

**OSCE Human Dimension Implementation Meeting****Warsaw, 28 September to 9 October 2008****Specifically selected topic****Working session 10****“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, 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 May 2009** highlights some of the main trends in the field of racism and related intolerance in Europe.

ECRI notes growing prejudice against Muslims (Islamophobia) who face discrimination in the fields of education and employment and difficulties in obtaining permission for the construction of places of worship. Antisemitic ideas continue to be disseminated and there are attacks against synagogues and Jewish cemeteries. Anti-Gypsyism continues to be a worrying problem, with extreme forms of racism and discrimination being experienced by Roma and Travellers in some Council of Europe member States, including instances of raids against their settlements. Black people are subject to racial profiling and violence. A negative climate of public opinion affects in particular immigrants, refugees and asylum seekers. This is fuelled by some media and by the increasing use of racist and xenophobic arguments in political debate. Finally, the fight against terrorism has resulted in the adoption of discriminatory practices against some minority groups.

Faced with these trends, ECRI recommends an approach that does not distinguish between the various forms of racism; an approach based on the effective application of comprehensive anti-discrimination legislation (including criminal law), specialised organs, awareness-raising, informing victims of their rights, accurate statistical data,

positive measures where necessary, and a particular view of integration as a process of mutual recognition.

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 conduct 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 suggestions and proposals as to how each country should deal with the problems identified, are published in country reports drawn up after a contact visit to the States concerned and a process of 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 and evaluation will run until 2012. It introduced a new interim follow-up mechanism, asking member States two years after the publication of the report to provide information on the implementation of specific recommendations for which priority implementation was requested in the report.

As of 15 September 2009, the following reports have been released: Belgium, Bulgaria, Czech Republic, Germany, Greece, Hungary, Norway, Slovak Republic and Switzerland. It is expected that further reports will be adopted, according to the following time-table:

2009: Albania, Austria, Estonia, France, Poland, Georgia, "the former Yugoslav Republic of Macedonia", Turkey, United Kingdom

2010: Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Italy, Liechtenstein, Lithuania, Monaco, the Russian Federation, Serbia, Spain.

2011: Andorra, Croatia, Denmark, Finland, Iceland, Latvia, Montenegro, Portugal, Romania and Slovenia.

2012: Ireland, Luxembourg, Malta, Moldova, the Netherlands, San Marino, Sweden and Ukraine.

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 which policy-makers are invited to use when drawing up national strategies and policies and various areas. **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.

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 among the general public and a communication strategy are crucial. As part of its 2009 civil-society programme, ECRI organised a meeting of the specialised bodies which focused on the issue of communicating on racism and racial discrimination (26-27 February 2009). Moreover, on 7 May 2009, ECRI organised a round table in Ukraine to discuss the follow-up to be given to its 4th report on that country. Another such round table will be organised in Hungary in November 2009.

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.