

OSCE Human Dimension Implementation Conference

Warsaw, 26 September to 7 October 2011

Working session 12 and 13: Tolerance and non-discrimination I and II
Working sessions 14 and 15: Enhancing the implementation of OSCE commitments regarding Roma and Sinti

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 last **annual report**, published in June 2011, highlights some of the main trends in the field of racism and intolerance in Europe:

Anti-Gypsyism is one of the most acute problems for many European societies. 2010 brought out its crossborder dimension with Council of Europe member States arguing about which one had primary responsibility for socially excluded Roma migrants, instead of living up to their current obligations and, in receiving States, providing minimum protection and preparing for a future without restrictions on free movement. The unwelcoming attitude towards Roma arriving from Central and Eastern European countries is part of a general phenomenon involving a marked rise in anti-migrant feeling in 2010. Its targets include second- and third-generation migrants and even citizens. Special hostility is reserved for refugees and asylum-seekers because of perceptions concerning reliance on welfare benefits and competition for jobs. Quite often, religion adds another dimension to the negative climate of opinion against migrants. ECRI has found persisting problems of prejudice against Muslims, often expressed in debates about “values”. Islamophobia inevitably materialises in widespread discrimination in everyday life and in contacts with the authorities.

Generally speaking, ECRI has observed that as a result of the economic downturn, member States' attention has increasingly focused on migration instead of integration policies. However, no migration policy can be successfully planned without taking into consideration the impact of integration policies. And no integration policy can produce the required result if it does not guarantee equal and non-discriminatory access of non-nationals to most rights and opportunities; if it does not offer them a real chance for positive interaction with nationals; and if it does not encourage their active participation in the life of the host society.

2010 was also the year when the "multiculturalism model" was brought into question because it allegedly fosters, instead of reducing, differences between communities. Its critics seem to be mainly influenced by the perception that immigrant Muslim groups aim at creating a parallel society, as opposed to integrating. ECRI stresses that, in order to avoid the emergence of parallel societies caused either by the majority's exclusion of vulnerable groups or the self isolation of such groups, Governments should promote intercultural contact, dialogue and cooperation. ECRI, moreover, recognises that "cultural otherness" risks developing into a new form of intolerance if it implies that certain communities are so different from each other that they cannot live together. For ECRI, ideologies based on the incompatibility between national/ethnic or religious groups present the same degree of danger to social cohesion as those based on "racial" superiority. The answer to the current debate on multiculturalism is strict adherence to a common set of principles, including nondiscrimination and tolerance in both the public and the private sphere.

Finally, ECRI regrets that racism based on skin-colour persists. The same is true of antisemitism, which is increasingly related to events in the Middle East. ECRI should also signal a number of acts targeting members of other religious minorities, including Christians.

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, Armenia, Austria, Belgium, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Czech Republic, Estonia, France, Georgia, Germany, Greece, Hungary, Italy, Lithuania, Monaco, Norway, Poland, Serbia, Slovak Republic, Spain, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom. It is expected that further reports will be published, according to the following time-table:

2012: Andorra, Croatia, Denmark, Iceland, Latvia, Luxembourg, Montenegro, Slovenia, Sweden and Ukraine

2013: 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. 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 and combating racism and racial discrimination in policing.

On 19 September 2011, ECRI released its **13th General Policy Recommendation on combating anti-Gypsyism and discrimination against Roma**. This recommendation complements the twelve Policy Recommendations already adopted. It proposes more than a dozen concrete measures in areas such as housing, education, health care, access to public services or the fight against racist crime. The aim is to provide Governments with guidelines helping to develop effective and practical policies leading to the improvement of the lives of persons belonging to the Roma community.

ECRI is currently working on another General Policy Recommendation on racism and racial discrimination in employment.

Relations with civil society constitute the third pillar of ECRI's work. Combating racism can only be effective if the anti-racism 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 2011 civil-society programme, ECRI organised a round table in Paris to discuss the follow-up to be given to its 4th report on France. Two other round tables are planned before the end of the year in Tbilisi and in Belgrade.

Cooperation with the OSCE

The Council of Europe is deeply committed to close co-operation with the OSCE in the field of tolerance and non-discrimination and welcomes the special mechanism for bi-lateral co-operation set up by OSCE/ODIHR and ECRI to ensure complementarity between the country-by-country recommendations made by ECRI and the activities of ODIHR's Tolerance and Non-Discrimination Department. Joint statements between ECRI, ODIHR and the European Union Agency for Fundamental Rights (FRA) are made on the occasion of the International Day for the Elimination of Racial Discrimination on 21 March each year. In 2011, the joint statement raised concerns about the "persistent racist and xenophobic speech from public figures and in the media" which fuels prejudice and hatred against ethnic minorities and migrants, leading to discrimination in many areas of social and economic life and creating a situation of social exclusion and, in some cases, open hostility and violence. It also stressed that "the Roma are the ethnic group most discriminated against across Europe" and called for a coordinated response at the European level to address the cross-border dimension of the problems

that these people experience. It drew up a list of measures to be undertaken by States to combat racism and xenophobia proactively.

Cooperation between ECRI and the OSCE continued through a number of events in 2011, including the following:

An ECRI member gave a presentation on preventing hate crime at the meeting of the Human Dimension Committee of the Permanent Council of the OSCE in Vienna on 6 September. An ECRI representative took part in the OSCE/ODIHR Conference on “Preventing and Responding to Hate Incidents and Crimes against Christians”, which took place in Rome on 12 September.

Similarly, ODIHR was invited to ECRI’s seminar in Ankara on 10-11 January on “Fighting against discrimination based on racial, ethnic, religious or other bias”. The ODIHR representative gave a key note speech on “Cooperation and common approaches in the combat against racism and racial discrimination and suggestions for possible improvements”.

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. 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. In particular, ECRI urges member States of the Council of Europe to base their policies concerning Roma on its most recent General Policy Recommendation on combating anti-Gypsyism and discrimination against Roma. 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.