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ACTIVITIES OF THE
COUNCIL OF EUROPE WITH
RELEVANCE TO COMBATING
RACISM AND INTOLERANCE

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I - INTRODUCTION

ALL HUMAN BEINGS ARE BORN FREE AND EQUAL IN DIGNITY AND RIGHTS. AS PRONOUNCED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, COMBATING RACISM AND INTOLERANCE IS AN INTEGRAL PART OF THE PROTECTION AND PROMOTION OF HUMAN RIGHTS.

SINCE ITS CREATION, THE PRIME FIELD OF COMPETENCE OF THE COUNCIL OF EUROPE HAS BEEN THE DEVELOPMENT OF A BODY OF RULES DESIGNED TO ENSURE THE PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND THEIR EFFECTIVE IMPLEMENTATION. AS A RESULT OF THIS WORK, THE ORGANISATION HAS ACCUMULATED A WEALTH OF EXPERIENCE IN PROMOTING HUMAN RIGHTS. TODAY, THE COUNCIL OF EUROPE DEALS WITH RACISM BY MEANS OF A GLOBAL APPROACH, COVERING THE RANGE OF PROBLEMS FACED BY SOCIETY AND, ABOVE ALL, INVOLVING ALL MEMBER STATES ON AN EQUAL FOOTING.

This publication provides an overview of various Council of Europe activities, which contribute to the fight against racism and intolerance.

The Council of Europe was set up in 1949 to ensure that the atrocities of the Second World War would never happen again.

Racism, xenophobia, antisemitism and intolerance were among the main causes of that great tragedy. Forty-four years after the Organisation was established, the first Summit of Heads of State and Government of the Council of Europe's member States took place in Vienna (8-9 October 1993). The Summit took a cold, clear look at the reality of racism throughout Europe. Alarmed by the "present resurgence of racism, xenophobia and antisemitism, the development of a climate of intolerance, the increase in acts of violence, notably against migrants and people of immigrant origin, and the degrading treatment and discriminatory practices accompanying them", the Summit devised a Europe-wide strategy and Plan of Action to tackle these problems:

- launching the European Youth Campaign against Racism, Xenophobia, Antisemitism and Intolerance;

- creating the European Commission against Racism and Intolerance (ECRI);
- intensifying intergovernmental co-operation in relevant areas of the Council of Europe's work.

The second Council of Europe Summit of Heads of State and Government (Strasbourg, 10-11 October 1997), called for the intensification of the fight against racism, xenophobia, antisemitism and intolerance and the strengthening of ECRI's work in this regard. The political impetus for ECRI's work thus derives from the highest level of authority in Council of Europe member States.

The Political Declaration and the General Conclusions of the European Conference against Racism (Strasbourg, 11-13 October 2000) both called for the strengthening of ECRI's action. On 13 June 2002, the Committee of Ministers of the Council of Europe adopted a new Statute for ECRI, thereby consolidating its role as an independent human rights monitoring mechanism specialised in questions relating to racism and racial discrimination.

While ECRI is the Council of Europe's principal body in combating racism and intolerance, many sectors of the Organisation also actively contribute to this objective. This document is not exhaustive, but indicates the major areas of action designed to build "a freer, more tolerant and just European society based on common values, such as freedom of expression and information, cultural diversity and the equal dignity of all human beings" (Final Declaration of the Second Summit of the Council of Europe).

II – EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE

THE EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI) IS THE COUNCIL OF EUROPE BODY ENTRUSTED WITH THE TASK OF COMBATING RACISM, XENOPHOBIA, ANTISEMITISM AND INTOLERANCE IN GREATER EUROPE, FROM THE PERSPECTIVE OF THE PROTECTION OF HUMAN RIGHTS.

ECRI'S ACTION COVERS ALL NECESSARY MEASURES TO COMBAT VIOLENCE, DISCRIMINATION AND PREJUDICE FACED BY PERSONS AND GROUPS OF PERSONS, NOTABLY ON GROUNDS OF "RACE", COLOUR, LANGUAGE, RELIGION, NATIONALITY AND NATIONAL OR ETHNIC ORIGIN.

EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)¹

The European Commission against Racism and Intolerance (ECRI) was set up by the first Summit of Heads of State and Government of the member States of the Council of Europe, held in Vienna in October 1993 and reinforced by the second Summit, held in Strasbourg in October 1997.

The European Conference against Racism, held in Strasbourg in October 2000, called for the further strengthening of ECRI's action. On 13 June 2002, the Committee of Ministers of the Council of Europe adopted a new Statute for ECRI, thereby consolidating its role as an independent human rights monitoring body on issues related to racism and racial discrimination.

ECRI's task is to combat racism, xenophobia, antisemitism and intolerance in greater Europe from the perspective of the protection of human rights. Its terms of reference, as determined by the Heads of State and Government and reiterated in its new Statute, are to review member States' legislation, policies and other measures to combat racism, xenophobia, antisemitism and intolerance, and their effectiveness; to propose further action at local, national and European level; to formulate general policy

recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate. The Statute also stipulates that ECRI shall develop relations with civil society, shall have activities aimed at promoting dialogue and mutual respect among the general public and shall organise awareness-raising and information activities.

ECRI's members are appointed by their government on the basis of their high moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance. They serve in their individual capacity, are independent and impartial in fulfilling their mandate, and do not receive any instructions from their governments.

ECRI's programme of activities comprises three aspects: the country-by-country approach, work on general themes and activities in relation to civil society.

¹ Refer to the Bibliography, section "ECRI" for further information.

1. COUNTRY-BY-COUNTRY APPROACH

In the framework of this approach, ECRI closely examines the situation concerning racism and intolerance in each of the member States of the Council of Europe. Following this analysis, ECRI draws up suggestions and proposals addressed to governments as to how the problems of racism and intolerance identified in each country might be overcome.

ECRI's reports are first transmitted in the form of draft texts to the member States concerned for a process of confidential dialogue with the national authorities of these countries. The content of the report is reviewed in the light of this dialogue. The report is then adopted in its final form and transmitted by ECRI to the government of the member State concerned, through the intermediary of the Committee of Ministers of the Council of Europe.

ECRI completed a first round of reports on each of the member States in 1998. The reports led to progress in several areas of the fight against racism (e.g. new or amended laws and reviews of public authority practices).

ECRI carried out the second round of this country-specific monitoring from January 1999 to the end of December 2002, covering all the member States of the Council of Europe and producing between ten and twelve reports annually. The second reports combined the monitoring of proposals contained in ECRI's first country-by-country reports, an update of the general content and an in-depth analysis of issues of particular concern in the countries in question. In order to obtain as detailed and comprehensive a picture as possible of the situation in each country, ECRI started in the second round of this country-specific monitoring to conduct contact visits before the preparation of each new country-by-country report.

In 2003, ECRI started work on the third round of its country-by-country work, covering the period 2003-2007. The third round reports focus on "implementation". They examine if ECRI's main recommendations from previous reports have been implemented and if so, with what degree of success. The third round reports also deal with "specific issues", chosen according to the different situations in each country, and examined in more depth in each report.

The following countries were covered in 2003 in the framework of the third round of country-by-country work: Belgium, Bulgaria, Czech Republic, Germany, Greece, Hungary, Norway, Slovakia and Switzerland. ECRI's third reports on these countries are expected to be published during 2004.

The following countries will be covered in 2004: Albania, Austria, Bosnia and Herzegovina, Croatia, France, Poland, Sweden, "the Former Yugoslav Republic of Macedonia", Turkey and the United Kingdom. ECRI's third reports on these countries are expected to be published during 2005.

The following countries will be covered in 2005: Cyprus, Denmark, Estonia, Italy, Lithuania, Luxembourg, Romania, the Russian Federation and Spain. ECRI's third reports on these countries are expected to be published during 2006.

The following countries will be covered in 2006: Armenia, Azerbaijan, Finland, Georgia, Iceland, Ireland, Portugal and Slovenia. ECRI's third reports on these countries are expected to be published during 2007.

The following countries will be covered in 2007: Andorra, Latvia, Liechtenstein, Malta, Moldova, the Netherlands, San Marino and Ukraine. ECRI's third reports on these countries are expected to be published during 2008.

The publication of ECRI's country-by-country reports represents an important stage in the development of an on-going and active dialogue between ECRI and the authorities of member States, with a view to identifying solutions to the problems of racism and intolerance with which the latter are confronted. The input of non-governmental organisations and other bodies or individual parties active in this field is welcomed as a part of this process, and should ensure that ECRI's contribution is as constructive and useful as possible.

2. WORK ON GENERAL THEMES

The second aspect of ECRI's programme of activities includes work on general themes and activities specifically based on these themes, with a view to making a real contribution to the setting-up and strengthening of those institutions which underpin the functioning of civil society.

General Policy Recommendations

ECRI's general policy recommendations are addressed to the governments of all member States and cover the most important areas of current concern in the fight against racism and intolerance. They are intended to serve as guidelines which policy-makers are invited to use when drawing up national strategies and policies.

ECRI has so far adopted seven General Policy Recommendations.

General Policy Recommendation N° 1 contains a number of guidelines for national measures concerned with legal and policy aspects of the fight against racism and intolerance.

General Policy Recommendation N° 2 concerns specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level. In this Recommendation, ECRI recommends that the governments of member States set up or reinforce national specialised bodies to combat racism, xenophobia, antisemitism and intolerance, owing to the important role such bodies can play in protecting individuals and groups from racism and racial discrimination. The appendix to the document sets out basic principles concerning what the statute, form, functions and responsibilities of such bodies should be, to serve as guidelines and a source of inspiration to member States

General Policy Recommendation N° 3 on combating racism and intolerance against Roma/Gypsies takes as its starting point the fact that Roma/Gypsies suffer throughout Europe from persisting prejudices, are victims of a racism which is deep-rooted in society, are the target of sometimes violent demonstrations of racism and intolerance and that their fundamental rights are regularly violated or threatened. ECRI's General Policy

Recommendation N° 3 aims to encourage the adoption of a series of measures to combat manifestations of racism and intolerance and discriminatory practices against Roma/Gypsies.

ECRI's General Policy Recommendation N° 4 on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims notes that the results of such surveys may be used in a variety of ways to highlight problems and improve the situation. The Recommendation provides guidelines for carrying out such surveys, particularly their practical organisation, design and follow-up.

General Policy Recommendation N° 5 deals with combating intolerance and discrimination against Muslims. This Recommendation advocates the adoption of a number of specific measures for combating intolerance and discrimination directed against Muslims. In this Recommendation ECRI also expresses regret that Islam is sometimes portrayed inaccurately on the basis of hostile stereotyping, the effect of which is to make this religion seem a threat.

ECRI's General Policy Recommendation N° 6 concerns the dissemination of racist material via the Internet. The Recommendation requests governments to take the necessary measures, at national and international levels, to act effectively against the use of Internet for racist, xenophobic and antisemitic aims.

ECRI's most recent General Policy Recommendation N° 7, adopted on 13 December 2002, sets out the key elements which should feature in a comprehensive national legislation to effectively combat racism and racial discrimination. The scope of the Recommendation is very wide: it covers all branches of the law: constitutional, criminal, civil and administrative, and addresses not only direct and indirect discrimination, but also other legal aspects of the fight against racism, including racist expressions, racists organisations and racially-motivated offences.

ECRI's General Policy Recommendation N° 8 (to be adopted in March 2004) focuses on how to ensure that the fight against terrorism does not infringe upon the rights of persons to be free from racism and racial discrimination. This General Policy Recommendation is part of the more general efforts underway in the Council of Europe to ensure respect for human rights while fighting against terrorism.

ECRI's next General Policy Recommendation N° 9 (to be adopted in June 2004) is devoted to the fight against antisemitism.

Collection and dissemination of examples of "good practices"

Another area of ECRI's work is the collection of examples of "good practices" in combating racism and intolerance and the large-scale dissemination of these in relevant circles. "A basket of good practices", "Specialised bodies at national level", "Combating racism and intolerance in the media" and "Practical examples in combating racism and intolerance against Roma/Gypsies" are the themes covered to date.

☞ *Follow-up to work on broadening in a general fashion the field of application of the non-discrimination clause (Article 14) of the European Convention of Human Rights*

Following a proposal made by ECRI, the appropriate Council of Europe bodies have prepared a Protocol No. 12 to the European Convention on Human Rights, making Article 14 general in scope and containing a non-exhaustive list of discrimination grounds. Protocol No. 12 was opened for signature on 4 November 2000 in Rome and will come into effect on its ratification by ten member States. ECRI continues to promote the prompt ratification of Protocol N° 12 by all member States of the Council of Europe.

3. RELATIONS WITH CIVIL SOCIETY

A successful strategy against racism and intolerance depends to a large extent on raising awareness of the threat posed by these phenomena and ensuring that the anti-racist message filters down to the whole of civil society. ECRI attaches increasing importance to this third aspect of its programme of activities and accordingly adopted on 20 March 2002 a programme of action for reinforcing its relations with civil society.

This programme aims, inter alia, to contribute in a positive fashion to the general efforts underway in the Council of Europe to combat terrorism and its consequences, through the strengthening of multicultural and inter-religious dialogue. It also forms part of ECRI's contribution to the implementation of the European and World Conferences against Racism, which stressed the importance of involving civil society in the fight against racism and intolerance.

The priority areas of work are:

- Organisation of information sessions and round tables in member States at the time of publication of ECRI's country reports, in co-operation with national partners;
- thematic meetings and consultations with non-governmental organisations;
- the development of a communication strategy to best use the media in raising awareness of ECRI's work;
- contacts with the youth sector.

Since the adoption of its programme of action ECRI has held four national round tables in Romania, Portugal, Lithuania and Slovenia. These round tables bring together various civil society partners including non-governmental organisations, representatives of public authorities, national institutions, intergovernmental organisations, journalists' associations, academic institutions and representatives of vulnerable groups. The aim of national round tables is to contribute in a positive way to the debates on combating racism in the member States and to encourage reflection in the relevant governmental and non-governmental circles.

ECRI has also developed priorities with civil society organisations and other partners in the framework of international thematic round table meetings and seminars. In March 2002, on the occasion of the International Day for the Elimination of Racial Discrimination, ECRI held a Round Table on “Dialogue against Violence” in Strasbourg. A panel of leading NGOs and academic experts provided different perspectives on the situation in the aftermath of September 11, emphasising the importance of intercultural dialogue and universal human rights values, followed by debates with members of civil society.

To mark the International Day for the Elimination of Racial Discrimination in March 2003, ECRI and the European Monitoring Centre on Racism and Xenophobia (EUMC) organised their first joint Round Table in Strasbourg, entitled “Local Solutions to Combat Racism”. This Round Table looked at ways of minimising potential conflict and of tackling problems related to xenophobia and intolerance at the local level. Discussions focused on how to implement national legislation at the local level; the role of youth groups in combating racism, and mechanisms for community-based dialogue and conflict resolution.

National specialised bodies have been identified as strategic partners of ECRI in the fight against racism and intolerance and ECRI therefore aims to strengthen its links and working relationships with them. On 13-14 November 2003 ECRI organised a two-day Seminar with national specialised bodies to combat racism and racial discrimination in order to discuss as to how best to implement legislation to combat racism and racial discrimination on the basis of ECRI’s General Policy Recommendations N° 2 and N° 7. This Seminar was a very timely event as many member States of the Council of Europe were at that time engaged in the process of reviewing their anti-discrimination legislation and considering the establishment or reinforcement of national specialised bodies. ECRI has always strongly promoted the creation of such specialised bodies and wanted therefore to provide key actors in the field with a forum for exchange and discussion as to how best to implement legislation to combat racism and racial discrimination.

4. CO-OPERATION WITH THE EUROPEAN MONITORING CENTRE ON RACISM AND XENOPHOBIA

In implementing its activities, ECRI co-operates with the European Monitoring Centre on Racism and Xenophobia (EUMC), on the basis of the Agreement signed on 10 February 1999 by the Council of Europe and by the European Community. This Agreement provides the legal basis for the development of co-operation between the two bodies. In this respect, it should be noted that the Management Board of the Monitoring Centre includes a member appointed by the Council of Europe and that since the adoption of ECRI’s new Statute in June 2002 a member of the EUMC Management Board is also invited as an observer to all ECRI plenary meetings.

Furthermore in the framework of joint Bureau meetings ECRI and the EUMC discuss and identify cooperation activities for each year. In the year 2003, for example, ECRI and the EUMC organised on the occasion of International Day for the Elimination of Racial Discrimination on 21 March 2003 a joint Round Table entitled “Local Solutions to Combat Racism”, promoted the establishment of a monitoring system for the implementation of the Charter of European Political Parties for a non-racist society and

participated and contributed to various information and network meetings organised by two institutions.

5. EUROPEAN CONFERENCE AGAINST RACISM AND INTOLERANCE

ECRI actively supported preparations for the European Conference against Racism, *All different, all equal: from principle to practice*, held in Strasbourg from 11 to 13 October 2000, as Europe's contribution to the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa from 31 August to 8 September 2001 and is also actively involved in the follow-up of this Conference.²

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² Refer to the section concerning the "European Conference against Racism" for additional information

III – EUROPEAN CONFERENCE AGAINST RACISM

FOLLOWING THE DECISION OF THE UNITED NATIONS GENERAL ASSEMBLY IN DECEMBER 1997 TO CONVENE A WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE, THE COUNCIL OF EUROPE WAS ENTRUSTED WITH THE PREPARATION AT THE EUROPEAN LEVEL OF THE WORLD CONFERENCE, WHICH TOOK PLACE FROM 31 AUGUST TO 8 SEPTEMBER 2001 IN DURBAN, NOTABLY IN THE FORM OF A EUROPEAN CONFERENCE ON THIS TOPIC.

THE EUROPEAN CONFERENCE AGAINST RACISM TOOK PLACE ON 11 – 13 OCTOBER 2000 AT THE COUNCIL OF EUROPE’S HEADQUARTERS IN STRASBOURG.

EUROPEAN CONFERENCE AGAINST RACISM³

The European Conference, which took place on 11 - 13 October 2000 at the Council of Europe's headquarters in Strasbourg, firmly recalled that the strengthening of

democratic values and respect for human rights requires building a society in which all people enjoy the same rights and opportunities.

1. ORGANISATION OF WORK

The European Conference against Racism "*All different all equal: from principle to practice*" was prepared during 1999 and 2000 by a technical working group which met on several occasions and notably comprised representatives of Council of Europe member States, of other governments associated with the Organisation's work, and of expert bodies at the European level including the European Commission against Racism and Intolerance (ECRI).

Over 500 participants attended the European Conference, including ministers and senior government officials, the Council of Europe, the European Union and United Nations bodies, non-governmental organisations and other representatives of civil society. Moreover, to underline the importance of reaching youth with the anti-racist message, the Council of Europe invited, as a "prelude" to the Conference, some 500 school children to attend a reading by the artist Tomi Ungerer. A Forum for non-governmental organisations also preceded the Conference and resulted in detailed recommendations for concrete action with an emphasis on the need for urgent concrete measures in order to combat racism and intolerance effectively, notably regarding asylum and immigration, certain vulnerable groups such as Roma, Sinti and Travellers, and with a view to countering racist parties.

³ Refer to the Bibliography, section "Conference against racism and intolerance" for further information.

The work of the European Conference was carried out by different working groups. Each group, designed to be forward-looking (and also intended to provide a forum for persons or groups targeted by occurrences of racism and intolerance), considered the background, challenges and best practices for the covered themes⁴. The final day of the Conference was held at ministerial level and ended with the adoption of the General Conclusions by the Conference and a Political Declaration by Ministers of Council of Europe member States. These documents were forwarded to the Preparatory Committee of the World Conference as Europe's contribution.

2. CONCLUDING DOCUMENTS OF THE CONFERENCE

Political Declaration

Ministers of Council of Europe member States adopted a Political Declaration whereby they prioritised the fight against discrimination and committed themselves to taking a number of further legal, political and educational measures “to prevent and eliminate racism, racial discrimination, xenophobia, antisemitism and related intolerance, and to monitor and evaluate such action on a regular basis”.

General Conclusions

Reaffirming that ethnic, religious, cultural and linguistic diversity in Europe is a source of social vitality and wealth, the Conference underlined, in its General Conclusions, that acts of racism and racial discrimination are serious violations of human rights, threatening democratic societies and their fundamental values, and should be combated by all lawful means. The Conference notably condemned the continued and widespread occurrence of racism, racial discrimination, xenophobia, antisemitism and related intolerance, underlining the fact that for reasons related to language, religion, national or ethnic origin or belonging to a minority, such occurrences target in particular persons such as migrants, asylum seekers, refugees, displaced persons, non-nationals, indigenous peoples or Roma/Gypsies and Travellers. In its General Conclusions, the Conference was also alarmed by the multiple discrimination suffered by some persons and firmly condemned the persistence, for these groups, of specific problems such as “everyday” discrimination.

In this respect, the Conference proposed, through its General Conclusions, a series of measures. Emphasising the priority of action at national and local levels, and by government in conjunction with civil society, the Conference adopted conclusions and recommendations concerning the four themes covered by the working groups. For each of these themes the working group concerned drew up a report:

- legal protection against racism and related discrimination at sub-national, national, regional and international levels;
- policies and practices to combat racism and related discrimination at sub-national and national level;

⁴ See below “General Conclusions” for further information

- education and awareness-raising to combat racism, related discrimination and extremism at sub-national, national, regional and international levels;
- information, communication and the media.

Finally, in its General Conclusions, the European Conference called upon participating States, as appropriate, to promote co-operation at European and international levels in order to complement action at national and local levels.

General Report

Reaffirming that diversity has something inherently creative about it, Mr Alvaro Gil-Robles, Commissioner for Human Rights, emphasised, in the General Report, that “immigration is not a problem; it is the phenomenon of groups of people moving to our countries and helping to enrich them”. Recognising the persistence of racism, racial discrimination, xenophobia and intolerance throughout Europe with a number of “grey areas” in the functioning of European democracies, he recalled that all these acts are human rights violations. Resuming widely the ideas, examples and proposals of the working groups, he highlighted especially the importance of prevention to cope with this situation, notably in the field of legal and political guarantees, education, involvement of civil society and the media. Finally he declared that the European message to the World Conference would be one that recognises persisting problems throughout the continent and one of determination to overcome them.

3. FOLLOW-UP TO THE EUROPEAN AND WORLD CONFERENCES AGAINST RACISM

From 31 August to 8 September 2001 the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance took place in Durban. The Durban Conference emphasised the need for determined action to combat these phenomena, at international, regional, national and local levels, to be carried out by governments in cooperation with civil society.

The Council of Europe recalled, at both the European and World Conferences, its will to join collective efforts at the international level to ensure the action needed to implement the recommendations of the European and World Conferences. In February 2002 it organised an ad hoc meeting of experts to exchange views on the implementation of the Conclusions of the European and World Conferences against Racism and the Durban Programme of Action. The various sectors of the Council of Europe have been encouraged to incorporate the results of the European and World Conferences into their activities. ECRI has provided encouragement and guidance to member States concerning the elaboration of national action plans to combat racism, one of the key recommendations of both Conferences.

ECRI’s programme of action on relations with civil society constitutes the basis for its contribution to the implementation of the World Conference against Racism. It stresses the importance of involving civil society in the fight against racism and intolerance and of developing activities in the area of education and awareness-raising.

IV – INTERGOVERNMENTAL WORK PROGRAMME

ACTIVITIES TO COMBAT RACISM AND RELATED INTOLERANCE FEATURE IN MANY SECTORS OF THE COUNCIL OF EUROPE. THEY WERE GIVEN PARTICULAR PRIORITY FOLLOWING THE ADOPTION OF THE PLAN OF ACTION FOR COMBATING RACISM, XENOPHOBIA, ANTISEMITISM AND INTOLERANCE IN 1993.

THIS CHAPTER PROVIDES AN INTRODUCTION TO SOME RECENT PERTINENT ACTIVITIES.

COMMITTEE OF MINISTERS

The Committee of Ministers is the decision-making organ of the Council of Europe through which “agreements and common action” by States are adopted and pursued. It is composed of the Ministers of Foreign Affairs of the member States, or their Permanent Representatives based in Strasbourg. The Committee of Ministers agrees on an annual programme of inter-governmental activities and sets the budget of the Organisation, and thus its programme priorities.

The Committee of Ministers is the representative of the governments of member States, which enables them to express on equal terms their national approaches to the problems confronting Europe’s societies. It is also the collective forum where European responses to these challenges are formulated. Finally, it is the guardian, alongside the Parliamentary Assembly, of the values for which the Council of Europe stands; as such, it is vested with a monitoring function in respect of the commitments accepted by the member States.

The Committee of Ministers has the power to adopt conventions and agreements which are binding on the States which ratify them. It also makes recommendations and adopts resolutions and declarations. These are texts containing policy statements or proposals for action to be taken by the governments of member States. Most of the preparatory work on such texts is delegated by the Committee of Ministers to one of the intergovernmental expert committees established to deal with specific areas of concern. Intergovernmental committees of experts follow up activities assigned to them by the Committee of Ministers, drafting recommendations, resolutions, conventions and other legal and non-legal documents.

Over the years, the Committee of Ministers has adopted a number of recommendations and resolutions related to combating racism and intolerance, such as Recommendation (2001)6 on the prevention of racism, xenophobia and racial intolerance in sport, Recommendation (2000)4 on the education of Roma/Gypsy children in Europe, Recommendation (97) 20 on “hate speech”, Recommendation (97) 21 on the media and the promotion of a culture of tolerance, discussed below in the section on media and Recommendation (92) 19 on video games with a racist content. Such texts display the will of governments of the member States of the Council of Europe to work together to combat racism and intolerance, and add political weight to the activities being carried out within the Council of Europe in this field.

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AS A RESULT OF MIGRATION MOVEMENTS, SIZEABLE COMMUNITIES OF DIFFERENT ETHNIC ORIGIN FROM THE HOST SOCIETY HAVE COME IN RECENT DECADES TO LIVE IN MANY COUNCIL OF EUROPE MEMBER STATES. INTERACTION BETWEEN MIGRANT GROUPS AND THE HOST SOCIETY OFTEN PROVES DIFFICULT AND HOSTILITY TOWARDS IMMIGRANTS ENDURES, LEAVING MIGRANTS IN A PARTICULARLY VULNERABLE POSITION IN SOCIETY.

THIS DEVELOPMENT CALLS FOR A CREATIVE RESPONSE BY ALL RELEVANT ACTORS IN SOCIETY, FROM GOVERNMENTAL ORGANISATIONS TO CIVIL SOCIETY STRUCTURES AND SOCIAL GROUPS, ALL OF WHICH HAVE THEIR PART TO PLAY IN SEEKING TO IMPROVE THE SITUATION OF MIGRANTS WHILE BUILDING GOOD COMMUNITY RELATIONS AND REDUCING SOCIAL CONFLICTS.

The main intergovernmental body responsible for migration activities in the Council of Europe is the European Committee on Migration (CDMG), which was set up to establish European co-operation in the field of migration, including the situation and social integration of populations of migrant origin and refugees and community relations. The CDMG also acts as preparatory body for the Conferences of European Ministers responsible for migration affairs and co-ordinates the follow-up to them. In recognition of the multidisciplinary nature of questions related to migration, the CDMG is authorised to co-operate as appropriate with other intergovernmental committees. Details of the CDMG's recent and current activities are set out below.

1. TOWARDS A MIGRATION MANAGEMENT STRATEGY

The CDMG's policy paper, "Towards a migration management strategy" (the Strategy) will continue to provide the framework for a series of initiatives aimed at promoting dialogue and partnership between countries of origin, transit and destination. Moreover, following the 7th Conference of European Ministers responsible for migration affairs (Helsinki, September 2002), specific attention was given to the implementation of the Strategy. The Strategy has four key objectives:

⁵ Refer to the Bibliography, section "Migration" for additional information.

- to develop a set of measures that will permit migration to be managed in an orderly manner so as to maximise opportunities and benefits to individual migrants and to host societies and to minimise trafficking and irregular movement;
- to provide an appropriate capacity for protection and for dealing with disorderly or sudden movements;
- to provide an environment conducive to integration;
- to engage in dialogue and co-operation with countries of origin in order to link foreign policy and migration policy objectives.

At the Helsinki Conference, the European Ministers responsible for migration affairs recommended that the Committee of Ministers implement a plan of action for a comprehensive migration management strategy based on three axes:

- the development of channels of legal migration (open and transparent policies on labour migration, clear rules on the recruitment and status of foreign workers, information campaigns on conditions in host countries);
- the fight against smuggling and trafficking of human beings and migrant exploitation (effective protection of victims, information campaigns, research on illegal migration, stronger penalties for traffickers, more humane treatment of illegal migrants, return programmes more respectful of human rights);
- the establishment of sustainable and close bilateral and multilateral co-operation between countries of origin, transit and destination (for example to help improve information exchange on illegal migration).

With the aim of working towards a pan-European strategy, the CDMG also organises regional debates on the implementation of the Strategy and how to ensure orderly migration, social cohesion and respect for the rights of the individual. Recently organised conferences have included a regional Round Table in Sofia (October 2002) on labour migration as an alternative to irregular migration; a major Mediterranean Migration Conference in Malta (April 2003); and a Regional Conference in Kiev (October 2003) on “Migration policies on the eve of EU enlargement: what challenges for future co-operation within the East European region”. A further step towards the implementation of the migration management strategy has been taken with the decision to establish a political platform bringing together countries of origin, transit and destination at all levels.

2. INTEGRATION AND COMMUNITY RELATIONS POLICIES

Diversity and cohesion: new challenges for the integration of immigrants and minorities

The report on “Diversity and Cohesion: new challenges for the integration of immigrants and minorities” aims firstly to outline major socio-economic trends and political developments in Europe and to describe current migratory movements as well as immigrant and minority populations in Europe. Subsequently, it summarises

developments in the policy debates on the societal integration of immigrants and minorities and reflects on such policy concepts as diversity and cohesion, citizenship and participation, before making suggestions for comprehensive approaches to the management of migratory movements, societal integration and minority protection. This new report, publicly presented in a Conference which took place in Namur (Belgium) from 7 to 9 September 2000, should make a major contribution to policy reflection on the theme of managing the growing ethnic and cultural diversity of European societies at the start of a new millennium.

Following the interest expressed in the report, it has been subsequently translated into several languages including Dutch, Russian, Czech, Danish, Swedish and Norwegian.

A Framework for integration policies

The Framework for integration policies (the Framework) was published in 2000 and draws upon the considerable experience of the CDMG in the field of integration and community relations. The Framework is a checklist for those working on the implementation of integration policies. It maps the type of action needed into three parts:

- policies and measures needed in the context of new arrivals of immigrants;
- policies and measures aimed at the promotion of equal opportunities for long-term immigrants;
- policies and measures needed in multicultural societies with an ethnically diverse population – many of these being also relevant to national minorities.

Although the recommendations in the Framework for integration policies cover a wide range of areas, they are not comprehensive, and need to be considered in the context of an overall strategy and the particular social and political context of the member State concerned. The three stages of action are for guidance and need to be interpreted flexibly, as there is not an incremental progression between each. For example, member States with established ethnic minority populations also receive new immigrants, and the division between new arrivals and more established populations is not necessarily appropriate.

The Framework for integration policies is addressed to:

- governments and decision-makers in public authorities at various levels, national, regional and local, in their role as policy makers and legislators,
- governments and public authorities indirectly, in their role in supporting, facilitating, stimulating and encouraging action by non-governmental organisations and agencies,
- non-governmental authorities such as employers, trade unions, the media and private landlords,

- government's own direct functions, as an employer, a provider of public services, and in enforcing legal instruments.

The Framework for integration policies can be used by governments in all member States to:

- review gaps in policies and their implementation,
- consider whether the reasons for not implementing a particular measure are still relevant,
- consider whether further action is needed,
- stimulate action by other organisations, particularly employers and the media.

The Framework provides recommendations on the following topics:

1. Legal measures relating to the legal status and rights of migrants: residence, citizenship, nationality and political participation; anti-discrimination, equal opportunities and legal protection against racism, xenophobia and discrimination.
2. Employment and action to be taken by private and public sector employers and training organisations.
3. Housing
4. Health and other services
5. Culture, language and religion (bringing together the work on community relations and that of the Council for Cultural Co-operation).
6. Education (again, drawing on the work of the Council for Cultural Co-operation).
7. Media
8. Government functions, covering action relating to government's own functions in providing services, employment resources, and in co-ordinating and stimulating action by other organisations.
9. Monitoring and evaluation, including qualitative and quantitative tools for evaluating progress.

The programme of technical co-operation includes training on the practical application of the Framework recommendations for national officials responsible for migration and community relations.

Managing diversity in a democratic society

The challenges for diversity and integration policies in the 21st century were discussed at the 7th Conference of European Ministers responsible for migration affairs (Helsinki, 16-17 September 2002) and the final declaration includes a number of important statements on future policy orientations. The Ministers recommended the adoption of a Plan of Action based on its conclusions, giving the Committee of Experts on Integration and Community Relations responsibility for devising new integration policies based on relevant Council of Europe texts (for example, the 2000 Report on

Diversity and Cohesion: new challenges for the integration of immigrants and minorities) and using integration indicators as evaluation and monitoring instruments. The Ministers drew particular attention to the following principles:

- Integration should be considered as an interactive process based upon mutual willingness to adapt by both migrants and the receiving society.
- The principles of tolerance and non-discrimination should be promoted and all discriminatory policies and practices which are inconsistent with international human rights instruments should be eliminated.
- An open and welcoming society that encourages the participation of lawfully residing migrants in economic, social, cultural and political life should be promoted by, inter alia:
 - a. recognising the positive contribution that migrants make to society;
 - b. associating the host community and migrants in activities aimed at promoting mutual understanding;
 - c. encouraging migrants and the receiving society to undertake common activities in favour of the local community and the development of civil society;
 - d. implementing induction programmes for newcomers, actively encouraging immigrants to learn the language of the receiving country as well as to understand and respect the institutions and the fundamental values of the host society;
 - e. training public officials to understand and value ethnic and cultural diversity and to be aware of the gender perspective;
 - f. adopting appropriate measures to accommodate the needs of vulnerable persons such as children, the elderly, disabled persons and persons who have been traumatised or physically harmed by torture and war;
 - g. ensuring family reunification and the acquisition of citizenship/nationality of the receiving country by long-term immigrants and recognised refugees, in conformity with national legislation and the Recommendation R(2002) 4 of the Committee of Ministers on the legal status of persons admitted for family reunification.

In response to this call for a new approach to integration policies, including integration contracts and emphasis on programmes for newcomers, the Committee of Experts on Integration and Community Relations has begun work on an overview of the ways in which integration is organised at national level with a view to their evaluation using integration indicators.

The organisation of national round tables will continue. In 2003 a Round Table in Bosnia and Herzegovina brought together different national and local actors in the field of community relations with a view to stimulating debate on issues such as living together in an ethnically mixed neighbourhood and inter-religious dialogue.

☞ *Network of receiving cities*

Following the Helsinki Conference, the CDMG had also been instructed to set up a network of receiving cities to assess, among other things, how the latter set about integrating immigrants. Work has already begun on this in close co-operation with the Congress of Local and Regional Authorities of the Council of Europe.

☞ *Promoting employment and training opportunities*

The European Ministers responsible for migration attached particular importance to employment and training as an instrument of integration, recommending various measures to promote equal access to employment for lawfully residing migrants, recommending the strengthening of regulations and monitoring of decent working conditions and of anti-discrimination legislation and practical measures to combat violence, discrimination and harassment of migrant workers in the work place. The CDMG's current activities in this field relate to:

- the obstacles to the employment of non-nationals in the public service of member States;
- induction programmes for newcomers, and the possible preparation of a model programme based on good practice in the member States;
- recognising qualifications and valuing immigrants' skills

A working group has been set up by the Committee of Experts on Integration and Community Relations with a view to putting forward ideas for practical action on the implementation of relevant recommendations of the Framework of integration policies. The working group will initially focus on the media, health, education and the police. The results of this work could provide the basis for a draft recommendation.

Earlier work on the role of employment services in the promotion of equal opportunities for migrants and disadvantaged ethnic groups has led to a series of training programmes for local employment services working with Roma groups. These training programmes are based on the CDMG training and guidance memorandum on equal opportunities for the staff of employment services which sets out guidelines on how staff in employment services can promote equal opportunities for migrants and disadvantaged ethnic groups in the labour market.

3. LEGAL, ECONOMIC AND SOCIAL SITUATION OF MIGRANTS

☞ The legal situation of long-term migrants in host countries⁶

The Committee of Ministers Recommendation (2000)15, adopted on 13 September 2000, contains a series of recommendations aimed at improving the security of residence of long-term immigrants, covering status, non-discrimination, nationality, expulsion and procedural safeguards.

With respect to the principle of non-discrimination, the Recommendation provides that a long-term immigrant should enjoy no less favourable treatment than that enjoyed, in accordance with the legislation of the member State concerned, by nationals of that member State with regard to: access to employment and other economic activities, with the exception of statutory services; working conditions; right of association; membership of and participation in trade unions; access to all forms of housing; social security and assistance; all forms of health care; schooling and vocational training; participation in public life at local level; free movement within the state of residence.

A report on “Security of residence of long-term immigrants: a comparative study of law and practice in European countries” published in 1998, provides an analysis of national legislation and policies on the security of residence of long-term migrants. It analyses and compares the provisions of relevant European legal instruments and describes the legal provisions for long-term residence in eighteen member States selected from all parts of Europe. An in-depth study of the law, and the way it operates in practice, was carried out for six of those countries (Belgium, France, Germany, the Netherlands, Spain and the United Kingdom).

☞ The legal status of persons admitted for family reunification

The Committee of Ministers Recommendation (2002)4 adopted on 26 March 2002 completes the above-mentioned Recommendation (2000)15 concerning the security of residence of long-term migrants by reinforcing the legal status of immigrants and their families.

The Recommendation puts the emphasis on the fact that admission of persons for family reunification is connected with the right of respect for private and family life as it is set forth in the European Convention on Human Rights and Fundamental Freedoms. This Recommendation is very important because family reunification has become in most of the European States quantitatively the first means to regular migration.

⁶ For information on the European Convention on the Legal Status of Migrant Workers, refer to Chapter 5 of the present document entitled “Relevant European Legal Instruments”.

This Recommendation also aims to harmonise member States legislation and practice in the area of minimum standards concerning persons admitted for family reunification, covering:

- the residence status of family members;
- the security of stay and autonomy of the family member's residence status
- protection against expulsion of family members
- access to the labour market, to education and to social rights for family members
- freedom of movement within the State's territory, participation in its political life and acquisition of its nationality for family members.

The Recommendation leaves it up to each member State to decide whether the persons admitted for family reunification should be granted more favourable legal status and encourages member States to sign or ratify the European Convention on the Legal Status of Migrant Workers (CETS no. 93).

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REFUGEES⁷

REFUGEES AND ASYLUM-SEEKERS OFTEN FIND THEMSELVES IN PRECARIOUS POSITIONS IN SOCIETY, BEING AMONGST THE MOST VULNERABLE GROUPS. RULES AND PROCEDURES OF ENTRY IN VARIOUS COUNTRIES THREATEN THEIR ACCESS TO A FAIR ASYLUM PROCEDURE.

A NUMBER OF MISCONCEPTIONS AND PREJUDICES ABOUT REFUGEES AND ASYLUM-SEEKERS ARE MOREOVER FUELLED BY CONTINUED HOSTILITY EXPRESSED TOWARDS THEM IN SOME MEDIA AND BY SOME POLITICIANS.

Preparatory work on Council of Europe instruments to harmonise member States' policies is the responsibility of the *ad hoc* Committee of Experts on Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR). Several recommendations adopted by the Committee of Ministers have been based on CAHAR work. In accordance with its terms of reference, this *ad hoc* Committee of Experts follows developments in the field of asylum, refugees and stateless persons, in particular in member States of the Council of Europe. It also follows developments at the United Nations and other international organisations and institutions, be they world-wide or regional monitor.

The CAHAR holds regular exchanges of views to achieve a common stand between the member States and to make proposals for the solution of practical and legal problems faced by States within its field of competence. It draws up legal instruments (conventions and recommendations) for discussion and adoption by the Committee of Ministers. It also seeks concrete solutions aiming at the harmonisation of rules and practices that are followed in Europe in matters of asylum policy. It co-operates with other Council of Europe committees such as, for instance, the European Committee on Migration (CDMG) and may respond to governmental requests in cases of urgent practical or specific political problems (such was the case during the Kosovo crisis in 1999). Besides the participating member States and the European Union, the governments of Australia, Canada, Japan and the United States, the United Nations' High Commissioner for Refugees, the 'Budapest Group' of Senior Government Officials on uncontrolled migration and a representative of the CDMG are observers at the meetings.

⁷ Refer to the Bibliography, section "Refugees" for additional information.

Several texts have been prepared by the CAHAR for adoption by the Committee of Ministers, of which the following are the most important:

- the Declaration on Territorial Asylum in 1977, which addressed, *inter alia*, the issue of so-called humanitarian refugees and also reaffirmed the interest of the member States in maintaining their liberal attitudes toward asylum-seekers;
- the 1980 European Agreement on the Transfer of Responsibility for Refugees (CETS 107), which deals with the allocation of State responsibilities concerning recognised refugees' residence and travel documents.

Recent work has led to the adoption of a number of Committee of Ministers recommendations to member States on: the harmonisation of national procedures relating to asylum (Rec (81) 16); the protection of persons satisfying the criteria in the Geneva Convention who are not formally recognised as refugees (Rec (84)1); guidelines to inspire member States' practices concerning the arrival of asylum seekers at European airports (Rec (94) 5); the right to an effective remedy by rejected asylum-seekers against decisions on expulsion in the context of Article 3 of the European Convention on Human Rights (Rec (98) 13); the return of rejected asylum-seekers (Rec (99) 12); family reunion for refugees and other persons in need of international protection (Rec (99) 23), temporary protection (Rec (2000) 9), subsidiary protection (Rec (2001) 18).

Currently, in its on-going process of creating an ever more comprehensive set of standards of the Council of Europe in the field of refugee protection, the CAHAR is considering other key issues of refugee protection such as:

- detention of asylum seekers;
- membership of a particular social group (Article 1A(2) of the 1951 Geneva Convention);
- exclusion clauses (Article 1F of the 1951 Geneva Convention) ;
- displaced persons.

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LEGAL CO-OPERATION CONCERNING NATIONALITY⁸

THE LEGAL STATUS OBTAINED THROUGH NATIONALITY CONSTITUTES AN INFLUENTIAL FACTOR IN THE EXTENT OF AN INDIVIDUAL'S INTEGRATION IN SOCIETY. BESIDES NUMEROUS SITUATIONS OF STATE SUCCESSION EXPERIENCED IN THE COURSE OF THIS CENTURY WHICH HAVE DISRUPTED THE NATIONALITY STATUS OF MILLIONS OF INDIVIDUALS, THE MIGRATION MOVEMENTS EXPERIENCED IN THE LAST DECADES HAVE INCREASED THE NUMBER OF PEOPLE IN EUROPE WHOSE NATIONALITY CONTINUES TO BE AN ISSUE OF CONTENTION OR EXCLUSION.

THUS, THE LEGAL ISSUE OF NATIONALITY APPEARS AS AN ESSENTIAL ELEMENT IN THE DEVELOPMENT OF GOOD COMMUNITY AND ETHNIC RELATIONS, AS WELL AS IN THE INTEGRATION OF ALL MIGRANT POPULATIONS.

The Council of Europe has developed a considerable and unique expertise in dealing with questions relating to nationality for over thirty years and in adopting several international instruments in this field, the most comprehensive one being the 1997 European Convention on Nationality⁹, which entered into force on 1 March 2000. The European Convention on Nationality provides, *inter alia*, that nationality legislation "shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin". Besides adopting the European Convention on Nationality, the Council of Europe has recently focused its attention on measures aimed at dealing with avoidance of statelessness and multiple nationalities.

The Committee of Experts on Nationality (CJ-NA) undertakes the intergovernmental (standard-setting) work of the Council of Europe in the field of nationality. This Committee has, since the finalisation of the European Convention on Nationality, elaborated a Recommendation on the avoidance and the reduction of statelessness and more recently finalised reports on the misuse of nationality laws, consequences of multiple nationality and conditions for the acquisition and loss of nationality. Currently the CJ-NA is preparing principles and rules for an additional instrument to

⁸ Refer to the Bibliography, section "Nationality", for additional information.

⁹ For information on the European Convention on Nationality, refer to Chapter 6 of the present document entitled "Relevant European legal standards".

the European Convention on Nationality concerning statelessness in relation to state succession.

The Council of Europe, with the assistance of the experts in the CJ-NA, is also active in a large number of member States in multilateral and bilateral activities concerning practical issues relating to the granting of nationality. Furthermore, the Council of Europe is currently assisting several European States -such as Bosnia and Herzegovina, Azerbaijan, Georgia, "The former Yugoslav Republic of Macedonia", Serbia and Montenegro and Ukraine - in reforming their nationality laws or preparing their accession to the European Convention on Nationality.

With a view to assisting States to work together to find peaceful solutions in the field of nationality and to promoting stability in European States, as well as to considering important nationality issues for both individuals and States, the Council of Europe organised the first European Conference on Nationality on the theme "Trends and developments in national and international law on nationality". This Conference, which took place on 18 -19 October 1999 in Strasbourg, dealt with such questions as the possibility of a European Code on nationality, state succession and nationality, multiple nationality, the need for a proper balance between the interests of States and those of individuals, misuse of nationality laws, the need to avoid and reduce statelessness, as well as relations between European and non-European States in the field of nationality. A second European Conference on Nationality took place in Strasbourg on 8-9 October 2001 on the theme "Challenges to national and international law on nationality at the beginning of the new millennium". The Conference dealt with such topics as integration and nationality, conditions for acquisition of nationality, multiple nationality and nationality in relation to State succession. A third European Conference will take place on 11-12 October 2004 on the theme "Nationality and the Child" and focused on the following topics: the child's acquisition of the nationality of his or her country of immigration, statelessness as a result of problems relating to the registration of children, acquisition of the nationality of adopted children, change in the parents' nationality and its effects on the nationality of minor children, in particular whether children should have a right to remedy a decision by the parents regarding the child's change of nationality.

Finally, information concerning the nationality laws of almost all European countries contained in the "European Bulletin on Nationality" and the texts of the most important international legal instruments adopted by the Council of Europe in the field of nationality law are available on the CJ-NA website: <http://www.coe.int/nationality>.

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NATIONAL MINORITIES¹⁰

THE COUNTRIES OF EUROPE ARE CHARACTERISED BY THE EXISTENCE WITHIN THEIR BORDERS OF DIFFERENT CULTURAL, LINGUISTIC, RELIGIOUS AND ETHNIC IDENTITIES. ALTHOUGH THIS DIVERSITY IS POTENTIALLY A SOURCE OF WEALTH, RELATIONS BETWEEN PERSONS WITH DIFFERING IDENTITIES ARE NOT ALWAYS HARMONIOUS IN PRACTICE.

MANAGEMENT OF THIS DIVERSITY THEREFORE POSES A SIGNIFICANT CHALLENGE TO THE STATE AS WELL AS TO SOCIETY AS A WHOLE AND ITS INDIVIDUAL MEMBERS. IN NUMERICAL TERMS GROUPS OF PERSONS WITH DIFFERING IDENTITIES OFTEN CONSTITUTE MINORITIES AND MAJORITIES. IN ORDER TO AVOID MINORITIES SIMPLY BEING OVERRULED AND TO ENSURE FULL AND EFFECTIVE EQUALITY FOR PERSONS BELONGING TO MINORITIES THE NECESSARY GUARANTEES MUST BE IN PLACE AND MEASURES MUST BE TAKEN.

Since the early 1990s the international community, and the Council of Europe in particular, has devoted particular attention to addressing the protection of national minorities, which figured prominently on the agenda of both Summits of Heads of State and Government (Vienna 1993 and Strasbourg 1997). The combat against racism and intolerance is clearly related to and important for the work carried out in this field.

The approach of the Council of Europe to the protection of national minorities has two main strands:

- monitoring of the international legal standards it has developed in this area (see Chapter 5 below);
- a broad range of activities of promotion, awareness-raising, training and assistance.

It should also be noted that in the framework of intergovernmental co-operation, an Intergovernmental Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) was established in 1998 in order to create a forum for the exchange of information, views and experiences on policies and good practices for the protection of national minorities at the domestic level and in the context of

¹⁰ Refer to the Bibliography, section "National Minorities", for additional information.

international instruments. However, due to lack of resources the work of DH-MIN had to be suspended in 2001.

1. PROMOTION, AWARENESS-RAISING, TRAINING AND ASSISTANCE ACTIVITIES

As in other areas of work, the Council of Europe has over the last decade considerably developed its range of assistance activities in the field of the protection of national minorities in member States. These activities can be categorised as follows:

- information meetings;
- technical assistance/expertise;
- Joint Programmes with the European Commission;
- meetings on the implementation of the results of the monitoring of the Framework Convention for the Protection of National Minorities;
- projects under the Stability Pact for South-Eastern Europe concerning minorities;
- confidence-building measures programme (civil society).

Information meetings

Information meetings are organised by the Secretariat of the Council of Europe at the request of governments and/or other partners. Typically the participants in such meetings are members of parliament, government officials dealing with minority issues, minority representatives and non-governmental organisations. The aim of such meetings is two-fold. On the one hand they seek to give detailed information about the international legal standards, notably the Framework Convention for the Protection of National Minorities (Framework Convention) and the European Charter for Regional or Minority Languages (European Charter); on the other hand these meetings often provide the occasion for a first review of the domestic situation in the light of these international standards. In fact, such meetings have often been the first occasion for government officials and minority representatives to meet with one another. In the years following the adoption of the Framework Convention and European Charter such meetings often served to encourage the process of signature and ratification. As the number of parties to both instruments increases, the context for such meetings is changing. In member States already party to the instruments, information meetings serve to discuss domestic developments in more detail. In States not yet party, the focus is still more on raising awareness about the instruments.

Technical assistance/expertise

Governments and/or parliaments regularly deal with issues of legislation and policy relating to international standards for the protection of human rights in general and the protection of national minorities in particular. In order to assist the authorities of member States to duly take into account the standards of the Council of Europe in the drafting of new legislation and domestic policies, the Council of Europe can at the request of governments or parliaments, establish a team of international experts,

supported by one or more members of the Secretariat of the Framework Convention for the Protection of National Minorities. Typically such a group of experts will draw up a report with findings, conclusions and recommendations after having visited the country if necessary. Such reports are usually confidential unless the government or parliament concerned decides to make them public.

☞ *Meetings on the implementation of the results of the monitoring of the Framework Convention*

In order to ensure the promotion and the implementation of the Framework Convention among all actors concerned, governmental as well as civil society meetings are now organised in most countries for which an opinion of the Advisory Committee and a resolution of the Committee of Ministers have been adopted. These meetings allow, on the one hand, to give a greater visibility to the results of the monitoring of the Framework Convention and, on the other hand, to draw up lines of action that will allow for an effective implementation of the Framework Convention.

☞ *Joint Programmes with the European Commission*

Co-operation with governments in the field of protection of national minorities is also undertaken within the framework of Joint Programmes, which are co-financed by the Council of Europe and the European Commission and implemented by the Council of Europe. These programmes have in the past been aimed at encouraging co-operation between Government Offices for National Minorities in the participating countries (Joint Programme 1996-1998), developing a thematic approach, focused more on sub-regional and bilateral projects (Joint Programme 1999-2000) and most recently at providing assistance to specific countries (Joint Programmes Armenia, Azerbaijan, Georgia and Ukraine which are currently being implemented).

☞ *Projects under the Stability Pact for South-Eastern Europe concerning minorities*

Building on the assistance and co-operation activities as well as the Joint Programmes with the European Commission, three projects have been designed and are being implemented under the Stability Pact for South-Eastern Europe concerning national minorities.

These projects include a non-discrimination review aimed at identifying discriminatory provisions in the legislation, policies and practices of the countries of the region and recommending action to bring legislation and practice into line with European standards. There is also a project concerning acceptance and implementation of existing standards. This project is geared towards encouraging the countries in the region to sign and ratify all relevant international standards and also ensures that these standards are fully implemented in practice at both national and local level. Finally, there is a project concerning bilateral co-operation agreements aimed at reinforcing and developing bilateral co-operation in the field of minorities in a way that is consistent and co-ordinated with existing multilateral standards, and in particular those of the Framework Convention for the Protection of National Minorities.

These three projects are closely linked with another project being carried out by the Council of Europe under the Stability Pact for South-Eastern Europe, namely the awareness-raising campaign "Link-Diversity".

2. CONFIDENCE-BUILDING MEASURES PROGRAMME

To complement co-operation with governments, the confidence-building measures programme was launched in 1993 to create better relations between the various communities in a majority-minority situation by supporting specific initiatives on the ground. The motivation behind the programme of confidence-building measures in civil society is the belief that activities remaining within the traditional conception of intergovernmental co-operation need to be supplemented by specific initiatives at local level often undertaken in close collaboration with the communities concerned.

The types of activities supported by the programme are of a preventive nature, i.e. they are designed to defuse tensions, which could otherwise lead to serious conflicts. They are essentially practical in character and help to break down barriers between different communities at the grass-roots level through dialogue and opportunities to learn or work together on specific projects. Such shared experience is seen as the most effective way of promoting mutual knowledge and understanding and a rejection of violence as a means of solving problems. Confidence-building measures are undertaken in the fields of competence of the Council of Europe, for example human rights, media, youth, education, local and regional democracy, and transfrontier co-operation. Yet it should be noted that their primary distinguishing characteristic is that the activities to be supported will involve above all non-governmental partners.

Necessarily, the direct impact of such projects will generally be felt mainly at a local level. They are therefore conceived as pilot projects which, if successful, can have a multiplier effect and stimulate others to follow the example given. In general, confidence-building measures must correspond to the objectives outlined above. In particular, they should:

- promote mutual acquaintance and peaceful co-existence;
- facilitate intercultural learning, education for human rights, tolerance and democratic citizenship;
- provide opportunities for people from different communities to work together towards a common objective.

Two complementary categories of pilot projects are conceivable: *ad hoc*, short-term projects meeting a specific, immediate need; or projects providing examples of good practice which may be reproduced elsewhere. Where possible, it is desirable that projects should have functional or structural links between them or be conceived in such a way as to produce a multiplier effect.

The role of the Council of Europe is not limited to the provision of the necessary funding to enable each pilot project to get off the ground. In order to ensure that the project is carried out in the form in which it has been approved and continues to correspond to the objectives of the confidence-building measures, its implementation is followed and supported by the relevant department of the Council of Europe. The

latter maintains a constant dialogue with those responsible for the project and assists where appropriate with resolving problems that may arise. The monitoring of projects is often supplemented by an effective evaluation once it has come to an end. Recently selected pilot projects comprise: "The integration of the Roma minority into civil society through access to public sector employment in Romania"; "Establishment of youth commissions for intercultural understanding"; and "Improving relations between Roma and Czech communities".

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ROMA/GYPSIES CONSTITUTE ONE OF THE MOST VULNERABLE MINORITIES IN EUROPE, AND ARE OFTEN THE TARGET OF VIOLENT MANIFESTATIONS OF RACISM AND INTOLERANCE. THEY SUFFER THROUGHOUT THE CONTINENT FROM PERSISTING PREJUDICE AND ARE VICTIMS OF A RACISM THAT IS DEEPLY ROOTED IN SOCIETY.

THIS LEADS TO DISCRIMINATION AGAINST MEMBERS OF THIS GROUP IN MANY FIELDS OF SOCIAL AND ECONOMIC LIFE, WHICH IS A MAJOR FACTOR IN THE PROCESS OF SOCIAL EXCLUSION AFFECTING THIS PARTICULAR GROUP.

In addition to its work on minorities in general, the Council of Europe has developed a broad and substantial range of activities on the specific problems faced by the Roma/Gypsy minority. Roma/Gypsy issues have indeed become a major focus of work for the Council of Europe, lying as they do at the intersection of the main priorities of the Organisation, namely the protection of minorities, the fight against racism and intolerance, and the problem of social exclusion.

The particularly disadvantaged situation of Europe's Roma/Gypsy population has given rise to several projects, both within the education and culture sectors of the Council of Europe and within the Migration and Roma/Gypsies Department.

1. SPECIALIST GROUP ON ROMA, GYPSIES AND TRAVELLERS

Since its creation in September 1995, the Specialist Group on Roma/Gypsies (MG-S-ROM) has been the first permanently established body of the Council of Europe to monitor the situation of Roma/Gypsies in Europe. Comprising permanent and non-permanent members appointed by member States, it advises the Committee of Ministers, through the European Committee on Migration (CDMG), on issues relating to Roma/Gypsies. For example, it initiated the Committee of Ministers' Recommendations (2000) 4 on the education of Roma/Gypsy children in Europe and (2001) 17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe.

In 2002 the Committee of Ministers adopted revised terms of reference for the MG-S-ROM, which include a methodology for monitoring the situation of Roma/Gypsies in member States, in particular by means of visits and include Travellers more clearly.

¹¹ Refer to the Bibliography, section "Roma/Gypsies", for additional information, as well as to the section on ECRI's General Policy Recommendations.

In 2003 the Group developed a number of draft recommendations, including the following:

- a draft recommendation on the free movement and encampment of Travellers in Europe;
- a draft recommendation on improving the housing conditions of Roma, Gypsy and Traveller communities in Europe;
- a draft recommendation on policies for Roma/Gypsies in Europe, which will ultimately put forward guidelines relating to the Roma/Gypsy population;
- a draft recommendation on access to health care for Roma and Travellers.

The Group also addressed the following priority subjects in 2003:

- The situation of Travellers and the “renomadisation of some Roma communities”, with an emphasis on the social and economic rights of nomadic populations;
- Implementation of Roma policies/programmes at local level in co-operation with the Congress of Local and Regional Authorities of the Council of Europe (CLRAE), focusing on relations between local authorities and Romani communities;
- Issues relating to Romani language and culture, such as the influence of traditional customs and values on social relationships inside and outside these communities, on similarities and differences between the different groups, on the denomination of groups (including at international level), and on the impact of socio-economic conditions on the cultural identity and integration of Roma in European societies.

2. WORK ON SETTING UP A EUROPEAN FORUM FOR ROMA AND TRAVELLERS

In January 2001 the President of Finland, Mrs Tarja Halonen, suggested in her address to the Parliamentary Assembly of the Council of Europe that “serious consideration be given to a need to create for the Roma some kind of consultative assembly to represent them on the pan-European level”.

Further to this proposal, an exploratory group consisting of Roma/Gypsy and Traveller experts and of representatives from pan-European Roma NGOs (IRU, RNC, GATIEF, etc.) was instructed to examine the feasibility of this project. It held five meetings between late 2001 and October 2002, at the conclusion of which it adopted a report and recommendations on such a forum’s structure, functions and possible links with various Council of Europe bodies and other international organisations.

The Committee of Ministers of the Council of Europe, at its 816th meeting on 13 November 2002, “instructed its Rapporteur Group on Social and Health Questions (GR-SOC) to continue its work relating to the Finnish initiative concerning a “European Forum for Roma”, bearing in mind its topical nature, and to submit

proposals concerning suitable follow-up for this initiative". At its meeting on 11 December 2002, GR-SOC set up an open working group (GT-ROMS) that is currently examining the various issues involved in setting up a forum for Roma and Travellers.

3. PROGRAMME ON POLICIES FOR ROMA, GYPSIES AND TRAVELLERS

The "Project on Roma/Gypsies in Europe" was set up in 1996 on the basis of voluntary contributions from various member States. Renamed "Programme on policies for Roma, Gypsies and Travellers" in late 2002, it aims to assist and support governments in developing and implementing policies for Roma, Gypsies and Travellers. Bilateral and multilateral activities are undertaken as part of the programme, often in collaboration with other organisations.

Five priority areas were defined for the programme in 2003:

- a) Activities aimed at evaluation of national policies for Roma and/or Travellers and their implementation at local level.
- b) Activities promoting representation and participation of Roma at local, regional, national and European levels, including meetings on the European Forum for Roma.
- c) Various Roma training workshops for Roma NGOs and lawyers dealing with cases affecting Roma.
- d) Exchange of information and good practice through multilateral activities.
- e) Contribution to joint programmes – see Sections 4 and 5 below.

4. JOINT PROJECT ON ROMA WOMEN AND ACCESS TO PUBLIC HEALTH CARE

The partnership between the Council of Europe, the European Monitoring Centre on Racism and Xenophobia (EUMC) and the Office of the OSCE High Commissioner on National Minorities (OSCE-HCNM) for the project on Roma women and access to public health care resulted in the organisation of an international Conference on this subject on 11 and 12 September in Strasbourg. It provided the opportunity for the consultant who had visited some fifteen member States to present her recommendations and her report "Breaking the Barriers – Romani Women and Access to Public Health Care" to the member States and international organisations present.

5. JOINT PROJECT ON ROMA UNDER THE STABILITY PACT FOR SOUTH-EASTERN EUROPE

A new joint project between the Council of Europe and the European Commission, implemented in co-operation with OSCE-ODIHR, was agreed in February. It follows a first joint project which promoted the development and adoption in South-East European countries of comprehensive national strategies covering such fields as

education, accommodation, employment, social issues, health, citizenship and participation in public life. The results of the first project include adoption of a government programme for Roma in Croatia (October 2003), the setting-up of an interministerial committee charged with adopting a Roma action plan (July 2002), the adoption of a draft government programme in Serbia and Montenegro (December 2002), and the preparation of a draft strategy by a network of 15 Roma NGOs in the Former Yugoslav Republic of Macedonia.

6. CO-OPERATION PROGRAMME ON MATTERS RELATING TO ROMA REFUGEES AND DISPLACED PERSONS

In 2003 the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe undertook joint activities in Serbia and Montenegro, Kosovo and the Former Yugoslav Republic of Macedonia. Depending on the country, these activities related to integration of refugees, voluntary return of Roma to their place of origin, or the obtaining of identity papers and other personal documents. A new UNHCR/Council of Europe joint programme of activities is planned for 2004.

The refugee crisis involving Roma from Kosovo who left Skopje in early summer 2003 and gathered at the border with Greece for two months attracted the attention of the Deputy Secretary General of the Council of Europe, who called for closer co-ordination between European institutions and the creation of a task force for emergencies.

Following a visit to Serbia by a delegation including members of the Parliamentary Assembly, a consultant prepared for the Council of Europe a report on the forcible return from Germany and other Western countries to Serbia and Montenegro and Kosovo of rejected Roma asylum seekers and the circumstances in which these populations were returned and integrated.

7. COUNCIL OF EUROPE PROJECT ON "EDUCATION OF ROMA/GYPSY CHILDREN"

As part of this multi-annual project run by the Education Directorate of the Council of Europe, the Migration and Roma/Gypsies Department helped to organise a Seminar on harmonisation of teaching materials in Romani (26-27 May 2003). This Seminar brought together representatives of the education services of various member States as well as experts in the language field and in the teaching of Roma culture and history. The leading idea of the project is to pool existing teaching materials in the mother tongue (Romani) in order to cut production costs and then to have them translated and adapted to the situation of each member State. In connection with this project, a meeting was held in Dijon (France) on training of (Roma) mediators and teachers in schools. An information brochure describing the project and its objectives has also been produced in English, French and Romani.

8. CO-ORDINATOR FOR ROMA/GYPSY ACTIVITIES

In 1994 a Co-ordinator for Roma/Gypsy Activities was appointed to co-ordinate the various activities on Roma/Gypsies within the Council of Europe and establish/develop co-operative links with other international organisations (in

particular the European Union and the Organization for Security and Co-operation in Europe), NGOs and Roma/Gypsy representatives.

The Co-ordinator's Office has a documentation centre and regularly publishes a newsletter on Council of Europe activities relating to Roma/Gypsies.

In 2003 the Co-ordinator established contacts with various ministries, institutions and Roma NGOs in the Russian Federation (Urals region) and Ukraine. He took part in field visits and round tables on the situation of Roma in these countries.

He has also been to Kosovo and the Former Yugoslav Republic of Macedonia, where he helped to resolve the crisis involving Roma refugees from Kosovo (see 6 above).

The Co-ordinator participated in a string of events organised by other sectors of the Council of Europe in which he defended the interests of Roma/Gypsies. Moreover he invited all relevant sectors of the Council of Europe on 12 November 2003 to a meeting, at which he asked them to join a cross-cutting project to provide comments and contributions regarding the draft recommendation on policies for Roma under discussion in MG-S-ROM.

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LEGAL STANDARDS, AND THE INSTRUMENTS AND MECHANISMS, WHICH HAVE BEEN CREATED OVER THE YEARS TO FIGHT AGAINST RACISM AND INTOLERANCE, HAVE LITTLE EFFECT IF THEY ARE NOT COMPLEMENTED BY ACTIVITIES WHICH SEEK TO BRING ABOUT NEW ATTITUDES AND BEHAVIOUR ON THE PART OF ALL MEMBERS OF SOCIETY.

HENCE, ACTION IN THE FIELD OF EDUCATION PLAYS AN ESSENTIAL ROLE IN HELPING TO PROMOTE HUMAN RIGHTS AND TO ESTABLISH GREATER MUTUAL UNDERSTANDING AND TOLERANCE IN EUROPE.

The European Cultural Convention establishes the framework for the Council of Europe's work on education, culture and heritage, as well as sport and youth. The Council's programmes on education are managed by the Steering Committee for Education (CDED) and the Steering Committee for Higher Education and Research (CDESR). Details of the recent and current activities of the Education Directorate are set out below. These steering committees are assisted by a number of groups of experts.

1. EDUCATION FOR DEMOCRATIC CITIZENSHIP

At the second Council of Europe Summit held in October 1997 in Strasbourg, the Heads of State and Government decided to launch "an initiative for education for democratic citizenship with a view to promoting citizens' awareness of their rights and responsibilities in a democratic society." This action took the form of the "Education for democratic citizenship" (EDC) project (1997-2000), which integrated the results of the project on "Democracy, Human Rights, and Minorities". Within this project EDC was defined as a set of practices and activities designed to help young people and adults participate actively in democratic life by accepting and exercising their rights and responsibilities in society. The aim of education for democratic citizenship is to strengthen democratic societies by fostering and perpetuating a vibrant democratic culture. It seeks to instil a sense of belonging, a commitment to democratic society and an awareness of shared fundamental values; to inform individuals about their rights and responsibilities; and to teach them how to put them into practice.

¹² Refer to the Bibliography, section "Education", for additional information.

On the occasion of the 50th anniversary of the Council of Europe in May 1999, the Committee of Ministers adopted the “Declaration and Programme on Education for Democratic Citizenship Based on the Rights and Responsibilities of Citizens”. This text emphasises the fact that the combat against racism and intolerance is an integral part of education for democratic citizenship. In the Declaration, the Committee of Ministers expressed its concern about the threat to peace and democracy posed by the development of violence, xenophobia, racism, aggressive nationalism and religious intolerance. The issues stressed in the programme encompass common responsibilities in combating social exclusion, marginalisation, civic apathy, intolerance and violence.

The EDC project’s results were presented in three studies: “Basic concepts and core competencies for education for democratic citizenship”, “Sites of citizenship: empowerment, participation and partnerships” and “Strategies for learning democratic citizenship”. A final report “Education for Democratic Citizenship: a Lifelong Learning Perspective” is based on the findings of the above-mentioned studies and provides EDC policy recommendations. In September 2000, these studies were presented and discussed at the EDC project’s final conference.

At their 20th session of the Standing Conference in Cracow, Poland, in October 2000, the European Ministers of Education adopted “Common guidelines for education for democratic citizenship”. These guidelines provide the basis for a new phase of the EDC project (2001–2004), which focuses on policy reforms, on local, regional and pan-European networking and on dissemination of the EDC project’s results and good practices.

In 2002 the Committee of Ministers adopted Recommendation (2002) 12 on education for democratic citizenship, which promotes the implementation of educational approaches and teaching methods which aim at learning to live together in a democratic society, and at combating aggressive nationalism, racism and intolerance and eliminate violence and extremist thinking and behaviour.

A proposal to organise a European Year of Citizenship through Education in 2005 is currently under consideration. The overall aim of the “Year” would be to strengthen the capacity of member States to promote democratic participation through education, and in this context, to promote the implementation of Recommendation (2002) 12 at the European and the national levels.

An all-European Study on EDC policies finalised in 2003, provides an overview of the existing trends and provide guidelines for policy development and implementation.

2. THE TEACHING OF HISTORY IN THE NEW EUROPE

In the context of the 1993 Plan of Action on combating racism, xenophobia, antisemitism and intolerance, a project on history teaching was developed which aimed to identify innovatory approaches to teaching the history of Europe and to provide teachers and curriculum developers with practical advice.

History and the teaching of history have always enjoyed a special status in the activities of the Council of Europe in the area of education. In October 1993 in Vienna, the Final Declaration of the Vienna Summit insisted upon the absolute necessity of

reinforcing “programmes aiming to eliminate prejudices through the teaching of history by emphasising the positive mutual influences between countries, religions and ideas in the historical development of Europe”.

As a result, the Committee of Ministers decided to launch the project on “The Teaching of History in the New Europe”. This project was based on the idea that, if young people are to uphold and develop tomorrow’s Europe towards a culture of tolerance, cultural diversity and human rights, then they must understand the historical forces that maintained a divided and ideological Europe for most of the past century. Cultural diversity will be respected only if Europe’s citizens understand their own past and the past of the other. History interpreted in the light of mutual respect will protect the rights of its citizens and has less chance of repeating its tragic events than one filtered through nationalism and prejudice.

The project developed a series of teaching handbooks, like for example : “Teaching 20th century women’s history: a classroom approach”; “Europe-on-screen: cinema and the teaching of history”; “Teaching about the Holocaust in the 21st Century”; “The changing face of Europe - population flows in the 20th Century”; or “the European home: representations of 20th Century Europe in history textbooks”. Furthermore European teacher training seminars devoted to themes like nationalism or migration flows were organised.

The principal outcome of this project was a Handbook on Teaching 20th Century European History. This handbook deals with ways and means of approaching the 20th century. It is not about what to teach but how to teach and draws on innovative ideas and case studies of good practice across Europe. It has been translated into several European languages other than English and French.

The Committee of Ministers of the Council of Europe adopted also a special Recommendation (2001)¹⁵ on history teaching in 21st Century Europe. This was the first time that a text on history teaching has been adopted. It is now the basis for history teaching throughout Europe. It gives a new impetus to the development of new approaches in teaching history such as multiperspectivity and helps to promote values such as mutual understanding and tolerance.

3. THE EUROPEAN DIMENSION OF HISTORY TEACHING

After the end of the Project on “Learning and teaching about the history of Europe in the 20th Century”, the Education Committee decided at its 24th meeting (1 - 3 October 2001) on the development of a new intergovernmental project on the European dimension of history teaching and decided that it should:

- emphasise contemporary history and the history of recent conflicts;
- analyse issues relating to migration and minorities;
- set European history into a global context;
- incorporate the “education for democratic citizenship” dimension.

4. REFORM OF HISTORY TEACHING AND THE PREPARATION AND PUBLICATION OF NEW HISTORY TEXTBOOKS IN CENTRAL AND EASTERN EUROPE

In the framework of a programme approved by the Committee of Ministers on 11 May 1995 for the CIS, a series of activities on “History and Civic Education” were launched in early 1996. A main focus of this new programme was the reform of history teaching and the preparation and publication of new history textbooks in the countries of the CIS. This work took as its starting point all the previous work carried out by the Council of Europe on history education.

The programme of activities was carried out through national, regional and multilateral seminars on topics linked to:

- curricula and standards;
- the preparation and publication of new history textbooks;
- the initial and in-service training of history teachers.

An interesting feature of the programme was that seminars were almost always organised outside the capitals of the countries involved.

The work undertaken has always emphasised that the exchange of experience and expertise is a two-way process, particularly given that some of the problems facing the former Soviet Union were also matters of concern across Europe as a whole. This is the case for:

- teaching history in multinational and multicultural societies;
- teaching controversial and sensitive issues;
- teaching national rather than nationalistic history;
- establishing a balance between local, national, regional, European and global history;
- disseminating good practice in ways that will ensure that effective, innovative approaches are widely adopted by teachers;
- taking a multiperspective approach.

Following the end of this programme, the Council of Europe has continued to work on the reform of history teaching and the preparation and publication of new history textbooks, in particular in the Russian Federation. More recently, a series of Joint Programmes between the European Commission and the Council of Europe to strengthen democratic stability in Ukraine, Moldova and the North Caucasus have allowed work on different aspects of history education to be carried out. In particular, the programme for the North Caucasus was aimed more specifically at history educators from Chechnya but included participants from all the republics and regions in that area.

Because of the expertise and networks which had been developed within the Council of Europe’s programmes on history teaching, the Council of Europe was also invited to

coordinate the Stability Pact's Working Group on History and History Teaching in South East Europe as well as to implement its own programme of activities. This role allowed the Council of Europe to develop new networks of history educators and to start implementing programmes using the expertise it had developed over the last 10 years.

Two practical outcomes will be available taking as their inspiration the work on both the initial and in-service training of history teachers. One is a comparative study on the initial training of history teachers and the other is a handbook on multiperspectivity. This handbook will be widely distributed throughout Europe and provides practical examples for teaching events from different perspectives.

In 2004 a Workshop on "Teaching history in Serbia" took place in Belgrade. The organisation of such workshops was one of the recommendations of the Stability Pact Conference on "History textbooks and teaching resources in South East Europe: a future?" (Sinaia, Romania, 6 - 8 June 2002).

Following the work within the Stability Pact, the Council of Europe has also developed a series of bilateral programmes on the reform of history teaching in Bosnia and Herzegovina and in Serbia.

5. DAY OF REMEMBRANCE OF THE HOLOCAUST AND FOR THE PREVENTION OF CRIMES AGAINST HUMANITY

Further to a suggestion made in Stockholm in 2000 by Walter Schwimmer, the Secretary General of the Council of Europe, the Education Ministers of States signatory to the Cultural Convention of the Council of Europe decided at their meeting in Strasbourg on 18 October 2002, to dedicate a day to the remembrance of the Holocaust and the prevention of crimes against humanity within schools. In the following year the "Day of Remembrance" was held for the first time in schools of member States signatory to the Cultural Convention.

The Education Ministers also called upon the Council of Europe to contribute to training teachers and developing the educational material necessary to their mission. They also entrusted the Council of Europe to set up a European network of remembrance sites, foundations and other organisations concerned with these themes.

The terms of reference of the group of experts responsible for the project "Teaching Remembrance" are:

- to ensure the implementation of this "Day of Remembrance" of the Holocaust and the prevention of crimes against humanity;
- to develop educational material to enable teachers to prepare for the Day, including education packs devoted to the cinema, literature and the theatre, and their respective representations of the Holocaust and genocides;
- to train teachers about the themes to be covered/tackled during this Day, through European teacher training seminars;

- to monitor this event once it has been set up in the schools of member States signatory to the Cultural Convention.

6. THE PROJECT "EDUCATION OF ROMA/GYPSY CHILDREN IN EUROPE"

Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe was adopted by the Committee of Ministers on 3 February 2000. In this Recommendation the Ministers note that "the problems faced by Roma/Gypsies in the field of schooling are largely the result of long-standing educational policies of the past, which led either to assimilation or to segregation of Roma/Gypsy children at school on the grounds that they were socially and culturally handicapped". The Ministers consider "that the disadvantaged position of Roma/Gypsies in European societies cannot be overcome unless equality of opportunity in the field of education is guaranteed for Roma/Gypsy children" and "that the education of Roma/Gypsy children should be a priority in national policies in favour of Roma/Gypsies".

The application of this Recommendation has been the object of recent reflection within the Steering Committee of Education. It has been decided that a three-year project (2002-2005) will attempt to give impulse and coordination to future actions in that field.

The Council of Europe will be able to stimulate national initiatives, contribute to the design and implementation of new working methods, encourage the most promising innovative measures and, by enabling partners to join together in a coherent whole, make it possible to avoid one-off projects being set up in random fashion, with the result that much of the benefit that could be gained from them is lost.

The Project Steering Committee works in close co-operation with other sectors of the Council of Europe, international organisations and NGOs involved in the area of schooling for gypsy children.

In 2002 it organised seminars and other meetings to exchange views and experiences on the following themes:

- *The education of Roma/Gypsy children* : Seminar held in Slovakia (Kosice), to discuss the funding of teacher's training, October 2002
- *Opré Roma: families and school* : Seminar held in Spain (Castellon) within the framework of a European research, November 2002
- *The training of teachers and researchers* : Seminar held in France (Dijon), relating to a European project on training of educational staff, December 2002
- *First debate about the Roma language in schools* : linked with the organisation of a seminar in Austria (Graz)
- *Conference on the Harmonisation of Teaching materials in Romani* : France (Strasbourg), May 2003
- *An European project of training for the education of Roma/Gypsy children* : European summer university, France (Dijon), July 2003

- A meeting of experts took place from 25 to 27 July 2003 in Graz (Austria) on the theme of history.

In the framework of this project, for instance, a European Compendium setting out lines of action and standards for the schooling of Roma/Gypsy children and a Guide for teachers and Roma/Gypsy school assistants have been produced. At the moment the preparation of teaching materials with a view to fostering the mutual understanding is underway.

7. THE IN-SERVICE TEACHER TRAINING PROGRAMME

The continuous training of teaching staff is one of the Council of Europe's priority activities in the field of education.

Actively supported by the States signatory to the European Cultural Convention, the in-service teacher training programme concentrates on the priority projects of the Council of Europe and attaches great importance to reinforcing the European dimension of training courses and seminars by increasing the number of courses offered in a systematic manner.

Training courses and seminars deal above all with questions relating to education in democratic citizenship and human rights, learning and teaching about European history, responses to everyday violence in a democratic society, intercultural education, the new role of teachers in the communication society, the learning and teaching of languages and the European dimension in schools.

The target group of this programme is comprised of teaching staff in a position to ensure the maximum multiplication of the results acquired/achieved in the course of their training in the framework of the programme. Around 5000 education professionals participate in this activity each year.

The presentation of seminars organised in the different countries are accessible on Internet:

http://www.coe.int/T/E/Cultural_Co-operation/education/Teacher_training/

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IF THE BASIC VALUES OF INDIVIDUAL FREEDOM, DEMOCRACY AND TOLERANCE ARE TO BE THE COHESIVE FACTOR IN THE FUTURE EUROPE, THEY MUST BE DEVELOPED BY YOUNG PEOPLE.

ACCORDINGLY, MAXIMISING YOUNG PEOPLE'S CONTRIBUTION IN SOCIETY IN ALL AREAS WHICH CONCERN THEM AND ESPECIALLY INVOLVING THEM IN THE FIGHT AGAINST RACISM AND INTOLERANCE, APPEAR AS NECESSARY ACTIONS TO BE TAKEN IN BUILDING A MORE TOLERANT SOCIETY.

The European Youth Campaign against Racism, Xenophobia, Antisemitism and Intolerance was a core activity in the Plan of Action of the Council of Europe in its fight against racism and intolerance. The Campaign "All different, all equal" was carried out from 1994 to 1996 in close co-operation with youth organisations and minority associations. National committees organised events at national and local level, while international events - such as the European Youth Trains which brought more than one thousand young people from all over Europe to Strasbourg for the European Youth Week in July 1995 - were held at a European level. The campaign also financed around one hundred pilot projects aiming to promote tolerance and improve relations between various groups and communities.

During the Campaign over 2 000 national and local activities were carried out, in a variety of forms: information programmes in schools, projects for peer group education, the production of educational materials, youth camps, pilot projects, social work in difficult urban and suburban areas, festivals, exhibitions, plays, a media campaign, newspaper articles, games and information centres. Most activities were implemented at grass-roots level with intensive assistance by local associations.

At the European level, the Campaign - implemented under the direction of the European Steering Committee, which was made up of government and NGO representatives - comprised:

- training courses for representatives of minority groups. These courses facilitated contact with groups which are often isolated and not integrated into any international co-operation networks and contributed to their development;
- one hundred pilot projects which succeeded in involving local people in a variety of themes, using some highly original approaches;

¹³

Refer to the Bibliography, section "Youth", for additional information.

- the production of educational materials and tools for intercultural and peer group education, notably the “Education Pack” and “DOMino”, which benefited from the input of knowledge and experience of educators from different countries. These materials were developed so they could be adapted for use across Europe and beyond.

The major events of the European Campaign, such as the “Action Week against Racism”, the “European Youth Train Event” and the “European Youth Week”, mobilised huge numbers of young people and attracted considerable media attention.

The official closure of the Campaign was followed by an evaluation, during which all the partners attended a conference in Budapest and produced a series of recommendations relating to national and European follow-up.

These recommendations, which concern the continuation of the training courses, pilot projects, educational materials, the institutionalisation of the “Action Week against Racism” and the strengthening of relations with NGOs were examined by the Committee of Ministers in May 1996. The Ministers took decisions on the political follow-up to the Campaign and forwarded specific requests to the European Youth Centres, the European Youth Foundation and the appropriate intergovernmental committees. Furthermore, the implementation of proposals concerning information and communication (in particular a web site) was entrusted to the Directorate of Human Rights of the Council of Europe.

Results of the European Youth Campaign

The Campaign has contributed to improved communication between governments, non-governmental youth organisations, human rights organisations, anti-racist groups and minorities. In many countries, it has led to new forms of co-operation between these partners. The campaign has brought new organisations and initiatives, which often were previously isolated, into contact with youth work and with the exchange of information and ideas at local, national and international levels. The Campaign has also resulted in the development of new organisations and networks active in combating racism, xenophobia, antisemitism, intolerance and all forms of discrimination.

The Campaign has helped to disseminate advanced methods of teaching and learning for tolerance and intercultural understanding. New specific educational tools have been developed, which are now available to a wider range of partners for use in both formal and non-formal educational contexts. The Campaign led to new forms of co-operation with the media and innovative forms of presenting topics related to cultural diversity, tolerance and human rights.

In order to reinforce and build upon the achievements of the European Youth Campaign, the Youth Directorate (now Directorate of Youth and Sport) of the Council of Europe was given the mandate to implement appropriate follow-up measures at all levels, through its operational units (the European Youth Centres in Strasbourg and Budapest – international meeting, training and educational centres with residential facilities of the Council of Europe – and the European Youth Foundation), and the intergovernmental work in the youth field.

Resolution (98) 6 of the Committee of Ministers on the youth policy of the Council of Europe set as priorities of youth policy, *inter alia*, the promotion of intercultural dialogue and understanding in a spirit of respect for diversity; the combating of racism, xenophobia, antisemitism, intolerance and all movements aiming to undermine democracy; and young people's awareness of and commitment to human rights and democracy. The Committee of Ministers also requested the Youth Directorate to follow up activities carried out in the framework of the Campaign.

As a result, the statutory bodies of the Council of Europe's Youth Sector proposed to the Committee of Ministers Plans of Action, which pursue the work undertaken during the European Youth Campaign. The European Youth Centres (EYCs) have been offering long-term training courses for representatives of minority youth.

Starting in 1997, the EYCs offered annually a long-term training course "Participation and Citizenship" for minority youth leaders, consisting of two residential seminars and projects implemented by the course participants between the two seminars. Through the assistance programme activities such as a "Long-term training course for national minorities in Romania" (April and November 1999) were made possible. In addition, a specific training programme for Roma youth leaders was developed.

Educational materials and tools devised during the Campaign, such as the "Education Pack" and "DOMINO", continue to be widely-used. They have been translated into numerous languages and interactive on-line versions will become available in 2004. More generally, many projects promoting tolerance, initiated during the Campaign and with the assistance of pilot project funding, at local level, in youth and community groups, in schools and universities, in the workplace, in sports and other leisure-time associations, are still being carried out.

Many of these activities were continued or further developed within the priority programme of the Council of Europe's Youth Sector 2000 to 2002, in particular within its Human Rights Education Youth Programme. This programme included the continuation of the long-term training courses "Participation and citizenship for minority youth leaders", the publication of "COMPASS - a Manual on Human Rights Education with Young People" (available in English, French, Russian and on-line, presently being translated into numerous other languages), a training programme on human rights education with young people, hearings on the situation of young migrants and refugees (in co-operation with the Committee on Migration, Refugees and Democracy of the Parliamentary Assembly) and other activities aimed at combating racism and intolerance.

Resolution (2003)7 of the Committee of Ministers on the youth policy of the Council of Europe confirmed the thematic priority of human rights education and the promotion of human dignity and social cohesion, putting special emphasis, amongst others, on the fight against racism, intolerance and all forms of discrimination.

This is reflected in the priority programme 2003 to 2005 of the Council of Europe's Youth Sector: The European Youth Centres in Strasbourg and Budapest and the European Youth Foundation continue to offer a range of activities for young people, especially those who are involved with international non-governmental youth

organisations (INGYOs), representing a wide range of interests: politics, religion, trade unions, students' groups, gay and lesbian organisations, conscripts and conscientious objectors, migrants, refugees, minorities, environmental groups, young people from farming and rural communities, etc. It is in particular through the ongoing work of the Directorate of Youth and Sport in the field of human rights education, now focusing on human dignity, and through the peace and intercultural dialogue programme, focusing on intercultural and inter-religious dialogue as well as the broadly based problem of prejudice and racism as a cause for conflict, that the themes of the European Youth Campaign continue to be a priority field of work for the Youth Sector of the Council of Europe.

It should further be noted that, subsequent to the Council of Europe's Youth Campaign, the European Union declared 1997 the "European Year against Racism".

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FREE, INDEPENDENT AND PLURALISTIC MEDIA ARE CENTRAL TO THE FUNCTIONING OF OUR DEMOCRATIC SOCIETIES AND TO THE PROMOTION OF HUMAN RIGHTS. BUT THEY CAN ALSO BE USED AS VEHICLES FOR HOSTILE AND RACIST MESSAGES.

AWARE OF THE PARADOXICAL ROLE PLAYED BY THE MEDIA IN RELATION TO RACISM, THE MEDIA ARE ESSENTIAL PARTNERS IN THE FIGHT AGAINST RACISM, WITH RESPONSIBILITY FOR BOTH PROVIDING INFORMATION THAT HIGHLIGHTS THE DANGERS OF RACISM AND ENSURING THAT THE INFORMATION PROVIDED IS FREE FROM STEREOTYPING AND PREJUDICE.

A number of media-related initiatives have been taken within the Council of Europe, ranging from strategies against incitement to racial hatred, to action to promote media education. The Council of Europe has notably organised consultations with professionals from the broadcasting, press and journalism training sectors giving rise to a number of proposals for practical initiatives which are currently being followed up in collaboration with representatives of the relevant media sectors.

As part of the Plan of Action on combating racism, xenophobia, antisemitism and intolerance, two recommendations of the Committee of Ministers were prepared, one on hate speech and one on the media and the promotion of a culture of tolerance. Condemning all forms of expression which incite racial hatred, xenophobia, antisemitism and all forms of intolerance, which undermine democratic security, cultural cohesion and pluralism, Recommendation (97) 20 on hate speech proposed that the governments of member States take appropriate steps to combat hate speech. It laid down the following principles as a basis for action:

- the responsibility of public officials and authorities to refrain from statements that may reasonably be understood as hate speech (such statements should be prohibited and publicly disavowed whenever they occur);
- the establishment and maintenance of an effective legal framework that reconciles respect for freedom of expression with respect for human dignity and human rights.

The Committee of Ministers further noted that such steps should form part of a comprehensive approach to the phenomenon, which also targets its social, economic, political, cultural and other root causes.

¹⁴ Refer to the Bibliography, section « Media », for additional information

The Committee of Ministers complemented its Recommendation on hate speech with Recommendation (97) 21 on the media and the promotion of a culture of tolerance. In the latter text, it recommended that press, radio and television enterprises, the new communications and advertising sectors, the representative bodies of media professionals in these sectors, regulatory and self-regulatory bodies in these sectors, and schools of journalism and media training institutes be made more aware of the professional practices conducive to the promotion of a culture of tolerance. These means of action were defined as training, reflecting on the ways of reporting acts of racism and intolerance as well as depicting different communities, and drawing up professional codes of conduct within the different media sectors. It also called for the broadcasting media to create an atmosphere in which intolerance can be challenged.

More recently, work has been undertaken by the Steering Committee on the Mass Media (CDMM) on the use of new information and communication technologies for the dissemination of illicit or harmful content, and in particular racist material. This work led in September 2001 to the adoption of Recommendation (2001) 8 on self-regulation concerning cyber-content by the Committee of Ministers. The Recommendation highlights different lines of action that the governments of member States could encourage the Internet industry to follow in order to restrict the dissemination of illicit and harmful content via the Internet (creation of hotlines, adoption of codes of conduct, labelling of content, etc). In addition, a European Forum was organised on the same subject in November 2001 in order to raise awareness among the public and the Internet industry about these different possible lines of action. An information web site on self-regulatory initiatives in Europe concerning content disseminated on the Internet was launched during the Forum. (<http://www.humanrights.coe.int/media/cyberforum>)

Finally, specific information and training activities on hate speech and minorities and the media geared, in particular, towards media professionals are organised or sponsored within the framework of the media component of the Council of Europe's assistance activities for member States and applicant countries.

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WOMEN FROM ETHNIC MINORITY AND MIGRANT GROUPS MAY SUFFER FROM THE DOUBLE BURDEN OF SEXUAL AND RACIAL DISCRIMINATION.

THIS DISCRIMINATION IS TWOFOLD, DUE TO SUCH WOMEN BELONGING, FIRSTLY TO A MINORITY GROUP THAT IS DISCRIMINATED AGAINST IN PRESENT CIRCUMSTANCES AND, SECONDLY, TO A BIOSOCIAL GROUP, WHICH SUFFERS A TYPE OF DISCRIMINATION STRUCTURAL TO ALL SOCIETIES.

The Council of Europe has set up a number of projects addressing both problems of sexual and racial discrimination. One instance is the Joint Specialist Group on Migration, Cultural Diversity and Equality of Women and Men set up by the Steering Committee for Equality between Women and Men (CDEG) in co-operation with the European Committee on Migration (CDMG), in order to identify the obstacles and conflicts concerning equality and human rights that migrant women encounter and look at possible ways to resolve them. It was thought that the human rights conflicts concerned basically aspects of marriage and family customs, whereas the obstacles to equal opportunities in society for immigrant women came both from within immigrant groups and the majority society. Within immigrant groups such factors as traditional attitudes to education for women and girls, employment for women and the social/family role of women could constitute obstacles, while in the majority society discrimination in employment and education existed.

Possible ways of dealing with these problems were explored, notably at a Hearing, which was arranged with migrant women in July 1995. At the Hearing, nine migrant women gave an account of their experiences and the difficulties they had encountered in their countries of residence and changes that would help their economic and juridical position. Three areas emerged as having particular significance:

- the question of residence - this included the right to residence for married women who, having joined their husbands under the provisions for family reunion, had no independent residence permit and encountered grave difficulties in the case of widowhood or divorce;
- the problem of work - difficulties associated with obtaining a work permit, the type of work available for migrant women, the lack of recognition of academic qualifications;

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Refer to the Bibliography, section "Equality between women and men", for additional information.

- the area of self-perception – the sense of being seen either as “*persona non grata*”, or as a problem or victim by the majority society.

A Seminar planned by the Joint Specialist Group and entitled “Women and migration: establishing the fundamental right to equality in a setting of cultural diversity” was also held in July 1995. The participants at the Seminar included sociologists, lawyers, migrant women, representatives of NGOs of migrant women, and media professionals, as well as government experts on migration and equality between women and men.

The objectives of the Seminar were:

- to allow for an exchange of views between different groups working in this area, both within the Council of Europe and elsewhere, as a basis for future co-operation;
- to raise awareness among the public authorities in member States of the problems faced by migrant women and accordingly help the authorities to develop more effective policies in this area¹⁶.

Another Hearing, this time of Roma/Gypsy women, was organised in September 1995 as part of the CDEG’s contribution to the Council of Europe Action Plan on racism, xenophobia, antisemitism and intolerance. The discussions highlighted the most striking problems facing Roma and Roma women in particular: very widespread illiteracy, low level of education, obstacles encountered in access to education, deficiencies in health protection and family planning, gaps in the application of existing legislation, growing unemployment and last, but not least, the problems of racism and violence which the Roma face. The fact that Roma women often experience double discrimination, as women and as Roma, was also stressed.

Participants therefore emphasised the urgent need to set up action programmes in the fields of education (for both children and adults), health (care, prevention and education), and vocational training. They also stressed the need for Roma women to establish contacts with other women’s organisations in the fight for their rights. Lastly, they decided to create an informal network involving all participants in the hearing with the aim of exchanging information, fostering contacts and increasing the self-confidence of Roma women.

Furthermore, a Group of Specialists on Intolerance, Racism and Equality between Women and Men drew up a report of activities related to these issues. This Group was composed of three members nominated by the Steering Committee for Equality between Women and Men (CDEG) and two members of the European Commission against Racism and Intolerance (ECRI). It examined the issue of universality versus cultural relativism in regard to the fundamental right of women and men to equality; identified the specific forms of racial discrimination which women have to face on the basis of their sex; and studied the need to take into account the gender dimension in all activities related to the combat against racism and intolerance.

¹⁶ A publication containing the final report of this activity and other studies carried out in this framework is available upon request.

One particular phenomenon that profits from the vulnerable situation of migrant and refugee women is trafficking in human beings, and part of the CDEG's work over the past few years has been concentrated on combating this form of organised crime. In May 2000 the Committee of Ministers adopted Recommendation (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation. This was one of the first attempts to co-ordinate action internationally amongst governments with a legal text on this issue.

The Committee of Ministers is currently examining the feasibility of drafting a European Convention on Action against Trafficking in Human Beings. Such a text would have a clear human rights approach, considering trafficking as being first and foremost an issue of the violation of human rights, with focus on the status and rights of victims of trafficking. Its monitoring procedure would make it possible to implement more efficiently pan-European legal standards by measuring the progress accomplished in the member States of the Council of Europe as far as legislation and practices to combat trafficking are concerned.

The CDEG has been emphasising for some years the necessity to give more attention to the different groups of women in order to take into account their diversity. In October 2000, the CDEG organised an Information Forum on "Human rights of girls and young women in Europe: questions and challenges for the 21st century". Attention was drawn to the particular problems faced by young women from ethnic minority and migrant groups, for example in relation to crimes committed in the name of honour, forced marriages, genital mutilation, sex tourism, traditional stereotypes, etc. The proceedings of this Forum have been published.

The work of the CDEG to combat violence against women led in April 2002 to the adoption of Recommendation (2002) 5 on the protection of women against violence by the Committee of Ministers. Even though the text refers to all women, irrespective of their age, social background, ethnic origin, religion, etc., reference is made to particular problems faced by women from ethnic minority and migrant groups. For example, the Recommendation mentions that immigrant women who are victims of domestic violence should be granted an independent right to residence in order to enable them to leave their violent husbands and should have access to all the services and legal remedies available for victims of domestic violence. The Recommendation also lists measures for member states to take in relation to genital mutilation, violence in conflict and post-conflict situations, killings in the name of honour and early marriages.

The 5th European Ministerial Conference on Equality between Women and Men (Skopje, 22-23 January 2003) dealt with the following theme: "Democratisation, conflict prevention and peace-building: the perspectives and the roles of women". The Ministers agreed on a number of strategies to promote the full participation of women at all levels of decision-making and to encourage the integration of a gender perspective in all activities aimed at conflict prevention and resolution. Governments are, *inter alia*, invited to recognise and promote the equal and individual rights of women and men to participate in political decision-making, in particular by combating the practice of family voting.

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SPORT IS IMPORTANT FOR THE EXAMPLE IT GIVES TO SOCIETY AND CAN THUS BE USED AS A PRACTICAL WORKSHOP FOR TOLERANCE.

THIS IS THE REASON WHY SPECIFIC MEASURES ARE NOW BEING TAKEN NOT ONLY TO PREVENT RACIST BEHAVIOUR AND DISCRIMINATION AT SPORTS EVENTS AND IN SPORTS IN GENERAL, BUT ALSO TO FACILITATE SOCIAL INTEGRATION AND CONTRIBUTE TO SOCIAL COHESION THROUGH SPORT.

The activities of the Council of Europe in the field of sport are co-ordinated by the Committee for the Development of Sport (CDDS). The project “Sport, Tolerance and Fair Play” is especially relevant to the combat against racism and intolerance. This activity is inspired directly by the Plan of Action on racism, xenophobia, antisemitism and intolerance and by the European Youth Campaign, adopted by the first Council of Europe Summit in Vienna in 1993. It is based on the acknowledgement that intolerant attitudes and behaviour must be eradicated from sport and takes into account the great potential of sport for fostering tolerance in society as a whole. The contribution which sport can make towards encouraging tolerance in society through the efforts of international and European sports organisations and by the dissemination of ideas and initiatives on “Sport, Tolerance and Fair Play” (including the establishment of an “ideas bank” of valuable initiatives) should be stressed.

The ideas behind this project were first expressed at the 8th Conference of European Ministers responsible for Sport (Lisbon, May 1995). They were given practical form by the Dutch Government (the Ministry of Health, Welfare and Sport), which, together with the CDDS, organised the Amsterdam Round Table on Sport, Tolerance and Fair Play. An outcome of this event was the Declaration on Sport, Tolerance and Fair Play (11 April 1996), containing a number of suggestions for improving action in this area, and an appendix setting out some agreed guidelines for practical programmes. The participants at the Round Table called on the Council of Europe, the European Union and European sports organisations to all play their part in carrying out the follow-up to the Declaration.

In a follow-up meeting to the Round Table later that year (1996) in Strasbourg the suggestion was made that the CDDS should set up an “Ambassadors for Sport, Tolerance and Fair Play” Programme at the national level. Twenty-seven member

¹⁷ Refer to the Bibliography, section “Sport”, for additional information

States have since nominated national “Ambassadors for Sport, Tolerance and Fair Play”, many of who are often former high-level sportsmen and women. Their role is to encourage fair play in sport in their home countries, to set up and promote programmes to teach and encourage tolerance and fair play in sport, especially among young people. A lot of their work takes place in schools.

The national Ambassadors for Sport, Tolerance and Fair Play have met each year since 1997. They met in conjunction with the second and third Round Tables for Sport, Tolerance and Fair Play (Lisbon, 1998 and Nicosia, 2001). These meetings gave the CDDS member countries the possibility of sharing information on their programmes and charting progress since the first Round Table in Amsterdam. The Clearing House prepared a useful publication “From Amsterdam to Lisbon”, which contains a selection of model initiatives on sport, tolerance and fair play and describes many of the national programmes set up in this area since the first Round Table.

At their Lisbon, Bucharest, Athens and Nicosia meetings, the national Ambassadors discussed recommendations and areas for action and further deliberated on the role of sport in teaching tolerance and fair play, and encouraging social cohesion. They expressed their willingness to continue to make an appropriate contribution to national programmes, and noted the importance of the link between sport, tolerance, fair play and social cohesion. Intolerant behaviour towards an individual or group, it was realised, is often a factor that can lead to social exclusion and marginalisation, and conversely sports programmes can provide a remedy in this situation.

In 2002 the national Ambassadors held their annual meeting in Ljubljana at the same time as the European Fair Play Congress was being held. This was a useful opportunity for the national Ambassadors either to meet or renew contacts with members of the European Fair Play Movement, which works in a very similar field in nearly 30 European countries. Preparations are currently underway to hold a Europe wide exhibition of photographs demonstrating tolerance and fair play in sport. Some 20 countries have expressed interest in taking part.

A project on “Social Cohesion and Sport” was included in the CDDS programme for 1997-99, with the aim of elaborating concrete measures for using sport as a vehicle for social inclusion. The idea behind the project was that sports programmes that ensure social contact could help marginalised groups, such as migrants, ethnic groups and refugees among others, to reforge social links. It is believed that sport has a special role because sport participation is not linked with language ability and only to a certain extent with cultural tradition. Moreover, sport is an area where the migrant community has been noticeably successful. There are many specific examples of young people from migrant backgrounds who, because they have achieved fame in top-level sport, also provide role models. Numerous projects, particularly those involving groups of migrants which have enjoyed considerable success in various member States have been compiled in a booklet entitled “Social Cohesion and Sport”. On 22 April 1999, the Committee of Ministers adopted Recommendation (99) 9 on the role of sport in furthering social cohesion.

Following the Resolution on racism in sport adopted by the 9th Conference of European Ministers responsible for Sport (Bratislava, May 2000), the Standing Committee of the European Convention on Spectator Violence has prepared and approved, in June 2000 for submission to the Committee of Ministers, a draft recommendation to governments on racism, xenophobia and racial intolerance in sport. This draft was adopted as Recommendation (2001) 6 on the prevention of racism, xenophobia and racial intolerance in sport by the Committee of Ministers in July 2001, and submitted by the Secretary General to the UN World Conference on Racism in Durban, South Africa, in August of that year.

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V - HUMAN RIGHTS CO-OPERATION AND AWARENESS PROGRAMMES

CO-OPERATION AND AWARENESS ACTIVITIES IN THE HUMAN RIGHTS FIELD HAVE PROVED AN IMPORTANT MEANS OF ACHIEVING THE COUNCIL OF EUROPE'S GOALS, I.E. THE PROMOTION OF DEMOCRACY, RESPECT FOR THE RULE OF LAW AND THE PROTECTION OF HUMAN RIGHTS AND FREEDOMS. THIS APPLIES BOTH TO NEW AND OLD MEMBER STATES.

The Human Rights Directorate pursues a range of activities designed to promote awareness about human rights in general in all parts of Europe, among the public at large, as well as in relation to more specialised audiences. Among the primary targets, as well as partners, of the Human Rights Co-operation and Awareness Division are professional groups, such as the legal profession and law enforcement personnel, and especially vulnerable groups, such as refugees, disabled people and Roma/Gypsies.

Co-operation and awareness activities include producing documentation and information, together with visual material and teaching aids, organising consultations, workshops, training sessions and exchanges of views, as well as running campaigns to highlight particular human rights issues. An essential element is that these activities are developed and carried out in co-operation and/or in partnership with key non-governmental organisations and professional groups in order to ensure that they both respond to real demand and that they achieve maximum effectiveness. The Information and Documentation Centres of the Council of Europe also play an important role in this respect.

Over the last few years, the Human Rights Co-operation and Awareness Division has focused on long-term projects whose impact can be measured according to objective criteria. Thus, a particular effort was made to organise training activities on the European Convention on Human Rights (ECHR) and other European human rights standards for members of legal professions (judges, lawyers and prosecutors).

Furthermore, special programmes have also been elaborated in relation to the Roma/Gypsy community as well as refugees. Several workshops were organised in co-operation with the European Roma Rights Centre, a public interest law centre. Other events were organised in co-operation with the United Nations High Commissioner for Refugees. These initiatives have aimed at giving very practical guidance on how the European Convention on Human Rights and other human rights standards and mechanisms of the Council of Europe can be used to protect the rights of the Roma community and refugees.

In parallel with these activities, the Division gives its active support to independent national human rights protection institutions, such as ombudsmen, which the Council of Europe considers as essential. In the field of human rights awareness, activities related to the abolition of death penalty were organised, like for example, in the Russian Federation where a Conference on clemency issues was organised in co-operation with the Clemency Commission of the presidential administration.

The work of the Division has also included law enforcement personnel, which have always constituted a key target group for the Council of Europe. Human rights activities related to the police are carried out by the Division under the programme "Police and Human Rights beyond 2000". The programme provides a framework within which not only multilateral, but also bilateral and national projects can be conducted in a co-ordinated manner. Activities carried out on the multilateral level range from workshops aimed at drafting a set of professional standards in policing to work being done on a Europe-wide survey of existing materials and programmes in the field of policing and human rights. On the national level, visits to a large number of member States by the programme manager have been organised with the aim of

discussing with different police authorities how their participation in the programme can affect the human rights awareness of police officers.

All these activities are necessary but not sufficient, if access to documentation about European human rights standards, particularly the case law of the European Court of Human Rights, is not available in the languages of the States where co-operation activities are organised. The Division has therefore developed a web site in order to disseminate information related to its co-operation and awareness activities and documentation in the human rights field to as broad a public as possible.

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VI - RELEVANT EUROPEAN LEGAL STANDARDS¹⁸

LEGAL MEASURES ARE OF PARAMOUNT IMPORTANCE FOR COMBATING RACISM AND INTOLERANCE.

THE LAW NOT ONLY PROTECTS VICTIMS AND OFFERS A REMEDY TO THEM, BUT ALSO DEMONSTRATES SOCIETY'S FIRM OPPOSITION TO RACISM IN ALL ITS FORMS AND THE GENUINE COMMITMENT OF THE AUTHORITIES TO CURB DISCRIMINATION. THE ENFORCEMENT OF ANTI-RACIST LAWS MAY OFTEN HAVE A SIGNIFICANT EFFECT ON THE SHAPING OF ATTITUDES.

THE JUDICIAL OR QUASI-JUDICIAL MECHANISMS AND LEGAL STANDARDS OF THE COUNCIL OF EUROPE WHICH ARE OF RELEVANCE TO THE FIGHT AGAINST RACISM AND RELATED INTOLERANCE ARE SET OUT BELOW.

¹⁸ Refer to the Bibliography, section "Relevant European legal standards", for additional information.

EUROPEAN CONVENTION ON HUMAN RIGHTS

The Convention for the Protection of Human Rights and Fundamental Freedoms – the European Convention on Human Rights – signed in 1950, is undoubtedly the best known and arguably the most effective of regional standards in the human rights field. New member States are obliged to sign it on becoming members of the Council of Europe and to ratify it within one year. By ratifying, States undertake to secure to anyone within their jurisdiction the civil and political rights and freedoms set out in the Convention.

The Convention contains a number of provisions relevant to issues of discrimination and intolerance. It explicitly prohibits discrimination in Article 14 which stipulates that “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” Although this article can only be invoked in connection with one of the other rights included in the Convention, it nevertheless prevents States from treating individuals in a similar position differently on the basis of such factors. In addition, Additional Protocol N° 12 to the European Convention on Human Rights was adopted in June 2000. It broadens the scope of protection against discrimination: unlike Article 14, it imposes a general ban on all forms of discrimination. Protocol N° 12 was opened for signature in November 2000 and will come into effect on its ratification by 10 member States.

A number of other provisions of the European Convention on Human Rights confer some protection against acts of racism, discrimination, xenophobia and intolerance such as: the prohibition of inhuman or degrading treatment (Article 3); the right to liberty and security (Article 5); the right to a fair trial (Article 6); the principle of “no punishment without law” (Article 7); freedom of thought, conscience and religion (Article 9); and freedom of expression (Article 10). In addition, Article 1 of Protocol N° 7 safeguards certain procedural rights of aliens “lawfully resident” in the territory of a particular State against expulsion.

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EUROPEAN SOCIAL CHARTER

The European Social Charter (referred to below to as “the Charter”) sets out rights and freedoms and establishes a supervisory mechanism guaranteeing their respect by the State Parties. It was recently revised, and the 1996 revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty.

The Charter safeguards the right to non-discrimination in two ways. It guarantees the right of women and men to equal treatment and equal opportunities in employment. It also provides a guarantee to all nationals and foreigners legally resident and/or working in a country that all rights set out in the Charter apply regardless of race, sex, age, colour, language, religion, opinions, national origin, social background, state of health or association with a national minority.

The Charter guarantees rights which concern all individuals in their daily lives, such as:

Housing:

- construction of housing in accordance with families’ needs;
- reduction in the number of homeless persons; universally assured access to decent, affordable housing;
- equal access to social housing for foreigners.

Health:

- accessible, effective health care facilities for the entire population;
- policy for preventing illness and guaranteeing a healthy environment;
- elimination of occupational hazards so as to ensure that health and safety at work are provided for by law and guaranteed in practice;
- protection of maternity.

Education:

- a ban on work by children under the age of 15;
- free primary and secondary education;
- free vocational guidance services;
- initial and further vocational training;
- special measures for foreign residents.

Employment:

- the right to earn one’s living in an occupation freely entered upon;
- a social and economic policy designed to ensure full employment;
- fair working conditions as regards pay and working hours;

- action to combat sexual and psychological harassment;
- prohibition of forced labour;
- freedom to form trade unions and employers' organisations to defend economic and social interests; individual freedom to decide whether or not to join them;
- promotion of joint consultation, collective bargaining, conciliation and voluntary arbitration;
- protection in case of dismissal;
- the right to strike.

Social protection:

- the right to social security, social welfare and social services;
- the right to be protected against poverty and social exclusion;
- special measures catering for the elderly, families, persons with disabilities and young persons.

Movement of persons:

- the right to family reunion;
- the right of nationals to leave the country;
- procedural safeguards in the event of expulsion;
- simplification of immigration formalities for European workers.

EUROPEAN COMMITTEE OF SOCIAL RIGHTS

The European Committee of Social Rights (referred to below as “the Committee”) ascertains whether countries have honoured the undertakings set out in the Charter. Its thirteen independent, impartial members are elected by the Council of Europe Committee of Ministers for a period of six years, renewable once. The Committee determines whether or not national law and practice in the States Parties are in conformity with the Charter.

☞ ***A monitoring procedure based on national reports***

Every year the States Parties submit a report indicating how they implement the Charter in law and in practice. Each report concerns some of the accepted provisions of the Charter. The Committee examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. Its decisions, known as “conclusions”, are published every year.

If a State takes no action on a Committee decision to the effect that it does not comply with the Charter, the Committee of Ministers addresses a recommendation to that State, asking it to change the situation in law or in practice. The Committee of Ministers' work is prepared by a Governmental Committee comprising representatives of the governments of the States Parties to the Charter, assisted by observers representing European employers' organisations and trade unions.

☞ *A collective complaints procedure*

Under a Protocol opened for signature in 1995, which came into force in 1998, complaints of violations of the Charter may be lodged with the European Committee of Social Rights by certain trade unions and NGOs. The Committee examines the complaint and if the formal requirements have been met, declares it admissible. Once the complaint has been declared admissible, a written procedure is set in motion, with an exchange of memorials between the parties. The Committee may decide to hold a public hearing. The Committee then takes a decision on the merits of the complaint, which it forwards to the parties concerned and the Committee of Ministers in a report, which is made public within four months of its being forwarded. Finally, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the State concerned take specific measures to bring the situation into line with the Charter.

☞ *Effects of the application of the Charter in the various States*

As a result of the monitoring system, States make many changes to their legislation or practice in order to bring the situation into line with the Charter. Details of these results (and current developments) are described in the "Survey", published annually by the Charter Secretariat.

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FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

The Framework Convention for the Protection of National Minorities (the Framework Convention) is the first legally binding multilateral instrument concerned with the protection of national minorities in general. Adopted by the Council of Europe in 1995, the Framework Convention entered into force on 1 February 1998 and to date, is ratified by 35 States. Its aim is to protect national minorities within the respective territories of the State Parties. The Convention seeks to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity, whilst fully respecting the principles of territorial integrity and political independence of States. State Parties have to implement the principles contained in the Framework Convention through national legislation and appropriate governmental policies.

The Convention sets out principles to be respected as well as goals to be achieved by the Contracting Parties, in order to ensure the protection of persons belonging to national minorities. The substantive provisions of the Framework Convention cover a wide range of issues, *inter alia*: non-discrimination; the promotion of effective equality; the promotion of the conditions necessary for the preservation and development of the culture and preservation of religion, language and traditions; freedoms of assembly, association, expression, thought, conscience and religion; access to and use of media; freedoms relating to language, education and transfrontier contacts; participation in economic, cultural and social life; participation in public life and prohibition of forced assimilation.

Monitoring of the implementation of the Framework Convention takes place on the basis of state reports. The States Parties must produce within one year of the entry into force a first report on the measures they have taken to implement the Framework Convention. Subsequent reports are due every five years. The Committee of Ministers may in the interim also request *ad hoc* reports. State reports are made public by the Council of Europe upon receipt. They are examined first by the Advisory Committee of 18 independent experts, which may also receive information from other sources, as well as actively seek additional information and have meetings with governments and others. The Advisory Committee adopts opinions on the implementation of the Framework Convention in each State Party (to date, 23 opinions were adopted), which it transmits to the Committee of Ministers. The latter body adopts resolutions (to date, 24 resolutions were adopted) that contain conclusions and recommendations to the State concerned.

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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

This treaty, which came into force on 1 March 1998, aims to protect and promote the historical regional or minority languages of Europe. It was adopted, on the one hand, in order to maintain and to develop Europe's cultural traditions and heritage, and on the other, to ensure the use of regional or minority language in private and public life.

The European Charter for Regional or Minority Languages (the Charter) enunciates the aims and principles for all regional or minority languages spoken on a given territory, which are to be the States' long-term policy targets. These aims and principles are enumerated in Part II of the Charter and include, in particular, recognition of the regional and minority languages as an attribute of community, respect for the geographical area in which each language is spoken; the need for promotion, facilitation and/or encouragement of the use of regional or minority languages in speech and writing, in public and private life (by appropriate measures of teaching and study, by transnational exchanges for languages used in identical or similar form in other States).

Furthermore, Part III of the Charter contains specific provisions where the Contracting Parties are required to provide positive measures in order to protect and promote the use of regional or minority languages in public and private life. These measures are applicable to those languages identified by the State and cover the following fields: education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social activities and transfrontier exchanges (Articles 8 to 14). Each article in Part III is constructed in such a way that the State has different levels of options to choose from in order for each language to be protected and promoted in a way that best suits its real situation, provided that for each language the State chooses a minimum of 35 paragraphs.

To ensure that the implementation of each State's undertaking is effectively monitored, a provision is made in the Charter for an independent Committee of Experts. One year after the entry into force of the Charter each Contracting Party must present an initial periodical report to the Committee, in which the situation of regional or minority languages within its territory is described, together with the relevant legislation and policies that the government has adopted in order to comply with the undertakings accepted at the time of ratification. Other periodical reports are to be presented thereafter at three-yearly intervals. These reports are to be made public by the State. The Committee of Experts then examines these reports, as well as any other information submitted by bodies and associations legally established in the State. To gather further information, a delegation of the Committee visits the State, to meet with non-governmental organisations, local and regional authorities and representatives of national authorities. When the Committee has completed this information gathering

process it presents a report to the Committee of Ministers with suggestions for recommendations to be addressed to one or more of the parties as required. The Secretary General of the Council of Europe is furthermore required to present to the Parliamentary Assembly of the Council of Europe a regular detailed report on the application of the Charter by the Contracting Parties.

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EUROPEAN CONVENTION ON NATIONALITY

This Convention, adopted by the Committee of Ministers in May 1997, was opened for signature by member States of the Council of Europe in November 1997, and has come into force in March 2000. The Convention embodies principles and rules applying to all aspects of nationality. It is designed to make acquisition of a new nationality and recovery of a former one easier, to ensure that nationality is lost only for good reason and that it cannot be arbitrarily withdrawn, to guarantee that the procedures governing applications for nationality are just, fair and open to appeal, and to regulate the situation of persons in danger of being left stateless as a result of state succession.

In more specific terms, the Convention stipulates that the rules on nationality of each State party shall be based on the following principles: everyone has the right to a nationality; statelessness shall be avoided; no one shall be arbitrarily deprived of his or her nationality; neither marriage nor the dissolution of a marriage between a national of a State Party and an alien, nor the change of nationality by one of the spouses during marriage, shall automatically affect the nationality of the other spouse (Article 4).

Moreover, the Convention requires that the rules of a State Party on nationality shall not contain distinctions or include any practice which amounts to discrimination on the grounds of sex, religion, "race", colour or national or ethnic origin, and that each State shall be guided by the principle of non-discrimination between its nationals, whether they are nationals by birth or have acquired their nationality subsequently (Article 5).

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EUROPEAN CONVENTION ON THE LEGAL STATUS OF MIGRANT WORKERS

The European Convention on the Legal Status of Migrant Workers, signed on 24 November 1977 and which came into force in May 1983, was designed to supplement the protection afforded by the European Convention on Human Rights and the European Social Charter. It is based on the principle of equality of treatment between migrant workers and nationals of the host country.

It is concerned with the principal aspects of the legal situation of migrant workers, in particular recruitment, medical examinations and vocational tests, travel, residence and work permits, family reunion, housing, conditions of work, the transfer of savings, social security, social and medical assistance, expiry of the contract of employment, dismissal and re-employment, and preparation for return to the country of origin. A Consultative Committee was instituted to examine State Parties' reports on the application of the Convention. On the basis of these documents, the Consultative Committee draws up reports for the attention of the Committee of Ministers.

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CONVENTION ON THE PARTICIPATION OF FOREIGNERS IN PUBLIC LIFE AT LOCAL LEVEL

The Convention, which entered into force on 1 May 1997, aims to improve the integration of foreign residents into the life of the community. It applies to all persons who are not nationals of the State Party and who are lawfully resident on its territory.

The Convention provides that the State Parties undertake to guarantee to foreign residents, on the same terms as to its own nationals, the fundamental freedoms of expression, assembly and association, including the right to form trade unions. Moreover, the State Parties will make efforts to involve foreign residents in processes of consultation on local matters. Under some conditions provided by law, the rights of freedom of expression and of assembly may be restricted.

The Convention opens the possibility of creating consultative bodies at local level elected by the foreign residents in the local authority area or appointed by individual associations of foreign residents. The Convention provides also that the State Parties may undertake to grant to every foreign resident the right to vote in local elections, after five years of lawful and habitual residence in the host country, and to stand for election. The State Parties are to inform foreign residents about their rights and obligations in relation to local public life.

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ADDITIONAL PROTOCOL TO THE CONVENTION ON CYBERCRIME ON THE CRIMINALISATION OF ACTS OF A RACIST AND XENOPHOBIC NATURE COMMITTED THROUGH COMPUTER SYSTEMS

Many States have already criminalised certain acts related to racist or xenophobic content. However, the dissemination of such material through computer networks poses even greater challenges for law enforcement. It was thus necessary to adopt a co-ordinated approach which enables an effective domestic and international response, based on common elements to be included in an Additional Protocol to the Cybercrime Convention.

This Protocol entails an extension of the Cybercrime Convention's scope, including its substantive, procedural and international co-operation provisions, so as to cover also offences of racist or xenophobic propaganda. Thus, apart from harmonising the substantive law elements of such behaviour, the Protocol aims at improving the ability of the Parties to make use of the means and avenues of international co-operation set out in the Convention in this area.

The Additional Protocol requires States to criminalise the following offences: (i) dissemination of racist and xenophobic material through computer systems, (ii) racist and xenophobic motivated threat and insult, (iii) denial, gross minimisation, approval or justification of genocide or crimes against humanity.

The Additional Protocol has been so far signed by 20 States. Five ratifications are necessary for the Protocol to enter into force. It will be subject to the same follow up mechanism as the Cybercrime Convention.

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VII - THE PARLIAMENTARY ASSEMBLY

The Parliamentary Assembly of the Council of Europe¹⁹ is one of the two statutory organs of the Council of Europe, which is composed of the Committee of Ministers and an Assembly representing the political forces in its member States. The latter is a pluralistic assembly composed of democratically elected members of national parliaments established on the basis of an intergovernmental treaty.

The Parliamentary Assembly provides a forum for debate for members of parliaments from throughout Europe, addressing long-term issues as well as matters of current concern. The advantage of its members also being members of their national parliaments enables the Assembly to keep in close contact with national politics. The Assembly also plays a key role in the process of examining applicant States in their observance of the basic requirements for Council of Europe membership, including protection against discrimination. It also monitors the honouring of obligations and commitments by all Council of Europe member States.

The Assembly can take action in the following ways: by adopting a recommendation, addressing a resolution, framing an opinion, or giving instructions to its subsidiary bodies in the form of an order. The Parliamentary Assembly has on a number of occasions held debates on the subject of racism and intolerance, and has produced several reports on the subject, leading to a series of recommendations and resolutions. A few cases illustrating the participation of the Assembly in the fight against racism are set out below:

- Recommendation 1261 (1995) on the situation of immigrant women in Europe;
- Recommendation 1275 (1995) on the fight against racism, xenophobia, antisemitism and intolerance;
- Recommendation 1327 (1997) on the protection and reinforcement of the human rights of refugees and asylum-seekers in Europe;
- Recommendation 1345 (1997) on the protection of national minorities;
- Recommendation 1353 (1998) on the access of minorities to higher education;

¹⁹ Refer to the Bibliography, section "Parliamentary Assembly" for additional information.

- Recommendation 1374 (1998) on the situation of refugee women in Europe;
- Recommendation 1438 (2000) on the threat posed to democracy by extremist parties and movements in Europe;
- Recommendation 1503 (2001) on health conditions of migrants and refugees in Europe;
- Recommendation 1504 (2001) on non-expulsion of long-term immigrants;
- Recommendation 1543 (2001) on racism and xenophobia in cyberspace;
- Opinion 240 (2002) on the draft Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- Recommendation 1557 (2002) on the legal situation of Roma in Europe;
- Recommendation 1587 (2002) on residence, legal status and freedom of movement of migrant workers in Europe: lessons from the case of Portugal;
- Recommendation 1596 (2003) on the situation of young migrants in Europe;
- Recommendation 1619 (2003) on the rights of elderly migrants;
- Recommendation 1625 (2003) on policies for the integration of immigrants in Council of Europe member States;
- Resolution (2003) 1344 on the threat posed to democracy by extremist parties and movements in Europe;
- Resolution (2003) 1345 on racist, xenophobic and intolerant discourse in politics.

The Parliamentary Assembly works through ten committees. The work of the following committees especially relates to combating racism and related intolerance.

POLITICAL AFFAIRS COMMITTEE

The Political Affairs Committee plays a central role in the examination of the requests for accession to the Organisation. As such, it needs to ensure that the statutory principles of the Council of Europe are upheld and that applicant States comply with the basic requirements of membership, notably pluralistic democracy, the rule of law and respect for human rights.

The Committee also focuses on questions related to democratic security, hence dealing with constitutional and political crises, which can have roots in

racism, xenophobia and intolerance. More political by nature, the Committee's work complements the legal and social actions taken by other bodies and mechanisms to combat racism and related phenomena. The Committee often acts as an instrument of dialogue between different groups and is involved in efforts to resolve political impasses. The Committee has an on-going standing mandate to report on issues relating to racism, xenophobia and intolerance, in connection with which a member of the Committee regularly attends meetings of ECRI to represent the Assembly.

LEGAL AFFAIRS AND HUMAN RIGHTS COMMITTEE

The Committee on Legal Affairs and Human Rights is responsible for a variety of issues, giving it a major role in the promotion and defence of human rights including the further development of the European Convention on Human Rights and its mechanisms. It prepares the Parliamentary Assembly's elections of judges to the European Court of Human Rights and may be considered the Assembly's "legal adviser". The Committee covers a very broad range of areas, catering for the concerns of member States and NGOs that appeal to it. They include *inter alia*: national minorities and the protection of their rights; the

protection of human rights in the member States of the Council of Europe (abolition of the death penalty, improving prison conditions, right of asylum, etc.); combating racism, xenophobia, antisemitism and intolerance; problems of discrimination in general; and any question relating to criminology and criminal law. The Committee has an on-going standing mandate to report on issues relating to racism, xenophobia and intolerance, in connection with which a member of the Committee regularly attends meetings of ECRI to represent the Assembly

COMMITTEE ON CULTURE, SCIENCE AND EDUCATION

Through the Committee on Culture, Science and Education, the Parliamentary Assembly contributes directly to European cultural co-operation. The Committee is active on the issue of combating racism, xenophobia, antisemitism and intolerance. It promotes contact between different cultures and religions to foster tolerance and mutual respect. The Committee has for instance examined the relationship between religion and democracy. With the same aim of demonstrating that the cultural diversity of the European continent is an asset, the committee has prepared reports on the contribution of Jewish and Islamic civilisations to European culture, on Roma/Gypsies in Europe, on Yiddish

culture, on the Aromanians and on Uralic minority cultures.

The Committee has furthermore endorsed improved history learning in Europe, free from stereotypes and distortions based on national, racial, religious or other grounds. In 1997 the Assembly adopted a Resolution on education in human rights that has given an impulse to new intergovernmental activity in this field. It has presented reports on the European dimension of education, gender equality in education and access of minorities to higher and non-formal education.

COMMITTEE ON MIGRATION, REFUGEES AND DEMOGRAPHY

This Committee fulfils a dual purpose: firstly, it upholds the human rights of migrants, refugees and displaced persons and works to bring about an improvement in their living conditions. Secondly, by proposing solutions in keeping with the humanitarian values of the Council of Europe, it seeks to respond to member States' concerns about significant movements of migrants and refugees, issues related to the integration of migrants and demographic trends. The Committee further examines community relations in multicultural societies, including the situation and integration

of migrant workers and their economic, political and social rights. The Committee works in close co-operation with governmental and non-governmental international humanitarian organisations (such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the International Organisation for Migration (IOM) and Amnesty International) while maintaining close contact with the intergovernmental committees of the Council of Europe active within its own particular sphere.

COMMITTEE ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN

The most recently established Committee's task is to monitor and study equal opportunity issues, and to carry out activities aiming to influence policy and/or legislation in this field. The Committee's work is essentially concentrated, for the moment, on violence and trafficking of women. The Committee has adopted several reports in this field.

The Committee also organised hearings and adopted reports on other topics, such as genital mutilations, on domestic slavery, so-called honour crimes, and women and micro-credits. The Committee maintains close contacts with the intergovernmental committee of the Council of Europe in this field. It is currently preparing reports, *inter alia*, on discrimination of women in the workforce and the workplace and women's participation in elections and women and religion.

MONITORING COMMITTEE (COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE)

In general terms, the monitoring procedure of the Parliamentary Assembly should be interpreted as a manifestation of the Assembly's desire to assist the countries concerned in their democratic reforms on the basis of a constructive dialogue with the national delegation. The Committee was set up when it became evident that the scale and long-term nature of the monitoring process of member States necessitated the setting up of a new permanent committee with exclusive responsibility for monitoring.

However, as regards the consequences of persistent failure to honour obligations and commitments entered into, such as the protection of minority rights and human rights in general, the

new system involves a scale of possible sanctions:

Firstly, the adoption of a resolution and/or recommendation; secondly, refusal to ratify the credentials of a national parliamentary delegation, or the cancellation of ratified credentials; lastly, the adoption of a recommendation to the Committee of Ministers requesting it to take action and suspend the rights of representation of the member State. In short, the Monitoring Committee's task is to ensure that severe violation of the statutory principles of the Council of Europe, such as respect for human rights, are not left unnoticed or unpunished.

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VIII - CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE

Acknowledging the importance of grass-roots democracy, the Council of Europe established the Congress of Local and Regional Authorities of the Council of Europe²⁰, (CLRAE) in 1994 as a consultative body replacing the Standing Conference of Local and Regional Authorities of Europe. Comprising elected local or regional authority representatives and officials directly responsible to them, the CLRAE aims to ensure that local authorities participate in the process of European unity. It deals with all questions of policy which affect these authorities, the most important being local and regional self-government, rural and urban development, protection of the environment, culture, education, social services and health.

Following from the work of the Standing Conference²¹, the CLRAE has drawn attention to combating racism and related intolerance in various aspects of its activities. These include:

- in education, Resolution 28 (1996) on responsibilities and initiatives of cities in respect of education, which proposes, *inter alia*, a plan of action for the city's approach to the education of its multicultural population;
- urban planning, Resolution 70 (1998) on social cohesion in towns, including aspects of integration, quality of urban life for all, and non-discrimination in access to public utilities, services and housing;
- participation in local public life, Resolution 141 (2002) on the participation of foreign residents in local public life: consultative bodies;
- employment, Resolution 153 (2003) on employment and vulnerable groups.

These, and other, texts stress the need for a new European social bond based on citizenship and respect for others, and the importance of comprehensive, coherent and forward-looking policies to combat all forms of exclusion and marginalisation.

²⁰ Refer to the Bibliography, section « Congress of Local and Regional authorities of Europe » for additional information

²¹ Selected texts adopted by the Standing Conference in the 1990s included, for example, Resolution 236 on a new municipal policy for multi-cultural integration in Europe, Resolution 243 on citizenship and extreme poverty and Resolution 249 on Gypsies in Europe : the role and responsibility of local and regional authorities

In addition to its recommendations and resolutions related to the subject of combating racism and intolerance, the CLRAE's contribution has consisted in revealing the economic, social, political and cultural reasons behind the attitudes that lead to intolerance and rejection of others. In this way, it encourages the emergence of positive attitudes and the implementation of effective prevention policies.

A number of the CLRAE's current working groups have particular relevance to combating racism and related intolerance. The Working Group on "Citizens' rights and responsibilities" has promoted the launch of the European Network of Towns for provision for Roma/Gypsies in municipalities. This Network constitutes a "laboratory" for good practice in relations between local and regional authorities and Roma/Gypsy groups, to be developed on the basis of exchanges of experience and dialogue. The Working Group on "Federalism, regionalism, local autonomy and minorities" aims, *inter alia*, to promote the European Charter for Regional or Minority Languages.

One of CLRAE's specific programmes is the establishment of Local Democracy Agencies (LDA). This programme started in 1993 in the former Yugoslavia to support municipalities which wished to preserve the multicultural character of their cities. Local Democracy Agencies form a partnership between a particular local authority in a region and local and regional authorities elsewhere in Europe, helping with refugees and the reconstruction of public services, and promoting respect for human rights and democracy.

The CLRAE also strongly promotes the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level and organised in September 2003 in Stuttgart a Conference on "Foreigners' integration and participation in European cities" to promote in society a better integration and participation of foreigners; a peaceful coexistence among different nationalities and the use of cultural diversity as a resource.

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IX – COMMISSIONER FOR HUMAN RIGHTS

On the basis of his mandate entrusting him with the task of promoting the effective observance of human rights, the Commissioner for Human Rights of the Council of Europe is by nature an established actor in the fight against racism and intolerance. The Commissioner’s action works to both prevent all risk of violations, by education and awareness-raising of States and institutions, and to remedy it by proposing concrete solutions to any specific problems identified.

The institution of the Commissioner for Human Rights was established in 1999 at the Council of Europe’s 50th anniversary, in order to strengthen human rights protection in Europe. In accordance with Article 3 of Resolution (99) 50, the Commissioner for Human Rights targets his activities in four major directions, without excluding other complementary interventions if necessary. He contributes to the promotion of the effective observance and the full enjoyment of human rights in the member States, identifies possible shortcomings in the law and practice of member States and assists them, with their agreement, in their efforts to remedy such shortcomings. Finally, he co-operates with human rights structures in member States and where they do not exist, he encourages the creation of such structures.

The Commissioner’s action in the field of racism and intolerance operates on three complementary levels: firstly, awareness-raising and education aimed in particular at specific groups; secondly, the more general promotion of respect for fundamental rights, and finally, the condemnation of violations in law or practice.

1. THE PROMOTION OF EDUCATION IN AND AWARENESS OF HUMAN RIGHTS

In accordance with this part of his mandate, the Commissioner organises seminars with a view to thematically investigating specific topics relating to the protection of human rights. As such, he has set up a cycle of conferences with the representatives of monotheist religions in order to emphasise the place/role of human rights in religion and notably the role those can play in promoting tolerance and the acceptance of others. Such a Seminar was organised in Louvain-la-Neuve on 9 and 10 December 2002 and dealt with the theme “Human Rights, Culture and Religion: Convergence or Divergence? Beliefs, Values and Education”. The discussions at this Seminar focused on the search for common roots between the religious message and the defence of fundamental human rights. Being also very concerned that the rights of particularly vulnerable persons are not threatened, he has organised two conferences concerning the rights to health of certain groups of ill persons.

2. THE PROMOTION OF THE EFFECTIVE OBSERVANCE OF HUMAN RIGHTS

In accordance with his mandate, the Commissioner carries out an evaluation of the human rights situation in the member States of the Council of Europe. In order to do this the Commissioner, in addition to any information gathered from any competent or interested instance or body, carries out visits to member States. Such visits allow the Commissioner to gain a direct and independent view of the human rights situation in the member State visited and to make appropriate recommendations. A visit typically consists of meetings with the Head of State and/or competent Ministers (such as the Ministers of Justice, Home Affairs and Foreign Affairs), representatives of the judiciary and national human rights protection mechanisms (ombudsmen or national human rights institutions, where they exist) as well as with the representatives of non-governmental human rights organisations. In addition, during the visit the Commissioner may inspect sites where the protection of human rights is particularly sensitive, such as prisons, refugee camps or psychiatric institutions. Upon return the Commissioner outlines, in a report addressed to the Committee of Ministers and the Parliamentary Assembly and published on the internet, his opinion on the human rights situation in the country concerned. Each report contains a number of recommendations with a view to helping progress to be made in the effective observance of human rights.

In a number of visits, the Commissioner has been concerned with populations marginalised by society, such as Roma/Gypsies, disabled persons, or other minority groups. In doing this the Commissioner enquires into the effective observance of their fundamental rights such as access to education, health or the possibility of acquiring nationality/citizenship of the country. He also pays special attention to non-legal questions, including problems of social exclusion of these populations and their rejection by the majority group. For example, the Commissioner's report on his visit to the Czech Republic mentioned the problems experienced by Roma/Gypsies regarding access to education, accommodation and employment, but also underlined the problems of debt and violence experienced by this community. The Commissioner also attaches great importance to the situation and integration of foreign communities in the countries which he visits.

3. IDENTIFICATION OF SHORTCOMINGS IN LAW AND PRACTICE IN COUNCIL OF EUROPE MEMBER STATES

Article 3.e of Resolution (99) 50 provides that the Commissioner should "identify possible shortcomings in the law and practice of member States" and "promote the effective implementation of the human rights standards" by them. Until last year, this role had been fulfilled exclusively in the context of country visits and reports. With the publication of his first two opinions in 2002 on certain aspects of the UK derogation from Article 5 of the European Convention on Human Rights and the review of powers of the Northern Ireland Human Rights Commission, the Commissioner has extended his activity in this area and formulated a new approach to this aspect of his mandate. In his opinion on the derogation to article 5, the Commissioner brought to light the risk of treating nationals and foreigners differently in the fight against terrorism.

Furthermore, the Commissioner addressed a Recommendation to the Slovak Republic on 17 October 2003 concerning certain aspects of law and practice relating to the sterilisation of women in Slovakia. In this Recommendation he analyses and proposes solutions concerning sterilisations which have been carried out on Roma women often without their consent, and concerning the enquiry undertaken by the Slovak authorities afterwards.

The Commissioner is also worried by the treatment of migrants in member States. Following a Colloquy on this subject held in 2001, he adopted a Recommendation on the rights of foreigners wishing to enter the territory of member States of the Council of Europe and the carrying out of expulsion procedures. More specifically, he gave an Opinion on certain aspects of Finland's new law on foreigners during his follow-up visit to Helsinki in October 2003. In this Opinion he urges the Finnish government to ensure that the new procedure for awarding international protection is carried out in full respect of foreigner's fundamental rights.

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X - EUROPEAN CENTRE FOR GLOBAL INTERDEPENDENCE AND SOLIDARITY (NORTH-SOUTH CENTRE)

The European Centre for Global Interdependence and Solidarity²², better known as the North-South Centre, was set up in the wake of the North-South Campaign conducted by the Council of Europe in 1988, in close collaboration with the European Union. The Centre, based in Lisbon, opened its doors in May 1990 as a follow-up to that Campaign and operates under terms of a partial agreement of the Council of Europe. Its functions are overseen by a quadripartite structure composed of parliamentarians, governments, local and regional authorities and non-governmental organisations (the so-called quadrilogue). In mid-2003, 20 countries were members of the North-South Centre.

The Centre aims “to provide a framework for European co-operation in raising public awareness on global interdependence issues and to promote policies of solidarity in conformity with the aims and principles of the Council of Europe”. Since its creation, the Centre has developed an important network of partners, not only in Europe but also in other regions of the world, thus serving to open the Council of Europe to other continents.

The North-South Centre encourages dialogue based on intercultural understanding and religious tolerance with a view to overcoming a distorted or stereotyped image of others that leads to racism, intolerance and exclusion. These issues are taken into account in all facets of the Centre’s programme of activities.

The “Global Education” programme was established by the Centre to foster the promotion and development of a comprehensive education that includes education for sustainable development, peace education, conflict prevention and intercultural education. Such commitment is achieved through the implementation of national strategies by members of the quadrilogue.

The youth aspect has its own specific purpose, and is an integral part of each of the North-South Centre’s programmes. The aim here is to provide comprehensive and regional training and to undertake actions that will promote increased youth participation in the decision-making process. Common points within these activities

²² Refer to the Bibliography section “North-South Centre” for additional information.

include the celebration of diversity and a multicultural approach, along with the promotion of tolerance and the fight against racism.

The Trans-Mediterranean Programme that began in January 1994 is an ideal forum for debate, exchange and consolidation of relations between the two shores of the Mediterranean. These activities aim to foster better understanding of others through their respective cultures, promoting integration and preventing racism and xenophobia.

The annual Lisbon Forum Meeting on human rights protection in North-South dialogue and the annual award of the North-South Prize are also demonstrative of the Centre's commitment to foster better understanding among peoples and the establishment of universal and indivisible human rights.

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XI - CO-OPERATION WITH OTHER INTERNATIONAL BODIES

MANY INTERNATIONAL ORGANISATIONS – BOTH INTERGOVERNMENTAL AND NON-GOVERNMENTAL – ARE ENGAGED IN COMBATING RACISM AND INTOLERANCE.

THE COUNCIL OF EUROPE AIMS TO CO-OPERATE WITH OTHER INSTITUTIONS WORKING IN THIS AREA.

1. EUROPEAN UNION / EUROPEAN COMMISSION / EUROPEAN MONITORING CENTRE ON RACISM AND XENOPHOBIA

Longstanding special arrangements provide for close co-operation between the Council of Europe and the European Community across a wide range of activities. The European Commission regularly participates in the intergovernmental programme of activities of the Council of Europe, attending Council of Europe Summits of Heads of State and Government, meetings of the intergovernmental committees concerned with migration, culture, media, etc.,

Co-operation between the Council of Europe and the European Union has further increased in recent years through collaboration between ECRI and the European Monitoring Centre on Racism and Xenophobia (EUMC).

The Monitoring Centre was set up following the adoption of a Regulation by the Council of the European Union in June 1997. The Monitoring Centre, which is based in Vienna, has the main task of providing the institutions of the European Community and European Union member States with objective, reliable and comparable data on racism and xenophobia. In specific terms, the Monitoring Centre is required to collect, record and analyse information gathered in particular from EU member States, the Community institutions, non-governmental organisations or international bodies, and to set up a European network of information on racism and xenophobia (known as "RAXEN").

Article 7 of the Regulation creating the Monitoring Centre provides for the conclusion of a co-operation agreement between the European Community and the Council of Europe with a view to ensuring a close co-operation between the latter and the Monitoring Centre. After exchanges of views stressing the importance of putting together from the outset the different experiences recorded by ECRI and by the Monitoring Centre, a range of concrete proposals for the reciprocal exchange of information and the organisation of joint activities on subjects of mutual interest were prepared. An Agreement to establish close co-operation between ECRI and the Monitoring Centre was finally signed in February 1999. It provides the legal basis for the development of co-operation between the two bodies. In this respect, it should be noted that the Management Board of the Monitoring Centre includes a member appointed by the Council of Europe and that since the adoption of ECRI's new Statute in June 2002 a member of the EUMC Management Board is also invited as an observer to all ECRI plenary meetings. In addition, the Bureaux of the two institutions meet annually to discuss practical areas of co-operation and review common activities.

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2. ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

There is close co-operation between the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) across a wide range of activities. In recent years, the two organisations have worked together on a number of occasions in the field of combating racism and intolerance. This co-operation is particularly strong with the Office for Democratic Institutions and Human Rights (ODIHR), the principal OSCE institution responsible for promoting progress in the Human Dimension, strengthening democratic structures, and advancing human rights. The ODIHR is also responsible for organising Human Dimension Seminars and Human Dimension Implementation Meetings. Co-operation with the OSCE/ODIHR has already led to a number of jointly organised meetings, notably on the situation of Roma, and the International Conference on Tolerance, which took place in Bucharest in May 1995. The Council of Europe attends the Human Dimension Implementation Meetings and, in 1997, was asked to prepare the background report on the theme of combating racism and intolerance for the Human Dimension Implementation Meeting held that year in Warsaw.

In June 2003, the OSCE organised a Conference on antisemitism in Vienna in which representatives of the Council of Europe participated. This Conference looked into best practices to prevent antisemitism through awareness raising, education, the rule of law and anti-discrimination legislation, law enforcement, cultural preservation, and methodologies for combating antisemitism.

In September 2003, a Conference on racism, xenophobia and discrimination was held in Vienna, which was also attended by representatives of the Council of Europe. This Conference basically focused on the role of governments and civil society in promoting greater tolerance and support for the victims of prejudice and discrimination, the role of education in promoting tolerance and the role of the media in conveying and countering prejudices.

At the Human Dimension Implementation Meeting in October 2003 in Warsaw, one day was exclusively dedicated to the topic of the prevention of discrimination, racism, xenophobia and antisemitism. ECRI prepared for that meeting day a written contribution entitled "Combating racism, xenophobia, antisemitism and intolerance: a Council of Europe priority".

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3. UNITED NATIONS (UN)

☞ *United Nations human rights bodies and Office of the United Nations High Commissioner for Human Rights (OHCHR)*

E CRI maintains a regular exchange of information with the Committee on the Elimination of Racial Discrimination (CERD), the monitoring body established under the International Convention on the Elimination of All Forms of Racial Discrimination. The periodic examination by CERD of State Parties' reports in fulfilling the obligations of the convention are consistently used by ECRI in its country-by-country work, and ECRI provides CERD with its own country specific reports and other information.

ECRI's Bureau has also met with the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance and similarly exchanges information on a regular basis with the Special Rapporteur.

Following a proposal in December 1997 by the delegation of Luxembourg, then holding the Presidency of the European Union, the Council of Europe was entrusted with the preparation, at European level, of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, notably through organising a European Conference on this theme.

The European Conference held in Strasbourg on 11 - 13 October 2000 was the opportunity for participating Ministers to adopt a major Political Declaration relaunching the fight against racism, racial discrimination, xenophobia and related intolerance. The Political Declaration, together with the General Conclusions of the Conference were transmitted to the World Conference. A Forum for non-governmental organisations immediately preceded this Conference.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in South Africa in 2001. It condemned those scourges and called for action by the international community to eradicate them whenever they may be found. This Conference adopted a Declaration and Programme of Action that commits Member States to undertake a wide range of measures to combat racism and discrimination at the international, national and regional levels. The Anti-Discrimination Unit of the OHCHR organises regular meetings to follow up the implementation of the conclusions of this Conference, in close co-operation with ECRI and the Council of Europe.

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Website : <http://www.unhchr.ch/html/menu2/6/cerd/cerds57.htm>

☞ *United Nations High Commissioner for Refugees (UNHCR)*

The UNHCR maintains a small liaison office at Council of Europe headquarters in Strasbourg to facilitate co-operation with regard to all areas of mutual interest. ECRI provides its information to the UNHCR on a regular basis.

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☞ *United Nations Educational, Scientific and Cultural Organisation (UNESCO)*

The Council of Europe, particularly through its educational and cultural programme of activities, co-operates on a regular basis with UNESCO, including in relation to the promotion of tolerance.

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Website : <http://www.unesco.org/>

4. NON-GOVERNMENTAL ORGANISATIONS (NGOS)

Almost 400 international non-governmental organisations have consultative status with the Council of Europe. The rules governing this relationship are contained in Resolution (93) 38, adopted by the Committee of Ministers in October 1993. In November 2003 this cooperation has been reinforced through the adoption of two resolutions by the Committee of Ministers, notably Resolution (2003)8 on participatory status for international non-governmental organisations with the Council of Europe and Resolution (2003)9 on the status of partnership between the Council of Europe and national non-governmental organisations.

This constitutes a clear recognition that not only international NGOs contribute to the work of the Council of Europe. This is particularly the case in activities for combating racism and intolerance. The European Youth Campaign against Racism, Xenophobia, Antisemitism and Intolerance (1994-96) forged partnerships with many NGOs active at national and local level. ECRI also co-operates, particularly through its country-by-country work and in relations with civil society, with many national NGOs involved in

combating racism and intolerance. In March 1998, ECRI adopted a policy and action statement on its relations with NGOs, affirming the important contribution of NGOs to its work. NGOs were also associated in the preparatory process of the European Conference against Racism and Intolerance (Strasbourg, 11 - 13 October 2000) together with, of course, the NGO Forum which preceded it with about 250 representatives.

ECRI has reinforced its co-operation with NGOs in the framework of its programme of action on relations with civil society, which has been adopted on 20 March 2002, by organising round tables, consultation meetings and building up its network of partner NGOs.

APPENDIX

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