto:public.info@consilium.eu.int)**  
<http://ue.eu.int>

### **The European Commission**

Rue de la loi 200  
B-1049 Brussels  
Tel.: (32 2) 29 9111  
<http://europa.eu.int/comm/index.htm>

### **Council of Europe**

F-67075 Strasbourg Cedex

General Web site of the Council of Europe /  
Le site général du Conseil de l'Europe <http://www.coe.int>  
Parliamentary Assembly / L'Assemblée Parlementaire <http://stars.coe.int>  
European Court of Human Rights / Cour Européenne des Droits de l'Homme  
<http://www.echr.coe.int>  
Specialist Group on Roma/Gypsies  
<http://www.coe.fr/DASE/EN/cohesion/action/romaact.htm>

### **ECRI (European Commission against Racism and Intolerance)**

F-67075 Strasbourg Cedex  
Tel.: (33 3) 88 41 20 00  
Fax: (33 3) 88 41 27 81/82/83  
<http://www.ecri.coe.int>

**United Nations High Commissioner on Human Rights**  
**8-14 Avenue de la Paix**  
CH-1211 Geneva 10  
Tel.: (41-22) 917-9000  
Fax: (41-22) 917-9016  
<http://www.unhchr.ch>

**United Nations World Conference against Racism, Racial  
Discrimination, Xenophobia and Related Intolerance**  
<http://www.unhchr.ch/html/racism/program.htm>

**Organisation for Security and Cooperation in Europe**  
OSCE Secretariat  
Kärntner Ring 5–7  
1010 Vienna, Austria  
Tel.: (+43-1) 514 36 180  
Fax: (+43-1) 514 36 105  
E-mail:[info@osce.org](mailto:info@osce.org)  
<http://www.osce.org>

**OSCE High Commissioner on National Minorities**  
P.O. Box 20062  
2500 EB, The Hague, The Netherlands  
Tel.: (+31-70) 312 55 00  
Fax: (+31-70) 363 59 10  
E-mail:[hcnm@hcnm.org](mailto:hcnm@hcnm.org)  
<http://www.osce.org/hcnm/>

**European Union Migrants Forum**  
Rue du Commerce, 70–72  
B-1040 Brussels  
Tel.: (32 2) 502 4949  
Fax: (32 2) 502 7876

**ENAR – European Network against Racism**  
43 Rue de la Charité  
B-1210 Brussels  
Tel.: (32 2) 229 35 70  
Fax: (32 2) 229 35 75  
<http://www.enar-eu.org>

# **EUMC**

## Mission Statement

The EUMC is a thinking, acting and challenging network organisation, working in all sectors of society for equality and diversity, and against racism and xenophobia in the European Union – as a network of knowledge, a bridge-builder and a service organisation.



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Internet: <http://eumc.eu.int>



**EUMC**

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European Monitoring Centre on Racism and Xenophobia  
Observatoire européen des phénomènes racistes et xénophobes

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