

Mr. Chairman,

Excellencies,

Ladies and Gentlemen,

Colleagues,

It gives me great pleasure to be with you at this conference. It is an honour, indeed a privilege to be surrounded by Human Rights Activists, NGO representatives and people who have human rights and anti discrimination at heart. On behalf of the European network against racism, I would like to extend my thanks to Organization for Democratic Institutions and Human Rights for the invitation to participate at this conference.

*I generally like to start sessions about discrimination with the most famous of quotes "All men are born free and equal in dignity and rights" and even if I promised myself I would not do that this time, I will fall back onto it, hoping to show how the dream has been achieved, but realistically to show that we've made steps in the right direction, but are still miles away from real and effective equality for all!*

During the course of this presentation, I will be briefly running you through the findings of the European Shadow Report on Racism in Europe, a project by The European Network against Racism which provides a unique mechanism for the collection of the NGO and Civil Society perspective on racism in Europe. The European Shadow Report, which will be launched in a couple of week's time is based on a comparison of National Shadow Reports from 25 EU Member states. Whilst it does not attempt to present a scientific analysis of racism in Europe, it clearly highlights the crucial role of NGOs in the fight against racism.

The findings of the report clearly indicate that in reality, effective equality for all remains just a dream!!

It remains a dream for hundreds and thousands of Roma, Sinti and travellers living in Europe, for thousands of migrants whether arriving from within the Union or third country nationals, it remains a dream for religious minorities most notably the Muslim and Jewish communities as well as for long standing ethnic and national minorities.

In different countries, and to different degrees, these groups of people face discrimination and racism, difficulties in education and employment, hurdles in accessing goods and services including healthcare, they are victims of racial profiling, and victims of the ever increasing extremism that is affecting Europe in 2007!

Multiple discrimination, intersectionality of issues and lack of adequate data collection remain a concern throughout and can be seen as cross cutting issues in all that I will be saying today.

Studying the real extent of racism is difficult, if not impossible. Data collection systems vary from country to country, as the lack of adequate, desegregated and reliable data remains a concern throughout Europe. Having said that, the situation is improving, as more member states are recognizing the importance and benefit of adequate data collection especially within the field of employment.

Mr. Chairman,

Over the period under review, racism continued to prevail despite legislation prohibiting it.

In employment for instance, there is extensive legislation prohibiting discrimination on the basis of race or ethnic origin. Yet, whilst some of the National Shadow Reports noted the positive impact left by the legislative framework, most reports highlight the fact that ethnic and religious minorities continue to face discrimination which is hindering their prospects of accessing employment, more specifically in accessing quality employment and is creating a glass ceiling effect with regard to their career progression.

Lack of adequate implementation and enforcement, compounded by a failure to set up an adequate and effective monitoring infrastructure severely undermine the potential of the legislation. Where such monitoring bodies exist, they need to have adequate capacity and competence and be readily accessible to potential victims of discrimination.

Various country reports clearly indicate that ethnic and religious minorities remain disproportionately affected by unemployment. In Slovakia, for example, estimates of the Institute for Public Affairs indicate unemployment amongst Roma to be at almost 80% compared with the national average of just fewer than 12%; Roma long-term unemployment was at over 60% compared with the 11.4% national average.

Having said that, some groups, including third country nationals, may actually have higher employment rates as their residency rights are tied to their employment. Furthermore, discrimination in employment affects different groups differently so that for instance in the UK where data collection is quite comprehensive and broken down by ethnic group, we see that among ethnic minority groups Indians have the highest rate of employment whereas Pakistani groups have the highest rate of unemployment.

Jobs taken by ethnic and religious minorities are generally of a lower standing so that in Romania, 73% of Roma are employed in positions that require little or no qualifications whereas 33% of the general population in Romania are employed in similar activities. Third country nationals, including seekers are often filling the jobs that the locals do not want to do.

Often constrained to working in the informal economy, the employment of Ethnic and Religious minorities remains marred with segregation, poorer and sometimes more dangerous conditions of employment and exploitation by unscrupulous employers.

Legislation alone will not eliminate discrimination, it needs to be supported by a will to effectively bring equality to the workplace and beyond.

Yet it is not all negative, over 2007, one can also note a number of good practices in the field of employment, ranging from the Equality and Diversity Label in Belgium, to

the use of the situation testing method in Lithuania to multicultural orientation by trade unions in Finland.

Dear Colleagues,

Whilst most reports from 2007 indicate that Roma and Travellers are particularly disadvantaged and discriminated against in the area of housing, all reports acknowledge that ethnic and religious minorities are, also due to discrimination faced, more likely:

1. To be homeless
2. to live in poor quality housing,
3. and to have limited choice with regard to their place and type of residence

Examples can be found in the segregated housing in French suburbs, and shanty towns identified in Cyprus. Interestingly in this regard, a study conducted in Denmark debunks the notion that ethnic minorities wish to live in segregated accommodation, a myth that prevails in many places.

Of Particular concern is the situation of guest and seasonal workers who may have their accommodation provided to them by their employer which not only limits or excludes their choice but also proves expensive as deductions from their payment are disproportionately high as they remained uncontrolled.

The poverty – housing nexus is self evident. Poverty impacts on housing and the cost of housing impacts on poverty. The situation of ethnic minorities in this regard is of concern. For example, it is reported that in Germany, ethnic minorities spend 40% of their income on housing whereas the majority population spends 20%.

Discrimination in the rental market also needs to addressed, also because various reports indicate that ethnic minorities are more likely to rent. These include reports from Denmark and the UK with the latter finding that 90% of migrants who migrated into the UK between 2005 and 2007 were living in rented accommodation. Improvements in home ownership were however registered in Greece and Italy

specifically with regards to long term migrants. Discrimination when purchasing property also restricted people's options in this regard.

The work of NGOs generally, and ENAR members in particular can also be felt in this regard, whether it is through the collective complaints filed by the European Roma Rights Centre against Bulgaria, Italy and Greece or through the Threshold Advice Service in Ireland.

Moving on to Healthcare, Mr. Chair,

We find that the health status of ethnic minorities is reported to be poorer than that of the majority population. Access to healthcare remains a key concern, where such access except for the most basic of services, is found to be increasingly tied to legal status and employment and capacity to make social insurance contributions. This is made clear in Bulgaria, where Roma are considered to be at a particular risk in this area, or in Greece where access is highly dependent on social insurance contributions. Language barriers, and geographical location also impact. Language and cultural barriers were reported as matters of concern in most countries whilst in Poland for instance, Roma are more likely to be living in rural settlements where access to healthcare is already an issue even for the indigenous population. In Italy Employment is recognised as a health risk for migrants who are at a greater risk of workplace injuries and casualties.

Particular minorities within minorities face certain problems. In yet another example of multiple discrimination, women experience specific problems in the area of healthcare where even if access to healthcare is given, other rights have been abused as was the case with the sterilisation of Roma women in the Czech Republic.

All of this goes to show the inter-sectionality of the issues at stake and clearly highlights the need for a comprehensive and coordinated approach to combating discrimination and promoting social inclusion.

I will now move on to the question of policing and racial profiling before attempting to delve into the question of racist crime and violence.

Charged with the protection of human rights, it is a matter of grave concern that reports continue to highlight instances where police do not respond appropriately to racist crime and furthermore, are in fact perpetrators of racist practices and abuse against ethnic and religious minorities. Racism within police forces was reported from a number of countries including reports from Belgium, Bulgaria, Cyprus, Germany and Italy amongst others.

Manifestations identified range from racist attitudes and name-calling, racist discussions on internal websites, lack of reporting, to more physical forms of police brutality and degrading treatment that has in some instances resulted in a disproportionate number of ethnic minorities dying in police custody. In fact, the committee for the prevention or torture of the Council of Europe has raised issues of concern with regard to the treatment of ethnic minorities in police custody in a number of Member States.

Racism in policing is further manifested through racial profiling which, whilst generally concentrated in the fight against terrorism is a more widespread phenomenon. In some countries, it is an accepted [practice whilst in others it remains a common occurrence despite denial of the practice. In this regard, lack of official data negatively impacts NGOs capacity to measure and analyse the extent of such practices. It is virtually impossible to corroborate anecdotal evidence with official data.

Lack of awareness, inadequate training, lack of effective mechanisms and supporting legislation to monitor police actions, indeed impunity remain issues of grave concern in various countries. Generally speaking, the response from police to racism as a crime varies within and between countries. Improvements were noted in, for example Poland, where 2007 saw positive legislative amendments in this regard whilst police training programmes have been developed in Germany, Greece and Ireland amongst others. In some instances, there has been a positive response including the development of measures at an institutional level to develop organisational capacity to measure and combat racism as a crime such as the setting up of the rapid response team to deal with hate crimes set up in Sweden.

What also remains notable and of serious concern is the continuous increase in extremism and the level of violence that has become associated with racist crime. Most reports noted an increase in such violence whilst on the other hand Belgium, France, Germany and Slovenia noted a decrease. Perpetrators of such acts vary, with some of those identified including police, neo Nazi groups, and private security personnel.

There is increasing recognition given to racism as an aggravating circumstance with a number of countries' legislation now allowing for aggravated sentencing, including for example in the Czech Republic, Finland and Latvia. However, while legislation may include aggravated sentencing, this is not always applied which can undermine the effectiveness of the measure. Despite the definition within the Czech Criminal code of racist motive as an aggravating circumstance, the report from the Czech Republic concludes that current legislation is not effective. ECRI noted in its report on Finland that aggravated sentencing was implemented in only a few cases annually. Indeed, the Ombudsman for Minorities in Finland has noted that the legislation concerning racist or discriminatory crimes is weak and that punishment is not strong enough.

Dear Colleagues,

The list of concerns does not end here. Access to goods and services remains a concern throughout Europe. Whilst the legislation has certainly had a positive impact, discrimination continues to be faced within various areas. Whether it is difficulties in accessing financial services in France, or being effectively banned from entering most places of entertainment in Malta, difficulties in accessing voluntary insurance in Finland, or delays and difficulties in getting birth certificates for the children of migrants which has left a negative impact on accessing other services in Greece. In Ireland, the Habitual Residency Condition has resulted in a situation where children including children of asylum seekers do not receive child benefit.

Moving on to media and the internet, one notes that sensationalist, inaccurate and in some cases inflammatory reporting continued to be a reality in the Media in Europe as certain ethnic and religious minority groups including Roma and Travellers

and migrants particularly undocumented migrants and asylum seekers continued to be targeted in a negative way in the media. Reportedly, both Muslims and Jews have been negatively represented in different Member States with reports from Austria, Denmark, France, Germany, Italy and the UK highlighting in particular disproportionately negative representations of Islam. It is observed that the invisibility of minorities in the mainstream media is a contributory factor in the skewing of media representations. The internet continued to be used by groups from both sides to spread their ideas, as new technologies are used to spread one's message far and wide.

The European Shadow Report on Racism in Europe generally highlights the lack of effective legislation and mechanisms to monitor the media, prosecute offenders and provide redress. This can be seen within the context of the philosophical and practical problems around monitoring the media, with some reports, most notably the Danish and Spanish reports making reference to debates around freedom of expression. Progress in this regard was seen in a number of countries including Malta, where standards for the promotion of racial equality were adopted by the competent authority over the course of 2007.

Mr. Chair, in this final part of this presentation, I will attempt to give a brief overview of the political and legal developments in areas of concern. Critical to such a discussion is mention of the Race Equality Directive which is the single, most important legal instrument in the European Union with regards to racial discrimination. Whilst its positive impact is undeniable, the directive alone is not enough to ensure equality, not least because it excludes from its own remit discrimination on the basis of nationality. Such exclusion often hinders the effectiveness of the directive. With regards to Religion discrimination is only prohibited within the sphere of employment falling under the remit of the Employment Framework Directive. In its revised social agenda presented last July, the European Commission has proposed a horizontal directive, which covers, inter alia, discrimination on the basis of religion in the non employment spheres. The European Network against Racism, which I represent here today, is proud of the pivotal role it has played in ensuring that the proposal is for a horizontal directive covering all the various grounds of discrimination.

Common problems with the transposition of the race equality directive include:



1. incorrect definitions
2. lack of protection against victimisation
3. lack of scope or capacity for representation
4. Ineffective sanctions
5. And lack of regard given to the shift of the burden of proof.

Yet even where legislation is in place, one needs to have more enforcement and implementation of the legal requirements. More efforts need to be made to enhance and publicise the role of the National Equality Bodies and to raise awareness of the existing legal frameworks. Indeed, laws on paper alone are little more than useless, legal provisions cannot be seen as ends in themselves, they need to become effective tools for ensuring real and effective equality for all. Until such a day, the dream enshrined in Article 1 of the United Nations Universal Declaration of Human Rights will not be fulfilled.

As migration and Integration policies and legislation continue to exist within a context of growing negative public perceptions towards immigrants, the European Shadow report finds that such policies are moving away from the implementation of a rights based approach and seem to be increasingly motivated by economic considerations. This leads to restrictive migration policies and the creation of second class citizens, who, often constrained to working within the informal economy are exploited and discriminated against. Such restrictive policies can also be seen with regards to the venues for the acquisition of citizenship even if the long term residency directive has left a positive impact. Counter-terrorism is often used as a further pretext for restrictive immigration policies.

The question of migration is probably one of the more regularly debated questions, and this is definitely the case in Malta, where anytime that news item somehow touches on the issue of migration, a flood of comments and reactions ensues.

Whilst intra-community migrants also face discrimination national shadow report highlight a number of particularly vulnerable groups. These include asylum seekers, undocumented workers, victims of trafficking (including for forced labour or for the purposes of prostitution) and domestic workers. In the area of asylum, despite member states' responsibility to provide a safe haven for people fleeing persecution,

national reports highlight a series of obstacles faced by asylum seekers including slow legal processes, unsatisfactory outcomes particularly at initial stages and the use of reception and detention centres.

The intertwining of anti-racism and integration is self evident. Lack of proper integration fuels fear which in turn fuels resentment and racism. In turn racism creates barriers to integration. In terms of integration 3 questions are key:

1. As mentioned above, unless racism is acknowledged and addressed in the context of developing integration policy, integration simply cannot be achieved.
2. The understanding of integration is crucial. Two broad perspectives are recognized in Europe. One which views integration as two way process in line with the understanding given in the Common Basic Principles of Integration and another which is underpinned by an assimilationist approach
3. The role of family reunification, education, employment and prevention of marginalization are crucial. In Europe, we have seen contradictory movements between development of integration policies on the one hand and restrictions on, for example family reunification being placed at the same time.

European Union member states continue to be affected by lack of a holistic and comprehensive approach to migrant integration.

As I come to the end of this presentation I wish to go back to where I started and refer us all back to the target goal being the situation described in article 1 of the UDHR. Each and every one of us, the organizations, governments, institutions, and entities we represent have a role to play in realizing that dream. This situation can only be achieved if we adopt a comprehensive and holistic approach to addressing racism, an approach underpinned by principles of human rights and fundamental freedoms. It can be achieved, but for this we must collaborate in the proper and effective implementation of existing laws and policies, and through the horizontal mainstreaming of anti-discrimination into all policy areas.

Thank you Mr. Chair.