

**all different, all equal :**  
*from principle to practice*

**European contribution to the world conference against  
RACISM, RACIAL DISCRIMINATION, XENOPHOBIA  
and RELATED INTOLERANCE**

**Strasbourg, 11 - 13 October 2000**

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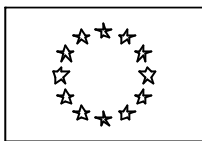
**European Monitoring  
Centre on Racism and  
Xenophobia (EUMC)**

**Position papers**

**August 2000**



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



EUMC

**EUMC POSITION PAPERS**  
**for the European Conference against Racism**

***ALL DIFFERENT ALL EQUAL:***  
***FROM PRINCIPLE TO PRACTICE***

*April 2000*

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## WORKING GROUP I - Legal protection

### I INTRODUCTION

1. The European Monitoring Centre on Racism and Xenophobia (EUMC)<sup>1</sup> is the new body established by the European Union to provide it with comparable, objective and reliable data on the phenomena of racism and xenophobia and to aid its actions against racism. It has also the task of co-operating with the Council of Europe, particularly its European Commission Against Racism and Intolerance (ECRI). The EUMC welcomes, therefore, this opportunity to put forward a position paper as a contribution to the European contribution to the World Conference Against Racism, Racial Discrimination and Related Intolerance.
2. The EUMC strongly supports the emphasis placed on legal protection against racism and related discrimination at sub-national, regional and international levels. Legal protection forms the basis for safeguards and redress for victims of racist discrimination and the guarantee of fundamental rights and freedoms.
3. The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States and which are at the basis of all its action. The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies.

### II BACKGROUND

4. The Europe that we live in is constantly changing and re-inventing itself. The benefits are there to see in Europe's economic prosperity and rich cultural heritage – an amalgamation of centuries of interaction with other cultures and ideas, the migration of peoples across its lands and the willingness to learn from others. Part of this dynamic is the cultural, social and political input created by the many different people living in Europe. This dynamic is created and sustained by harnessing the different qualities and attributes of Europe's population. Factors working against it are the forces of intolerance – these can find their expression in racism and xenophobia. Europe's history has demonstrated the impact of these forces when taken to the extreme – massive and systematic violations of human rights, war and the holocaust.
5. Racial and ethnic discrimination undermine the basis of democratic societies and is a direct violation of the fundamental rights of its victims. Immigrants and minorities are among the victims and they suffer from various forms of discrimination: from open and direct discrimination to indirect or institutional racism; from racial violence to harassment to inferior or degrading treatment.

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<sup>1</sup> On 2 June 1997, during the European Year against Racism, the Council adopted *Regulation (EC) no. 1035/97* on the Establishment of a European Monitoring Centre on Racism and Xenophobia, to be based in Vienna

This places restrictions and limits their free, equal and open participation in society, depriving the society of the skills and capacities of its entire population. Racism breeds division in society, a loss of human dignity and may undermine the State itself. States composed of multicultural identities and minority populations have an impact on the relationships between states and the functioning of an effective international system. The elimination of all forms of racial discrimination is therefore essential for the well-being and effective functioning of democratic society and international relations.

6. This paper is a contribution to the discussions of Working Group (WG) I – Legal protection. However, it should not be seen in isolation but rather mutually re-inforcing, and an interrelated part of, the overall discussions and decisions that will be the outcome of the other three working groups. i.e. WG II-Policies and practices; WG III-Education and awareness-raising; and WG IV-Information, Communication and Media.
7. This document takes into account the follow up to the recommendations of the Consultative Commission on racism and xenophobia of 1996, the European Year against Racism in 1997, the work of the European Parliament, the modifications to the European Treaties made by the Treaty of Amsterdam, the various initiatives of the European Commission, in particular under the new Article 13 and the EUMC discussions at the Vienna Forum on 7-8 April 2000. It makes recommendations on possible future actions by the organisations and countries represented at the European Conference.

### **III RECOMMENDATIONS**

#### **A. Ratification**

8. The EUMC calls on all States participating in the European Conference that have not yet done so to sign and ratify the relevant international legal instruments of the United Nations, the International Labour Organisation, UNESCO and the Council of Europe and, in particular, the International Convention on the Elimination of All Forms of Racial Discrimination, the 1992 European Charter for Regional or Minority Languages and the 1995 Framework Convention for the Protection of National Minorities.
9. As a concrete step to protect documented as well as undocumented migrants, the EUMC would also encourage States participating at the European Conference to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

#### **B. Legislative Framework**

10. The basis for a model legislative framework is the UN Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation Against Racial Discrimination. This outlines the definitions, principles and offences and penalties. The model should also contain recommendations from the general policy recommendation No 2 of the European Commission on

Racism and Intolerance of the Council of Europe. In addition, the European Commission has put forward a package of proposals for legislative initiatives at the European and the national level<sup>2</sup>. Once adopted, these proposals will require legislative action in the Member States of the EU and in those countries seeking early entrance to the EU.

11. Taken together the EUMC believes that they all form a good basis for all States to draft and implement national legislation to combat racism and xenophobia across a wide field of action.
12. The EUMC notes that the proposals for a model legislative framework are intended to set down only minimum standards. These minimum standards should not be below those contained in international standards on racism and xenophobia. In this context, the EUMC calls on all States to go beyond these minimum standards when drafting and implementing the legislative framework in order to provide a higher level of protection with a wider scope of application.
13. The model legislative framework should, in addition, be regarded as an ongoing piece of legislation and should be amended in line with positive developments in the legal sphere on racism and xenophobia. This will be particularly important to ensure protection in the fields of political and cultural life, the use of new technology and to provide redress for incitement to racial hatred and violence.
14. Moreover, the EUMC believes that action must also be taken to identify and amend legislative proposals which result intentionally or inadvertently, in the unequal treatment, marginalisation and, ultimately social and economic exclusion of people from particular racial or ethnic minority groups.
15. The EUMC would also draw attention to the fact that the fair and impartial application of the law in any State is an essential requirement in the fight against racism and xenophobia. The police and judiciary have a key role in enforcing anti-discrimination legislation and providing a fair and non-discriminatory discharge of their duties. As public authorities and bodies they should also be brought within the ambit of this legislation.
16. From the model outlined above, the EUMC has identified below elements that should form the basis of any legislative proposal:
  - i. Fields of discrimination.**
17. The legislative framework should prohibit discrimination on grounds of race or ethnic origin, national origin, religion and belief, define the concepts of direct and indirect discrimination and outlaw discrimination in the fields of employment and social affairs such as social protection and social security,

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<sup>2</sup> With this in mind, the EUMC has commissioned national reports on the legislation of each Member State of the EU in the field of racism and xenophobia. These reports will be supplemented by a study to compare the national legislation with the recent EU legislative measures on racism and xenophobia. The results of both studies will be published by the EUMC and disseminated widely.

social benefits, education and access to the supply of goods and services, housing, health care, culture, sport, and civil and political rights.

18. Equally, the framework should cover the functions of public bodies and authorities such as policing, prisons, immigration, customs, criminal justice, local authority enforcement powers, health and safety bodies, child protection, detention under mental health legislation and tax collection, and not simply the public and private sectors. This would mean for example applying the legislation to all police officers and that chief officers of police should be made liable for the acts and omissions of their officers in line with legislation against racism and xenophobia.
19. In addition, the framework should include a positive duty on public authorities to promote racial equality. This would mean a positive duty to assess the impact of proposals for policies, monitor employment and service delivery by ethnic group, where practicable, include equality standards for migrants and ethnic minorities on external contracts or funding of external organisations. Public bodies should also provide reports on compliance to relevant statutory agencies and to an independent/specialised body dealing with racism and xenophobia

#### **ii. Rights of Victims.**

20. It should give persons who believe themselves to be victims of discrimination access to an administrative or judicial procedure so that they can assert their rights. In order to strengthen the victims' position, the legislative framework should shift the burden of proof and empower victims to seek the help of associations. It should also outlaw harassment and retaliation.

#### **iii. Independent/specialised bodies at the national level.**

21. The framework should propose that all States set up an independent body or bodies to promote the principle of equal treatment irrespective of racial or ethnic origin. It is important that the members of the independent/specialised body are representative of the population as a whole and the body must be allowed to set its own priorities (see additional note on independent /specialised bodies below).
22. The main function of these bodies should be to support victims of discrimination, to contribute to setting national standards, mount surveys or studies on discrimination, to undertake public education and awareness-raising activities and to publish reports and deliver recommendations in the field of racial and ethnic discrimination. The framework may contain only minimum requirements: States may adopt or maintain the provisions which are more favourable to the protection of the principle of equal treatment.

#### **iv. Religion and Belief**

23. Religion and belief are often indivisible from racial and ethnic origin. The EUMC emphasises that it is not possible to provide comprehensive protection against discrimination on grounds of racial and ethnic origin without also prohibiting discrimination on grounds of religion and belief. The legislative framework



should therefore seek to cover protection against discrimination on grounds of religion and belief.

**v. Incitement**

24. The EUMC believes that legislative frameworks should clearly cover incitement or pressure to discriminate, including where no specific victim of discrimination has been identified. This would cover, for example, pressure on directors of personnel or others not to select candidates from migrant or ethnic minority backgrounds. In addition, a specific prohibition of demonstrations, publications and other public expressions of opinion which incite racial hatred and legal measures should be adopted to curb the activities of groups with a record of racist activities, where those activities threaten the security, safety of ethnic minority groups. There should be specific offences of Holocaust-denial where its purpose is to incite discrimination or racial hatred and the trivialisation of other crimes against humanity.

**vi. Genuine Occupational Qualifications**

25. The EUMC notes that some States provide, in their national legislation on combating racial discrimination, for exceptions from the principle of equal treatment for genuine occupational qualifications or requirements based on racial and ethnic origin. However, the EUMC doubts whether such exceptions continue to be justified. If a provision allowing such exceptions is maintained, it should be made clear that it is to be interpreted as restrictively as possible.

**vii. Rights of redress**

26. The EUMC believes that there should be a clear reference to rights of redress in legislative frameworks. However, it is not sufficient to require that judicial and/or administrative remedies should be available. The legislative framework should make clear that the rights of redress should comprise remedies which are easily accessible, inexpensive, speedy, comprehensible and well publicised. Appropriate advice and guidance, including when possible non-judicial conciliation procedures, should be available and care should be taken to ensure that making use of a right to redress does not itself lead to discrimination.

**viii. Proceedings**

27. Interest groups, as well as individuals, should be able to bring proceedings against the perpetrators of racist acts.

**ix. Enhanced penalties**

28. The law should provide for enhanced penalties for racially motivated crimes.

**x. Monitoring**

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

30. In addition, the EUMC believes that national legislation must be harmonised regarding control of racist material and publications of all forms. Special steps

should be taken to control any cross-border distribution of such material within Europe.

31. The legal systems of all Member States as well as the international human rights instruments to which Member States are parties allow for such restrictions as mentioned above of the freedom of expression and association, provided these are lawful and necessary to protect the rights of others.
32. In summary, all States participating at the European Regional Conference should provide for legislative protection for all persons against discrimination on grounds of racial and ethnic origin, which meets the minimum requirements outlined above as well as for the existence of an independent body, taking account of the recommendations of the UN and of ECRI and with, as a minimum, the functions described above.

### **Additional Note On Independent/Specialised Bodies**

33. As experience has shown, it is extremely difficult for independent/specialised bodies to operate effectively in non-democratic systems. The European Conference should therefore note that independent bodies may require at times political, financial, educational and moral support, particularly (but not exclusively) in countries undergoing political and social transition or recovering from the aftermath of a period of conflict.
34. The European Union and Council of Europe should support and co-operate with such bodies either through programmes of training and exchanges as part of democracy and legal institution building or by continuing to encourage their Member states to initiate bilateral or multilateral schemes for training and exchange of legal practitioners and law enforcement personnel.
35. The EUMC proposes that European forums of independent/specialised bodies should become regular events. ECRI and the EUMC, working within the Council of Europe and the EU respectively, can play a role in organising and following up these forums at the European level.

## **C. Police and Judicial Cooperation in the EU**

36. A Joint Action<sup>3</sup> on the basis of Article K.3 of the Treaty on European Union was adopted by the Council on 15 July 1996 concerning action to combat racism and xenophobia. The main objective is to ensure effective legal cooperation between Member States in combating racism and xenophobia. The Joint Action stresses the need to prevent the perpetrators of such infringements from benefiting from the fact that these infringements are treated differently in the Member States by moving from one country to another to avoid prosecution.
37. A report on the evaluation of the Joint Action published in April 1998 shows that the activities listed in the Joint Action are already treated as criminal offences by the Member States or that Member States are examining their legislation with a view to criminalising such actions. However it was noted that

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<sup>3</sup> OJ L 185, 24.7.96, page 5.

supplementary measures could be taken, for example the creation of contact points, to improve the Joint Action's effectiveness. A report reviewing the Joint Action is scheduled in June 2000.

38. The role of the EUMC in the monitoring process of the review and the reinforcement of the legislative framework of the EU Member States should be considered as part of the review of its activities in the fields of police and judicial matters.
39. All States participating in the European Regional Conference should ensure that their criminal law provides effective, proportionate and dissuasive sanctions against the racist and xenophobic behaviour outlined in the Joint Action and that they keep their legislative framework under constant review, making specific proposals for reinforcement if necessary.

#### **D. EU Charter For Fundamental Rights**

40. The proposed EU Charter of Fundamental Rights should be complementary to the European Convention on Human Rights and should be more than merely declaratory of existing rights. It should enshrine guarantees, including against racial discrimination, which are actionable by and between natural and legal persons (not simply against the State) and which are enforceable in the European Court of Justice.

#### **E. Immigration And Asylum Policies**

41. Well-defined immigration and asylum policies facilitate the successful absorption of immigrants and refugees into receiving societies. Responsible political action by governments and political parties contribute to providing an accurate and full picture of the actual situation of many immigrants and refugees and the causes for their situation. It also contributes to the prevention of using immigrants and refugees as scapegoats for problems in society.
42. States in Europe should cooperate on the asylum system and policy, ensure that the Refugees Convention is fully applied and that immigration legislation and policy does not discriminate on grounds of ethnic or national origin, avoids stoking xenophobic attitudes or discriminatory and hostile behaviour to ethnic minorities.
43. Clear admission policies will make it easier to accommodate new arrivals, while family re-union fosters the links of immigrants and refugees with receiving societies. Visa policies should allow immigrants and refugees to visit regularly their families in the different European States and to be visited by family members still living in the country of origin. Residence permits should enable immigrants to visit regularly their country of origin for short or extended stays. These combined with other measures would put immigrants and refugees on par with nationals holding citizenship, promote equal treatment and help eliminate discrimination.

44. In addition, the situation of undocumented ("sans-papiers") migrants raises the worry that they are not only excluded and discriminated against because of their undocumented status, but on grounds of their race and ethnicity.

## WORKING GROUP II- Policies and Practices

### I. INTRODUCTION

1. The European Monitoring Centre on Racism and Xenophobia (EUMC)<sup>4</sup> is the new body established by the European Union to provide it with comparable, objective and reliable data on the phenomena of racism and xenophobia and to aid its actions against racism. It has also the task of cooperating with the Council of Europe, particularly its European Commission Against Racism and Intolerance (ECRI). The EUMC welcomes, therefore, this opportunity to put forward a position paper as a contribution to the European contribution to the World Conference Against Racism, Racial Discrimination and Related Intolerance.
2. The EUMC strongly supports the emphasis placed on developing policies and practices to counter racism and xenophobia. Policies and practices bear directly on the ability of migrants and ethnic minorities to contribute fully to society. On the one hand, they often mask discrimination intentionally and hamper reporting and monitoring. On the other hand, where developed positively, they enable all people to enjoy their rights and increase understanding among the different groups of people in society.
3. The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States and which are at the basis of all its actions. The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies

### II. BACKGROUND

4. The Europe that we live in is constantly changing and re-inventing itself. The benefits are there to see in Europe's economic prosperity and rich cultural heritage – an amalgamation of centuries of interaction with other cultures and ideas, the migration of peoples across its lands and the willingness to learn from others. Part of this dynamic is the cultural, social and political input created by the many different people living in Europe. This dynamic is created and sustained by harnessing the different qualities and attributes of Europe's population. Factors working against it are the forces of intolerance – these can find their expression in racism and xenophobia. Europe's history has demonstrated the impact of these forces when taken to the extreme – massive and systematic violations of human rights, war and the holocaust.

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5. Europe must therefore develop policies and practices for the benefit of its people and which learn from the past to build for the future. In developing policies and practices for people and institutions, policy makers must be guided by the following: surveys of causes, modalities and consequences should be action-oriented; intercultural learning must form a basis of educating people; local approaches must be the basis of co-operation and should involve minority communities, NGOs, local authorities and those in positions of responsibility or executive powers; and the empowerment and enabling of those experiencing racism and xenophobia.
6. This paper is a contribution to the discussions of Working Group II – Policies and practices. However, it should not be seen in isolation but rather mutually re-inforcing, and an interrelated part of, the overall discussions and decisions that will be the outcome of the other three working groups. i.e. WG I-Legal protection; WG III-Education and awareness-raising; and WG IV-Information, Communication and Media.
7. This document takes into account the follow up to the recommendations of the Consultative Commission on racism and xenophobia of 1996, the European Year against Racism in 1997, the work of the European Parliament, the modifications to the European treaties made by the Treaty of Amsterdam, the various initiatives of the European Commission, in particular under the new Article 13 and the EUMC discussions at the Vienna Forum on 7-8 April 2000. It makes recommendations on possible future actions by the European Community and the organisations and countries represented at the European Conference.

### **III. RECOMMENDATIONS**

#### **A. Political Initiatives**

8. Many politicians continue to regard immigration to Europe as a taboo subject or to abuse it for their election campaigning. Turning concepts, such as "country of immigration, immigrant, immigration policy", into taboo subjects lead to a lack of specific programmes and monitoring mechanisms that can be applied fairly. It kindles fears and may encourage xenophobia to grow. A clearly defined policy that addressed the concerns of those worried would make it easier to find acceptance of this issue and to develop better policies and practices for the future.
9. Many politicians fail to communicate the message that the phenomena of "migration and immigration" are time-honoured facts which every society has had to face. Immigration and the question of how people of different cultural origin can live together in a community have certainly always created problems, but they never became an endurance test for society.
10. A clear political message on living together in a community is missing in almost all European Member States. This results in a political and social void that extremists and their political parties have filled and continue to fill. For

example, politicians have often moved gradually from the centre ground towards the positions of those advocating xenophobic and anti-immigration policies in recent years. It is a challenge to all political parties in Europe, which they must take up, to fill this void with fair representation of people of different ethnic and cultural origin, to find a consensus, beyond party limits, and to explain the issues to the people to increase understanding and the possibility of acceptance.

11. The EUMC recommends that political parties in Europe sign the Charter of European political parties<sup>5</sup> for a non-racist society and follow its principles. The Charter calls on democratic political parties in the European Union to act responsibly on the issues of discrimination on the basis of race, ethnic or national origin, and religion. The Charter would apply both to the parties' own organisation and to their activities in the political field.
12. The EUMC recommends that political parties include anti-racist policies in election programmes and strive for fairness in the representations of issues that may stir up racial and ethnic prejudice or hatred. Any debate on issues concerning the different ethnic or national backgrounds of people should be conducted in a responsible way, and without raising tensions between different ethnic groups.
13. Mainstream political parties should explicitly refuse to work together with or form a coalition with parties which incite or attempt to stir up racial or ethnic prejudices and racial hatred.
14. Mainstream political parties should screen their candidates for elections to ensure they are not racist or xenophobic. Candidates involved in elections should be obliged to sign statements that s/he has not been involved in actions, expressions or incidents of an evidently racist character. Once elected a code of conduct for elected officials should be introduced.
15. Political parties should not publish, or seek to have published by others, or in any way to endorse, any election materials, including pamphlets, leaflets and posters, that stir up or invite hostility or division between people of different racial or national groups, or which might reasonably be expected to stir up or invite such hostility or division.
16. Political parties should create a unit in the party to promote greater input/participation of various cultural communities. They should also undertake regular diversity audits – to indicate the level of culturally diverse members and candidates of their party.
17. Political parties should aim to participate actively in public events supporting anti-racism and anti-xenophobia.

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<sup>5</sup> The Charter was drawn up after consultation with most political parties in the European Union and under the auspices of the EU Consultative Commission on Racism and Xenophobia. It was adopted at a European Conference held in Utrecht, The Netherlands, on 26-28 February 1998. At 6 April 2000 over 80 political parties throughout Europe and political groups in the European Parliament had signed the Charter.

18. Political parties can demonstrate public commitment to anti-discrimination by proposing and supporting anti-racist and anti-discrimination legislation and other measures in parliament and local government.

## **B. Legal Institutions And Criminal Justice System**

19. The gap between legislation, policy and implementation is often felt by members of minority communities to be large, even in countries where anti-discrimination legislation is comprehensive and introduced many years ago and policies against discrimination have been developed. The number of cases of racial discrimination brought to court is relatively low compared to the number of cases recorded and the number of complaints that are still lodged by victims. Part of the reason is that complaints about racial discrimination are not dealt with in a uniformly serious manner by the police and public prosecution departments in different countries.
20. The legal institutions and criminal justice system are often seen by many members of ethnic and other minorities as institutionally weighted against them. They believe that a lack of understanding and training of legal practitioners, and the low representation of minorities in these institutions, contributes to unfairness in the application of the law and discrimination in the treatment of minorities.
21. In creating an area of freedom, security and justice for all, training and education of legal practitioners must improve the understanding of different cultures and attitudes. Co-operation across Europe requires exchange of experience between legal practitioners and recognition of a common democratic values system that respects minority rights and the tradition of human rights.
22. The exchanges and training should be undertaken both at the bilateral and multi-lateral level. Exchanges should involve a broad section of those involved in the legal system.
23. The EUMC also recommends that the following areas are improved: statistical surveys, the definition of xenophobic/racist/anti-Semitic offences, communication procedures and research.
24. Surveys should aim to identify common criteria that can be applied as standards for measuring data. The starting point for definitions and approaches must be the well developed work undertaken under the aegis of international human rights instruments, mechanisms and practice.
25. States should make full use of international programmes such as Grotius and OISIN, run by the European Commission and involving the exchanges of legal practitioners between countries. The Grotius programme also includes research, conference and seminars, training and the distribution of information. The aim is to facilitate the mutual understanding of legal and judicial systems.



26. It is important that those involved in the exchange programmes become trainers themselves and are committed to involvement in developing the initiatives identified through their exchange programmes.
27. In addition, States should contemplate arrangements to ensure that persons involved in the administration of criminal justice are fully aware of the implications of their decisions for good race relations. They should agree to publish such information as they consider appropriate to facilitate those persons' performance of their duty to avoid discrimination.

**a. Role of the Police**

28. The credibility of a programme to combat racism is based on the efficacy of law enforcement by the police. The Police embody authority, as well as representing the social principles of any society. The police act both above and between parties and must interact with all groups of any society. They represent the law and should guarantee equal treatment before it when at the same time trying to ensure that every person also respects the law.
29. In creating strategies to deal with crime and disorder police services, local government and relevant agencies should specifically consider implementing community and local initiatives aimed at promoting cultural diversity and addressing racism and the need for focused, consistent support.
30. **Openness, accountability and the creation of confidence:** priority be established for all Police Services to work towards increasing trust and confidence in policing amongst minority ethnic communities.
31. **The existence and application of strategies for the prevention, recording, investigation and prosecution of racist incidents:** codes of practice be established by the Government Ministry responsible for internal affairs and the police force, in consultation with police services, local government and relevant agencies, to create a comprehensive system of reporting and recording of all racist incidents and crimes. All possible steps should be taken by police services at local level in consultation with local government and other agencies and local communities to encourage the reporting of racist incidents and crimes. This should include the ability to report at locations other than police stations and the ability to report 24 hours a day.
32. There should be close co-operation between police services and local government and other agencies, including in particular housing and education departments, to ensure that all information as to racist incidents and crimes is shared and is readily available to all agencies.
33. Information should be published and be available publicly on the number of recorded racist incidents and related detection levels.
34. **Adequacy of provision and training of family and witness/victim liaison officers.** The police services should ensure that at local level there are readily available designated and trained family liaison officers. The training of

family liaison officers must include training in racism awareness and cultural diversity, so that the families are treated appropriately, professionally, with respect and according to their needs. The family liaison officers shall, where appointed, be dedicated primarily if not exclusively to that task. The senior investigation officers and family liaison officers be made aware that good practice and their positive duty shall be the satisfactory management of family liaison, together with the provision to a victim's family of all possible information about the crime and its investigation.

35. **Racism awareness and valuing cultural diversity** There should be immediate review and revision of racism awareness training within police services to ensure: that there exists a consistent strategy to deliver appropriate training within all police services, based upon the value of our cultured diversity; that training courses are designed and delivered in order to develop the full understanding that good community relations are essential to good policing and that a racist officer is an incompetent officer. Consideration should be given by police services to promotion of joint training with members of other organisations or professions otherwise than on police premises.
36. The Government Ministries responsible for Internal affairs and policing, together with police services, should publish recognised standards of training aims and objectives in the field of racism awareness and valuing cultural diversity.
37. **Recruitment and retention:** performance indicators should indicate the levels of recruitment, retention and progress of amongst others ethnic minority recruits and levels of complaint of racist behaviour or attitude and their outcomes. The overall aim being the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing.
38. Government Ministries responsible for internal affairs and policing and police authorities' policing plans should include targets for recruitment, progression and retention of minority ethnic staff. Police authorities to report progress to the Minister responsible annually. Such reports to be published and made available to specialised bodies at the national and European level such as the EUMC.
39. In the vast majority of cases, admission to the police force should be based on legal residence, not on nationality.
40. **Consultation.** All forces should be required to set up arrangements whereby the public are consulted about policing matters. These arrangements should take a variety of forms, reflecting local circumstances. Local communities, including travellers and local Government offices should be involved in the process. They could be asked to produce, after public consultation, policing plans of which the chief officer of police must take account.
41. **Monitoring.** There should be independent and regular monitoring of training within all police services to test both implementation and achievement of such training.

42. Consideration should be given to a review of the provision of training in racism awareness and valuing cultural diversity in local government and other agencies including other sections of the criminal justice system.
43. Police services should, through the implementation of a code of conduct or otherwise, ensure that racist words or acts proved to have been spoken or done by police officers should lead to disciplinary proceedings, and that it should be understood that such conduct should usually merit dismissal.
44. There should be performance indicators for the management of community policing, which could form the background against which national policy can be developed. It is important that the police service judge the successes of their policies by considering the impact of those policies on the communities it is their function to protect. Any such processes should be open, and directly involve members of the community.

### **C. Employment and Social Affairs**

45. The right to equal treatment and protection against discrimination is one of the fundamental rights of each person residing within Europe, as well as protection against violations of fundamental rights. This protection includes combating racism and xenophobia in the fields of employment and social affairs. This right is enshrined in international and European level instruments guaranteeing human rights and fundamental freedoms.
46. States should use the experience, skills and positive results acquired by the European Union (EU) through its initiatives to combat discrimination in the employment and social sphere. Through its European Social Fund (ESF), for example, it has been investing in people to improve the prospects of those who face the greatest obstacles in finding, keeping or regaining work. Its EMPLOYMENT, ADAPT, INTEGRA and EQUAL initiatives develop and deliver policies and practices that have been targeted at ethnic and religious minorities, migrants and refugees.
47. Similar initiatives under taken at the national or European level should also support innovative proposals geared at job creation for deprived groups in certain sectors and place emphasis on employment schemes for such groups in deprived urban areas.
48. States should look to support employment measures which are to the benefit of the majority population and deprived groups from ethnic minorities, while also fostering measures aimed at eliminating racism specifically through promoting codes of conduct and where necessary strong legislative measures (e.g. contract compliance).
49. States should support through targeted programmes and initiatives the vocational training of ethnic minority groups, with concrete measures such as support for the training of mediators from ethnic minority and other minority

backgrounds. A training manual should be developed as part of the programme. The training manual developed as part of this programme should be distributed widely to the key organisations working on and monitoring racism and xenophobia. The manual should also be published in as many languages as appropriate. At the European level financial support should be considered by the EU or Council of Europe for the publication in minority languages of relevant ethnic minority groups.

**a. At the place of employment**

50. Governments, national and local public authorities and European level public institutions should ensure that there is adequate representation in public service posts of members of ethnic minorities and other minority groups, and third country nationals.

51. In addition, they should be required to promote equality for migrants and ethnic minorities and integrate across the areas of their activities education and awareness of racial discrimination for their staff and in the delivery of their services.

52. **Principles.** Organisations which have been successful in preventing racial discrimination have often started by making an open commitment to this objective. This may take the form of a policy on equal treatment that staff are inducted into and trained, and with regard to racial discrimination could include the following principles:

- No person should be treated less favourably in the fields of employment or training on the grounds of his or her real or perceived race, religion, ethnic or national origin or colour.
- No person should be disadvantaged by unjustified practices, including covert discrimination, which, although applied to everyone involved with the organisation, disproportionately disadvantage people from a particular ethnic group.
- People should be aware of the procedures for combating racial discrimination and no person should be victimised for complaining about racial discrimination.
- The policy on racial discrimination should be endorsed from the highest level of the organisation and relayed at all operational levels, taking account of the means, the size and the particular features of the organisation.
- A detailed action plan should be set up, identifying the objectives to be reached, together with the means for the evaluation of the results.

53. **Recruitment and selection.** Procedures for recruitment and selection should be regularly reviewed to reveal whether there are any potential sources of discrimination. They should examine areas such as appropriate sources of recruitment for advertising vacancies; ensuring that job descriptions focus on qualifications and capacities; ensure that selection tests and criteria do not contain matters which may prejudice or dis-orient candidates from ethnic

minorities; take steps to ensure that interviewers are trained against possible racial or other prejudices; ensure that work allocation and promotion are based on objective and non-discriminatory criteria and applied in a uniform and consistent manner.

54. **Evaluation.** Successful implementation of a policy of equal opportunities and equal treatment involves evaluation. Effective and consistent evaluation should include forms of monitoring, measurement and analysis, as a minimum, within the limits authorised by national and European legislation, where applicable.

## **D. Democracy Building**

55. State should use international democracy programmes such as the EU's PHARE (aimed at Central and Eastern Europe), TACIS (aimed at the former Soviet Union and Mongolia), Meda (Euro-Mediterranean partnership) and Obnova (Republics of Former Yugoslavia). The aim of the programmes is to develop and deliver policies and practices geared around education for democracy and democratic institution building, human rights and strengthening of civil society.
56. In developing the programmes States should ensure that they incorporate recommendations from other programmes in related fields which may impact on democracy building. They should also ensure that regular evaluation and follow up is built into the programmes and individual projects.
57. These programmes should aim also to build links among civil society in the countries participating in the programmes.
58. States should use the EU LIEN programme for addressing Roma issues. LIEN brings together a wide range of projects for the Roma. The focus is on funding NGOs in the social sector to strengthen their capacity and to raise citizens' awareness about disadvantaged groups of the population. The EUMC believes that the programme should aim to incorporate recommendations from other programmes in related fields that would be of relevance for Roma and incorporated into on-going work on the Roma issues.
59. In addition, the EUMC believes that the programme should also aim to connect Roma organisations and organisations working with the Roma throughout Europe. A common website should be developed specifically for bringing together all the documentation on the Roma, raising awareness and contributing to building links and creating networks on and for the Roma.

## **E. General Monitoring**

60. Bodies working at the European level such as the EUMC and ECRI need to re-inforce their co-operation with independent and specialised bodies at the national level that monitor implementation of national and European level legislation and policy. All organisations should be responsible for cooperating in the dissemination of good practice at the national as well as European level.
61. General monitoring of policy and practice should include evaluation and follow up over a recommended period. Effective record keeping and monitoring are central to the effective implementation of equal opportunities policies and

action plans; and in measuring the way in which actions and policies of the organisation involved tackle discrimination.

## **WORKING GROUP III – Education and awareness-raising**

### **I. INTRODUCTION**

1. The European Monitoring Centre on Racism and Xenophobia (EUMC)<sup>6</sup> is the new body established by the European Union to provide it with comparable, objective and reliable data on the phenomena of racism and xenophobia and to aid its actions against racism. It has also the task of co-operating with the Council of Europe, particularly its European Commission Against Racism and Intolerance (ECRI). The EUMC welcomes, therefore, this opportunity to put forward a position paper as a contribution to the European contribution to the World Conference Against Racism, Racial Discrimination and Related Intolerance.
2. The EUMC strongly supports the emphasis placed on education and awareness-raising. Education on and awareness of the cultural diversity of Europe provides the building blocks for understanding and the tolerance of difference. Education, awareness-raising combined with employment opportunities for ethnic, religious and other minorities is about harnessing and realising Europe's full potential, making effective use of the skill, language and knowledge base of Europe for the benefit of all.
3. The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States and which are at the basis of all its action. The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies.

### **II. BACKGROUND**

4. The Europe that we live in is constantly changing and re-inventing itself. The benefits are there to see in Europe's economic prosperity and rich cultural heritage – an amalgamation of centuries of interaction with other cultures and ideas, the migration of peoples across its lands and the willingness to learn from others. Part of this dynamic is the cultural, social and political input created by the many different people living in Europe. This dynamic is created and sustained by harnessing the different qualities and attributes of Europe's population. Factors working against it are the forces of intolerance – these can find their expression in racism and xenophobia. Europe's history has demonstrated the impact of these forces when taken to the extreme – massive and systematic violations of human rights, war and the holocaust.
5. This paper is a contribution to the discussions of working group III – Education and awareness-raising. However, it should not be seen in isolation but rather mutually re-inforcing, and an interrelated part of, the overall discussions and

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<sup>6</sup> On 2 June 1997, during the European Year against Racism, the Council adopted *Regulation (EC) no. 1035/97* on the Establishment of a European Monitoring Centre on Racism and Xenophobia, to be based in Vienna

decisions that will be the outcome of the other three working groups. i.e. WG I-Legal protection; WG II-Policies and practices; and WG IV-Information, Communication and Media.

6. This document takes into account the follow up to the recommendations of the Consultative Commission on racism and xenophobia of 1996, the European Year against Racism in 1997, the work of the European Parliament, the European Council, the modifications to the European Treaties made by the treaty of Amsterdam, the various initiatives of the European Commission and the EUMC discussions at the Vienna Forum on 7-8 April 2000. It makes recommendations on possible future actions by the organisations and countries represented at the European Conference.

### **III. RECOMMENDATIONS**

#### **A. General**

7. States should commit themselves to ensuring access without discrimination to education based on respect for linguistic diversity; that initiatives be taken to ensure that the fight against racism, anti-Semitism and xenophobia is introduced into the regular curricula of primary and secondary schools.
8. States should undertake to eradicate racism in the media and encourage implementation of the media guidelines.
9. States should use their policies in the field of culture to combat racism and take initiatives to combat racism in sport.
10. States should commit themselves to an information policy designed to alert citizens to the danger of racism and xenophobia.
11. Initiatives, at a European level, should be accompanied by transnational measures in order to complete the efforts made by individual States.
12. Educational and youth programmes should be used in the best possible way to meet the needs of ethnic minority groups, including third country nationals resident in Europe.
13. The educational system must promote respect for all persons, irrespective of cultural background and religion, and develop curricula to reflect this. States should ensure that there is adequate funding to meet these requirements.
14. All levels of education must include the basic ideas of humanity and democracy, stressing equal rights and obligations for all. The principles of tolerance, equality, religious freedom and equal status must be taught and practised. This should be realised in the development of ordinary curriculum but could be strengthened with the means such as project periods, special teaching aids and expertise from specialised institutions.



15. States should develop a colour blind education policy, for all educational establishments, and access policy whereby there will be no discrimination and whereby non-discrimination codes are introduced. Where special needs are required by children of ethnic minority backgrounds, such as extra language training in the language of the education, educational authorities need to highlight these to respective funding authorities and seek ways to meet these needs. It should be noted that new technology now offers many cost-effective ways to meet such needs and they should be explored.
16. In examining ways to meet the educational needs of children whose lifestyles create challenges for access to education and the means to meet educational requirements of curricula, innovative solutions should be explored. For example, new technology offers possibilities as yet not fully realised. The use of new technology developed for long-distance/off site learning should be considered on a trial basis. The use of virtual schools created by educational authorities and trained teachers developed to meet these demands.
17. Education must strive to reflect a multicultural society. The school curricula in social sciences, language training, history, geography, philosophy and religion especially must reflect a society open to other cultures. School material must reflect the full diversity of the national and minority communities, putting immigration into the context of majority population's immigration and migration experiences.
18. School curricula should include the teaching of Europe in the world, including slavery and colonialism, and the history and culture of minority communities; the dangers of racism, xenophobia and intolerance, including the Holocaust and anti-Semitism, and the imperative of racial tolerance and the value of diversity.
19. Publications should be launched that highlight the positive contribution that immigrants and ethnic minorities make to society. These publications should be made available to organisations working on racism and educational institutes and publicised by bodies such as the EUMC.
20. The promotion of exchanges of educational material on racism and racial discrimination, developing networks and facilitating the generation of teaching methods by the experts responsible in this sector. These tasks could be undertaken by bodies at the European level such as the EUMC. Such materials should include facts on and experience of teaching basic ideas of humanity, democracy and human rights.
21. An "Education Forum" should be developed with authors and publishers of education material in order to stimulate the development of methods and contemporary materials for teaching and conveying in education the principles of human rights and cultural diversity. The forum would also examine the way to meet the requirements of special needs children through the development of innovative educational materials. The forum would also be a forum for exchanging ideas on good practice and innovation of teaching materials.

22. Suggestions such as the provision of travelling schools equipped to educate about racism and xenophobia and also demonstrate, using new technology, the full range of materials available for use in education.
23. University level course on human rights should include racism and xenophobia as subjects in their on right to be taught under the curricula.
24. State authorities should strengthen awareness-raising of racism and racial diversity among all sections of the population, and in respect of young people to include as formal requirements of school curricula and teacher training programmes.
25. States should look at ways that they can cooperate with educational authorities, schools and teachers to introduce a sense of citizenship to the pupils.
26. Innovative ways to deal with racial violence at schools should be examined, for example the use of pupils as peer mediators to address the issues. Pupils, participating on a voluntary basis, learn the skills and techniques of mediation and conflict settlement. They can then assume the role of mediators in conflicts involving pupils or pupils and teachers.
27. States should honour the European Charter for Regional and Minority Languages by making appropriate provision for the teaching of minority languages.
28. The EUMC encourages States and European level institutions to consider marking Holocaust Day (January 27th , anniversary of the liberation of Auschwitz, 1945) and International Day Against Fascism and Anti-Semitism (November 9th, anniversary of Kristallnacht, 1938). These dates are particular to Europe and help raise awareness and educate the public about the wider consequences of intolerance.

## **B. Intercultural education**

29. States should consider ways to support the UNESCO recommendations to schools on intercultural education. Greater emphasis in the school curricula on international understanding and mediating in knowledge among different countries, people and cultures.
30. States should include intercultural education in school curricula. Intercultural education in schools should be both knowledge mediation and practice, not just a subject in school, but also as an attitude for all subjects and all activities in school. The goal should be to create a broader framework for common understanding about different cultures.
31. Teaching in intercultural education should serve to develop and implement competences: emotional, communicative and intellectual. To be successful the teaching on human rights for example has to be accompanied by an attitude and practice in school that supports democracy building. This should contribute towards pupils developing respect and understanding for each other and others. This could be facilitated by organising school classes where pupils of different

social, racial and ethnic background are gathered together to discuss common topics.

32. Racism at school could be the result of anxiety and insecurity. To help prevent these forms of racism, intercultural education in schools should provide the pupils with meaningful activities, support an understanding of the world and mediate a motivation to build a positive identity. Intercultural education should be based around teaching for peace, belief in the future and learning to support each other in different parts of the world.
33. Intercultural education should be a counterbalance to all forms of aggression on racial grounds. This will be possible if pupils have the feeling that they have a possibility to influence and to take responsibility in the frames of democracy.

### **C. Strategies in schools to fight racism**

34. Local education authorities and school governors have the duty to create and implement strategies in their schools to prevent and address racism. Such strategies to include:
  - that schools record all racist incidents; that all recorded incidents are reported to the pupils' parents/guardians, school governors and Education Authorities;
  - that the numbers of racist incidents are published annually, on a school by school basis;
  - that the numbers and self-defined ethnic identity of "excluded" pupils are published annually on a school by school basis.
35. Visits by school inspectors, or those given the task of monitoring and reviewing standards in education, should assess the level of implementation of these strategies.

### **D. Personnel And Training**

36. Teachers should be supported in their task of promoting equal opportunities by the provision of good practice material, training courses, exchange programmes and exchange of know-how and experience in fighting racism. Educational institutions should also pursue a policy of actively recruiting teachers from ethnic minorities.
37. Teacher training establishments should encourage a vocational element in their training programme where student teachers are encouraged to meet and contact groups representing ethnic minorities and meet members of ethnic minorities in their setting.

38. The role of school administrators is important in promoting tolerance, acceptance and respect of cultures. It is their responsibility that racial discrimination should not occur in the schools and they have the authority to ensure that measures are taken to prevent and combat racial harassment. The onus is on governments to develop training programmes for administrators and school leaders on these issues.
39. Projects should be encouraged in ethnic minority areas, in particular, that involve interaction with local community groups.
40. Ethnic minority representatives should be encouraged to visit schools and educational establishments to inform people about the reality and history of ethnic minorities.

### **E. European Community initiatives**

41. The European Union has been taking measures to combat discrimination and promote tolerance in the fields of education, youth, vocational training and employment since the 1970s. The European Commission in particular has developed international programmes which can be of value to all States. These programmes should be more and better publicised and the good practice which they engender shared with all States. The Commission should create a visible link on its website to examples of its good practice and recommendations in this and other related fields.
42. States should use international programmes of the Commission such as Socrates, Leonardo da Vinci and Youth that cover the fields of education, vocational training and youth. They are important instruments for contributing to education for democracy. By funding projects proposed by the players themselves, these programmes enable universities, teachers, educators and associations to organise trans-European actions against racism and xenophobia. On the basis of this experience, the fight against racism and xenophobia has also been selected as one of the priorities of the new generation of programmes, for the period 2000-2006.
43. In the cultural field, the Framework Programme (2000-2004) envisages the development of a global and structured Community approach to encourage cultural activities with a European dimension and co-operation between States. In this context culture is no longer treated merely as a subsidiary activity but rather as a driving force in society and a means of encouraging integration.
44. In the audio-visual sector, the Commission recognises the need to further develop instruments designed to fight discrimination and protect human dignity, while the Council has adopted a recommendation on the protection of minors and human dignity in audio-visual and information services. This recommendation concerns the development of competitiveness in the audio-visual and information service industries and lays down joint guidelines based on codes of conduct designed to establish an equivalent set of rules in all Member States as regards the protection of minors and human dignity.

45. States should examine these programmes and initiatives with a view to adapting them for their own national situations.
46. The European Year Against Racism (EYAR) in 1997 developed initiatives related to sport, in particular football. These initiatives brought together NGOs and sports bodies and associations. Networks created should be supported and further developed as part of the follow up to the EYAR to take full advantage of prominent sports opportunities that occur on an annual basis. Sports companies should be encouraged to develop programmes and projects with grassroots organisations and schools to promote the value of sport in eliminating racial discrimination and providing role models from diverse ethnic backgrounds.
47. Support should be given to further develop the successful examples of multimedia educational materials incorporating an intercultural dimension that were created as part of the EYAR.
48. The publication of regular opinion polls on racism such as the Eurobarometers, as provided by the European Commission during the EYAR, that indicate the level and nature of racism and xenophobia in the EU. These Eurobarometers should be extended to include the candidate countries to the EU.

#### **IV. CO-OPERATION WITH NGOS**

49. Throughout Europe NGOs are often at the forefront of the fight against racism. Their experience and expertise should be harnessed through forums and Round Tables.
50. The EUMC believes the role of NGOs provides an important resource in developing policy, local projects with the grassroots communities, highlighting weaknesses in legislative proposals, campaigning and raising public awareness and mobilising the public to take concerted action on issues such as racism. The EUMC co-operates with NGOs as part of its monitoring and collecting of information and data on racism and xenophobia.
51. The EUMC co-operates with NGOs in the commission of studies and the delivery of ideas for projects on racism and xenophobia. The EUMC also facilitates the dissemination of reports and publications by NGOs and is working to improve its internet links to websites of key NGOs working on racism and xenophobia.
52. The EUMC will open membership of its RAXEN network to NGOs through open competition in its call for proposals. where they meet the requirements of the criteria outlined by the EUMC.
53. NGOs provide a link between education authorities and ethnic minority communities. Partnerships should be formed between schools and NGOs in the teaching and training on subjects of racism and xenophobia. Schools may consider incorporating the work of some NGOs fighting racism and xenophobia into specially developed school curricula.

54. The work of NGOs should be viewed as a supporting and complementary resource in an comprehensive and multifaceted approach to dealing with issues of racism and education and raising awareness in ethnic minority communities about issues surrounding education.

## **V. ROLE OF EUROPEAN LEVEL MONITORING BODIES**

55. The activities on developing and improving education should be the subject of constant monitoring by bodies such as the EUMC and ECRI. Monitoring should aim to review and assess implementation, educational tools and methods, identifying good practice and materials for the documentation centre of for example the EUMC, and ideas that can be incorporated into the proposed Education Forum. The results of the monitoring and implementation exercise would be made public and published in a report.

56. States and their educational authorities will be able to use the services of the documentation centre of the EUMC for authors and publishers of educational materials who require knowledge and information on ways to present racism and xenophobia. The EUMC will also be able to collect information through its RAXEN network National Focal Points on educational materials that may wittingly or unwittingly promote racism and xenophobia.

57. The EUMC will publish regular opinion polls such as Eurobarometers that have a task of raising awareness about the level and nature of racism and xenophobia in the EU Member States. The results of which will be made available to States and the public.

58. Organisations such as the EUMC and ECRI, should encourage the participation of representatives of the educational authorities and establishments in national and European level Round Tables. Round Tables should have as one of their aims the developing of comprehensive ways to tackle racism and xenophobia based on the interdisciplinary character of the participants.

## Working Group IV – Information, Communication and Media

### I. INTRODUCTION

1. The European Monitoring Centre on Racism and Xenophobia (EUMC) is the new body established by the European Union<sup>7</sup>(EU) to provide it with comparable, objective and reliable data on the phenomena of racism and xenophobia and to aid its actions against racism. It also has the task of cooperating with the Council of Europe on racism and xenophobia, particularly its European Commission Against Racism and Intolerance (ECRI). The EUMC welcomes, therefore, this opportunity to put forward a position paper as a contribution to the European contribution to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.
2. The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States and which are at the basis of all its action. The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies.

### II. BACKGROUND

3. The Europe that we live in is constantly changing and re-inventing itself. The benefits are there to see in Europe's economic prosperity and rich cultural heritage – an amalgamation of centuries of interaction with other cultures and ideas, the migration of peoples across its lands and the willingness to learn from others. Part of this dynamic is the cultural, social and political input created by the many different people living in Europe. This dynamic is created and sustained by harnessing the different qualities and attributes of Europe's population. Factors working against it are the forces of intolerance – these can find their expression in racism and xenophobia. Europe's history has demonstrated the impact of these forces when taken to the extreme – massive and systematic violations of human rights, war and the holocaust. Information about the past is one of the weapons used to combat and prevent future human rights violations.
4. This paper is a contribution to the discussions in Working Group (WG) IV – Information, Communication and Media. However, it should not be seen in isolation but rather mutually re-inforcing, and an interrelated part of, the overall discussions and decisions that will be the outcome of the other three working groups i.e. WG I-Legal protection; WG II-Policies and practices; and WG III-Education and awareness-raising.
5. This document takes into account the follow up to the recommendations of the Consultative Commission on racism and xenophobia of 1996, the European Year against Racism in 1997, the EUMC/Westdeutscher Rundfunk organised and sponsored Media Conference in Köln in May 1999 and the EUMC discussions at the

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<sup>7</sup> On 2 June 1997, during the European Year against Racism, the Council adopted *Regulation (EC) no. 1035/97* on the Establishment of a European Monitoring Centre on Racism and Xenophobia, to be based in Vienna.

Vienna Form on 7-8 April 2000. It makes recommendations on possible future actions by organisations and countries represented at the European Conference.

### **III. RECOMMENDATIONS**

#### **A. INFORMATION AND COMMUNICATION**

6. Statistical, documentary or technical information processed or produced must help give regional and international organisations an overview of the phenomena of racism, xenophobia and related intolerance - their extent, causes and manifestations - as well as effects of measures already taken to combat these phenomena. The information so gathered must be such as it enables the receivers to draw meaningful comparisons between States and assist States and bodies working on racism to formulate courses of action.
7. Information supplied by the national, regional and international organisations must be coordinated and directed where they have the most effective impact against the perpetrators and aid effective action.

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

8. Organisations at the European level charged with collecting, recording and analysing data should collect the data from sources that should include States, third countries, European and national non-governmental organisations, research bodies and international organisations.
9. The EUMC will cooperate with responsible authorities and organisations in Member States of the European Union to coordinate data collection and recording through its European Information Network on Racism and Xenophobia (RAXEN) – a European level tool to combat racism. This will form an information infrastructure that, though primarily for use of the Member States of the European Union and organisations and institutions within it, will be available to assist candidate countries and third countries and international organisations and agencies.

#### **Improving data comparison methodology**

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

#### **Research**

11. Forward Studies Units such as that of the European Commission should cooperate more closely with a broader range of organisations and academic institutes and should widely disseminate the results of their studies.



## **Dissemination of data and research results**

12. Access to data and transparency in the collection of data breed confidence about the data itself. Information and research results should be made available to European level organisations, States, relevant agencies and research institutions involved in the data collection or interested in the use of the data.
13. There must be wide dissemination of information about the measures and actions undertaken by individual governments and European level organisations, and where appropriate, by third States and international organisations, as well as information about the relevant findings of research into effects. This information should be made available to the public and published on relevant websites. Websites should aim to link with each other to complement and supplement information.

## **Cooperation with European and international agencies and organisations, and with third countries**

14. The communication and cooperation between the EUMC and ECRI should be strengthened. This cooperation should be extended where relevant to the UN and its specialised agencies and the Organisation for Security and Cooperation in Europe (OSCE). The EUMC and ECRI should in addition seek to strengthen their cooperation with third countries, particularly the countries of origin of migrants and those third countries that have developed good practice in the integration of their various communities such as Canada and South Africa.
15. The EUMC and ECRI should strengthen their cooperation with non-governmental organisations (NGOs), particularly those operating at a European level or in more than one member state. This should include cooperation with the European Network Against Racism (ENAR).
16. Consideration should be given to reviving and extending the composition of the ad hoc structures developed by the EU as part of the European Year against Racism to include candidate and third country representation.
17. The creation of virtual info points on an inter-linked website should be considered as part of the reviving of the ad hoc structures.
18. The EUMC will open RAXEN to the membership of NGOs in Member States, depending on the outcome of its selection process, either as members of the RAXEN National Focal Points or as partners in information collection and distribution. The EUMC will also seek to extend the cooperation of RAXEN to organisations in candidate countries of the EU, in particular on cross border issues.
19. The issues of racism and xenophobia should be mainstreamed across the entire spectrum of the EU and Council of Europe activities.

## **Inter-organisation forum on Racism**

20. In order to strengthen communication, the EUMC proposes that consideration should be given to the creation of an inter-organisation forum on Racism. Initially, the inter-organisation forum would consist of the institutions and bodies of the EU and Council of Europe, relevant specialised agencies of the UN and the OSCE. The

creation of a virtual forum should be also explored to publicise findings and discussion papers. The aim of the forum may include but is not confined to the following:

- To ensure the « mainstreaming of concerns on racism and xenophobia » across the entire spectrum of their organisations' activities
- To follow up the recommendations of the European Conference and World Conference against racism
- To share information and examples of good practice
- To compare data
- To coordinate information presented to regional and international organisations
- To avoid duplication of activities, where appropriate and relevant
- To assist States to channel their submissions to one entry point, and
- To standardise where appropriate the nature of data to be collected, the form of such data and the analysis of such data

### **Round Tables - a network tool for information**

21. The EUMC shares the view that networks of information are an important tool in the fight against racism and xenophobia and create the necessary infrastructure to share and react to information about racism at European, national and local levels. RAXEN will cooperate with information networks operating at the European, national and local level to ensure that data collection and distribution is targeted to where it is most effectively used and is relayed in such a form to aid its effective utilisation

22. The EUMC recognises that often organisations working at the local and national level in related but different fields are unaware of each others' existence. They are, therefore, unable to share and learn from each other and develop approaches to fighting racism that are more geared towards the complex range of issues of racism and xenophobia. One task is therefore to make networks and organisations aware of each other – this can be achieved through bodies such as the EUMC and ECRI.

### **Inventory for fighting racism**

23. The EUMC will monitor developments in the organisation and creation of organisations and networks to fight against racism. This information will be collected and shared through the publication of an inventory of foundations, organisations and networks fighting racism in Europe.

24. In addition, this inventory should also list funding sources for non-governmental organisations and academic institutions. Funding sources will be encouraged to make application forms for funding as user-friendly as possible and give adequate publicity and time for the applications to be completed. Funding sources should also indicate the length of time required to make decisions and process applications.

## **B. MEDIA**

25. Criticism of the media has been increasing on racism and xenophobia. Media have been faced by questions such as does the media not share responsibility for the growth of violence and xenophobia in our societies, are perpetrators of racist violence not strengthened by media attention to their cases? In addition, many journalists and media experts are becoming unsure about the most appropriate way to deal with issues such as racism and xenophobia. Many worry that their articles and appeals may contribute to fears and polarise public opinion.
26. On the other hand, issues of racism, xenophobia, migration, integration, equal opportunities and policies for minorities are increasingly recognised as key areas for political and social action. The media can play a major role on these issues as they not only reflect society but can help shape opinion. The media can contribute to dismantling fears, insecurities and prejudices and heighten public awareness of the whole situation.
27. There have been numerous recommendations about issues related to the field of race and media. The EUMC believes that it is essential to monitor and re-evaluate past reports and recommendations in order to arrive at a definitive summary that can be of practical benefit to experts and practitioners in the field. This exercise should be undertaken with organisations for example the public broadcasting companies, European Broadcasting Union and the European Institute for Media and made available publicly.

### **Recommendations to programme makers**

28. Statements by politicians are often simply repeated without inquiring about the reasons, which validates them, and multiplies their impact. Media often limit themselves to repeating the simple solutions advanced by politicians. This is a mistake, particularly where problems are addressed that are complicated and difficult to communicate. The media must keep a certain distance from politics – this is one way to establish to what extent politicians are responsible for a given situation.
29. The reasons for increasing xenophobia have to be traced back to their origins. The emphasis of problems must not be shifted when covered by the media, and the language that politicians use must not be validated – on the contrary, it must be scrutinised in greater depth.
30. In the debate about violence in society, the media must avoid trivialising the treatment of violence against ethnic minorities and immigrants or dramatising and demonising it. Blame for violence cannot simply be attached to particular individuals, society or family, other aspects such as a nation's responsibility must be taken into account.
31. Social integration can be encouraged through entertainment on the TV. Stereotypes of nationalities can be countered through differentiation. In the long term, programme makers must achieve a situation where people with a different skin colour or origin are a normal part of TV entertainment, not something unusual

or different.

32. The media should recognise that prejudice and xenophobia cannot simply be fought by supplying information. Many people are not prepared to listen to sensible arguments. This requires greater attention to emotional aspects of people – more features and films on the subject, more personal stories which help people identify with the main character yet maintain a distance.
33. Many issues should be addressed employing humour as well as by putting forward and repeating arguments, providing detailed information and by listing the different prejudices. This combined approach may help alleviate the fears and worries of those with prejudices.
34. Terms which are imbued with prejudice or may reinforce prejudice should be avoided in reports. Qualified journalism must scrutinise prejudice, avoid any unsubstantiated attribution of blame, and not make sweeping statements about perpetrators and victims.
35. Not to forget the victims does not mean reducing them solely to the role of victims. It may be counter-productive to portray foreigners, asylum seekers or displaced persons only as victims. Though used to extract sympathy from the viewing audience research has shown that it may have the opposite effect. The association of foreigners, immigrants and asylum-seekers as victims can demean them in the eyes of the public – victims need a chance to speak out and express themselves about their situation.
36. Extremists must not be forced into the role of victim in interviews. The journalist should deal with them firmly and instead of trying to change their bigoted attitudes, he should concentrate on publicising the appalling nature of their world view and their contempt for human rights.
37. In order to understand developments and conflicts, the reporting of current events should also reflect the different causes and positions of a controversy directly - preferably through the personal comments of those involved.
38. Radio needs further to develop its broadcasting formats if it wants to lay down the qualitative requirements for the fight against xenophobia in mass programmes. This relates mainly to short stories and reports (the journalist as the eyewitness). However, mass programmes also need to refer to longer broadcasts in other programmes which deal with the topic in more depth.
39. Radio entertainment, both spoken and musical, provides a good opportunity for fighting xenophobia and racism. Entertaining or sophisticated music, fiction, games, monologues, stories, are particularly suitable for helping us to understand people from other cultures and how we can live side by side.
40. Music can help overcome prejudice and xenophobia. For younger target groups in particular, pop groups which reinforce identity and - without a target group age limit - world music, are particularly influential in this respect.

41. Programmes need to be developed for the majority of the population in which the diversity of their own origin and their own migration history are represented. These are points of reference which the majority population have in common with ethnic minorities. These can form part of educational broadcasts for schools and communities.
42. There should be a European-wide awards scheme, televised by the different European countries, to recognise the good work of the media on racism and xenophobia and increase the profile of the issues. It would give the issues of race and media great credibility and prestige if, for example, a Nobel Prize for work against racism and xenophobia were created.

### **Recommendations to the management of media organisations**

43. Europe's public service broadcasters need to collaborate more fully on programme exchanges and multicultural co-productions.
44. The larger public service media organisations need to offer further training events for their journalists involved in mainstream programmes in which the cultural background of the minorities living in their country is explained. This will help to bridge the gap between the different cultures and reduce the risk of unintentionally offending cultural minorities in programmes.
45. Scientists, politicians and representatives of non-governmental organisations (NGOs) frequently offer valuable knowledge, but knowledge which can hardly be used in practice for dealing with cultural diversity in the media. However, journalists could make good use of this information if they had a forum where these groups could share ideas on a regular basis. The EUMC should help develop such a forum as part of its follow up to the Cologne Conference.
46. Culture programmes are an important means of combating racism. Better broadcasting slots need to be guaranteed for these programmes on the public service networks. Special efforts should be made to avoid that minority issues remain only limited to programmes for minorities. They need to be addressed in mainstream programmes especially.
47. There are numerous important journalistic guidelines in the European countries which deal with the treatment of minorities in the media. These guidelines are only practical if the controllers and directors-general of the major media organisations recognise them.
48. But more important than rules and regulations is education where television entertainment is concerned. Entertainment in the media is more than just entertainment -- it shapes our perception of the world. Therefore, those responsible and light entertainment producers need broad-based information about society.
49. The mobility of personnel between the areas of ethnic minority programmes and mainstream programmes will have a beneficial effect for professional development for programming as a whole. This should also be extended to an inter-

organisational network where appropriate.

### **Recommendations on access to the media for minorities**

50. The right of members of cultural minorities to share in the making of programmes - aimed both at their own groups and at majority groups should be openly recognised. In this case, the personnel policy and also education and training for mainstream programmes should be devised so that the representation of minority groups within them is guaranteed. The large media organisations in Europe should see it as their responsibility to offer multicultural programmes for different ethnic minorities.
51. Working out a special policy for the integration of minorities in the broadcasting companies themselves, that also include new approaches, such as multicultural workshops or Euro workshops and production offices, across various subjects.
52. Training programmes to increase the perception of programme managers and programme producers on racism and cultural diversity. This can be enhanced by establishing a special network to deal with the interests of minorities in the media and monitor the programmes to assess sufficient coverage of concerns and interests of minorities.
53. Special training courses for managers should be considered to enable them to take better account of the special situation of ethnic minorities when selecting personnel.

### **Recommendations to political leaders in Europe**

54. European TV programmes should be monitored. Matters which concern the whole of Europe should be the subject of continuous scrutiny.
55. For years, numerous good recommendations have been available for safeguarding cultural diversity in the European media. However, through a lack of effective coordination and specific executive powers, they have never been able to reach their target and have therefore been relatively ineffectual. This is partly due to a lack of funds to set up a European lobby group. A special project, financed by the directorates of the European Commission could provide the solution here. Recommendations developed at major conferences need to be distributed more widely and their implementation monitored by bodies such as the EUMC.
56. A documentation centre on intercultural affairs in the European media should be developed. With the help of researchers and experts, books, films, documentation, etc. could be made available providing information on extremist and racist parties, groups or organisations. Journalists, experts, historians or consultants could also be supplied by this centre throughout Europe for broadcasts on racism. A press office would provide access to articles on racism.
57. The European Union in cooperation with the Council of Europe should set up a foundation dedicated to the development and creation of multi-cultural programmes throughout Europe.

58. Legal frameworks for broadcasting should aim to break down national preferences, both in programmes and among the staff of the radio organisations, and to allow and promote multi-cultural thinking and action instead.

## **Internet**

65 The EUMC believes that the uses of the internet should be explored to create a comprehensive linking of sites for documentation on racism and xenophobia of international and regional organisations. The sites of the relevant bodies in organisations such as the UN, Council of Europe and the European Union should be inter-linked.

66. The EUMC believes that more studies are required to obtain a comprehensive picture of the uses of internet sites for propagating racist and xenophobic hatred. The studies should also examine the effectiveness of codes of conduct and monitoring mechanisms. These studies should be undertaken with the active participation of internet service providers. The results of these studies should indicate whether self-regulation or legislative measures are more effective. The studies should aim to adopt an interdisciplinary approach and explore good practice as well as identifying in more detail the actual use of the internet to connect racist networks across countries and act as a catalyst for racism and xenophobia.