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**Working Session 13: Tolerance and non-discrimination**  
**Contribution of the Council of Europe**

**EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)**

The fight against racism, racial discrimination (i.e. discrimination on grounds of “race”, colour, citizenship, national/ethnic origin, religion and language), xenophobia, antisemitism and intolerance is at the core of the Council of Europe’s mission. Since 1993 this task has been entrusted to the European Commission against Racism and Intolerance (ECRI), which is an independent human-rights monitoring mechanism set up by the Heads of State and Government of the organisation.

***Main trends***

ECRI’s latest annual report, published in July 2014, highlights the main trends concerning racism and intolerance in Europe.

First and foremost among ECRI’s concerns is the rise of aggressive nationalist, populist xenophobic and neo-Nazi political parties. ECRI’s General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination calls on states not only to suppress the public financing of racist parties, but also to provide for the possibility of dissolving them. In ECRI’s view, timely action should be taken against them to avoid an escalation of criminal activities.

In its latest annual report, ECRI also expresses concern about the hardening of attitudes towards migrants in mainstream political forces, which it attributes to the continuing economic crisis. It considers that more has to be done to project a positive image of a diverse society.

For ECRI, 2013 was yet another year of tragedy at sea for migrants and asylum seekers fleeing poverty and conflict. ECRI supports the decriminalisation of irregular entry and stay. Moreover, it considers that states should ensure that all persons in their territory can access basic human rights

regardless of their immigration status. It stresses the need for continued compliance with international obligations under the 1951 Geneva Refugee Convention and the principle of non-refoulement (these in connection with the building of fences and pushbacks at sea). Finally, it recalls that the majority of European states have failed to live up to the challenges of the Syrian-refugees crisis.

Budget cuts and enforced mergers threaten, according to ECRI, the independence and efficiency of national equality and human-rights bodies. Moreover, while local/federated authorities have an important role to play in the fight against racism and discrimination, this should not be to the detriment of central-government coordination and national action plans.

Hate speech continues to be a major problem in Europe. Moreover, important incidents of racist violence occurred in 2013. ECRI has also witnessed instances where the failure of the police to discharge their obligations, in full respect of human rights and the rule of law, has resulted in increased levels of xenophobia.

Roma are victims of racism, discrimination and social exclusion. For ECRI, Roma integration is a moral and economic imperative. ECRI has also noticed a revival of racism against other historical minorities as well as anti-Black racism. Furthermore, religious minorities are still confronted with prejudice and intolerance – with antisemitism and Islamophobia on the rise.

In some countries, fascist WWI nostalgia persists and the denial of genocide debate is far from over. Racist abuse continues to plague sporting events. Finally, ECRI considers that intolerance against LGBT persons needs to be tackled as a priority issue.

### ***ECRI's programme of activities***

ECRI's programme of activities is based on three pillars. The first is country monitoring work, whereby ECRI conducts an in-depth analysis of the situation concerning manifestations of racism and intolerance in each of the Council of Europe member States. ECRI's findings, along with recommendations on how each country should deal with the problems identified, are published in a report drawn up after a contact visit to the State concerned and confidential dialogue with the national authorities.

The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is carried out in five-year cycles, covering nine to ten countries per year. In 2013, ECRI began work on its fifth round of country monitoring. ECRI's fifth cycle reports focus on four common topics in all member States, namely legislative issues, hate speech, violence and integration policies, and a number of topics specific to each country. ECRI also addresses LGBT issues if they are relevant to the overall analysis of the situation in a member State.

During 2013, ECRI carried out its first fifth-round contact visits to Belgium, Bulgaria, Germany, Slovakia and Switzerland (publication of reports in 2014). The visit to Bulgaria was carried out jointly with the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities. Such joint visits help to build synergies between the two monitoring mechanisms and more joint visits are planned for the future. In 2014, ECRI already carried out further fifth-round contact visits to Greece, Hungary, Norway and Poland and will also visit Albania, Austria, the Czech Republic and Estonia during the remaining months of the year.

ECRI has now a well-established interim follow-up mechanism. Approximately two years after the publication of the country report, member States are requested to provide information on specific recommendations for which the report requested priority attention. ECRI's conclusions concerning the level of implementation of these recommendations are made public.

The second pillar of ECRI's programme of activities is work on general themes. ECRI elaborates General Policy Recommendations which are addressed to all member States and provide guidelines for the use of national policy-makers. These cover important themes, including key elements of national legislation to combat racism and racial discrimination, the creation of national specialised bodies to combat racism and racial discrimination, combating intolerance and discrimination against Muslims, combating the dissemination of racist and antisemitic material via the Internet, combating racism while fighting terrorism, combating antisemitism, combating racism and racial discrimination in and through school education, combating racism and racial discrimination in policing, combating anti-Gypsyism and discrimination against Roma and combating racism and racial discrimination in employment.

ECRI is currently working on two new General Policy Recommendations which will cover issues concerning hate speech and irregular migrants.

Relations with civil society and specialised bodies constitute the third pillar of ECRI's work. In this context, awareness-raising and a communication strategy are crucial. ECRI's round tables in the Netherlands (30 June 2014) and Moldova (30 September 2014) – organised in co-operation with its national partners, to discuss the follow-up to be given to reports on these countries – are part of its 2014 civil society programme. ECRI also organised its traditional seminar with national independent authorities on "The role of national Specialised Bodies in supporting local authorities in the fight against racism and intolerance" on 22-23 May 2014.

As in previous years, ECRI would like to emphasise its excellent cooperation with the OSCE-ODIHR. Both attach particular importance to the fight against hate crime and benefit from each other's expertise and initiatives. ODIHR's annual reports on Hate Crime in the OSCE Region are a key source of information for ECRI. ODIHR and ECRI continue to systematically involve each other in their conferences and meetings.

The Council of Europe presents the following specific recommendations:

1. Member States of the Council of Europe are once more encouraged to sign and ratify Protocol No. 12 to the European Convention on Human Rights, which provides for the general prohibition of discrimination.
2. OSCE participating States are encouraged to sign and ratify the Additional Protocol to the Council of Europe's Convention on Cybercrime, on the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
3. Member States of the Council of Europe are once again encouraged to enact legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete; they are also encouraged to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, including the setting up of an independent body specialised in the fight against racism and racial discrimination; moreover, they are encouraged to ensure that this legislation is applied effectively.
4. OSCE participating States are encouraged to allocate sufficient resources to national independent bodies entrusted with the fight against racism and intolerance.
5. OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination, xenophobia, antisemitism and intolerance with the Council of Europe, and in particular ECRI, by further strengthening mechanisms enabling the exchange of information and data to support common action.