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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, 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 (Statute adopted by the Committee of Ministers in 2002).

ECRI's last annual report, published in July 2010, highlights some of the main trends in the field of racism and related intolerance in Europe:

Racist violence has increased. Roma and Travellers experience open hostility - sometimes encouraged for electoral purposes - and social exclusion, as well as raids against their settlements and murders. Although there is increased public awareness of their predicament and activism by community organisations, state programmes intended to improve their situation have suffered cuts. Anti-Black racism persists, often taking extreme forms, such as organised attacks against individuals or communities. At the same time, colour-related insults are widespread during sports activities. The economic crisis has contributed to the hardening of the tone of the immigration debate. Responsibility for the deterioration of security conditions, unemployment and health-care systems' deficits is often attributed to migrants, refugees and asylum seekers. As a result, entire communities, including nationals with relatively recent immigration backgrounds, are stigmatised. Muslims continue to be discriminated against. Lately, they are targeted by specific legal restrictions. Not enough is done to encourage tolerance of religious diversity. Antisemitism persists, with attacks on synagogues and Jewish cemeteries and Holocaust denial. The police engage in racial profiling. There are abuses when fighting terrorism and increased levels of prejudice in the political discourse and some media. Large numbers of individuals are discriminated against on the basis of their "race", colour, ethnic origin, religion, language and nationality in the fields of employment, education, housing, health and access to goods and services.

Faced with these trends, ECRI recommends an approach based on respect for human rights, which treats all forms of racism as equally serious; an approach involving the effective application of comprehensive anti-discrimination legislation (including criminal law); specialised organs; awareness-raising and education; informing victims of their rights; accurate statistical data; positive measures where necessary; sensitisation of politicians, the media and internet service-providers; and a particular view of integration as a process of mutual recognition of different identities.

This is the context against which ECRI must continue its efforts and step up its action, its programme of activities being 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 related 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**. This fourth round, which focuses on implementation, will run until 2012. 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.

As of 15 June 2010, the following reports were released: Albania, Austria, Belgium, Bulgaria, Czech Republic, Estonia, France, Georgia, Germany, Greece, Hungary, Norway, Poland, Slovak Republic, Switzerland, "the former Yugoslav Republic of Macedonia" and United Kingdom. It is expected that further reports will be adopted, according to the following time-table:

> 2010: Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Italy, Lithuania, Monaco, Serbia, Spain and Turkey.

> 2011: Andorra, Croatia, Denmark, Iceland, Latvia, Luxembourg, Montenegro, Slovenia, Sweden and Ukraine.

> 2012: Finland, Ireland, Lichtenstein, Netherlands, Malta, Moldova, Portugal, Romania, Russian Federation and San Marino.

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. In 2008, ECRI released its 12th General Policy Recommendation on combating racism and racial discrimination in the field of sport. This Recommendation complements the eleven Policy Recommendations already adopted. 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 racism against Roma, combating Islamophobia in Europe, combating the dissemination of racist and antisemitic material on the internet, combating racism while fighting

terrorism, combating antisemitism, combating racism and racial discrimination in and through school education and combating racism and racial discrimination in policing. ECRI is currently working on two General Policy Recommendations, one on anti-Gypsyism and one on racism and racial discrimination in employment. It has also commissioned a study on the effects of the economic crisis on racism and related intolerance.

Relations with civil society are the third pillar of ECRI's work. Combating racism can only be effective if the anti-racism message filters down to society in general. For this reason, awareness-raising and a communication strategy are crucial. As part of its 2010 civil-society programme, ECRI organised a round table in Germany to discuss the follow-up to be given to its 4th report on that country.

The Council of Europe is deeply committed to close co-operation with the OSCE in the field of tolerance and non-discrimination, and presents the following specific recommendations in this respect:

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. OSCE participating States 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. Member States of the Council of Europe are encouraged to implement ECRI's recommendations contained in its country-specific monitoring reports as well as ECRI's General Policy Recommendations.

5. OSCE institutions are encouraged to continue their co-operation in the fight against racism, racial discrimination and all forms of intolerance with the Council of Europe by further strengthening mechanisms enabling the free flow of and exchange of information and data.