



## OSCE Human Dimension Implementation Meeting

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Working session 14: Tolerance and non-discrimination

Contribution of the Council of Europe

### COMBATING INTOLERANCE AND DISCRIMINATION AND PROMOTING MUTUAL RESPECT AND UNDERSTANDING: A COUNCIL OF EUROPE PRIORITY

The Council of Europe has always been active in 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. Since 1993 this task has been entrusted to the **European Commission against Racism and Intolerance (ECRI)**, 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 May 2012, highlights some of the main trends in the field of racism and intolerance in Europe. The ongoing economic crisis has created a vicious cycle in which many of the groups of concern to ECRI (vulnerable groups) are trapped. Diminished economic opportunities and welfare cuts push them into poverty, which breeds negative feelings on both sides of the social divide. Immigrants and some historical minorities are perceived as a burden to society and the “multiculturalism model” is questioned. Racism and intolerance are on the rise in Europe today and the resulting tension sometimes leads to racist violence.

Efforts are made throughout Europe to make government less costly. Human rights institutions, including the national Specialised Bodies (independent organs mandated to fight racism and racial discrimination), are also affected, quite often in a disproportionate manner, at a time when they are most needed.

High-profile incidents in several member States have again drawn attention to the worsening of the situation of Europe's Roma population, which continues to face widespread discrimination, intolerance and stigmatisation, particularly in public discourse. ECRI's dramatic country-by-country findings prompted it last year to release its General Policy Recommendation No.13 on combating anti-Gypsyism and discrimination against Roma.

Xenophobic discourse has been mainstreamed during the past decade, gaining increasing social acceptance. In several countries, the tone of the political debate is set by the growing number of parties which share the same rhetoric: immigration is equated with insecurity, irregular migrants, asylum-seekers and refugees either “steal jobs” or risk “capsizing our welfare system”, while Muslims “are not able to integrate in western societies”. The latter have recently become the most prominent “other” in the xenophobic debate throughout Europe. Xenophobic parties have obtained more support in recent elections and gained seats in government coalitions and/or the parliaments of several European countries.

Some European countries failed on several accounts in their reaction to the sudden influx of migrants in 2011 – resulting inter alia from the events in North Africa. The problems witnessed included excessively rapid returns of some arrivals and poor reception conditions. The latter have created serious tension with the local population, while some countries’ asylum requests’ processing systems have broken down completely. The culture of “policing”, which seems to have prevailed in the management of this migration influx, has also produced a crisis in the relations between Schengen States; the resulting discussions around the reintroduction of internal border controls have added further fuel to the xenophobic debate. ECRI deeply regrets the fact that some member States - often using their anti-terrorism legislation - have removed or tried to remove from their territory non-citizens who had obtained interim protection by the European Court of Human Rights.

Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence continues to be a major problem in Europe today. Social media have recently proven singularly effective in encouraging radicalisation. Websites focusing exclusively on Muslim immigration in Europe and allegations about a worldwide Jewish conspiracy amplify the risk of extremism. ECRI’s General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet proposes a number of practical measures. However, ECRI is aware that countering these phenomena without undermining freedom of expression is not an easy task. While trying to meet these Internet-specific challenges, governments are also encouraged to address the problem of hate speech in general, including the responsibility of the media and politicians.

ECRI has always drawn attention to the specific dangers created by a climate of opinion propitious to racism and racial discrimination. Tragic events (which have either occurred or been brought to the fore recently) have shown the danger of complacency vis-à-vis some forms of extremism and have amply demonstrated how the cumulative effect of various forms of hate speech can lead to extreme forms of racist violence.

ECRI country reports continue to highlight instances of small-scale but persistent attacks targeting historical minorities, such as the desecration of cemeteries and widespread racist graffiti. In 2011 a number of racist incidents were recorded in football stadiums in many countries.

Finally, ECRI noted that tensions continued to exist between religious communities, between members of some religious groups and members of other minorities, as well as between certain States and certain religious groups. ECRI is of the opinion that the authorities must protect everyone from religious discrimination and intolerance, while remaining strictly impartial in their relations with the various communities involved. They

must also recognise that, in some cases, religion is used as a pretext to cover for discrimination on other grounds.

### **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. At the beginning of 2008, ECRI started its fourth round of country-by-country monitoring work. It has introduced a new interim follow-up mechanism, asking member States two years after the publication of the report to provide information on specific recommendations for which the report requests priority attention.

The following fourth-round reports have been published: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Monaco, Montenegro, Norway, Poland, Serbia, Slovakia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom. The remaining fourth-round reports on Finland, Ireland, Liechtenstein, Malta, Moldova, Netherlands, Portugal, Romania, Russian Federation, San Marino and Slovenia will be published in 2013.

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, and combating anti-Gypsyism and discrimination against Roma.

On 25 September 2012, ECRI will release its **14<sup>th</sup> General Policy Recommendation on combating racism and racial discrimination in employment**. This recommendation complements the 13 General Policy Recommendations already adopted. It aims to ensure that adequate legislation is in place for combating racial discrimination and promoting equality in the field of employment – both of which are essential to enable groups of concern to ECRI to overcome barriers to employment and achieve full participation in the labour market. It recognises the important role public authorities, employers and the social partners play, in partnership with the national authorities, in achieving this goal through, among others, programmes for integration, good practice and positive action.

**Relations with civil society and specialised bodies** constitute the third pillar of ECRI's work. Combating racism and intolerance can only be effective if the message filters down to society in general. ECRI attaches great importance to this third part of its statutory activities. For this reason, awareness-raising and a communication strategy are crucial. As part of its 2012 civil society programme, ECRI is organising a round table in Tirana to discuss the follow-up to be given to its 4<sup>th</sup> report on Albania. ECRI also organised a seminar in Strasbourg on "Anti-discrimination bodies: recent trends and challenges" on 31 May-1 June 2012.

ECRI would like to emphasise the good cooperation between ECRI and OSCE-ODIHR. Both attach particular importance to the fight against hate crime and benefit from each other's expertise and initiatives (ECRI's country reports and General Policy Recommendations and ODIHR's compilation of data in its annual reports on Hate Crimes in the OSCE Region – Incidents and Responses). ECRI and ODIHR 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 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 encouraged to enact and implement legislation against racism and racial discrimination, if such legislation does not already exist or is incomplete, and to ensure that such legislation reflects the key elements in ECRI's General Policy Recommendation No. 7, which include the setting up of an independent body specialised in the fight against racism and racial discrimination.
4. In particular, ECRI urges member States of the Council of Europe to base their policies relating to employment on its most recent General Policy Recommendation on combating racism and racial discrimination in employment. Member States of the Council of Europe are also encouraged to implement ECRI's remaining General Policy Recommendations as well as its country-by-country recommendations.
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 free flow of and exchange of information and data and common action.