

**EUROPEAN MONITORING CENTRE ON RACISM AND XENOPHOBIA**  
**OBSERVATOIRE EUROPÉEN DES PHÉNOMÈNES RACISTES ET XÉNOPHOBES**  
**EUROPÄISCHE STELLE ZUR BEOBACHTUNG VON RASSISMUS UND FREMDENFEINDLICHKEIT**



# **Looking Reality in the Face**

## **The Situation regarding Racism and Xenophobia in the European Community**

**Annual Report 1998**  
**Part II**

**Rahlgasse 3, A-1060 Wien**  
**Tel: +43-1-580 30-0, Fax: +43-1-580 30-99**  
**E-Mail: [office@eumc.at](mailto:office@eumc.at), Internet: [www.eumc.at](http://www.eumc.at)**

**Looking Reality in the Face**

**The Situation regarding Racism and Xenophobia  
in the European Community**

**highlighting examples of good practice**

**Annual Report 1998  
Part II**

**by**

**The European Monitoring Centre on Racism and Xenophobia  
Rahlgasse 3, A-1060 Vienna**

**Published in December 1999**

## INDEX

# THE SITUATION REGARDING RACISM AND XENOPHOBIA IN THE EUROPEAN COMMUNITY

INTRODUCTION BY THE CHAIRMAN OF THE MANAGEMENT BOARD

NOTE ON METHODOLOGY

## 1. MANIFESTATIONS OF RACISM AND XENOPHOBIA

- 1.1 RACISM AS A MODERN PHENOMENON
- 1.2 THE STATISTICS OF RACIST ACTIVITIES
- 1.3 THE VICTIMS OF RACISM
- 1.4 THE PERPETRATORS OF RACIST ACTS

## 2. ANALYSES

- 2.1 THE SOCIOLOGICAL CONTEXT
  - A) THE STATE OF PUBLIC OPINION
  - B) IMMIGRATION AND MINORITIES
  - C) THE MEDIA
- 2.2 THE POLITICAL AND ECONOMIC CONTEXT

## 3. ACTION TO COMBAT RACISM AND XENOPHOBIA

- 3.1 PUNITIVE MEASURES ADOPTED BY THE PUBLIC AUTHORITIES
- 3.2 PREVENTIVE MEASURES – ACTIONS AND POLICIES OF THE PUBLIC AUTHORITIES
- 3.3 MOBILISATION OF CIVIL SOCIETY
- 3.4 GOOD PRACTICES – ROUND TABLES
- 3.5 OUTLOOK AND PROJECTS

## 4. ACTION BY THE EUROPEAN UNION

## **INTRODUCTION BY THE CHAIRMAN OF THE MANAGEMENT BOARD**

In accordance with Council Regulation No 1035/97 of June 2, 1997 and decision of the Management Board the Annual Report of the European Monitoring Centre (EUMC) should include an overview of the situation in the Member States. As a starting point in the setting up phase, the European Monitoring Centre decided to ask each individual member of the Board to prepare a brief personal\_report – an impression with examples - on the national state of affairs in the field according to a standard format suggested by the EUMC.

Further more the EUMC asked the European Network against Racism (ENAR) and the European Union Migrants' Forum to draw up separate report on Racism and Xenophobia. The report of the European Migrants' Forum is integrated, a report of ENAR could not be included.

I have to thank all the members of the Board, ENAR and the European Union Migrants' Forum for their support for this part of the Annual Report of the EUMC – the report "Setting up the Monitoring Centre" is published separately.

In the difficult situation of the starting phase – the EUMC started its work with one person on 16 July 1998 – the EUMC also asked the Member States for material (statistics, surveys etc.), but the responses were not very extensive.

The EUMC decided to ask an external consultant, Mr. Gerard Fellous from the French “Commission Nationale Consultative des Droits de L’Homme”, to draw up a general overview of racism and xenophobia in the fifteen member states based both on the personal contributions as well as additional sources such as official documents, reports from the United Nations Committee for the Elimination of Racial Discrimination, press coverage, documents produced by specialised NGO etc.

I have to thank Mr. Gerard Fellous for his comprehensive overview, full of different facets. He has done an excellent work – especially in consideration of the lack of material. As can be seen it is not a country by country analysis nor a thematic horizontal study. Instead the report addresses a number of key questions and gives numerous different national examples. Due to lack of complete and comparable data it has not been possible to strike an equal balance between Member states. However what has been possible is - as a starting point - to give a broad picture of some of the essential features of the manifestations of racism and xenophobia in Europe and describe key actions adopted to try to combat and counteract these manifestations.

For future Annual Reports on the situation in Member States it is the aim of EUMC to gradually move towards establishing more comprehensive and comparable data. Thus the part of the Annual Report of the EUMC concerning the situation on racism and xenophobia in the Member states should be regarded as a constantly evolving product not as a static result.

Jean Kahn  
Chairman of the Management Board

## **THE SITUATION REGARDING RACISM AND XENOPHOBIA IN THE EUROPEAN COMMUNITY**

### **Note on methodology**

For this first report, we decided to provide a general overview of racism and xenophobia in the fifteen States of the European Union.

This is neither a country-by-country analysis nor a thematic horizontal study.

Its only aim is to provide an initial synopsis and to answer three questions:

- What forms do racism and xenophobia take in Europe today?
- What studies of these subjects are being undertaken, whether sociological, political or economic?
- What are the most recent steps taken, either by the public authorities or by civil society, to combat these trends?

All states in the Union are not quoted in the same way, for lack of complete and comparable documentation. Following this outline, we decided to quote examples from individual countries. Countries which receive few or no mentions are not necessarily those least affected by these events, but those on which the least information was available.

Within each chapter, countries appear in the same alphabetical order as that adopted in publications by the Commission.

The information given is neither comprehensive nor complete. It requires further and more detailed consideration.

Five types of source have been used:

- personal contributions provided by the members of the Management Board of the Centre;
- official documents produced by national public authorities (various ministries) or specialist national bodies;
- the country-by-country reports from the United Nations Committee for the Elimination of Racial Discrimination (CERD);
- the country-by-country reports filed by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe; and
- documents produced by specialist NGOs and press coverage.

## **1. MANIFESTATIONS OF RACISM AND XENOPHOBIA**

If racism and xenophobia in Europe are to be effectively combated, a first essential step is to identify and understand the nature and intensity of these problems.

The first thing that can be established - simply by reading the European press coverage in recent months or discussing the subject with the numerous non-governmental organisations in each of the fifteen States of the Union - is that racism and xenophobia are universal. No country in the Union is immune. None can claim to have totally eradicated these problems, even now, over fifty years after the end of the Second World War.

At the same time, however, another fact becomes apparent: These problems are highly diverse, taking different forms in different historical, sociological and political contexts. Their nature and scale vary from place to place within Europe, even though there are similarities between the victims, or arising from the existence of transnational racist networks.

The seriousness of the problems varies, too. Although the most murderous examples are generally brought to the attention of the public, there are many others - less spectacular, but just as deplorable - that are difficult to identify because they form part of routine racism: threats or incidents which form part of everyday life and are trivialised or suppressed by the victims.

### **1.1 RACISM AS A MODERN PHENOMENON**

No European country has been exempt from these multifaceted phenomena. To demonstrate this point, we have collected a few cases from the European press: this is an arbitrary selection, since no exhaustive study exists - it will be one of the tasks of the Monitoring Centre to produce such a study.

The Vlaams Blok [Flemish Bloc] party, created in Belgium in 1997, has conducted anti-immigrant campaigns during recent elections. The Belgian Parliament has adopted a law to deny public funding to such political parties that are guilty of racist or antidemocratic propaganda.

- A 20-year-old Nigerian woman was suffocated under a cushion used by Belgian police officers during an attempted deportation on 22 September 1998.
- Danish executives are allegedly more racist when recruiting staff than their counterparts elsewhere in Europe, according to a study by Rockwool Fonden on immigrants and their living conditions in Europe: 28% of (non-Community) foreigners between the ages of 25 and 49 are unable to find work, the rates being as high as 35% for Turks and Pakistanis and 60% for recent immigrant groups such as the Somalis.
- Two children, aged 11 and 12, desecrated 83 graves in the old Jewish cemetery of Nuremberg, Germany, "to pass the time", as they told the police. Furthermore, a survey

carried out by the weekly *Die Woche* of 506 young Germans between the ages of 14 and 18 highlighted their ignorance of the Nazi period: to 31% of them, the words "Auschwitz-Birkenau" meant nothing.

- A rock group gave a concert of anti-Semitic songs in Wuppertal. Three musicians and two organisers were sentenced to terms of imprisonment.
- A gang of about fifteen skinheads at Guben, Germany, conducted a "manhunt" coordinated with the use of mobile telephones and resulting in the death of an Algerian.
- The five Jewish cemeteries in Berlin, which have been the subject of numerous acts of desecration, including a bomb attack, are to be placed under video surveillance.
- A German hooligans' website called for a *Frankreichüberfall* (attack on France) on the occasion of the football World Cup, although a French police officer had been very seriously injured in an attack.
- A proposal to "tag" Gypsies in Bavaria was described as "institutionalised racism" in a petition drawn up by British and German artists meeting in Munich.
- A 40-year-old Tunisian man, in the process of being deported, suffered a cardiac arrest in the Arenc detention centre in Marseilles, France, and died for lack of emergency care.
- Three trials which have just taken place in France resulted in findings of racist crime. They involved a black child riding a bicycle who was intentionally run down by a man of 24 at Ezanville in 1997 (sentenced to 24 years' imprisonment), a young Mauritian man of 24 who, in 1990, was forced by two skinheads in Le Havre to drink a cocktail of beer and bleach and was then thrown into the harbour; and a Sri Lankan man whose request for asylum was denied and who died of suffocation during his forced expulsion in 1991. He had been put on a plane for Colombo, with his feet shackled, his hands handcuffed behind his back and adhesive tape over his mouth to prevent him crying out.
- The mayor of a small French town (Hardricourt in Yvelines) published an editorial in his municipal news bulletin in November 1998 equating the presence of foreigners with delinquency and crime. He was found guilty of incitement to racial discrimination.
- The manager of a night club in Tours, France, refused entry to four young Frenchmen of foreign origin in October 1998. He was fined for racial discrimination.

These examples make no claim to being a scientific sample and no attempt to stigmatise individual countries or reflect any rising scale of horror. They are simply a few instances of what Europe can produce today in the way of racism and xenophobia. The mere fact that these cases were reported in the press shows that the first step towards combating racism is to refuse to keep silent: to look reality in the face, to bring it to the collective awareness and to react to it, with criminal convictions where appropriate.

The third finding is that, although it is possible to obtain a qualitative view of racism and xenophobia, at least in their most spectacular manifestations, it is very difficult to arrive at precise and reliable statistical data.

Quantitative assessments pose many problems that have to be overcome if the acts involved are to be categorised, the victims defined and the social environment in question along with the vulnerable individuals and groups identified.

The compilation of statistics on racist and xenophobic behaviour and the perpetrators of racist acts also has its limits: a distinction has to be made between overt acts, which take the form of physical violence (assault, injury, murder, arson and attempted murder), where the data are relatively easy to obtain and may be regarded as reliable, subject to certain precautions, and so-called symbolic acts (written or oral threats, speeches, tracts, propaganda or even jokes), which are all the more difficult to quantify in that they are not usually the subject of complaints to the police or authorities.

Similarly, a distinction must be made between individual and collective acts, and between those which constitute a breach of a law and those which become common practice and are tacitly accepted by a majority.

Another difficulty with the statistical approach lies in the fact that it is impossible, at present, to apply the same criteria to every European State. Perceptions and definitions of these problems vary from one country to another. The various legislations do not cover the same offences, and the acts committed are classified in different ways.

## **1.2 THE STATISTICS OF RACIST ACTIVITIES**

The methods used to record incidents of racism differ from country to country.

| **In Germany**, the total number of offences and acts of violence motivated by far-right violence, xenophobia and antisemitism reported in 1998 was lower but continued to be a source of concern:

For offences driven by the far right, there was a decline of 5.7% over the previous year. The number of acts of violence fell by 10.5%. Xenophobic violence had increased in 1997 and then fell back to a lower level again in 1998 (434 compared to 462 in 1997).

However, the far right continued to attract more people in 1998, bringing together 53,000 partisans, an increase of 11% over the previous year, when there were 48,400 partisans of whom 8,200 were right extremists ready to use violence and attack, for the most part, foreigners. About 46% of all acts of violence (in 1997: 45%) were committed in the former GDR.

| **In Spain**, the Unión Romani (Romany Union) has drawn up a list of all cases of racism recorded by it anywhere in the country during 1998. Most of the victims are illegal immigrants and their families, or members of ethnic minorities. The offences take different forms:



discrimination in job-seeking and at work, accommodation, citizenship, health, education, freedom of expression, etc.

These activities are the work of more or less organised violent groups or of neighbours, employers, the security forces and the authorities.

In 1998, 32 instances of racism and discrimination against Gypsies were recorded.

Among the racist attacks, 40 cases of abuse of authority or police brutality were cited.

There were 27 specific and documented cases of attacks by violent groups.

Another 19 cases were listed under the heading "other attacks".

During that same year, 15 trials arising out of accusations of racism were held in Spain.

Racism based on neo-Nazism or other far-right activities accounted for 4 incidents relating to demonstrations at football grounds.

A further 6 cases of racism of the same origin were reported in 1998.

This case list also includes 29 instances of discrimination in employment, 21 in housing, 15 in education, 4 in health care and 16 others.

| **In France**, a report on racism and xenophobia is published each year and has been for ten years. It contains statistics provided by the police departments of the Ministry of the Interior.

In 1998, 26 violent racist incidents were recorded, one of them a case of anti-Semitism, which was the lowest level for 10 years (110 in 1991). Four people were injured.

As far as acts of intimidation were concerned (threats, graffiti, tracts, verbal abuse, minor violence, etc.) there were 165 cases in 1998, of which 81 were anti-Semitic in nature.

It should be noted that these figures represent the number of complaints made to the police and identified as being racist in nature.

| **In Ireland**, it was difficult to accept during the 1980s and early 1990s that racism could exist within the country. Despite the fact that racist incidents were on the increase, the public authorities continued to deny their existence. For example, a Member of the European Parliament declared in its 1990 Report on Racism and Xenophobia that "Ireland has been remarkably fortunate in escaping such phenomena, because it does not receive a very large number of foreign immigrants". This opinion was not generally shared, especially by the NGOs, which work with Travellers, among others.

In recent years, four factors have heightened awareness of these problems:

- the public authorities are becoming more aware of the difficulties and discrimination experienced by Travellers;

- society and human rights groups have become aware of the difficulties caused by the increase in the number of asylum seekers;
- an equal rights programme has been set up;
- the European Year against Racism and the creation of a National Advisory Committee on Racism and Inter-Cultural Relations have left their mark.

| **In Luxembourg**, although it cannot be said that the country is immune from racism, there is no doubt that the lessons of history have made the population very sensitive to any overt form of extremism or fascism: this is the legacy of more than four years' experience of Nazi German occupation, which claimed a great many victims as a result of resistance to the annexation of the country by the Reich, the intention being to destroy Luxembourg nationality as such.

Xenophobia and racism exist in Luxembourg, but at a subpolitical level, though this is less true of xenophobia than of racism.

The study published by SeSoPi – the Inter-Community Socio-Pastoral Service Centre – in October 1997 reported a number of incidents such as the distribution of anonymous literature, neo-Nazi graffiti and the desecration of cemeteries, which had occurred in decreasing numbers between 1992 and 1995.

In the summer of 1993, one incident caused great public indignation: two police officers were found guilty of beating up a Spanish national. They were given suspended prison sentences and fined by the Court of Appeal. The case attracted the attention of the government authorities, which are now doing more to ensure that the basic and further training of police officers is designed to make them more aware of human rights.

| **In Austria**, significantly, the debate on racism and xenophobia has recently centred on the trial of Franz Fuchs for murder. Found to have acted alone in a number of bomb attacks, including letter bomb attacks, between 1993 and 1995 against members of minority groups or organisations regarded as favourable to them, he was sentenced to life imprisonment. Public reporting and discussion of this trial totally evaded the "ideological" background to these offences and portrayed Fuchs as an atypical loner.

Since 1995, the Ministry of the Interior has produced a report on the far right, recording incidents and complaints, which were increasing in number. An upward trend was recorded during the following year, but it was noted that the number of criminal convictions resulting from such complaints had remained quite low.

| **In Portugal**, an expert has noted that the Portuguese like to consider themselves immune from any kind of racist activity. The national mythology, combining a sense of the universality of Portuguese culture and a "Portuguese style" (generally accompanied by a total lack of interest in discovering the underlying truth and untruth), explains the inability of the Portuguese to acknowledge the racist acts of which they may sometimes be guilty.

This is a very serious allegation. It must be recalled, however, that even under the dictatorship (1926-74), virtually nothing was ever done to control or combat the ubiquitous racism that

permeated everyday life. Indeed, at that time, in the name of an alleged "multicontinental and multiracial nation", attempts were being made to justify the perpetuation of the colonial empire and to legitimise the war effort there. Furthermore, racism and xenophobia are closely linked to poverty.

**I In Finland**, a government investigatory commission published statistics in 1998 showing that there had been no murders or attempted murders motivated by racism or xenophobia. It listed 4 acts of violence or attempted violence with explosives or firearms, which claimed 6 victims, and 10 physical assaults involving 10 victims, or a total of 14 acts of violence and 16 victims.

The senior police administration commissioned a study of racist acts committed in 1997. Its goal was not only to determine the scale of the phenomenon but also to make the police force aware of it. According to this study, 194 crimes of a racist nature were committed during that year – of which 20% were attacks, 20% unlawful threats, 10% discriminatory acts and 10% defamatory acts. Most of the victims of racist crimes were of Somali origin. It should also be remembered that a large number of crimes are not reported to the police, since members of minority groups do not always trust the police and are suspicious of their good will. Furthermore, the Romanies of Finland consider themselves to be constant victims of discrimination, a claim that was partly confirmed by an investigation conducted by one of the country's major daily newspapers.

**I In Sweden**, the Ministry of Culture compiles statistics relating to both "acts against an ethnic group" and "unlawful discrimination", offences covered by the Criminal Code. In 1998, the police recorded 591 "acts against an ethnic group" (344 in 1997; 281 in 1996) and 237 cases of discrimination (181 in 1997; 218 in 1996).

However, the Ministry of Culture takes the precaution of supplying a commentary together with these statistics because, in its own words, "they may be extensively misinterpreted" and give "a completely false impression".

To quote the Ministry:

*"First, many crimes are never reported to the police. An increase or reduction in the reported figure does not necessarily reflect a corresponding change in the actual number of crimes. A change in the statistics may be due – in whole or in part – to an increase in willingness to report crime. And that, in turn, may be the consequence of a new reporting policy on the part of the police.*

*Our analysis shows that the most likely explanation of the increase in the number of reported crimes is that such crimes have been increasingly targeted by public debate in Sweden and this has resulted in a growing readiness to report them to the police.*

*In this context, it may also be necessary to mention that the upward trend is probably due in part to the fact that, in 1996, the Supreme Court ruled that the public display of Nazi symbols or racist impedimenta can be regarded as "agitation against an ethnic group". This decision has had a major impact in schools and among the police.*

*This, then, can be regarded as a favourable development which will increase the opportunities to prevent and take action against racist crime.*

*It could also be emphasised that an in-depth analysis shows that the majority of the crimes reported as "agitation against an ethnic group" during earlier years were in fact cases of young people giving "Nazi salutes" or wearing Nazi or racist symbols.*

*Another likely explanation of the increase in numbers is that the police have in past years stepped up their activities against racist or xenophobic demonstrations and manifestations. Police activity during such events often increases the number of reported offences (in principle, one report for each suspect), and this naturally affects the statistics.*

*Finally, it must be stressed that the directives that have been issued by the Government to the National Police Council and the Public Prosecutor's Office since 1996 lay down that priority must be given to crimes inspired by racism or xenophobia. As a result, a great deal has been done in these two areas to develop suitable methods of preventing and combating such crimes.*

*The information services are preparing a full report on crimes motivated by racism or xenophobia in 1998. This report is expected to be published in June.*

*In 1998, the Ombudsman for Ethnic Discrimination received 121 complaints of ethnic discrimination at work, double the 1997 figure. As explained above, it can be assumed that a substantial proportion of this increase was due to an increased readiness on the part of the victims to report the discrimination from which they had suffered. This can be assumed to reflect the fact that the subject of ethnic discrimination has become a matter of public concern, and the public debate on the new and more extensive law against ethnic discrimination", concludes the commentary of the Swedish Ministry of Culture.*

**I In the United Kingdom,** despite the existence of very advanced antiracist legislation and institutional means of combating the problem, the statistics on racist acts and racial discrimination are not significantly lower than in the other European States.

Attacks on members of ethnic groups and the areas in which they live, and hooliganism, especially at sports grounds, are quite frequent, and there are indications of abuse of authority by the police.

The most serious and high-profile types of violence have been less common since the 1960s, but still continue, with the development of insidious and, especially, indirect forms of discrimination.

As far as the public authorities, and public opinion, are concerned, the best means of combating racist and xenophobic acts and attitudes is to start with a clear picture: in other words, to compile statistics based on the best possible criteria so as to obtain a close-up view of the real nature of these phenomena. The aim is not to compare such figures between

different countries, but to be able to approach them on the basis of the same definitions, something that has yet to be done.

In this first report, we have been unable to collect enough statistics to determine the quantitative scale of these problems.

It is generally appreciated that police statistics or other records of complaints lodged or recorded by the non-governmental organisations tell only part of the story. In the majority of cases, the victims prefer not to come forward.

So it is important not to lose sight of the "hidden statistics" of everyday racist attacks, acts of violence and demonstrations, which can only be approached through surveys and analyses.

### **1.3 THE VICTIMS OF RACISM**

The starting point for an awareness of racist and xenophobic acts and attitudes is the identification of the victims. Not only because they are of course the persons most closely concerned, and because they suffer from that, but also because a more accurate identification of these victims defines the actual nature of racism and, consequently, is a condition for preventive measures against it.

It should be noted that these victims are not the same in every country, although Travellers, Nomads, Romanies, Gypsies, etc., are frequently encountered under various names throughout the European Union, while in more general terms groups of foreigners and immigrants are frequently targeted.

The information available at present is insufficient to compile a full and accurate picture of these victims. A few data from various countries will provide some kind of indication.

**I In Belgium**, the Equal Opportunities and Anti-Racist Centre records complaints of racism, xenophobia and anti-Semitism based on violation of the 1981 Act criminalising incitement to racial hatred. The Centre reports that one complainant in three is of Belgian nationality. In 1998, 21.6% of complainants were of sub-Saharan African origin, 19.5% North African, 5.2% Turkish and 4.2% Asian. It should be noted that not all of these complaints related to racism, since the Centre estimates that one complaint in five is admissible under the antiracist legislation. In 12% of cases, the Centre considers that discrimination had occurred; one complaint in ten relates to "incitement to racism" (literature and pamphlets, articles in the press, problems in social life, etc.).

**I In Spain**, the Unión Romani stresses that the victims of racism are always the same: immigrants entering the country to seek work, their families and, in general, anyone whose racial, linguistic and cultural characteristics make them part of an ethnic minority.

The "Gypsy race" has been one of the most victimised groups, with 29 cases concerning them recorded in 1998.

As far as immigrants are concerned, there are those whose papers are not in order, the asylum seekers and the illegals from North and black Africa.

| **In France**, according to the 1998 Report on the Campaign against Racism and Xenophobia published by the National Advisory Committee on Human Rights, the main victims of acts of violence and intimidation are the Maghrebis, who accounted for 23 instances of violence out of 25 and 59 "threats" out of 84.

During the same year, anti-Semitic offences numbered one act of violence and 81 threats, attributable to the far right, according to police force figures.

| **In Italy**, the latest report to the CERD provides no details of victims' origins. The report does say that recent events in neighbouring countries, especially the former Yugoslavia and Albania, produced a sudden and substantial influx of immigrants, many of them illegal, and that acts of racial intolerance were reported, including attacks on foreigners of African origin and Romanies.

| **In Austria**, the report submitted to the CERD notes that 29% of complaints of racial discrimination were filed by foreigners. The media have reported criminal attacks on various minorities, in particular Chinese, other people of Asian origin and blacks. It should be added that asylum seekers were badly treated by the public authorities (police and prison staff).

Finally, the Romany/Gypsy population has been the target of racial violence and harassment in recent years.

| **In Portugal**, the nomadic Gypsy communities have been the victims of violently hostile demonstrations, mainly in the north of the country; in second place come black foreigners from Portuguese-speaking countries, followed by new groups, such as asylum seekers, who are not numerous.

| **In Finland**, the Romanies feel that they are discriminated against, and this view is partly confirmed by an investigation carried out by the biggest Finnish national paper, which focused on access by the Romany minority to restaurants in Helsinki and found a low level of compliance with the law.

Social and economic inequality between the Romanies and the Finnish population is still very significant, resulting in problems with accommodation, unemployment, education and social marginalisation. Mention should also be made of foreign asylum seekers and members of the Sami (or Lapp) people.

#### **1.4 THE PERPETRATORS OF RACIST ACTS**

It is particularly important to find out more about who perpetrates racist, xenophobic and anti-Semitic acts.

It is often difficult to be completely sure who is responsible, since the guilty parties generally wear masks or otherwise protect their anonymity. On rare occasions, they admit responsibility for their actions (through press releases or signed graffiti, etc.).

When victims file complaints, the police forces try to identify those responsible and bring them before the courts.

This first report cannot undertake any precise classification of perpetrators, although numerous studies have been undertaken by universities in some countries. In general terms, it can be said that when they are personally identified they are likely to be militant members or at least sympathisers of far-right organisations and parties. Sources of discrimination may be more diverse: private companies, government departments or individuals.

A few country-by-country data can be given by way of example:

| **In Belgium**, discrimination may originate with government departments, the residence authorities, owners of rented accommodation, educational establishments, the police or service providers.

Furthermore, feelings of frustration and defensiveness among substantial fringe groups in the indigenous population provide fertile soil for far-right groups and parties, one of which, the Vlaams Blok, whose slogan is "Our own people first", has become deeply and lastingly rooted in Belgian society.

In conclusion, it may be observed that racism is not always linked to social marginalisation. There are highly privileged strata of the population who demonstrate a very high level of selfishness and are not prepared to allow others to enjoy the same high standards of living, for fear of seeing those standards reduced.

| **In Germany**, the Federal Ministry of the Interior believes that right-wing extremism is a phenomenon that must be fought against throughout Germany. In the former East Germany, about half of the acts of violence committed in 1998 were motivated by right-wing politics. This ideology of aggression and violence is essentially propagated by skinheads, who are particularly numerous in the former East Germany, and indeed the problem as a whole is particularly acute in the eastern parts of the Federal Republic.

| **In Spain**, convictions for racist activity show that their perpetrators are often members of the far right, neo-Nazis and skinheads, but also young people in general, private citizens and police officers. In sport, especially football, neo-Nazi groups thrived in 1998, as did other far-right groups such as the "Falange Española - Frente Nacional Sindicalista" [Spanish Falange – National Trade Union Front].

Various employers have been found guilty of discrimination in the workplace.

| **In France**, most racist and anti-Semitic violence is the work of members of far-right factions. In 1998, the police questioned and charged 24 perpetrators or suspects, mainly

skinheads or members of the violent Parisian student group "Groupe Union Défense (GUD)" [Defence Union Group] and the National Youth Front.

In Corsica, violence against Moroccans and Portuguese has its origins in nationalist circles.

Anti-Semitism is mainly attributable to the far right and revisionists using an anti-Zionist camouflage.

| **In Austria**, the Criminal Code prohibits Nazi and neo-Nazi organisations. According to the Austrian delegation to the CERD, the latest available statistics show 70 convictions during the last five years for abusive language, incitement to racial hatred or racist propaganda.

It should also be noted that the police, especially in Vienna, have caused many racist incidents. According to the NGOs, the police, in their efforts to combat drug-related crime, clearly tend to regard skin colour as sufficient reason to be suspicious of any individual.

| **In Portugal**, in 1998, a political organisation operating under the name of "Orgulho Branco" (White Pride) and leaving its signature in the form of graffiti and posters used a private mobile telephone to disseminate racist statements such as: "Today, Europe is suffering from nothing less than a silent invasion by immigrants ... like it or not, the truth is that we have been colonised. Portugal is becoming less and less Portuguese and is gradually being turned into a mere appendage of the African continent." After an attack on this propaganda in the press, the telephone line was disconnected.

On numerous occasions in recent years, whole Gypsy communities have been the victims of attempts to expel them from land on which they had been settled for a great many years, and steps have been taken to prevent their finding new accommodation in nearby districts. Petitions and demonstrations have been organised for this purpose, with massive support from the local population, and sometimes even with the complicity of the local authorities. Town-planning reasons of dubious legality have been cited in an attempt to justify these activities. Furthermore, the Government's legal advisor (the Ombudsman) has upheld the discriminatory nature of the decision by municipal authorities to demolish a house belonging to a citizen of Gypsy origin. A state-owned empty building was burnt to prevent a Gypsy family that had been expelled from its own fields in a nearby district from being rehoused there.

Many people have publicly reported attempts to intimidate them and so prevent them selling their property to Gypsy families. Other property owners have been paid money to persuade them to cancel contracts of sale previously agreed. In June 1998, an anonymous pamphlet circulated in a rural area of the north coast carrying a threatening message: "But even worse than the Gypsies are those of our fellow-citizens who, driven by the desire for dirty money, have sold their properties to Gypsies. ... Those who sell land to Gypsies will have their houses burnt down without mercy." On the pretext of intending to combat the drugs traffic and expel drug addicts, illegal armed groups acting anonymously have organised demonstrations in rural or economically backward areas. This has merely resulted in occasional violent clashes.



| **In the United Kingdom**, 1998 was particularly notable for accusations made against police officers in connection with the investigation into the racist murder of a young black man, Stephen Lawrence, in 1993.

## **2. ANALYSES**

### **2.1 THE SOCIOLOGICAL CONTEXT**

#### **a) The state of public opinion**

If, given the current evaluative instruments (police and court statistics, studies of victims and studies of the perpetrators of racist acts), it is difficult to obtain a clear picture of racism in Europe, one of the reasons put forward by sociologists is that this is a highly subjective phenomenon.

Those responsible for racism or xenophobic attitudes rely more on ideology, irrationality and fantasy than on reasoned argument. Some antiracist NGOs have devoted time to the production of counter-arguments to challenge the official manifestos of the far-right and racist parties, for example with regard to the actual number of immigrants or the relationship between the foreign population and unemployment or delinquency, without always carrying conviction.

To different extents in the various States of the Union, national public opinion is more or less permeable to racist arguments.

This form of contamination is apparent not only from ballot papers in the various forms of elections, but also permeates everyday life and relations between groups.

In the context of racism and xenophobia, perhaps more than in any other area, it is very important to determine the state of public opinion, first as a way of attempting to assess acceptance of racism and secondly in order to find appropriate means of combating it.

The best evaluative tool is an opinion poll based on quantitative sampling or interviews.

Barometric opinion polls offer the advantage of making it possible to follow the trend of public opinion over a number of years and provide interpretations of it.

This kind of survey, based on a representative sample of a national population and carried out by professional institutions in accordance with European scientific criteria, adopts a dual approach to each person questioned face-to-face by an interviewer: first, an attempt to find out that person's "take" on the manifestations of racism and xenophobia within the society in which he lives, in other words his perception of such events, and secondly an attempt to discover how the person questioned himself behaves – his own personal attitude to those events. These questions on the actual attitudes and events are supplemented by questions on ways of combating racism and xenophobia as perceived or applied by the person questioned.

In addition to these questions on racism and xenophobia, there are further questions on related topics such as immigration, minorities and asylum seekers.

These opinion polls may be conducted in a single State or jointly in all 15 Member States of the European Union. This has occurred on two occasions, in 1973 and 1997, for the "Eurobarometer" of racism and xenophobia in Europe.

It is entirely within the powers of the European Monitoring Centre on Racism and Xenophobia to organise another round of the Eurobarometer in the autumn of 1999.

In a survey of this kind, using a single questionnaire to cover all 15 States of the Union, the choice of questions to be put is critical, and the Monitoring Centre's comments on the results will be especially important. These results, made available to all researchers and journalists, may of course be the subject of a great deal of comment.

The present report will not go back over the comments made by the Monitoring Centre on the spring 1997 Eurobarometer.

At the same time as these Eurobarometers, national opinion polls and commentaries have been produced in some States which corroborate or supplement the Europe-wide surveys.

| **In Belgium**, the last Eurobarometer, which showed that 55% of Belgians were avowedly racist, provoked the following comment:

*"There are several explanations for this view, even though one constant feature is the difficulty of coexistence.*

*First, of course, there has been an influx of foreigners, mainly from black Africa and Central Europe, who have arrived in Belgium to seek asylum. Belgium's current reception policy is to distribute asylum seekers over reception centres in small towns or villages where the local population are not always very happy to rub shoulders with people whose origins and cultures are often very different from their own and whom they feel have been thrust upon them. Established customs are upset, distrust is prevalent, and the slightest act of delinquency by individuals living at the reception centres is singled out and exaggerated to justify the question "What did I tell you?"*

*Another situation, associated with the difficulty of coexistence in the working-class districts of large and medium-sized cities with large immigrant populations, is the problem of disillusioned and marginalised young people who move on from an education somewhat lacking in motivation to dead-end working careers or a succession of small, low-grade jobs, and who find their only outlet in violence and clashes with the police or acts of delinquency. Events like these, given maximum media coverage, increase the feeling of insecurity among the indigenous neighbours of the immigrant groups and reinforce their negative image of these young unemployed people, constantly preparing some breach of the law".*

| **In Greece**, according to a researcher from "Aristotle" University in Thessaloniki, neo-Hellenic society was considered, compared to other European societies, to be especially tolerant toward foreigners or people belonging to distinct national, ethnic religious, etc. communities. The ancient Hellenic, Hellenistic and Byzantine civilisations maintained

productive and constructive relations with foreign civilisations, and this was said to have survived in the collective memory of neo-Hellenic society.

However, from the end of the Second World War and the civil war, public and private institutions of neo-Hellenic society were organised on the basis of the view that Greek society was and should always be homogeneous in cultural, religious and ethnic terms. This view was justified by the political isolation from its immediate geopolitical environment (Balkan and European) that characterised the international position of Greece from the 1950s to the 1990s.

As evidence of this official view of the homogenous cultural character of neo-Hellenic society is the country's constitution, which from its 1952 version to its current one (1975, amended in 1985-1986), established the Greek Orthodox religion as predominant, even imposing its teachings on the educational system (sec. 16(2)). Certainly, this does not mean that the Greek constitution tolerates discrimination against people living in Greece who have different religious convictions: a series of constitutional provisions guarantees formal protection for persons belonging to linguistic, religious, ethnic or other communities (sec. 2(1): respect for human dignity, sec. 5 (2) : protection of the life, dignity and liberty of individuals, sec . 25(2): guarantee of their human rights as individuals and as members of society, etc.) and allows their self-determination and the expression of their shared basic values.

The possibility of a deep-seated change in neo-Hellenic attitudes toward multiculturalism timidly appeared in the 1980s, as the result of Greece's joining the process of European integration. But the major challenge to this change came in the form of the recent phenomenon of migrations into Greece, occurring in the 1990s essentially as a result of the upheavals occurring in Eastern Europe.

| **In France**, a national opinion survey has been conducted every year for ten years (by the CSA). The National Advisory Committee on Human Rights, which presents the results of the survey in its Annual Report, arrived at four major conclusions in 1998:

*"1) The striking feature of 1998 is that public opinion now shows much greater tolerance towards overt racism.*

*In reply to the question "Will the antiracist cause be advanced by tougher laws against racist propaganda?", the number of affirmative answers has decreased significantly (-9 percentage points). Only 42% of French people consider that those guilty of racist remarks (such as "dirty Arab" or "dirty Jew") should be convicted. And of those, 32% consider that the penalty should only be a light one. ...*

*In this respect, then, there has been a genuine lifting of taboos, and at the same time racist remarks have become more commonplace and even, to some extent, "professionalised".*

*That said, this greater tolerance of racist speech has to be set off against the relatively hard line taken by public opinion towards discriminatory behaviour. The institute conducting this survey this year found the highest rate yet of rejection of discrimination against jobseekers (+19 points).*

2) *As far as immigration is concerned, a paradoxical situation is worthy of note:*

*With regard to problems associated with the illegal entry of foreigners into France and their illegal presence there, the French this year show less confidence in a government, of whatever political colour, to find radical solutions to these problems (-6 points). Yet, at the same time, they take an unmistakably hard line regarding the need for strict control of immigration (67% believe the influx should be curbed, and 24% support the idea of closing the frontiers altogether).*

3) *The main groups involved now enjoy more sympathy than previously.*

*- The main victims of racism, comprising the Maghrebis and young French people of Maghreb origin, enjoy a higher degree of sympathy this year (+7 and +8 points respectively). Can this perhaps be seen as a case of "World Cup" effect?*

*- Another positive trend:*

*Since 1991, the idea that immigrant workers are more likely to make a positive contribution to the French economy has received increasing support (27% in 1991, 39% in 1997 and 42% in 1998).*

4) *Integration will come, but only as the result of a long process, and after some tension.*

*Public opinion is increasingly convinced (+12 points) that in 20 years' time the various groups "will be living together" and not in separate communities.*

*However, public opinion is equally convinced (60% of those questioned, +13 points) that the process of integration will be accompanied by tension.*

*When asked what was slowing down this process of integration, those questioned (67%) placed the blame on the immigrants themselves "who make no attempt to integrate" more than on the French (56%) who do nothing to help them integrate.*

*Finally, 52% of French people consider that the integration of immigrants is a matter of time.*

*It should be emphasised that 60% of those questioned regard the presence of immigrants in France as a source of cultural enrichment".*

**I In Luxembourg**, two surveys carried out by ILRES (Luxembourg Institute for Social Research) during the period before the Eurobarometer survey provide a degree of extra detail.

The first survey, conducted in late 1986 and early 1987, showed that 83% of Luxembourgers were more or less xenophilic and 17% more or less xenophobic.

The second survey was conducted in 1994. This study, as noted in the study by the SeSoPi Inter-Community Socio-Pastoral Service Centre, was said to "have confirmed the relatively open attitude of Luxembourg society towards the presence of foreigners in general and

refugees in particular. ... It also seems that young people take a considerably more positive view of the presence of foreigners than their elders, which is not to say that the majority of the latter have formed a negative opinion". Another finding was that "the higher the level of education, the greater the percentage in favour of the presence of foreigners".

It is interesting to compare the results of the Eurobarometer opinion poll, conducted in the Spring of 1997, which gives the following figures for Luxembourg:

- very racist: 2% (= 8 000 people);
- quite racist: 12%;
- slightly racist: 33%;
- not racist at all: 54%.

The change in racist attitudes over the period covered by these three surveys may seem surprising. It should be noted that, during the same period, the percentage of foreigners increased considerably, to the point where it now represents one third of the population. Is this a trend that gives cause for concern?

There are two possible approaches to analysing this.

The first comprises an assumption that those who describe themselves as "very racist" use the term without really realising what it means. If it were possible to enter into the mind of each individual, the "very racist" person would be found to represent a wide variety of virtual realities or intentions. The percentage of people possibly prepared to adopt an aggressive attitude towards any foreigner or any person selected as an enemy would probably prove to be very small.

The second approach, which also takes into consideration the percentage who describe themselves as "quite" or "slightly" racist, suggests that quite a high percentage of the population is disposed to intolerance towards others – towards foreigners. The racist-inspired words or deeds that give rise to official complaints are, in this theory, no more than the occasional disclosures of a secret mentality of intolerance and prejudice.

## **b) Immigration and minorities**

Most European studies conclude that a link exists between racism or xenophobia and immigration or the presence of minorities.

It would be a serious error to say that immigrants or minority members "generate" racism. In actual fact, they are the main victims of it, though not the only ones. Nor can it be said that the number of immigrants is proportional to the number of racist acts.

The fact remains that, by definition, xenophobia is an attitude of rejection and stigmatisation of foreigners, and that it can very quickly and very easily cross the line that divides it from racism.

Conversely, though, the presence of a large number of immigrants does not necessarily provoke xenophobic or racist reactions. The opinion poll conducted in France showed that

fear of foreigners was strongest in those areas where the number of immigrants was smallest. Similarly, there is little xenophobia in districts where large numbers of foreigners are mixed with French nationals.

It is interesting to note, nevertheless, the features of immigration, the presence of non-Community foreigners or minority groups, in a number of European States.

| **In Greece**, it is estimated that there are now about one million men and women with the status of immigrant worker, as compared with a total indigenous population of ten million.

The fact that the vast majority of these individuals have entered and remained in the country illegally is the most striking aspect of their situation. Their over-exploitation in the workplace is a sad additional factor typical of their position. Finally, the structural impotence of civil society in Greece, and the lack of action on the part of the government authorities and central government to deal with foreign nationals living there illegally, have paved the way for feelings of xenophobia among the indigenous population, and for acts of violence against immigrants which, though admittedly isolated, are frequently motivated by racist and xenophobic attitudes.

Immigrant workers living illegally in Greece are, in fact, increasingly perceived by the Greeks themselves as impossible to assimilate and suspected of trying only to emphasise their supposedly ineradicable differences. Not only that, but because they now appear to have settled in the host country for life, they are believed to occupy more than their fair share of jobs which, bearing in mind the economic crisis, has an impact on Greek nationals, while they are also considered to enjoy unfairly favourable treatment from the public authorities.

| **In Ireland**, cultural and ethnic minorities include Travellers (22 000), Muslim and Chinese communities and a long-established Jewish community. There are also foreigners from Vietnam, Bosnia, Romania, Sudan, Nigeria, the Congo (formerly Zaire), Somalia and Kurdistan, and a small black community.

As a country with a tradition of emigration, like Italy, Spain and Portugal, Ireland has little past experience of immigration. Until recently, racist phenomena and cultural diversity were unnoticed either by society or by the authorities.

In view of the small numbers making up the minority ethnic groups, it has been difficult to discover any discrimination against them, but instances include cultural and lifestyle discrimination against Travellers (Gypsies), the rejection of the growing number of asylum seekers (39 in 1992, but 3 883 in 1997), discrimination towards people of colour and religious intolerance towards Jews and Muslims.

| **In Italy**, the number of migrant workers has been officially put at 891 000, and to this figure must be added the number of illegals, estimated at 300 000 individuals, some of whom are merely in transit through Italian territory (figures quoted at the CERD), out of a total population of between 57 and 58 million.

In the case of Romanians, the figure is put at 130 000, many of whom are no longer nomadic though 32% still travel. To these figures must be added 287 000 German-speaking people (in Trentino/Alto Adige) and 55 000 Ladin-speakers (according to the 1991 official census). The number of Slovenes is put at 600 000, mainly living in the border region adjoining the former Yugoslavia, in the north-west, while 73 000 Albanians, referred to as "historically established", are scattered through Calabria, Sicily and Apulia.

| **In Austria**, there are six ethnic groups: Croats, Slovenes, Hungarians, Czechs, Slovaks and Romanians. Under the 1976 Act, these are defined as groups of Austrian citizens residing within Austria whose mother tongue is a language other than German and who have their own cultural heritage (*Volksgruppen* – national groups).

Furthermore, the number of foreigners has considerably increased since 1989, from 350 000 to nearly 700 000, so that Austria now ranks second to Luxembourg in the list of European Union States with the highest percentages of foreign population, as noted in the CERD report.

Finally, like other European countries, Austria has recently seen an influx of refugees from the former Yugoslavia. The ECRI report stresses that a number of these de facto refugees have received residence permits and have been granted security of residence. Nevertheless, the authorities have taken various steps – especially a quota system for foreign workers allowed into the employment market – to control the numbers entering, most of which are accounted for by existing residents bringing in their families.

| **In Portugal**, the total number of foreigners (as at 31 December 1996) was 172 912, an increase of 2.7% over 1995, according to the CERD report. More than half (55.1%) of these foreigners are living in the Lisbon district.

African communities account for about 47% of the total. The Cap Verdean group is the largest, numbering 39 546, followed by the Brazilian community. Of the foreign residents, 46.5% have no jobs.

Incidentally, 40 000 Portuguese citizens can be regarded as Gypsies.

According to another source, ethnic minorities constitute a large segment of the poorer population. Gypsies and African migrants, in particular those coming from former colonies in the 1980s, are the most affected. The first immigrants to appear during the liberal revolution of 1820 had obtained Portuguese citizenship. A large percentage of Gypsies and Africans are in prison or receive the *guaranteed minimum income* (a universal network intended to support the poorest) created by the government.

Immigrants of African origin form a young population with a low level of schooling and a high rate of school failures and drop-outs. Most of these immigrants work as masons, peddlers, labourers or domestic servants. Since they work mainly in construction or public works, they are especially vulnerable to the parallel economy and unstable employment, and this situation is aggravated when they are not properly documented. Most are concentrated in the urban zones of Lisbon and Porto. It is the young people, from the second generation, who



have the greatest difficulty and are most often involved in violent conflicts of a clearly racist nature.

| **In Finland**, the recent awareness of immigration and traditional national minorities is partly explained by the increase in the number of foreigners living in the country.

In 1997, the number of Finnish citizens of foreign origin rose to 85 000, or 1.7% of the population. Although this is not a high figure by comparison with other countries, it has increased rapidly.

With regard to the so-called "traditional" national minorities, 7 000 citizens are of Sami (Lapp) ethnic origin and 10 000 of Romany origin.

The CERD reporter stressed that, according to various non-governmental organisations, acts of racism in Finland seem to have increased significantly. In particular, minority groups are discriminated against in the areas of housing, employment and services.

| **In the United Kingdom**, the country's tradition as an industrial and trading nation has given it extensive experience of immigration, though it was only after the Second World War that immigrants from the former colonies, now members of the Commonwealth, responded in large numbers to the call for labour to help with the process of national reconstruction, as the ECRI report points out.

In the 1991 census, 6% of the total population was made up of members of minority groups, about half of them born in the United Kingdom.

They are distributed through the territory of the United Kingdom very unevenly, with the ethnic minority population nearing 50% in some regions.

The first restrictions on immigration and asylum were instituted during the 1960s and reinforced by the 1996 Act.

### **c) The media**

The attitude adopted by the national media, both with regard to the growth of racism and xenophobia and with regard to the efforts to combat them, is of critical sociological importance, as constantly emphasised by the Monitoring Centre, which organised a European conference on the subject in Germany.

The attitude adopted by the media is not consistent, either within Europe or, in many cases, within a single country.

Two examples will illustrate these particular points:

| **In Denmark**, the tough competition which exists among the media, and is especially focused on efforts to create feelings of insecurity and mistrust, has given rise to the "need" not only to distort the reality of situations but also to disseminate untrue "factual" information.

Such events cannot be avoided in a country where freedom of the press prevails and the dissemination of such information must not be prohibited by any form of censorship. In general, the authorities make no effort to correct the inaccurate information disseminated by the press and television. This is understandable, since any such action would require a great deal of effort to deal with instances of no more than minor importance.

However, as soon as this false information begins to provide a basis for racist and xenophobic phenomena, the situation becomes very different. In Denmark, for example, if newspaper articles or press campaigns publish incorrect or falsified figures showing the amount spent on the provision of social services to asylum seekers and refugees, with no reaction on the part of the authorities, the population will come to believe that the content of such articles is true.

The media may also distort information received from the police and so give a misleading impression of the actual situation. In the absence of any reaction by the police, or the competent minister, such information will be regarded as true.

| **In Finland**, furthermore, the Sami have their own radio station (Sami Radio) in their native region, broadcasting 40 hours of programmes each week. There is also a Sami version of teletext. The Romany have a choice of three quarterly newspapers published in Finnish and Romany. A news bulletin in Romany is also broadcast once a week over a national radio network. The Finnish Broadcast Corporation also puts out a news service in Russian.

## 2.2 THE POLITICAL AND ECONOMIC CONTEXT

Since the Second World War, researchers and analysts have been aware that racist and xenophobic phenomena in Europe can be analysed, to some extent, on the basis of the political and economic situation prevailing in a country or region.

Some political parties, especially those of the far right, may adopt and disseminate xenophobic or even racist arguments in the political arena of a State or at European level. Other parties, without being overtly racist, may accept a playing-down of xenophobia, often for reasons of electoral demagoguery.

Furthermore, the economic situation may prompt racist or xenophobic reactions both from political leaders and from the population in general. Nevertheless, everyone is aware that unemployment or falling living standards in various regions passing through a period of economic crisis can in no circumstances justify racism or make it acceptable. At the very most, it may be said that, in some regions only, there is a degree of correlation between an economic crisis and an increase in the rejection of foreigners. This link sometimes has more to do with fears and fantasies than with economic analysis.

Widely differing situations can be identified in the various States of the Union.

| **In Belgium**, demonstrations of intolerance and frustration directed against foreigners, or people of foreign origin, are becoming more and more part of routine life for some people, who are unhesitatingly exploited by certain extremist parties, particularly during election

periods. The brochures, documents and tracts distributed by the Vlaams Blok during the last election campaign piled one xenophobic statement on top of another and primarily targeted the immigrants under the classic headings of "invasion", "uncontrolled birth rate", the cost to the health system, etc.

These demonstrations of intolerance, which may incidentally be reciprocated, are symptomatic of the occasional convulsions marking the otherwise very gentle progression of Belgian society towards becoming a multicultural and multiethnic one.

This change is inevitable, and must without fail be accompanied by flanking measures which enjoy the co-operation of the public authorities and of various associations within the country, which must pay careful heed to any signs of anomalies capable of degenerating into more serious situations.

| **In Denmark**, the growth of cross-border trade, the opening of Europe's internal frontiers and the acceptance of asylum seekers have given public opinion the impression that it is "too easy" for foreigners to come and live in Denmark, a feeling that has frequently been encouraged by the media, despite strict procedures for the granting of residence and work permits. Public opinion has the impression that foreigners come to live in Denmark to take advantage of the social benefits.

In addition, the authorities have made various statements on the subject of "combating international crime", though without ever defining exactly what they mean or describing the scope of the campaign and its possible evolution. The public, then, may form the impression that major "international" crimes must have been committed by foreigners who, consequently, have to be regarded as especially dangerous.

The fact that politicians of virtually all parties have tended to consider the problem of foreigners as a fundamentally "dangerous" one has created a vicious circle: the population now has better reason to believe that the number of foreigners allowed into EC States should be restricted and that they should not benefit from any special treatment or receive advantages which would "tempt" them to stay.

In order to put a stop to this trend and prevent the spread of such lines of opinion, it is of course extremely important for the leading politicians of all parties to persuade themselves and the population of the actual facts.

Many Danish politicians find themselves confronted by a dilemma: should we go along with what seems to be public opinion to prevent the extremist parties from recruiting support from those who share that opinion, and should we do so even if that attitude is contrary to our own principles? The dilemma is not an unusual one but, of course, the consequences of such vacillations may be extremely far-reaching. Would not such an attitude provide encouragement for racist and xenophobic tendencies? Would it not reinforce the view of those citizens (no doubt misled by the media) who are not completely sure of the difference between right and wrong and need to be told that difference, rather than flattered, by conscientious politicians?

| **In Luxembourg**, during campaigning for the local elections in October 1993 and the national ones in June 1994, various individuals – members of groups such as "Aktioun Solidaritéit" [Action for Solidarity] and the ADR [Party for Pension Rights] – successfully conjured up the spectre of a Luxembourg dominated by foreigners. Extending the franchise would put an end to Luxembourgish Luxembourg.

During the 1994 general elections, the largest democratic parties adopted a stance envisaging a harmonious integration within society, whereas the "National Bewegung" [National Movement] (to be dissolved in 1995) saw foreigners as a threat to the country. At the time, this extremist movement associated most of the problems confronting Luxembourg (identity, crime, the housing and employment markets) with immigration policy, a tale all too familiar in other European regions.

The nationalist argument was given a new lease of life by a major legislative campaign in favour of the institutional integration of non-nationals. The spectre of the ethnicisation of social relations as a consequence of the rapid increase in the proportion of non-Luxembourgers was raised in some quarters.

There has also been a trend towards "communitisation". This became apparent in the differences between the CLAE (Comité de Liaison et d'Action des Étrangers – Foreigners' Liaison and Action Committee) and the CCPL (Confédération de la Communauté Portugaise au Luxembourg – Confederation of the Portuguese Community in Luxembourg). The CLAE considers itself open to any nationality and seeks to develop common platforms for a joint search for solutions to the problems that may arise. The objective of the CCPL is to develop a structure to represent the Portuguese community in Luxembourg, a community that wants integration without assimilation.

| **In Austria**, during the second half of 1998, various aspects of the enlargement of the European Union, and especially the consequences of the accession of former communist countries on Austria's borders, became a focus of attention. In that context, the consequences of this accession for the Austrian labour market, and the results of a substantial increase in immigration flows, were the subject of controversy. The topics of immigration and, associated with it, foreigners have been exploited to stoke the fires of popular sentiment and emotion.

The development of Austrian society calls for a greater political consensus to make it possible to combat both racism and xenophobia. The political options can be reduced to two opposing scenarios:

- Current trends can be reversed by a policy of consensus agreed upon by all the major political parties, the most important social partners and the major media. The philosophy behind such a policy would be to destroy xenophobic and racist tendencies born of economic and political rivalries. The intended result will be that certain fundamental rights would become the basis rather than the subject of democratic debate;
- Present trends could be utilised in the struggle between the parties, the conflicts between the social partners and the fratricidal strife among the media. The inevitable consequence

would then be the strengthening of these tendencies by the use of racist arguments and frequently xenophobic declarations.

### **3. ACTION TO COMBAT RACISM AND XENOPHOBIA**

The second purpose of this report is to summarise recent action taken to combat racism and xenophobia in the various States of the Union.

In recent years, many different steps have been taken to combat racism and xenophobia. The European Year against Racism provided a framework for many such activities.

These steps were taken by governments and the national or regional authorities, but also by civil society (associations, trade unions, citizens' and victims' groups, etc.).

This summary of some of the activities involved is intended to be not so much an exhaustive inventory, something that would be beyond us given the current state of our documentation, as a set of examples of correct practices.

Among the steps taken by the public authorities, a distinction can be made between punitive measures, mainly legislative in nature, and preventive measures forming the subject of public initiatives and policies.

#### **3.1 PUNITIVE MEASURES ADOPTED BY THE PUBLIC AUTHORITIES**

This is the type of action most frequently adopted in the 15 States of the Union. We will make no attempt here to summarise the whole of the legislative arsenal, which has been the subject of national and comparative European studies that need not be repeated here.

Instead, we shall confine ourselves to discussing the most recent provisions introduced. It should be noted that no country can claim to have comprehensive and ideal legislation for punishing racism. Standards vary significantly from one country to the next. A further difficulty lies in the inherent difference between legislation deriving from the Common Law and that drawing on Germano-Latin law. This problem is further exacerbated by the changing nature of racist and xenophobic activities. And, finally, no-one claims that punishment by the courts is a panacea which, alone and unaided, can eradicate racism.

Here are a few examples of recent legislation:

| **In Belgium**, offences by the press have been penalised. After many years of debate, largely prompted by the reluctant attitude adopted by the professional associations of the printed press, fearing an unacceptable restriction of freedom of the press, a parliamentary majority was achieved in 1998 to reach agreement on ways of amending Article 150 of the Constitution. This article makes offences by the press subject to the exclusive jurisdiction of the Court of Assizes, which, in view of the cumbersome mechanism for bringing proceedings before that Court, is effectively equivalent to the absence of any prosecution for such offences.

The amendment to Article 150 of the Constitution follows the lines of legislation already existing in Belgium's neighbouring countries – the penalisation of the single offence of racist

reporting. The effect of the new provision will be to allow immediate prosecution of the authors of racist and revisionist articles, which can be said to be very widespread in Belgium.

| **In Denmark**, it may be noted that the provision in the Criminal Code (Section 266(b)) which prohibits certain statements with connotations of racial abuse has not been much applied in recent years, generally being interpreted restrictively in the interests of freedom of speech.

Nevertheless, the Danish Government has taken the initiative in recent years to ensure, as far as possible, equality and tolerance towards ethnic minorities, to strengthen the protection of individuals from discrimination, and to implement a large number of special initiatives designed to allow more active promotion of the objectives of assimilation and tolerance. Government action has included both legislative and administrative measures.

Particular mention may be made of the government initiative as a result of which the Danish Parliament, by Act No 309 of 17 May 1995, strengthened the above-mentioned Section 226(b) of the Criminal Code. This amendment to the law added a subsection 2 providing that there are overwhelming reasons for applying the penalty when the facts amount to acts of propaganda.

In response to a government proposal, the Danish Parliament, by Act No 459 of 12 June 1996 on the prohibition of discriminatory practices in the labour market – with references to labour law – reinforced the principle whereby any form of discrimination based on race, colour, creed, political opinion, sexuality, national ancestry or social or ethnic origin is prohibited. This law has made possible the definitive prohibition of any form of direct or indirect discrimination associated with recruitment, or at the time of recruitment or dismissal. This law has also underpinned efforts designed to ensure ethnic equality in the labour market by giving rise to new considerations regarding human resources policies in the workplace and specific measures, including measures forming part of labour market policy.

| **In Spain**, the new Criminal Code came into force in May 1996. The Code regards racism, anti-Semitism and holocaust denial as offences, and adds "racist or anti-Semitic intentions" to the list of aggravating circumstances. Incitement to racial or anti-Semitic hatred and violence, and any act intended to deny, justify or defend genocide, are now regarded as offences. The new Code also contains provisions relating to ethnic or racial discrimination in the labour market and in the workplace, and in the pursuit of professional activities connected with the supply of goods and services, according to the ECRI report.

| **In France**, despite a massive arsenal of antiracist legislation, punitive action by the courts is very inadequate, as noted by the latest report from the National Advisory Committee on Human Rights.

Indeed, it must be said that the implementation of this legislation, even in its deterrent aspect, is producing somewhat unconvincing results.

Convictions – as registered in the legal records – seem to be at a very low level: 95 in total for all offences in 1997, though this figure represents a significant increase over recent years (61 in 1993).

It is notable that, out of this total, 88 of the convictions obtained in 1997 were under the French Press Freedom Act (53 in 1993), in most cases (83) for public abuse of an individual based on race, religion or origin. Sentencing has been very modest: for this latter offence, for example, 29 prison sentences have been imposed, only four of them in closed prisons, for an average of 1.5 months; 42 defendants were fined, the average fine being FFR 3 941, while 11 received alternative sentences (community service).

Only four convictions were obtained in 1997 (13 in 1994, 10 in 1996) for all acts of discrimination in employment, hiring or the provision of goods and services (Section 252(2) of the Criminal Code). There have been no convictions for discriminating in job offers by virtue of origin, nationality or ethnicity; there has been one conviction for racial discrimination and none for refusal to hire.

| **In Ireland**, the Equal Status Bill of 1997 is now being revised. It will prohibit discrimination based on sex, marital status, family status, sexual orientation, religion, age, handicap, race or status of Traveller, and this will apply to goods and services, education, etc.

Furthermore, the Employment Equality Act of 1998 prohibits discrimination in employment, on the same terms.

Two authorities have been set up to apply this legislation: the Authority for Equality, which will replace the Agency for Equality in Employment, and the Office of the Director of Inquiries into Equality, which will act as a court of first instance.

In addition, in June 1998, a Committee to Monitor the Implementation of the Recommendations of the Task Force on Travellers was set up.

In July 1998, a National Consultative Committee on Racism and Interculturalism was set up, working in partnership with the non-governmental organisations, government agencies, social partners and public authorities to develop action plans and advise the Government.

| **In Austria**, the Criminal Code (Section 115) prohibits any abuse detracting from human dignity. Section 283 prohibits incitement to commit a hostile act against a church or religious community or against a group identified by its membership of a church or religious community, a race, a nation, an ethnic group or a State. Subsection 3315 lays down that racist and xenophobic motivation are to be regarded as special aggravating circumstances in any crime. The Prohibition Act deals with the prohibition of National-Socialist organisations.

The ECRI report points out that, although legislative provisions do exist in Austria for the combating of racism and intolerance, it is difficult to assess the effectiveness of that legislation, since the official statistics make no distinction between "general" abuse and racist abuse, the two being indiscriminately penalised under Section 115 of the Criminal Code.



Regarding the ban on Nazi and neo-Nazi organisations, the CERD report refers to more than 70 convictions during the last five years for offensive language, incitement to racial hatred and racist propaganda. The penalty has now been increased from one to two years' imprisonment. It would not appear that the Prohibition Act has been applied.

| **In Portugal**, although the Criminal Code defines racist motivation for an offence as an aggravating circumstance, and even penalises "incitement" and "complicity", the fact remains that there is no recorded case of judicial proceedings against terrorist activities undertaken by "militia" hostile to the Gypsy community, anonymously and with the acquiescence of the public. This has been the subject of a debate between the High Commissioner for Immigration and Ethnic Minorities, the Civil Governor of Braga and the Public Prosecutor (PGR). At present, judicial proceedings are under way against such activities perpetrated by the "militia" in Oporto and Braga.

In Portugal, the most recent revision of the Constitution, undertaken in 1997, introduced improvements to the wording of the constitutional provisions whereby Portugal proposes to combat racial discrimination. Thus the Constitution, which already banned fascist organisations, now contains an explicit ban (in Section 46) on racist organisations. The Constitution also expressly lays down that membership of a racist organisation will disqualify a Member of Parliament. Furthermore, the right to the protection of the law against any form of discrimination now covers discrimination based on ethnic origin. The criminal law penalty for racial discrimination has been strengthened to include, as well as discrimination based on race, colour or ethnic origin, that based on national or religious origin, and also the denial of war crimes and crimes against humanity with the intent to incite or foment racial or religious discrimination.

Unfortunately, the Constitutional Court did not see fit to order the disbanding of the MAN (Movimento de Acção Nacional – National Action Movement), on the pretext that the movement had disbanded itself after the conviction of some of its members.

| **In Finland**, under the Criminal Code, the provocation of ethnic disturbances is penalised. The provisions of the Criminal Code relating to discrimination in working life apply if an employer or his agent, when announcing a job vacancy or recruiting an employee, or in the context of professional relations, places an applicant or employee in a position of disadvantage without a compelling and acceptable reason. The penalty imposed in such cases is a fine or up to six months' imprisonment.

Moreover, it should be noted that legal proceedings against persons who have advanced racist arguments in a newspaper or been guilty of incitement to racial hatred are still rare. In 1997, however, the Justice Ministry ordered the public prosecutors to instigate proceedings against a journalist who had written abusive material about people of black racial origin and refugees in an article published by a newspaper with nationalist leanings. The reporter was found guilty.

The courts are having to process a growing number of racist offences. In general, the verdicts in such cases are duly published in the press, and this has a considerable impact on public opinion. One significant example that may be mentioned as increasing public awareness was

the case of a teacher who was ordered by the East Finland Court of Appeal to pay damages and interest for having called a 14-year-old black girl a "negress".

There are no racist political parties in Finland. It should be noted that all the political parties represented in Parliament, and their youth organisations, signed in the Autumn of 1998 the European Political Parties' Charter for a Non-Racist Society, under which parties are required to guarantee, *inter alia*, that all their members and persons taking part in electoral campaigns or related activities will act in conformity with the principles laid down by the Charter. Recently, a candidate in the parliamentary elections was removed from the list after being found guilty of incitement to racial hatred.

**I In the United Kingdom**, the criminal law provisions making it possible to penalise, in particular, incitement to racial hatred are to be found in Part III of the Public Order Act (POA) 1986. Other provisions, although criminalising activities which will often be the work of racists, do not expressly mention race, a point noted in the ECRI report (March 1998).

In 1994, the intent to cause harassment, alarm or distress was made a statutory offence; this new offence, although applicable to any act of harassment, however motivated, was intended to allow more effective treatment of cases of racially motivated behaviour, especially serious and persistent ones (Section 4A POA). At the same time, the publication and dissemination of literature tending to inflame racial hatred or capable of having that effect (Section 19 POA) was made a statutory offence and grounds for arrest.

A 1991 Act prohibiting spectators at football matches from chanting indecent or racist slogans is an interesting development, although there appear to be problems with its application, as shown by the relatively small number of prosecutions and the persistence of the chanting of racist slogans, according to the ECRI.

It should be noted that various legislative improvements are currently in preparation.

For example, the Government is contemplating introducing a law on racist crimes in the "Crime and Disorder Bill".

A provision has also been introduced in the code of procedure for Crown Prosecutors whereby racist motivation is one of the aspects to be taken into account when determining whether a prosecution is in the public interest.

It should be noted, finally, that the Commission for Racial Equality put forward a number of proposals in April 1998 for reforming the anti-discriminatory legislation of the Race Relations Act 1976, with a particular view to improving the definition of discrimination and clarifying the field of application.

### **3.2 PREVENTIVE MEASURES – ACTIONS AND POLICIES OF THE PUBLIC AUTHORITIES**

National policies for the prevention of racism and xenophobia, especially those relating to immigrants and minority groups, are generally more numerous and more original than the punitive measures implemented by these same governments and public authorities.

Clearly, Europe gives priority to prevention.

These measures have become more numerous in recent years. A very extensive survey of them was undertaken during the European Year against Racism.

They are often highly specific and adapted to the particular situation of a country or its traditions.

They affect all sectors of public life and involve a wide variety of participants.

Without attempting any summary of these preventive policies in each of the States of the Union, we give a few recent examples here.

| **In Belgium**, there are signs of increased awareness and an encouraging attitude on the part of the public authorities in various sectors and at various levels towards the integration of foreigners or people of foreign origin, and hence a desire not to strengthen the feelings and attitudes of intolerance to be found among certain fringe groups within the indigenous population. There is every reason to believe that the public authorities have understood the challenges posed by a changing society. Thus, they have equipped themselves with a number of structures: interdepartmental ministerial co-ordination sections or divisions, regional integration centres, statistical tools, and tools for quantifying integration. A great effort has also been made at municipal level through such devices as security contracts and local joint actions which bring together public and private participants.

The various examples cited below demonstrate that the clear intent of the Belgian Government, and the Parliament, has been to make the campaign against racism and discrimination and the promotion of foreigners' rights a priority during 1998. For example:

- *As regards naturalisation*: an additional step has been taken towards simplifying all the naturalisation procedures laid down by the Belgian Code of Nationality, with parliamentary adoption during 1998 of new provisions regarding declaration of nationality and choice of nationality. The questionnaire intended to assess a foreigner's desire to integrate has also been simplified.

For information purposes, it may be noted that in 1994 the annual figure for naturalisations was 25 787 (4 195 EU nationals and 21 592 others), and that in 1997 these figures had increased to 31 678 (3 367 EU and 28 311 others). Disregarding the year 1985 (when there were 63 824 changes of nationality following the entry into force of the so-called Gol Act), the number of nationality changes during the second half of the 1980s was in the region of no more than about 8 000 per year.

- *Participation of non-Belgians in local elections*: Belgium, under the obligations entered into by Member States of the European Union under the Treaty of Rome and the directive adopted by the European Union Council on 19 December 1994, was required to adapt its internal legislation to enable foreigners who were natives of other Member States to participate in local elections.

As far as Belgium was concerned, the transposition of this directive required an amendment to Article 8 of the Constitution. When that article of the Constitution was revised, what was finally adopted in October 1998 was an "open" type of amendment, one which repealed the nationality condition that formed one of the constitutional conditions for the exercising of political rights. The effect of this has been to remove, with immediate effect, the bar on future access by other categories of foreigners to political rights at local level. The "open" type of amendment did not, of course, mean that all foreigners would automatically enjoy political rights, but it did allow the opening of discussions which could result, after 1 January 2001 (in other words, after the next municipal elections in 2000), in an extension, by an amendment to the Municipal Election Act adopted by a simple majority, of the right to vote in local elections to other foreign residents in Belgium.

- *Abolition of funding for racist parties:* another initiative adopted by Parliament in 1998, and currently in its final stage, was the introduction of a special procedure that could result in the withdrawal of public funding, which is granted to all political parties represented in Parliament, if those parties commit racist offences or, more generally, violate the European Convention on the Protection of Human Rights and Fundamental Freedoms. Provision has also been made for the perpetrators of the offences to be punished.

The argument here is that it is regarded as outrageous that political parties are allowed to use public funds to disseminate written material and ideas which themselves constitute a criminal offence.

- *Antiracism awareness campaigns within the armed forces:* following complaints of certain activities, in particular racist activities, allegedly perpetrated by soldiers of a Belgian battalion of the international peacekeeping force in Somalia, for which convictions have now been obtained, the Minister of Defence acted resolutely, and in agreement with the General Staff of the Army, to exclude racism from the ranks of the armed forces and also, in particular, to inculcate a positive attitude to interculturalism within the culture of the army formations.
- *Action taken to regularise residential status:* following the death of an unsuccessful applicant for refugee status during her forced deportation from Belgian soil, a number of steps were taken by the Government, at the instigation of Parliament, on the difficult issue of the deportation of foreigners living in the country illegally and that concerning the regularisation of the status of some who meet a number of criteria. One of these measures was the establishment of a special regularisation committee which includes representatives of the Equal Opportunities and Anti-Racist Centre and has been instructed to report to the Minister of the Interior on the worrying humanitarian reasons cited by unsuccessful refugee candidates who apply for regularisation.
- *Body representing the Muslim communities in Belgium:* twenty-five years after its recognition by the public authorities, a critical step was taken in 1998 by the Muslim religion (Belgium's second largest) with a view to obtaining equal status with other faiths; elections based on universal suffrage were held on 13 December 1998 to appoint a body to be responsible for the temporal affairs of the Islamic religion and serve as an intermediary

between the Muslim community and the public authorities. The Belgian experiment, undoubtedly the first of its kind, could also set an example to be followed by the other European States. In an age when Islam has become a focus of xenophobia, "Islamophobia", this kind of initiative, going against the tide, is not only an eloquent gesture by the public authorities towards recognition of the religious and cultural identity of Muslim immigrants, most of whom live within the Muslim community, but also a way of reducing the grip of fundamentalist groups on that Muslim community.

The functions of this Muslim council will include appointing teachers of religious education to work within the official school system, and also the nomination of prison counsellors and advisers on cemeteries and ritual slaughter.

| **In Denmark**, the preventive activities of the Government have mainly been geared to strengthening ethnic equality and tolerance in Danish society.

According to the Ministry of the Interior, however, these activities in favour of ethnic equality and tolerance have not been motivated, or defined, by the extreme forms of intolerance - xenophobia, racism and anti-Semitism. The reason such action has been taken lies in the commonly accepted concept of the word equality as interpreted by legal and political tradition. The Government believes that xenophobia, racism and anti-Semitism can be prevented by campaigns aimed at integration and equality which will make it possible to ensure the active and equal participation of ethnic minorities in Danish society.

Furthermore, general preventive activity in the field of crime, such as an initiative aimed at juvenile delinquents and gangs, may have a positive effect on mutual tolerance between ethnic minorities and the rest of the population.

Furthermore, at the initiative of the Government, Act No 408 of 10 June 1997 was adopted to establish a Commission for Ethnic Equality, which provides advice on issues of ethnic equality and acts as a consultant to Parliament, the Government, local and national authorities, organisations and institutions, and the areas of society concerned. The Commission, including representatives of ethnic minorities and other organisations involved, has broad terms of reference to combat discrimination between persons of Danish origin and those of other ethnic origins.

On July 1, 1998, after a government initiative, the Danish parliament voted Bill 474 on the integration of foreigners in Denmark, scheduled to come into force on January 1, 1999. The primary purpose of this act is to clarify the Government's general objectives with a view to greater ethnic equality. According to Section 1 of the Act, its purpose is to "help to ensure that foreign newcomers to the country have the opportunity to participate on the same footing as other citizens in matters of employment and in social, political, economic, religious and cultural life".

The new Integration Act specifies, among other things, that refugees newly arrived in the country and immigrants who have come in to rejoin their families have access to new and clearly defined rights of integration, and provides that they must be offered an introductory

programme, of a maximum duration of three years, including, in particular, a personalised programme of action, a social training course, lessons in Danish and support.

The Act also gives ethnic minorities the opportunity to exercise a greater social influence by providing that local authorities must set up integration councils to provide advice on local conditions affecting ethnic minorities and with the power to elect representatives to a National Ethnic Minorities Council, which will advise the Government. The Government believes that these measures will result in a closer dialogue between the ethnic minorities and the remainder of society, helping to promote understanding and tolerance in relations between the minorities and the majority population.

The Integration Act, mentioned earlier, is one of the initiatives of the Action Plan of 4 December 1997, undertaken by the Government as part of its policy on foreigners and integration. Substantial resources have been allocated to the implementation of this action plan, which is intended to result in numerous specific integration schemes in future years.

**I In Germany**, the Government attaches primordial political importance to combating racism, xenophobia and anti-Semitism. Efforts focus particularly on preventive measures reflecting an intellectual and political concern with the widely varying forms of political extremism, racism and anti-Semitism. Vital political importance is attached both to the protection of human rights and fundamental freedoms, as symbolic of the central value of a national and European identity, and to their incompatibility with any racist or xenophobic tendency. The cultural and ethnic diversity of the various societies in the EU, and in Germany, is a positive and enriching factor. The continuing existence of racism, xenophobia, anti-Semitism, right-wing extremism and violence posed a major political challenge to the German Government in 1998, all the more so in that the fundamental values of a democratic development of the rule of law in the EU are based on individual dignity and rights and on the peaceful coexistence of all members of society.

Bearing in mind the fact that 46% of all acts of violence (1998) are committed in the former East Germany, developments in the new *Länder* are closely monitored. The reunification of Germany has naturally triggered a number of difficult problems. It is felt in some quarters that politicians and the State are unable to solve these problems. This may be partly explained by inadequate knowledge of the nature of parliamentary democracy and the way it works. Such knowledge, however, is essential for an understanding of the various steps of the political decision procedure and acceptance of the constitutional system as a whole. This is the backcloth against which the Federal Government is providing intensive support for all forms of political education, especially in the new *Länder*. It is of primordial importance to enable German's citizens effectively to embrace the fundamental democratic values which form the basis of Germany's liberal and democratic political system.

The Federal Government will continue to do everything it can, especially where it can organise the appropriate social and legislative conditions, to support the many activities undertaken by the *Länder* to combat right-wing extremism (for example, special police squads).

The European Year against Racism provided an opportunity in Germany to send out a political signal calling for greater tolerance and opposing racism, with a view to heightening public awareness of the problem and increasing understanding of the causes of discrimination and racism and all the forms they take. All these steps have been taken on the understanding that the main responsibility for combating racism and discrimination lies with the local, regional and national committees.

It should also be noted that the Federal Government meets the main requirements of the European Commission against Racial Intolerance: facilitation of the naturalisation procedure, authorisation of dual nationality, the granting of political rights and the provision of information on all forms of discrimination.

The acquisition of German nationality is to be made easier and – in a move which actually goes further than the ECRI recommendations – foreigners permanently resident in Germany will also be able to participate in elections to the *Länder* Parliaments and the Bundestag (Federal Parliament).

This coalition agreement also provides for the promulgation of an "Anti-Discrimination and Equal Treatment (Support) Act" (the only countries to have introduced a law against discrimination in the EU are the United Kingdom, Sweden and the Netherlands).

The new Nationality Code not only offers permanent foreign residents better opportunities for integration, but enables the German majority to realise that immigration is actually taking place in Germany. Its purport is as follows: immigrants who are permanently resident in Germany and their German-born children are an integral part of German society, with all the rights and obligations that entails.

In order to be able to achieve lasting success in the campaign against extremism, xenophobia and violence, it is essential for it to integrate and link up the major social vectors such as families, schools, churches, sports clubs, trade unions, employers, etc. The implementation of the "Alliance for Democracy and Tolerance – against Extremism and Violence", announced by the Federal Government, will meet this requirement. The general public will be familiarised with these subjects with a view to making them more active and aware. At the same time, the Federal Government is giving concrete form to the model of the "activating State", which makes suggestions and defines the legislative and social framework without doing everything itself. This, then, gives the Alliance for Democracy and Tolerance a role as a creator of values and represents an additional step towards a civil society.

Without the effective co-ordination and channelling of the measures, projects and action plans launched at many different levels against racism and xenophobia, it will be impossible for this alliance to achieve its aims. Constructive co-operation with the media will be actively pursued, in the words of the German Government.

| **In Greece**, at the end of 1997, a presidential decree (358/97) and a circular from the Ministry of Labour interpreting it set in train a process for regularising the status of illegal immigrant workers. This process is generally perceived as a positive measure, capable of eliminating the conditions that encourage discriminatory and xenophobic reactions by the

indigenous population. The process, completed by mid-1998, benefited an estimated 250 000 people.

It should be pointed out, however, that the number of beneficiaries of the regularisation progress is lower than the total number of workers in illegal situations: this is due to the fact that natives of non-EU countries bordering on Greece, especially Albania, which are the main source of illegal immigration, were excluded from the process on the pretext that the fate of such people will be dealt with under intergovernmental agreements which have yet to be concluded.

Furthermore, a new framework law on immigration is now in preparation by the government services. It would seem that this law, although setting out to find a global solution to the problems arising from immigration, will do nothing to resolve a number of critical problems such as the granting of Greek nationality to certain categories of third-country natives (political refugees, workers long resident on Greek soil and second-generation immigrants), or the problem of bringing in the families of immigrant workers. Furthermore, under the new law, appropriate administrative structures to handle immigration will be set up at the Ministry of the Interior and in the prefectures, but the local authorities will be responsible for providing hospital treatment for illegal immigrant workers; however, a few months ago, the municipal authorities of the various suburbs of Athens reacted "massively" and unfavourably to the transfer into their jurisdictions of several thousand Turkish citizens of Kurdish origin whom the central government had decided to remove from a square in the centre of Athens where they had been living for several months in deplorable conditions. This event gives no reason for optimism regarding the ability of the local authorities to handle immigration problems, but indeed emphasises the duty of central government to provide the necessary administrative structures and – in particular – clear and consistent policies on this subject.

| **In Spain**, the ECRI report specifies that the objectives of current immigration policy are as follows: integrating immigrants into society, controlling immigration flows, co-operating with countries of origin, eliminating discrimination and mobilising society against racism. The Forum for the Integration of Immigrants (which includes representatives of the authorities, immigrants' associations, NGOs and trade unions) and the Permanent Immigration Monitoring Centre are responsible for co-ordinating these objectives. There are also examples of regional projects for the integration of immigrants within the Autonomous Communities.

A number of public awareness campaigns have been launched by the Ministry of Labour and Social Affairs and non-governmental organisations. These campaigns, with such names as "Young people against intolerance" and "Democracy means equality", have taken the form of television slots, video clips and the distribution of leaflets.

The educational system provides for school syllabuses to include ethical education, civics and peace studies (which include respect for human rights and for diversity).

Although the police training programmes do include a section on human rights and international humanitarian law, it might be necessary to introduce more specialised courses to combat discrimination and prejudice.



| **In France**, the Ministry of Employment and Solidarity emphasised in 1998 that the combating of all aspects of discrimination was one of the primary axes of its integration policy.

The ministry considers, in fact, that this objective is crucial to the social cohesion of the country, since discrimination affects not only foreigners but also anyone who "looks foreign": recently naturalised French citizens, French citizens who entered the country some time ago, and even overseas French citizens.

The situation, as noted by the High Council for Integration in a report submitted to the Prime Minister in October 1998, is worrying and calls for action to be taken by all, especially the State, which must set an example. Public statements of position and strong political language deploring racial discrimination are the first essentials to progress. A firm demonstration of intent accompanied by an attitude of restraint is also indispensable: the law cannot achieve everything, and a campaign based on education, information and conviction is more likely to roll back the tide of discrimination in France.

Mention was made of two aspects that are particularly important in the case of integration: combating discrimination in the workplace and in access to accommodation.

Regarding the campaign against discrimination in the world of employment, the Government has launched a multi-part plan:

- The social partners, without whom nothing can be done and with whose assistance results can be achieved, must be mobilised. Some have already set an example here. The Ministry of Employment and Solidarity organised a round table on racial discrimination. For the first time in France, the various partners got together to talk about discrimination and agree on joint action;
- The sponsorship activities for young people launched as an experiment by the Ministry of Employment and Solidarity in 1993 have since been expanded. These activities, which enable working or recently retired people to assist the young in their search for jobs, are producing excellent results: nearly two thirds of sponsored young people are finding jobs or training courses resulting in suitable qualifications after six or nine months. In 1999, 30 000 young people will be sponsored under this scheme, as compared with 13 500 in 1997.

The Government, for its part, is directing its efforts towards public service employees, who must in no circumstances be open to criticism; additions to their training programmes will improve customer relations in the public services. This relates first and foremost to the public employment service. Instructions have been given to the Agence nationale pour l'emploi (ANPE) [National Agency for Employment] and the Agence pour la formation professionnelle (AFPA) [Vocational Training Agency] to remind them of the provisions applicable to the combating of discrimination and ensure that this government priority is specifically applied in the labour market.

In addition, the labour inspectors responsible for applying the Labour Code will be given instructions, among the guidelines laid down for them for 1999, to increase their activities in this area.

| **In Ireland**, the NGOs have since the 1980s been focusing attention particularly on discrimination against Travellers (parking places, health, education, employment and training). This has resulted in greater awareness on the part of the public authorities, who have decided to consult the travelling population and to understand their nomadic way of life and culture.

The Department of Equality and Law Reform has set up a task force on Travellers which has made recommendations that have been implemented.

Furthermore, on the subject of immigration, the public authorities have refused to increase the number of entry permits for coloured people and non-European nationals (Romanians, Gypsies, Kurds, Nigerians, Somalis, Sudanese and Zairians) who have been seeking political asylum under the 1951 Geneva Convention.

A human rights commission was set up in March 1999 as part of the Good Friday Peace Agreement. This is an independent body whose functions include combating racism and xenophobia.

During the European Year against Racism, the Department of Justice, Equality and Law Reform set up a consultative body, the National Consultative Committee on Racism and Interculturalism, established in November 1998. The terms of reference of the committee are to advise the Government and to draw up promotional programmes and campaigns.

The authorities have also set up numerous employment, education and justice programmes for the benefit of groups and minorities that are victims of racism.

| **In Italy**, immigration policy follows two main lines: First, Italy must confront the most urgent problem, which is the arrival in the country of illegal immigrants; and secondly it must initiate a dialogue with the countries of origin, especially the Mediterranean seaboard States, to draw up agreements on immigration for seasonal workers and specialist workers in sectors where there is a shortage of qualified labour in Italy. Nevertheless, the long-term solution is to address the root of the problem: in other words, to draw up joint development programmes to create more favourable conditions in the countries of origin.

The delegation also gave assurances that Italy has never applied any kind of discriminatory policy against migrant workers, stressing that foreign workers enjoy the same rights and the same treatment as Italian workers. The delegation pointed out the large numbers of complaints regarding workplace disputes which have been brought before the courts by foreign workers as evidence of the ease with which they can bring their grievances before the courts.

It should be noted that the Government has taken steps to regularise the situation of a significant number of foreigners living in the country.

Furthermore, efforts have been made in the field of education; especially steps to facilitate access to education for children of different cultural and linguistic origins.

| **In Luxembourg**, while racist activity is virtually non-existent, the Government, Members of Parliament, associations and media are nevertheless anxious to prevent it. The Act of 27 July 1993 includes a section entitled "Measures designed to strengthen the means of combating all forms of racial, ethnic and religious discrimination".

The Grand-Ducal Regulation of 21 February 1996 institutes a Special Standing Committee of the National Council for Foreigners against Racial Discrimination (CSP-RAC). The mandate of this committee is to "prepare, either at the request of the Government or Council or of its own motion, opinions and proposals relating to action against any form of racial discrimination, and to draw up projects and programmes, particularly in the fields of education, cultural and social activities and the training of public officials, designed to promote mutual understanding between the various communities resident in Luxembourg".

The criminal, civil and administrative law is designed to prevent any form of discrimination.

The Act of 19 July 1997 for the repression of discrimination lays down penalties for incitement to hatred and makes holocaust negation and revisionism criminal offences.

| **In the Netherlands**, the Provisional Advisory Committee on Policy towards Ethnic Minorities published in 1996 a report entitled "Bestrijding van vooroordeel, discriminatie en racisme" (Combating prejudice, discrimination and racism). The Government stated its position on this report to Parliament in 1997.

In 1998, the SAMEN Act came into force, designed to encourage ethnic minorities to participate in the employment market. It included proposed amendments to the WBEAA (Act encouraging the proportionate participation of non-natives in employment), based on the results of an assessment of that Act. It became apparent that only a minority of employers were implementing the provisions of the WBEAA, and it was therefore decided that it should be made more effective. This has been achieved by improving the efficiency of existing procedures and reducing the administrative burden on employers.

The Task Force on Minorities and the Employment Market was also set up in 1998. Its objective is to encourage ethnic minorities to participate in the employment market.

The "European Political Parties' Charter for a Non-Racist Society" came into being in 1998, and has been signed by a number of Dutch political parties.

The Expert Centre on Discrimination, set up by the Justice Ministry, has been operational since 1998 and acts as a clearing house for legal issues. It is also responsible for co-ordinating and harmonising the various ongoing studies for the promotion of expert knowledge, the establishment of networks and improved record keeping. Moreover, new directives on discrimination issues came into being in 1997 and provide that all cases of discrimination should be the subject of criminal proceedings when the legal standpoint justifies this approach.

Part of the European Year against Racism in 1997 took place under the Dutch Presidency. The National Anti-Racist Committee was made responsible for implementing the programme of the Year against Racism in the Netherlands, in accordance with a structure laid down by the European Commission and the ADO (Anti-Discrimination Organising Committee). The objective of this programme was to promote solidarity and tolerance within Dutch society. "Racism in everyday life" was chosen as the central theme, and there was also an associated theme, "Racism in the workplace", which attracted particular attention thanks to the "Kleurrijk samenwerken" (Multicoloured Co-operation) campaign. The financing of small-scale projects encouraged new and creative forms and methods of combating racism and promoting integration. At the same time, new co-operative projects came into existence, such as the "Marokkaanse Raad Zeeburg" (Zeeburg Moroccan Council), designed to bring about discussions between local inhabitants and the police of problems occurring in the neighbourhood. Also worth recalling are the project initiated by Rotterdam's football players entitled "Wit en zwart voetballen samen" (White and black play football together) and the "Week on racism in the workplace", co-ordinated by the Federation of Dutch Trade Unions (FNV). The media campaign also reached a wide audience and was duly appreciated. Awareness of the phenomenon of racism doubled in no time at all. Although this does not suggest that racism has been eliminated from the Netherlands, or from Europe, there is no doubt that the programme was a complete success. Many different organisations took up the themes covered. The need to combat racism and discrimination has become an accepted fact.

A summary showing the results of ethnic minorities policy is submitted to Parliament each year. It describes the events of the past year and makes suggestions regarding what action should be taken in the coming year.

The General Act on Equal Treatment is being assessed by an independent group of experts. After the assessment, the Commission on Equal Treatment, whose powers the Act lays down, will draft a report of its conclusions and submit it to the States-General, probably in 1999 or 2000.

The police have a national liaison office on questions of discrimination whose purpose is to record racially motivated incidents. In addition, the police undertake various activities and projects designed to improve the effectiveness of the antidiscrimination campaign and awareness of such activities. One example is the *coalitietraining* (collective training) project instituted by the police of Rotterdam-Rijnmond in conjunction with the antidiscrimination agency RADAR.

Efforts are currently being made to regionalise the infrastructure of the antidiscrimination agencies.

A publication monitoring racist and far-right activities was submitted to Parliament for the first time in 1997; it provides an overview of problems of this type (and their extent). The second publication appeared recently; it deals essentially with racism and the new media (especially the Internet).

The Government intends to arrange exchanges of expert knowledge and good practices in the field of school education.

The project entitled "School zonder racisme" (School without racism) is one example of antiracist activity at school level.

The Government intends to introduce internal codes of practice, at national level, for combating racial discrimination through the agency of the ADO before the year 2000. Efforts will be made to arrange interministerial co-operation, and topics relating to the combating of discrimination and racism will be debated through the agency of the ADO.

The Government is to promote the enhancement of the professional skills of the police and justice authorities in connection with combating racism by encouraging an exchange of information on past experience.

The NGOs, research institutes and the police are endeavouring to improve the recording of racist and discriminatory incidents. This is a very valuable contribution to the collection of data for the European Monitoring Centre.

Another objective is to improve the status of nationals of non-member States living in the European Union. This step will comprise treating foreigners in the same way as EU citizens, especially as regards freedom of movement within the Union (possibly subject to certain provisos). The Netherlands is trying to achieve a balanced debate: not focusing exclusively on restrictions on immigration, but also offering better opportunities for participation to those who are admitted, as a way of restricting antisocial behaviour and contributing to the campaign against intolerance, discrimination and xenophobia.

As regards the Council of Europe, it is worth noting the activities of the European Committee on Migration of the Council of Europe regarding the legal status of nationals of non-member States who have long been resident in Europe, and the Framework Agreement on the Protection of National Minorities. A draft ratification of this convention has been submitted to Parliament.

| **In Austria**, among the positive steps mentioned by the Austrian officials, pride of place should be given to research into xenophobia. The Federal Government, represented by its Minister of Science and Transport, awards research contracts relating to widely varying aspects of xenophobia. Some of these studies will be published, and will thus be directed primarily to a scientific public.

During the presentation of Austria's regular report to the CERD the Austrian representative laid particular stress on the fact that the Foreigners Act adopted by the Austrian Parliament in 1997 intends to attach a clear priority to family reunification when it comes to determining the right to immigrate into Austria. The new Act also makes it possible to expedite certain procedures applicable to foreigners residing in Austria. As for the new Right of Asylum Act, this has resulted in the establishment of an independent tribunal responsible for asylum questions, which were previously referred to the Ministry of the Interior as the instance of

final appeal. This new independent body should make it possible to improve asylum procedures.

The Austrian Government representative gave assurances that there is no racial or ethnic discrimination in Austria. He emphasised that much effort has been made to prevent discrimination through educational measures in schools and the training of judges. Each ministry has been required to appoint a co-ordinator for human rights issues, and these co-ordinators meet regularly.

The Austrian report notes that, on ratifying the United Nations Convention on the Elimination of All Forms of Racial Discrimination, Austria adopted the Federal Constitutional Act of 3 July 1973 which provides that any form of discrimination on racially based grounds is prohibited, and specifies that "legislative and administrative bodies shall refrain from any distinction founded solely on race, colour, ancestry or national or ethnic origin". The report also emphasises that Austria is always willing to grant political asylum to foreign victims of political persecution. "As far as other persons are concerned, Austrian policy focuses on the integration of those already in the country, which is given priority over the admission of new arrivals," says the report. It adds that integration policy will preferably be implemented by private humanitarian and religious bodies and also by social welfare institutions and the local authorities. To assist the Federal Ministry of the Interior, which is responsible for issues of integration aid, a Consultative Committee on Integration has been appointed to make recommendations on specific integration issues.

| **In Portugal**, confronted with a sudden upsurge in confrontations and persecutions that threatened to spread throughout all the Gypsy communities of the northern coast, the Civil Governor of Braga (the regional representative of the Government) had to intervene in person to restore order and the rule of law. At the meeting of the Council of Ministers held in October 1996 the Government, aware of the seriousness of the situation, approved Decision 157/96 providing for the establishment of a "Task Force on the Equality and Integration of the Gypsy Community". The task force comprises an interministerial commission, chaired by the High Commissioner for Immigration and Ethnic Minorities, and representatives of local government, together with non-governmental organisations. Its terms of reference are to prepare a report on the situation, including proposals for action, within three months. This document has been approved, and the task force has been replaced by a committee of similar composition intended to ensure that the proposed measures are applied.

This report represents the first effort to achieve general understanding of the Gypsy position in Portugal, and a first attempt to carry through a joint programme of action capable of solving the complex problems arising in such diverse fields as education, culture, science and technology, employment, training, accommodation and social security. Because the Gypsy community has no permanent representative bodies, its participation in these activities has been a failure, though the involvement of intermediaries from the Gypsy community in these projects has provided some compensation.

In the field of education, attention must be drawn to the importance attached to the training of teachers in the matter of Gypsy culture, and the creation of a network of schools for children

of nomadic families. The Ministry of Education has long shown concern for the problems associated with multiculturalism.

In the employment sector, an important part is being played by training courses for intermediaries designed for the Gypsies, the definition of the status of an intermediary, and the launching of specific programmes adapted to the abilities and lifestyle of members of these communities.

The public accommodation programmes have been made more flexible to take account of the various habits of the population, particularly with the drafting of functional projects and new town-planning ideas. Research projects geared to the Gypsy communities have been encouraged and could in future help to sustain public debate on the subject and promote social cohesion. The compilation of an electoral roll of Gypsy citizens is regarded as an essential condition for their civic integration.

The social programmes of the European Union and the intervention of the public institutions have helped to support countless initiatives by civil organisations, private social cohesion bodies (religious and secular) and antiracist organisations in such varied fields as research, education and social and cultural action. The "guaranteed minimum wage" has made it possible to release valuable financial and technical resources to combat the causes of social marginalisation of ethnic minorities and reduce opportunities for racism to find expression.

The Ministry of Internal Affairs has organised a number of training sessions, seminars and international conferences with a view to increasing the awareness of civil society and the police forces of the role they are required to play in defending civil rights and guarantees and encouraging an attitude of tolerance in a multicultural society. The problems associated with racism and xenophobia, the situation of the ethnic minorities and victim support have been analysed from different standpoints by the Ministry of Internal Affairs.

l **In Finland**, the reform of the provisions on basic rights which came into force in 1995 specifies that everyone is equal before the law, irrespective of sex, age, origin, language, religion, religious convictions, opinion, state of health, physical handicap(s) or any other personal characteristic. In addition, the Sami and Romanies, as indigenous peoples, must have the right to preserve and develop their language and culture, as must other ethnic groups. This reform of the provisions on fundamental rights has influenced later legislative reforms, of which the following are examples:

New legislation on schools has come into force, specifying that children permanently resident in Finland, and also the children of immigrants, have a right and duty to attend school. The new provisions also allow for children to be taught in their mother tongue. Similarly, religious education must respect their own convictions in this area. Programmes to prepare immigrants' children for entry into secondary education will be maintained, and vocational training preparation programmes could also be set up.

Specific government grants have been allocated to the teaching of the Sami language and have enabled courses in Sami to be offered in both lower and higher secondary education and in vocational training institutions within the native region of the Sami people. Similarly, local

authorities responsible for secondary education have the option of introducing teaching programmes in Romany.

A new Act on the Integration of Immigrants and the Reception of Asylum Seekers recently came into force. This provides for an integration grant which will be paid to the immigrants for a three-year period on condition that they participate in the drafting and implementation of an integration plan for immigrants and their families. The municipal authorities, employment agencies and immigrants are also required to reach agreement on steps to be taken to improve the integration of immigrants into society. An immigrant who refuses to participate in the preparation of the integration plan or to abide by these principles would risk the loss of his financial support.

Local authorities will be obliged to supply immigrants in receipt of unemployment allowances or other social benefits with services intended to help them come to terms with their new situation and integrate their original culture into their host culture. Co-operation between immigrants and local authorities will thus be more highly structured and establish reciprocal ties between the two sides. This will also help to make the majority of the population take a more positive attitude towards immigrants. The municipal authorities will thus be required to ensure that the immigration policy they implement is consistent with the attitude of the immigrants.

The Foreigners Act has been amended several times in a short period. The extension of the right of appeal, the processing of applications by a single independent tribunal and the arranging of a hearing for applicants in some cases are steps designed to help provide immigrants with greater protection.

In accordance with the Foreigners Act, as amended, the Government will be required to define the general objectives of its national policy on immigration and the reception of refugees. The conditions for entering the country are laid down by law; thus, the authorities have specific instructions on its application. The provisions relating to the reuniting of families have been clarified by the establishment of a definition of persons who may be regarded as family members. The conditions for granting a residence permit and the associated procedure are also clarified in the Act. The granting of residence permits is no longer based on strictly humanitarian grounds but, more simply, on the need for individual protection.

Parliament approved an amendment to the Constitution of Finland Act intended to facilitate the election of persons of foreign origin to public positions which had hitherto been conditional on Finnish nationality. This amendment will come into force after approval by the new Parliament.

The entry into force of the new, amended legislation represents a simple step forward towards improved routine procedures. Also, the training of regional and local government authority representatives and the dissemination of information have received special attention. The decision of principle on measures to promote tolerance and combat racism, adopted by the Government in February 1997, lays down numerous measures to be taken by these various authorities. This agreement is subject to regular monitoring, the Ministries of Education and Labour having proved to be the most dynamic to date.



The opportunity for immigrants and the minority communities to take part in the discussion process on subjects of direct concern to them has thus increased.

Co-operation between the national authorities is to some extent encouraged by the Consultative Council on Ethnic Relations which was set up by a government decision in May 1998 and replaces the Consultative Council on Immigration and Refugee Affairs. The most significant difference arises from the fact that half of the members of the new Consultative Council represent new immigrant groups and traditional national minorities. An "employment market" section of the Council has been set up, comprising representatives of the most important collective negotiation bodies.

In addition, the national police headquarters has tried in various ways to prepare police officers more efficiently for their contacts with immigrants and the minority communities. In June 1997, the Ministry of the Interior drafted a set of rules intended to improve tolerance and prevent racism within the police forces themselves. These subjects have regularly reappeared in information literature and police training programmes. In some cities, the police force has developed various forms of co-operation with immigrants and people from minority backgrounds.

| **In the United Kingdom**, the latest ECRI report notes that the new Asylum and Immigration Act 1996, which includes not only measures restricting the rights of asylum seekers but also new or heavier penalties for those guilty of violating immigration legislation, has aroused considerable criticism and anxiety. While acknowledging the problems posed by the processing of large numbers of asylum seekers, the ECRI notes that resorting to the "bogus refugees" argument to justify social security restrictions and the undermining of essential guarantees in the asylum application procedure are having a discriminatory effect on many people living in the United Kingdom.

Furthermore, in view of the fact that the withdrawal of social security benefits may, for the vast majority of asylum seekers, have the effect of causing hardship to large numbers of men, women and children, the Government is encouraged to take every possible step to prevent these consequences and find alternative solutions.

Section 8 of the Act is considered particularly worrying in that it makes it a criminal offence for an employer to take on workers whose immigration status gives them no right to work in the United Kingdom. There seems to be a danger that this provision will result in the employment of any person who might be an "immigrant" being regarded as a problem in itself, thus increasing the likelihood of racial discrimination in recruitment. The ECRI is aware that employers have been provided with guidelines on ways of avoiding discrimination, and urgently calls upon the Government to take all possible steps to ensure that they really do so. The ECRI also calls the attention of the Government to the part that such provisions may play in strengthening attitudes of hostility and suspicion towards members of minority groups. The ECRI notes that the Government has commissioned an exhaustive study on procedures connected with right of asylum, including an amendment to Section 8 of the Act, and is encouraging the authorities then to take action to improve the situation of asylum seekers and immigrants in order to avoid the possible consequences mentioned above.

As far as schools are concerned, the ECRI notes with satisfaction the steps taken by the Government to improve the suitability of teaching to meet the needs of ethnic diversity by introducing special syllabuses providing access to higher education, increasing the numbers of staff available to teach minority groups and teaching a wide range of foreign languages in the school curriculum. It notes, however, that the national curriculum could include more substantial instruction on the United Kingdom as a multiethnic society and the roles, rights and responsibilities of citizens in such a society, although there are certain programmes relating to the problems of ethnic minorities in individual subject areas. The ECRI would also like to call the attention of the Government to the decline, in recent years, in the number of teachers specialising in English as a second language.

The ECRI emphasises the importance of the existence of reliable statistics, broken down by ethnic groups, on the attendance rates, results and progress of pupils, students and trainees from minority groups, in order to take the appropriate compensatory action. It notes that a task force has been set up to boost the success rate of pupils from minority ethnic groups and to examine the statistical issue.

It is clearly apparent that a disproportionately high number of pupils from ethnic minorities, especially, though not exclusively, young West Indians, are expelled from school. The ECRI regards it as important to take steps in order to establish the detailed causes of this problem and specific means of addressing it. The ECRI notes that the Department of Education is working with local authorities towards this end, and trusts that the results of these initiatives will be carefully monitored.

The ECRI is interested to note the creation of an Ethnic Minorities Advisory Committee (EMAC) in 1991 to assist the Judicial Studies Board in dealing with racial and multicultural issues before the courts, and hopes that these measures will be reinforced and their effects monitored and analysed.

### 3.3 MOBILISATION OF SOCIETY – CITIZEN ACTIONS – SPECIALIZED INSTITUTIONS

Society plays a fundamental role in the battle against racism and xenophobia, whether governments take the initiative to promote it, as will be shown below for some countries, or whether society (NGOs, labour unions, specialised institutions) mobilise to defend and support victims or to make a public appeal.

The foremost characteristic of these groups arising out of civil partnerships is that they are independent, and therefore critical toward the government that may itself be the violator. The second characteristic is that they are grass-roots organisations; in other words, they are in touch with victims' everyday reality. The third characteristic is that their principal motivation is ethical, rather than economic or political. Across Europe, the volunteer citizens that are active in these groups share the same values of generosity, solidarity, and tolerance—generally speaking, the fundamental principles of human rights.

A society that reacts healthily and effectively against racism and xenophobia is a society in which non-governmental organisations emerge freely and numerous to battle against racism and xenophobia. These groups function as a first alert to racist phenomena, but also as a protest mechanism that mobilises public opinion. They even have a role drafting proposals, especially when they work with public authorities within joint committees and commissions.

In this chapter we will cite some examples.

| **In Ireland**, non-governmental organisations have rallied strongly since the 1980s against racism and discrimination experienced by Travellers, especially in the areas of service, health and education, employment, and training. Local and national Travellers support organisations have been created and developed upon the foundation of a new partnership approach and upon the recognition of their specific cultural and nomadic lifestyle.

In November 1998, the Department of Justice, Equal Rights, and Legal Reform set up a National Advisory Committee on Racism and Inter-Cultural Relations.

| **In Luxembourg**, numerous associations promote awareness of the problems of racism and xenophobia on a permanent basis, notably CLAE, LICRA, and ASTI (Immigrant Workers Association); other associations exist that are equally effective and deserve merit.

| **In the Netherlands**, three major NGOs will be merged, namely, "*Landelijk Bureau tegen Rassendiscriminatie*" (LBR) (National Office Against Racism), the "*Anti racism Informatie Centrum*" (ARIC) (Anti-Racism Information Centre) and the "*Anti discriminatie Overleg*" (ADO) (Anti-Discrimination League). Netherlands authorities believe this merger is a positive step that consolidates resources.

The government is granting subsidies to the NGOs for projects in the battle against racism and discrimination.

| **In Finland**, the government-instituted Commission Against Racism, Xenophobia, Anti-Semitism, and Intolerance is an independent body that represents various citizen groups.

During the last two years, traditional immigrants and minorities have also been represented within the Commission, as member-experts. The government issued public statements regarding irregularities noted during discussions with the most influential social players, such as government ministers, parliamentary groups, and the media.

Most of the provincial government representatives have a contact person for Romany affairs, aided by a work group made up of representatives from the authorities and the Romany population. The provincial government of south Finland has a mediator in charge of immigration who comes from Somalia. It should also be noted that an Advisory Committee for Romany Affairs has been working for over forty years in association with the Department of Social Services and Health. Half of its members and the Secretary General are of Romany origin.

Traditional minorities and immigrants have set up increasingly remarkable organisations. The Sami Parliament, who represents the only indigenous population in Finland, deals with matters that involve Sami cultural autonomy. Nevertheless, the right to vote in Sami Parliamentary elections has become problematic since the national Parliament has expanded the definition of eligible voters. There are plans to link the definition of belonging to the Sami minority to the knowledge of its language. This new legislation was not prepared in time for the Sami Parliamentary elections and a major conflict arose between the indigenous Sami population and the other Laplanders that wish to protect their interest.

The Romanies, as well as the Tartars, those who are of Russian and Jewish origin who have long resided in Finland, have set up active organisations.

There are several organisations at the national level that cooperate with immigrants and support them. On the local level, individuals and small groups have also initiated various activities. For example, in Tampere, two Finnish women created a meeting-place for immigrant women. It is important, because in immigrant families, the women are often the first to be socially excluded. In a matter of years their activities have increased and today 50 women from various cultures participate in daily meetings and share leisure activities.

Over the past few years, immigrants have established various associations; new associations are set up regularly. These groups have actively co-operated with Finnish authorities and non-governmental organisations, in order to strengthen immigrant rights and integration. Dynamic immigrant associations such as these promote the organisation of cultural events and meetings, financial support, and social contacts.

Between 1996 and 1998, Finnish sports associations worked on promoting tolerance and to this end launched 130 local, regional, and national projects.

**I In the United Kingdom**, the work of specialised institutions and non-governmental organisations is complemented by a multi-disciplined approach to racist incidents.

ECRI notes that this approach involves close co-operation between the police, local housing, education, and social service authorities, prosecutors, local equal rights advisors, and

benevolent organisations. A "Racial Incidents Standing Committee" was recently added to this arrangement.

Therefore, it should be noted that the "Race Relations Act - RRA" of 1976 provided for the Commission for Racial Equality, which has the mission of working towards abolishing discrimination, the promotion of equal opportunity, and proper relations between minority groups, of ensuring the updating of the RRA and recommending legislative changes, if necessary. This Commission is capable of helping those who wish to initiate proceedings in the event of discrimination and to carry out official investigations. Additionally, it conducts research, publishes guides for good practices, provides information and advice, and supports non-governmental organisations that work to improve inter-ethnic relations.

| **The European Union Migrants Forum**, which is a non-governmental organisation founded by the European Commission in 1991 upon the initiative of the European Parliament that regroups 190 associations and national federations, handles issues involving immigration, the rights of third-world nationals, racism, and discrimination.

The Migrants Forum also submitted a series of claims describing the position and the Forum's claims regarding the battle against discrimination and the protection of equality for minority, migrant, and ethnic communities in Europe.

- human rights
- access to the territory of European Union Member Countries and free circulation
- citizenship and political rights
- social equality, multiculturalism, and integration
- the battle against racism
- aide to developing third-world countries.

In the framework of the battle against racism, the Migrants Forum called upon the European Union's Member Countries and Institutions to:

- consider racial discrimination a crime punishable by law;
- condemn racist propaganda and the organisations that encourage it;
- to provide effective protection for everyone against discrimination, including access to legal aid and indemnification;
- to insist as a condition of membership that countries applying for acceptance into the European Union ratify the various European agreements and relevant legal instruments;
- to reverse the principle of burden of proof that requires victims prove that they have been victims of racism;
- to respect the right of all beliefs and religious confessions to exist side by side and to be respected and treated equally;
- to give priority to the battle against racism in education, the media, and national administrative offices, including the police and the legal justice system;
- to prohibit the media from describing minority, migrant, and ethnic communities in a negative way and to appeal to the media to develop their programming in response to community needs;

- to organise demonstrations intended to promote the exchange of experiences and to initiate positive actions against racism that involve social partnerships and non-governmental organisations;
- to declare March 21 the European Day Against Racism and to ensure adequate financing for the events celebrating it.

This year the European Union Migrants Forum has strengthened even more in its co-operation with NGOs in the context of the European Platform of social NGOs and the NGO Platform on EU policy on refugees, asylum, and immigration. These platforms are important arenas for discussing issues involving racism and discrimination, and more general issues concerning human rights and solidarity, and are a source of support to ensure that these issues continue to be a priority on the European agenda.

### 3.4 BEST PRACTICES – NATIONAL ROUND TABLES

Each country is distinct with its own specific needs and develops adapted programs to battle racism, which leads to unique experiences that conform to the national society and respond to particular situations. Still, these experiences can inspire other countries. Once they have exhibited their originality and provided good results, they can be adapted to other societies. One of the primary objectives of the Monitoring Centre is to take stock and account for these Best Practices that might be reproduced in other countries, and to instigate like initiatives adapted to similar contexts.

It is foreseeable that such Best Practices of certain countries could be generalised for the European Union. For example, such was the case of the Round Tables launched by President Jean Kahn in May of 1995. The Advisory Committee's report on Racism and Xenophobia thus invited the governments of EU member countries to multiply their contacts with NGOs and other movements that are involved, in order to institutionalise the national Round Tables between the NGOs and the representatives of the public authorities."

The organisation of the Round Tables has consequently become the mission of the Monitoring Centre. The Monitoring Centre's Management Board induce and organise these Round Tables in their respective countries at least once a year. A large number of member Countries was organised in 1998. Some, such as in France with the National Advisory Committee on Human Rights (sub-committee Racism and Xenophobia), have been institutionalised and have become permanent.

The primary objective of these national Round Tables is to set up a forum where all the efforts of the associations, civil society, and the public authorities in the battle against racism and xenophobia can converge. They enable information to circulate and experiences to be exchanged and offer a comprehensive national vision of racist phenomena and the measures taken to combat them.

Here are some examples of "Best Practices" and Round Tables :

| **In Belgium**, there are three examples of "Best Practices":

- *The withdrawal of funding to racist parties* is a 1998 Parliamentary initiative currently in its final phase. It is the implementation of a specific process allowing for the removal of public funding available to all political parties represented in Parliament when the parties commit racial offences or in general violate the European Agreement protecting human rights and basic freedoms. It is stipulated that the individuals who commit the violation may also be sanctioned.

It is considered shocking that political parties can use public funds to disseminate texts and ideas that come under criminal law.

- *Initiatives within the Army to sensitise against racism* have been undertaken following the denunciation of acts of a particularly racist character perpetrated by soldiers in a Belgian battalion in the international peace-keeping force in Somalia that elicited condemnations.

The Defence Minister acted firmly and through a shared agreement with Army officers, in view of riding racism from army ranks and above all to integrate interculturalism into army culture in a positive way.

- *Measures were taken concerning legalised stay*, following the death of a refugee candidate dismissed at the time of his forced exile from Belgian territory. Several measures have been taken by the Government at the instigation of Parliament concerning the sensitive issue of removing illegal aliens and that of legalising some of them who meet a set of criteria. One of these measures consists of the creation of a special committee on legalisation on which sit representatives from the Centre for Equal Opportunity and the Battle Against Racism and that is responsible for sending the Minister of the Interior an opinion on the major humanitarian reasons invoked by the dismissed refugee candidates who are requesting legalisation.

Additionally, the Centre for Equal Opportunity and the Battle Against Racism organised the States General for Equality and the Battle Against Racism on November 29, 1997. These States General have had the opportunity to meet with the heads of public administrations and a variety of very large private organisations working against racism and for the integration of foreign populations. The conclusions and proposals of the dozen work groups have been submitted to the Interministerial Conference on Immigration Policy, the key body in Belgium for matters of initiatives, legislation, and regulations in the area of anti-racism and immigration policy, and which the Prime Minister presides over.

Of the many decisions taken by the Interministerial Conference on Immigration Policy in April 1998, several are in the implementation process or have succeeded. The joint campaign lead by public authorities (on federal and regional levels) and private employers to promote access to employment for foreign-born populations is one among many we can cite.

| **In Denmark**, the Association for integrating new Danish citizens into the employment market was created on May 29, 1998 upon the impulse of a number of personnel directors and other individuals who exchanged view points and experiences of the situation of ethnic minorities in the Danish employment market.

The viewpoints of the managers, who represent the principal Danish and international companies, were then studied in collaboration with the Danish Centre for Human Rights and the Danish Commission on Ethnic Equality. The sum of their impressions was the point of departure for the foundation of this association.

The goal of the association is to help new Danes integrate into the employment market and to promote the proportionate distribution of serious work between new Danes and other Danes. To reach this goal, the association acts upon the company, organisations, agencies, and individuals--including the new Danes-- in order to convince them to adopt values of equality and mutual acceptance.

The association members represent the private sector as much as the public sector or are individuals. They contribute to the association's work by paying their dues and by donating their time or personal competencies.



In collaboration with its members the association has become well versed and experienced in the conditions new Danes encounter in the employment market, for example, in matters of recruitment, selection, screening (process of selection by file), dialogue, introduction, socialisation, management, co-operation, education, etc. By basing itself on this broad approach to the problem, the association is in a position to give extensive information and advice to companies and to other agencies that employ or are on the verge of employing new Danes.

Moreover, the association profits from the professional support of an advisory group made up of retired managers who offer their help voluntarily. In practice, that indicates that the members can benefit from assistance in developing appropriate personnel policies and training by networks. For example, these networks can be useful to the members that wish to find a job or hire personnel.

The association seeks to resolve problems in a practical manner, while handling and co-ordinating new information that can be used to influence society, individuals, the business world, and the appropriate areas of activity.

The contacts with members are of vital importance—desires and need are spread as far as possible. The decision and communication processes in particular are based on letters as well as on the evaluation of inquiry responses and questionnaires.

The media has reacted favourably to this initiative. Moreover, the government, as well as public and private agencies and organisations have adopted a positive attitude towards the association's work and objectives, according to its Director, Mr. Olaf Aagaard.

| **In Germany**, a 'Forum against Racism' was set up in March 1998, following the European Year against Racism, with the aim of establishing dialogue between NGOs and the Government.

Today, this forum brings together 80 participants.

The Home Affairs Ministry organises and chairs the Forum in conjunction with a working party comprising equal numbers of government representatives and representatives of the associations. The Forum against racism therefore acts as a national roundtable.

With regard to activities at national level, an intercultural week is organised once a year at the end of September. On the initiative of the churches and in conjunction with numerous social and local partners, over 2 000 events, such as conferences, debates, exhibitions, competitions and musical events, are organised in 150 towns. The theme for 1998 was: "Openness for Europe – openness to others" The objective of these events was to promote greater understanding between immigrants and nationals. The week includes a 'Refugees Day' during which hundreds of meetings and discussions take place on the situations of refugees.

In addition, a thousand mosques participate in a 'Mosque Open Day' with the participation of the principal Muslim organisations and institutions. This programme includes guided tours, conferences, debates, prayers for peace and exhibitions in mosques. For example, more than

4 000 people were shown around a mosque in Wuppertal. The intention behind this event is to provide information about the work of the Muslim centres and to diminish the lack of understanding and prejudice in relation to Muslims.

In a joint statement, representatives of the Christian churches, the Buddhist Union, the Jewish Council and Muslims launched an appeal for inter-religious events to be organised for 'German Unity Day', on October 3 each year. These events would take place in churches, mosques and synagogues. The statement, which was published by the German intercultural council, states that: 'the fight against racism and xenophobia is one of the key priorities of the religious communities'.

**I In France**, the roundtable for the battle against racism and xenophobia is a permanent institution in the context of the National Advisory Committee on Human Rights, created by decree of the Prime Minister.

A specialised sub-committee (Groupe G) called "Racism and Xenophobia" meets once a month in the presence of specialised associations, labour unions, human rights NGOs, experts, scholars, and representatives from the concerned governmental departments (Justice, the Interior, etc.).

Its primary mission is to submit a report on the battle against racism and xenophobia to the Prime Minister every March 21<sup>st</sup>. This report is stipulated by the law of July 13, 1990 (Article 2).

It issues and comments upon an opinion poll concerning racism, foreigners, and immigration.

In this same report it proposes studies: Discrimination in the work place (1998-1997)- justice in the face of racism, anti-Semitism, and xenophobia (1996) – religious expression in a lay society (1995) – Europe: the battle against racism and xenophobia, priorities and harmonisation methods (1994).

Upon issuance of the report, the Prime Minister makes the point of the government's battle against racism. The report is submitted to the press and is the subject of many journalistic commentaries (TV, radio, newspapers).

In addition to preparing the annual report, the French round table handles various subjects:

- Housing discrimination;
- Preparation for the European Conference and the World Conference against racism (UN)
- Governmental measures (departmental committees, Monitoring Centre for discrimination . . .)
- Reactions to the report on France by the UN Committee for Eliminating Racial Discrimination (CERD);
- Government Opinion on the plan of the Community Directive concerning Racial and Religious Discrimination;
- Opinion on the implementation of the European Union Action Plan Against Racism;

- Opinion on the extreme-right and the national preference.

The annual reports contain various concrete proposals, especially as it concerns the improvement of anti-racist legislation.

Each year the associations, labour unions, and ministries present an accounting of their actions concerning racism.

| **In Ireland**, a round table was organised on November 26, 1998 in Dublin for the purpose of examining the role of information and the media, dealing with the training of youths, and social policy, including employment, cultural policy and the free movement of individuals. It allowed for the exchange of experiences, information, analysis of the situation and causes, and for the formulation of conclusions and recommendations.

It brought together experts from the Government and non-governmental organisations.

Various subjects were dealt with, such as: -- the Travellers and racism in Ireland—the experience of Black Irish – asylum seekers and refugees – the experience of women.

| **In the Netherlands**, a successful initiative was taken in the signing by all the political parties of The Charter of European Political Parties for a Non-Racist Society.

| **In Austria**, the first round table was held on October 30, 1998, opened by Ms. Sandra Grillitsch, on behalf of the federal Chancellery. It allowed the Austrian authorities to reaffirm their commitment, to present the Monitoring Centre and its works, and the role of the Austrian delegates to the Administrative Committee.

Three work groups dealt with the "structures and content of the anti-racist work in Austria and Europe» around the following questions : - Ways of Co-operating with the European Monitoring Centre: What can Austria contribute? - Definition of the content of the work of the European Monitoring Centre. What priorities should it set for its work?

NGOs, scholars, ministerial representatives, as well as representatives from the political parties, and social partnerships were invited to this round table.

| **In Finland**, "Best Practices" to support and encourage immigrants were cited, one lead by the Church, the other by the government.

- More and more often, certain members of society openly reject racism. Before the political parties had signed the charter, the evangelical Lutheran Church of Finland had already organised a seminar, and priests had demonstrated in marches to the cathedral in Helsinki, expressing the message that racism is a sin. This position taken by the church had an important impact.

Additionally, a work group created by the evangelical Lutheran church suggested that the Sami parliament appoint a representative and two substitutes to participate in church assemblies. This proposal probably will take effect in the spring of 2000.

- During the celebration of the 80<sup>th</sup> anniversary of Finland's independence, the government organised for the first time a ceremony in honour of the ancient Roman warriors that fought for the country during the second world war and their families.

Immigrants have also been the subject of increased attention. A businessman of Turkish origin who had established a company in 1995 that is now prosperous was awarded the title, businessman of the year. In 1998, a Finnish electronics company was awarded for employing immigrant workers.

| **In Sweden**, three examples of "best practices" can be cited.

- Some employers, such as "Stockholm Energy Company," have become aware of the efforts required to make their employment policies better reflect the ethnic diversity of Danish society.
- Authorities now treat race-motivated crimes and incitement to hatred against ethnic groups much more seriously than in the past.
- A Holocaust campaign, aimed at teaching adults, primarily parents, about the cause and effect of the extermination of Jews in Europe, aimed to prepare parents to discuss the importance of democracy and fundamental values of human rights with their children.

| **In the United Kingdom**, the Secretariat of the British Monitoring Centre organised an initial round table for October 16, 1998. The Secretariat plans to organise two Round Tables per year.

The first round table, held at the University of Middlesex, London, presided by Mr. Bob Purkiss, Vice President of the Monitoring Centre, was dedicated to a presentation of the Monitoring Centre and its projects. Approximately 80 participants representing authorities, parliament members, NGOs, ethnic minorities, universities, research centres, and local authorities gathered for the round table. Five themes were covered in seminars: Education – Local authorities - NGOs and anti-racism groups - Immigration and civil rights groups – Professional and specialised institutions.

The second round table will be held in London at the Royal Commonwealth Society. Future Round Tables will be organised jointly with the ECRI.

### **3.5 OUTLOOK AND PROJECTS**

The commitment of the 15 Union States to effort to combat racism and xenophobia remains constant, but varies in intensity. Projects are not lacking, but they are not evenly distributed, either in terms of type and quantity. Some countries have put ambitious programs in place for the coming months and years. Others have held back. Some areas (education, training, repression, prevention, etc.) have received more attention than others within a given country.

This disparity gives the impression that the plan of action against racism, under the general non-discrimination provisions of Article 13 of the Treaty of Amsterdam, submitted March 25,

1998 by the European Commission, has not been satisfactorily implemented in any European country, particularly in terms of mobilisation at the governmental level.

Moreover, in view of the World Conference on Racism (2nd semester 2001) and the European Preparatory Conference, mobilisation appears to be lagging. With this in mind, Europe must act boldly, preferably in unison, in order to speak with one voice on a subject that has torn at its very fabric and caused suffering among its citizens during the 20th century.

We would like to take this opportunity to cite a few national perspectives from amongst the many projects aimed at combating racism and xenophobia.

| **In Belgium**, projects scheduled for the next three or four years include:

- modifying the law against racism of July 30, 1981 in order to facilitate its application by changing the conditions required to prove discrimination and racist intent, for example, shifting the balance of the burden of proof between the victim and the person or body accused of violating the law against racism;
- undertaking more targeted actions in sectors where violations of the law against racism are most widespread, such as employment and housing and leisure, and increasing the number of positive actions and sensitisation campaigns in certain sectors in order to provide models to follow;
- reinforce awareness on the part of public prosecutors and police and gendarmerie services of the content of the law against racism and create a centralised tool to gather statistics and analyse the application of the law against racism and oversight at the level of public prosecutors and the courts;
- once Article 8 of the Convention is approved (anticipated January 1, 2001), quickly obtain the right to vote at the local level for European Union non-nationals;
- plan actions of broad scope by closely associating public and private partners in order to take bold action against the difficulties encountered in large and medium cities in neighbourhoods with a largely foreign population, difficulties that lead to a variety of frustrations and result in a rise of xenophobia.

| **In Denmark**, it is generally agreed that unemployment related to foreign status and language barriers creates social situations that often lead to crime. Sometimes immigrants, whether nationals of the country or non-nationals, cannot find work simply because their ethnic origin is different. However, a new attitude is evolving according to which our countries must – in their own self-interest – learn to benefit from what a young foreign worker has to offer. It is a matter of changing attitudes, not legislation. The role of employer and employee organisations is crucial in this regard. Governments and parliaments must call on them to allow young foreign workers easier access to the job market. Some countries have taken initiatives to this end, such as Denmark, which has developed the "New Danes" program.

| **In Greece**, insufficient legal repressive action is of concern and needs to be targeted.

Discrimination and acts of violence against immigrants are banned by the Constitution and law in general, but case law is rare. In daily life, examples of more or less latent racism and rather rampant xenophobia abound: from individuals, to public services and, often, police behaviour, the right to health care, education, housing, and safety, while waiting in line for public services, or in the street. However, Justice is rarely served, because complaints are not filed, or witnesses or proof are lacking. Few actions have been taken by associations involved in the struggle against racism and xenophobia, and even fewer are concluded. Lawyers almost never file suit. Discourse on racial hatred – often pronounced under the guise of nationalism - has become so commonplace, and political figures and the media have become so complacent regarding the evidence of xenophobia, that a foreigner is almost automatically assumed to be an illegal worker, an illegal worker is considered a delinquent, and so the xenophobia web quietly wraps itself around society, and threatens modern Greek society, according to a researcher at the University of Thessaloniki.

| **In Spain**, the Sub-Committee on Social Policy and Employment of the Congress of Deputies recommends that an adequately-staffed division be set up within the framework of the Monitoring Centre on Immigration to carry out a project similar to that carried out by the European Monitoring Centre on Racism and Xenophobia.

Clearly, it is vital that immigrants be properly integrated into Spanish society so that individuals are not marginalised and inequality is eliminated that would otherwise divide society into first and second class citizens. If this is not done, the doors to potentially virulent racism and xenophobia will be thrown open.

The Spanish Parliament Sub-Committee feels that all administrations must make the following commitments to immigrants and refugees in order for anti-racism policies to continue to develop in the State of Spain:

- Create a "Spanish Monitoring Centre on Racist and Xenophobic Phenomena" which, in co-operation with the European Monitoring Centre, will carry out the objectives set by the fifteen countries of the European Union.
- Develop sensitivity campaigns so that the whole of society is made aware of the seriousness of the problem to be faced if racist phenomena are allowed to spread.
- Produce educational materials promoting tolerance and respect for differences to be used in the education system at all levels, promote appropriate teaching methods, develop programs against xenophobia to thwart racist-like attitudes and behaviours and disseminate principles touting non-rejection of foreigners, respect for cultural and social diversity and progress toward social integration. Over the past few years, xenophobia and prejudice targeting school children and youth have expanded dramatically, as observed in the study carried out by university professor Tomas Calvo and the report *Youth in Spain* published by the Institute of Youth.

- Revise scholastic books so that children and adolescents learn to understand the culture and customs of immigrant children.
- Develop a code of conduct with the media so that the principles of inter-cultural education will be included in programming and become a part of education in the context of the family.
- Support associations that work to prevent racism and intolerance and implement plans of action within this context.
- Develop an intervention plan for expressions and demonstrations of violence and racism in soccer stadiums or during large sporting events by establishing targeted regulations; study and analyse the scope of the problem—the actions of violent and racist groups in this context. State law enforcement agencies should also be called upon to demonstrate greater vigilance regarding violent or intolerant groups.
- Provide the necessary support to the public prosecutor's office to ensure that State prosecutors crack down on political, social, and cultural demonstrations with racist overtones.
- The Spanish Parliament must prepare an anti-discrimination law – like laws that exist in other European countries – to lay the groundwork for a new concept of citizenship (morality, action, and multiculturalism) with the legal instruments required to prevent intolerance and racism in society and punish violent racist acts, ranging from incitement to racial hatred to dissemination of racist tracts to participation in the activities of racist organisations.
- Members of Parliament also feel that it is necessary to attempt to reach an agreement with the media in general, and with journalistic associations in particular, so that information on immigrants is not sensationalised or presented with criminal overtones.
- The Parliament is also called upon to ratify the United Nations International Conventions relating to immigrants, refugees, and displaced persons—such as agreement 90 of the United Nations and agreements 143 and 148 of the ILO, in conformance with Spanish constitutional objectives and principals.
- Finally, the Sub-Committee requests that the Government establish an active policy to sign bilateral conventions with countries where Spanish citizens reside and immigrants' countries of origin.

l **In France**, the Ministry of Employment and Solidarity points out that the Government expressed a desire to establish the fight against discrimination, in all its forms, as one of the main lines of its integration policy.

It feels this goal is of capital importance to social cohesion within the country. Discrimination affects not only foreigners, but also individuals who *look foreign*—recently nationalised

French citizens, French citizens who have arrived in France in the recent or not so recent past, and even French citizens residing overseas.

The situation, as related by the High Council on Integration in the report submitted in October 1998 to the Prime Minister, is disturbing and calls for all to take action, particularly the State, which must set an example for others to follow. Progress must begin with the State taking public positions and speaking out boldly to condemn racial discrimination. Evidence of a strong resolve with just a touch of modesty is also vital: the law in and of itself is not a solution. Discrimination can be driven back only by means of education, information, and conviction.

Two aspects of particular importance for integration are mentioned: the effort to eliminate discrimination in the workplace and access to housing.

*The effort to eliminate discrimination in the workplace:* 1997 was a time of conscience-raising (The European Year against Racism), and 1998 and 1999 are a time for action on a long-taboo subject; it is time to break the law of silence.

While the situation of foreign workers (including the fact that unemployment levels are three times higher among non-nationals than the average for nationals) cannot be entirely explained by the existence of racist behaviour, discrimination in hiring practices (discriminatory job advertisements, BBR, code 001, "family preference") or over the course of a career has been on the rise in recent years, calling the effectiveness of the integration model into question.

*The effort to eliminate discrimination in access to housing* is a strong application of the principle of equality, in that housing, like employment, is a determining factor affecting integration and an area where real discrimination is experienced.

The French government is currently studying a project to create a structure devoted to the effort to eliminate discrimination.

Innovative experiments and phenomena of racial discrimination, in the workplace and beyond, will be analysed so that public authorities can form conclusions on which to base action. Skilled researchers, such as key players in society (unions, associations, business, etc.), for each area of study are associated with this work.

The effort to eliminate discrimination must also take other factors into consideration, factors corresponding to the various stages in the process of integration.

The government hopes to focus on two key areas:

- provide a warmer welcome to individuals authorised to reside in France for an extended period;
- make it easier to gain French nationality and adapt naturalisation policies to changes in society as a whole.



Moreover, the National Advisory Committee on Human Rights has requested that the government take the necessary steps to bring French legislation into line with common European Union action relating to the effort to eliminate racism and xenophobia.

| **In Ireland**, several files are being studied to improve efforts to eliminate racism:

- reinforcement of legislation punishing incidents of incitement to racial hatred, which is difficult to enforce effectively.
- recognition of racial motives in crimes and misdemeanours and when establishing statistics.
- awareness training for the media, which sometimes portrays cultural diversity in a discriminatory and negative light.
- evaluation of government policies taking into consideration efforts to eliminate racism and the aspirations of ethnic groups.
- increased participation of political leaders and bolder condemnation of racism by political parties.
- development of a policy for the integration of refugees and persons seeking political asylum in co-operation with specialised NGOs.

| **In the Netherlands**, a study will be carried out on the performance of committees responsible for handling complaints in schools.

- New agreements appropriate for large administrative areas and the administrative agreement with the Netherlands Association of Communes (VNG) encompassing all areas where prevention and anti-prejudice, anti-discrimination, and anti-racism efforts must be developed at the local level in co-operation with local partners in order to present a stronger front against discrimination. To this end, the manner in which the results of this local approach will be quantified must be determined.
- At the local level, agreements will be reached to set up instruments to develop a coherent plan of action to counter offenders of anti-discriminatory policies.
- The government will take measures to eliminate discriminatory elements that have been unintentionally introduced directly or indirectly into organisation and personnel policies. This task is the responsibility of employers in the private and public sectors alike.
- The government intends to launch two studies:
  - a qualitative, exploratory study in an effort to gain insight into professional development (opportunities and barriers and prevention of exclusion) of employees belonging to an ethnic minority, examining both the aspect of equal pay and the situation of workers in plants;
  - a study to examine the relationship between supply and demand as it relates to recruitment and selection of personnel belonging to an ethnic minority. This study

examines the issues as well as the possible forms (direct or indirect) that discrimination can assume.

- The government intends to organise a study to determine whether the General Law on Equality of Treatment and the Commission on Equality of Treatment provide for all necessary elements, particularly concerning eligibility. Provided the results are conclusive, accessibility should be improved.
- The government expects to investigate the possibility of setting up a national network of anti-discrimination offices.
- Regarding illegal dissemination of information, including racist and discriminatory declarations over the Internet:
  - a second bill, "Computercriminaliteit II,"(Crime on the Internet) is currently being studied by the Conseil d'Etat. This bill relates to the responsibility of intermediaries.
  - in 1997, the "Meldpunt Discriminatie Internet"(MDI) (Office for Reporting Discrimination on the Internet), subsidised by the government, was put in place by way of self-regulation.
- In addition, the Senate is currently reviewing a bill concerning financing of political parties. After approval of this bill, it will be possible to withdraw subsidies and floor time from political parties convicted of racial offences.
- A bill will be submitted to Parliament to increase penalties for any structural form of discrimination. It will also be possible to impose other penalties, such as public service.
- After ratification of the Treaty of Amsterdam, the Netherlands will participate in negotiations on the provisions of the anti-discrimination article of the EC Treaty (Article 13). This general article is formulated to include all forms of discrimination (based on racial or ethnic origin, gender, sexual orientation, religious belief, etc.) and constitutes an entirely new legal base of measures to be taken against this type of discrimination. The Netherlands' approach is to translate national policy into the international context as effectively as possible and to implement all aspects at the European Union, European, and International levels to increase visibility of efforts to eliminate discrimination and racism, and to establish at least a bare minimum of standards (and their observance) throughout the world.
- In addition, the United Nations is organising a conference against racism, racial discrimination, xenophobia, and related forms of intolerance to be held in 2001. The European Preliminary Conference planned for 2000 (under the auspices of the Council of Europe) provides the Netherlands with the opportunity to raise the international issue of racism on the Internet. In the meantime, an ad hoc European conference was organised in late February 1999 in Strasbourg in preparation for the United Nations international conference. The Netherlands, in collaboration with Norway, France, Portugal, Turkey, Bulgaria, and Russia, is participating in the technical working group created to prepare for the conference. An appeal could be made to the Anti-Discrimination Advisory Committee

(ADO) to ensure inter-ministerial harmonisation at the national level. Contacts were also established with NGOs, and it appears that after consultation on this subject, the NGOs are interested in organising a preparatory conference on the subject of the Internet.

- A proposal was made to set up a community program to promote social integration based on Article 137 of the CE Treaty. This program will, naturally, offer opportunities to ethnic minorities.

| **In Austria**, measures must be taken to counter the following developments, which are likely to reinforce racist and xenophobic trends in the near future:

- Regional unemployment and other forms of social inequality can lead some groups of the population to search for a scapegoat. Foreigners are particularly easy targets.
- This point of view is conveyed by some members of the media. Reports on crime often play on emotions – such as the report on a villainous crime committed in Vienna, immediately attributed to the "Russian Mafia."

Political parties have also attempted to exploit the current atmosphere at the ballot box. This is particularly true of the FPÖ – which, for example, blames quality issues in public day-care centres on the increasing number of foreign children.

- The move to enlarge the EU raises concerns in the minds of unions and *Arbeiterkammer* (worker and employee associations). Their deep-rooted fears and barely disguised xenophobia lead them to attempt to slow the process of enlargement.

| **In Portugal**, two concerns are of particular note:

- Mass media has played a positive role in denouncing and exposing the public to scandalous attitudes, making a positive contribution to a decrease in acts subject to civil or criminal prosecution. Despite this fact, there is still a risk that the media may amplify conflicts, often to the benefit of the instigators, and thus contribute to heightened stigmatism of ethnic minorities out of ignorance or in an attempt to sensationalise a story.
- Mobilising society against intolerance and indifference requires real commitment from political parties. In order to prevent and combat xenophobic demonstrations and anti-Semitism, racism must be confronted the moment it bears its head. The Charter for European political parties for a non-racist society must be respected by all parties if we are to prevent it from becoming a mere electoral tool. The struggle to combat racism and xenophobia is essentially a matter of respect for human and civil dignity. It is in civil society that the battle will be won or lost.

| **In Finland**, following increased interest piqued by studies on inter-ethnic relations and the attitude of authorities and Finnish citizens, resources have been freed up. A system for monitoring racial discrimination phenomena at the national level has been under development since 1998 and will be operational by the year 2000. A recent inquiry examined the issue of interaction between authorities and individuals of foreign origin and uncovered the attitude of

police, teachers, border guards, social workers and employment agency employees. The study revealed that social workers, teachers, and civil servants with higher levels of education have a more positive attitude than representatives from other national authorities. Police officers and border guards seemed to have the most negative attitude due to the inherent nature of their duties. Perhaps it would also be useful to spend more time covering foreign cultures in future training programs designed for workers in these fields. The study also demonstrated that, in general, authorities are in favour of promoting tolerance and measures against racism. Another study focused on the attitude of the general population toward immigrants, immigration, and minorities. A study on racial discrimination in the workplace is expected to be completed in the autumn of 1999, and research on media treatment of racial problems and immigration policies will begin in the spring.

The Finnish Academy will launch a study on multiculturalism, assisted by several universities and research institutes.

| **In Great Britain**, in 1998, the Committee for Racial Equality (CRE) proposed that the Race Relations Act be reinforced, extending the role of this Committee to all levels and encouraging the promotion of best practices in efforts to eliminate racism.

Section 8 of the Asylum and Immigration Act of 1996 that condemns employers who hire illegal workers—those not authorised to work—presents a problem. This clause may hide veiled discrimination, which is difficult to detect. In complying with this provision, the employer contravenes the Race Relations Act, which condemns any discrimination based on race, even in the case of illegal immigrant status.

Despite the fact that, since the end of 1998, 250 public and private business leaders and associations have adhered to the Leadership Challenge of 1997, which encourages improved representation of ethnic minorities in staffing, the Committee for Racial Equality received almost 2,000 discrimination complaints (60 to 70% of which related to employment).

A program dealing with race relations in police forces and the Crime and Disorder Act of July 1998 aim to expand the role of police in preventing race-motivated crimes, which in turn tends to lead to a decrease in racial incidents.

#### **4. ACTION BY THE EUROPEAN UNION**

**This report contains a description of the activities undertaken by the European Commission in 1998 to combat racism, xenophobia and anti-Semitism.**

##### Point of Departure: Europe's Year against Racism

In Europe, the year 1997 marked a major step in a process aimed at stepping up co-operation among the various players involved in efforts to combat racism. It led to concrete progress in terms of joint action by the Institutions and member States of the European Union and opened up new avenues for future co-operation.

The experience gained in the Year against Racism confirmed the fact that Community Institutions have a definite role to play in stemming racism.

The Year gave new impetus to efforts to combat racism in Europe while breathing new life into existing initiatives and creating a number of new ones. The information and communications campaign sent out a strong message pointing out the dangers of racism for our societies and providing some solutions that have proven successful, such as promoting positive messages on multicultural societies.

At the end of the Year, a consensus was reached on more long-term action. Mobilising people and organisations throughout the Union with the support of the national authorities, the Community institutions and all the partners created a climate favourable to the political progress already achieved. Notable examples include the creation of the Monitoring Centre on Racism and Xenophobia in Vienna, the introduction of new anti-discrimination provisions in the European Union Treaty, the Anti-Racism Action Plan, as well as the creation of the European network of NGOs working to combat racism.

##### The Treaty of Amsterdam: Combating Racism in the Context of Non-discrimination

One of the decisive events of 1997 was the addition to the European Union Treaty, as amended by the Treaty of Amsterdam, of a general non-discrimination clause (Article 13), which paves the way for creating a Community-wide program to prevent and combat racism.

Article 13 will allow the Council, ruling unanimously on the recommendation of the Commission, after consultation with the European Parliament, to "adopt the necessary measures to combat all forms of discrimination based on sex, race, ethnic origin, religion or religious conviction, handicap, age or sexual orientation".<sup>1</sup>

---

<sup>1</sup> Official Gazette C 340, November 10, 1997

### The European Network of Non-governmental Organisations Combating Racism

The European Year also provided a context for the first phase in the creation of a European network of non-governmental organisations actively involved in combating racism, following the example of the steps taken to establish the Migrant Workers' Forum for the integration of migrant workers and ethnic minorities.

The preparatory work aimed at creating such an organisation was done throughout 1998. National and regional round table discussions, as well as a European round table, were held in all the member States in order to promote awareness of this initiative in a wide variety of organisations and to receive their support.

Some two hundred and fifty participants representing a large number of NGOs involved in the preparatory work met again from October 8-10, 1998 for the conference held to set up the Network. The purpose of the Network is to link the initiatives and networks of anti-racism organisations through an exchange of information and experience aimed at combating racism, designing new strategies to combat racism and promoting equal rights and opportunities as well as adopting legal measures and undertaking activities to combat racism in Europe as a whole and in the various countries comprising the Union.

### International Co-operation

For a number of years, one aspect of the strategy adopted by the Commission entails close co-operation with the international organisations working in this area, such as the Council of Europe (CofE). The Year was marked by several examples of fruitful collaboration.

As it emphasised in its statement of December 10, 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, "the Union will actively seek to obtain significant results at the World Conference against Racism, Racial Discrimination and Xenophobia and the Intolerance associated with it". The lessons to be gained from co-operation and an exchange of information on a European scale, such as the European Year, can provide a useful basis for the discussions leading up to this conference, which will be held on a regional level within the Council of Europe.

### **Activities Carried Out in Europe – The Anti-Racism Action Plan and Follow-up**

In March, 1998, the Commission introduced its Anti-Racism Action Plan<sup>2</sup> based on the results of the Year, and established a **consistent framework** to combat racism in Europe over the medium-term. The Plan seeks primarily to enhance and support co-operation and partnerships at all levels for the purpose of designing new models and applying them throughout Europe while promoting the value of diversity and pluralism.

The Plan paves the way for more ambitious steps to be taken in Europe in the future such as new anti-discrimination provisions in the Treaty, particularly from a legislative standpoint;

---

<sup>2</sup> COM (1998) 183 final, March 25, 1998

including anti-racism provisions in Community policies and programs; and the design and exchange of new models.

### Changes in Legislation

The Treaty of Amsterdam increases the role played by Community Institutions in combating racism and other forms of discrimination. **Article 13** not only symbolises the Union's intent to act; it also determines the Community's scope of authority to control numerous forms of discrimination and requires that concrete measures be adopted ensuring protection from discrimination.

Throughout 1998, a wide-reaching discussion was held involving all the major players in this area in order to identify concrete ways to implement Article 13. This discussion included a general review of the situation in the member States. In this context, in co-operation with the European Parliament and the offices of the chairmen of the Council of Europe, the Commission arranged seminars and conferences at the national and Community level. In April, 1998, a meeting of senior officials from the member States was held in Oxford to consider the possibilities for future action regarding non-discrimination in employment. A conference was held in Manchester in June 1998 bringing together representatives from the member States, NGOs as well as labour and management to discuss Best Practices and national laws. Again in June 1998, the second European Forum on social policy was held in Brussels, where private organisations were able to discuss approaches in the fight against discrimination. The conference held in Innsbruck in September 1998 on the adoption of positive action programs placed special emphasis on the experience of the United States and Canada. The NGO networks sponsored various meetings, and substantial work was also done in the European Parliament.

In December 1998, a major conference was held in Vienna to present ideas on anti-discrimination legislation and to consult all the major players involved in the fight against discrimination. While approaching the question of discrimination in a broad sense, the conference paid special attention to discrimination based on race and ethnic origin in view of preparing a legislative initiative in 1999.

In Vienna, Commissioner Flynn presented his ideas on the possible implementation of a "package of anti-discrimination proposals" based on Article 13, which would include the following:

- a *framework directive* that would deal in a general manner with all forms of discrimination described in Article 13 in the area of employment;
- a *directive* dealing specifically with *discrimination for reasons of race and ethnic origin* extending beyond the job market, to areas such as access to goods and services, social protection and education;
- an "anti-discrimination" *action program* aimed at enhancing co-operation among the member States and civil society at all levels, with emphasis on building partnerships and

networks designed to increase our understanding in the various areas of discrimination described in Article 13.

Streamlining – i.e., including an anti-racism component in community policies and programs.

Legislation will not remain an isolated component of the strategy. In its Action Plan, the Commission attempted to place efforts to combat racism at the centre of a number of Community policies and to develop an approach aimed at including the fight against racism in all the sectors to which it applies.

A task force representing the various departments was formed in the Commission for the purpose of implementing this program concretely, and an initial meeting was held in September 1998. The first step will be to evaluate current policies and programs and identify ways to develop a consistent strategy.

### **Community Actions**

In December 1998, the *employment guidelines for 1999* proposed by the Commission were approved by the European Council of Vienna. One of the guidelines refers specifically to the need to pay close attention to ethnic and political minorities to ensure that they are assimilated into the job market.

With regard to the structural Funds, major strides have been made under the Integra program of the Community Employment Initiative<sup>3</sup>. The Committee on "Anti-racism and the inclusion of migrant workers" is now drafting a document to illustrate the relationship between Integra projects and priorities at the Community, national and local level with regard to these areas.

A new Community initiative will soon be launched under the European Social Fund to promote more effective transnational co-operation in combating discrimination and inequality in the workplace.

In July 1998, the Commission adopted a proposed amendment to Rule 1612/68 on the free movement of workers. The new proposal prohibits discrimination on such grounds as race and ethnic origin in the exercise of free movement. The wording of new Article 1 *bis* is based on Article 13 of the Treaty of Amsterdam, while at the same time recognising that the lack of discrimination based on race is an inherent component of free movement in the European Union.

Furthermore, the Commission also proposed extending Rule 1408/71 on co-ordinating the social security systems of citizens of third countries who are insured in a member State of the European Union. This proposal, which was discussed in the Council in 1998, does not grant

---

<sup>3</sup> The Integra approach involves integrated projects at the local level, based on innovative models and partnerships aimed at helping the most vulnerable members of the workforce to reenter the job market. All Integra projects work closely with partners in other countries to share and exchange Best Practices. These are empowerment projects designed to assist immigrants and ethnic minorities in entering the job market; they are also measures aimed at assisting neighbourhood welfare programs, thus reducing social tensions in disadvantaged areas.



the right of free movement to citizens of third countries. However, the proposal constitutes a major step in efforts to combat racism and xenophobia by ensuring equal treatment between European citizens and the citizens of third countries who are legally established in a member State of the Union.

In the audio-visual area, on September 24, 1998, the Council adopted *Recommendation 98/560* on the protection of minors and human dignity in the audio-visual and communications sectors, which sets joint guidelines based on codes of conduct and grants authority to the Community to take part in initiatives.

In the area of foreign relations, the protecting minorities in countries applying for membership in the EU remains an important component of a stricter policy governing qualifications for membership and requiring regular progress reports. In this context, in December 1998, the European Council of Vienna asked the Commission to propose measures to combat racism in the applicant countries by June 1999.

As part of the political dialog with developing countries, on March 12, 1998, the Commission issued Report *COM/98/0146* "Democratisation, the Rule of Law, the Respect of Human Rights and Good Public Affairs Management: the implications of a partnership between the European Union and the ACP [unknown acronym]" aimed at supporting institutional and governmental reforms as well as educational reforms and a stronger civil society.

On October 28, 1998, the Commission also issued a Report on the approaches needed to achieve sustainable urban development in the European Union (*COM/98/0605*), recommending more efficient and co-ordinated Community action in dealing with urban problems.

### **Programs, Reports and Research**

Over the past few years, education, training and youth programs have been used to promote mutual understanding and to eliminate prejudice among young people. The second phase of the Leonardo Program (2000-2004), proposed by the Commission on May 27, 1998, promotes equal access to initial and on-the-job training. The proposal contains a specific reference to policies prohibiting racism and xenophobia and to all forms of inequality. In the area of education, the Commission has introduced its proposal for the second phase of the Socrates Program, which is designed in part to foster greater understanding and solidarity among the peoples of the European Union and to add a cross-cultural component to education. A proposal *COM98/695* was also introduced recommending the creation of a Youth action program combining all youth-related activities such as "Youth for Europe" and the European Voluntary Service into a single program.

In connection with the Fifth Framework Research Program, there are plans for a key project designed to improve the socio-economic base, aimed primarily at understanding racism, its causes and effects.

The Commission's Employment Policy. The Commission is fully aware of the principles of non-discrimination in its own recruiting, training and promotion policies. In this regard,

including an "anti-racism" module in the training of the members of juries granting awards is now under consideration.

## **Designing and Exchanging New Models**

### *Supporting anti-racism projects*

In 1998, the Commission continued to support the promotion of Best Practices based on the concrete experience of associations and local authorities, as well as labour and management groups, thereby making them more widespread, thus promoting the values of diversity and pluralism.

Financing was allocated mainly to projects of a transnational nature and to pilot projects and networks demonstrating innovative approaches, in order to encourage new approaches to combat racism in the European Union and to include ethnic minorities. One of the Commission's primary objectives is to improve the efficiency of actions taken in the member States to encourage new partnerships and the exchange of experience across borders.

The Commission has emphasised a few basic principles:

- § the active involvement of immigrant and ethnic minority groups in preparing, designing and implementing all aspects of the projects.
- § pointing out positive contributions, promoting messages emphasising the value of multi-cultural societies and encouraging participation in all decision-making and political processes
- § encouraging initiatives based on wide-ranging partnerships at the national, regional and local level.

Special attention is paid to **evaluating** projects and initiatives receiving awards, both to identify the models that lend themselves the best to replication and to design proposals for long-term action.

With regard to project support in 1999, special attention will be paid to preparing the future action plan for the Union based on Article 13 and efforts to combat discrimination.

## **Evaluation**

The Commission will publish a *report* describing the progress made and **evaluating** the impact of the action plan before the end of 1999, with particular emphasis on any changes in legislation and the issue of including efforts to combat racism in Community policies and programs.

## CONCLUSION

The fifteen countries of Europe are today threatened by a rise in racism and xenophobia. Certainly not to the extent that it experienced more than fifty years ago under a totalitarian regime, but by new, underhand forms which can prosper in a democratic society.

Quantitatively, statistics in all countries do not enable us to say that we are confronted with a phenomenon of massive violence, even though the number of dead and injured and the level of material damage remain too high. Lethal racism tends to explode over periods of varying length. A more precise statistical analysis has yet to be carried out with the States' various police departments; and not solely reliant on media reports.

But what is most worrying, over all the Union Member States, is the development of rampant racism, becoming mundane in daily life, of discrimination rendered possible either by the indifference of the general population or at the institutional level. These continual demonstrations of xenophobia are not necessarily revealed by the victims' complaints or by judicial process. They are diffused, hidden, they are often integrated into behaviour and are accepted by the majority; until a scandal breaks somewhere.

All over Europe the main victims of racism and xenophobia are foreign populations or ethnic minorities. This is as true today in countries which have experienced several generations of immigration, as in those countries recently subjected to extra-European immigration flows. The migratory pressure from eastern and southern Europe, and also from other more distant regions of the world cannot simply be dealt with in a repressive manner. Welcoming foreign populations or those of foreign origin into the European Area must involve their integration and the granting of rights. Without this, they will be marginalised and rejected by the phenomenon of xenophobia. For these reasons, an effective European immigration and asylum policy is essential to prevent racism.

Furthermore, it can be seen all over the European Area that repressive legislation, whatever its level of perfection - and there is great disparity between one country and another - is not sufficient to punish the authors of acts of racism or to dissuade them. In fact, any legislation is only effective if it is properly implemented. But it can be seen that the number of trials and sentences before the courts is quite insufficient.

For isolated acts of racism, just as for those committed by organised groups, the threat of judicial proceedings is not strong enough.

This is particularly true for extreme right wing political parties who, if they do not directly commit racist crimes, encourage them within public opinion by discriminatory ideologies which are infiltrating larger and larger segments of the population. All over Europe the "sanitary cordon" against racism is weak.

Thus it is a question of education and training, of making the public more aware. But, all too often, for social or economic reasons, public opinion lets itself be seduced by the language or the political programmes of the extremist parties. The media's role is crucial in this field, just as is the mobilisation of society as a whole, through non-governmental organisations or the unions, for example. Similarly, the victims and the minority groups should have a voice, be heard and be taken into consideration by the public authorities.

The European States' governments have deployed considerable efforts, over the last few years, in numerous, diverse programmes which represent a considerable amount of laudable good practice.

Nevertheless, it has to be admitted that Europe has not yet succeeded in eradicating racism.

It is certainly by pooling what has been achieved, by united action, by a general mobilisation and by a clearly stated and effective will on the part of the political leaders that these phenomena can be contained and eliminated over the coming years. This is precisely the task of the European Monitoring Centre on Racism and Xenophobia.

