



**all different, all equal :**  
*from **principle to practice***

**European contribution to the world conference against  
RACISM, RACIAL DISCRIMINATION, XENOPHOBIA  
and RELATED INTOLERANCE**

**Strasbourg, 11 - 13 October 2000**

EUROCONF  
(2000) 7 final

**GENERAL CONCLUSIONS  
OF THE EUROPEAN CONFERENCE  
AGAINST RACISM**

**16 October 2000**



## **A. INTRODUCTION**

The European Conference "All different, all equal: from principle to practice" is meeting between 11 and 13 October 2000 in Strasbourg, France, at the headquarters of the Council of Europe. It constitutes Europe's regional contribution to the World Conference against racism, racial discrimination, xenophobia and related intolerance.

The European Conference brings together governments from across Europe, in particular the Council of Europe's 41 member States. States with Observer status to the Council of Europe participate in the conference and governments belonging to the Western European and Other Group (WEOG) and Eastern European Group are represented. Council of Europe bodies, including the European Commission against Racism and Intolerance (ECRI), institutions of the European Union, inter alia its European Monitoring Centre on Racism and Xenophobia (EUMC), and the Organisation for Security and Co-operation in Europe (OSCE), are taking part. The United Nations, most importantly its High Commissioner for Human Rights, together with its human rights treaty monitoring bodies and mechanisms, is actively contributing, as well as UN specialised agencies and other relevant international organisations. National institutions dealing with racism, racial discrimination, xenophobia and related intolerance, especially independent national specialised bodies in this field, non-governmental organisations and media professionals are further contributing to the European Conference. A Forum for Non-Governmental Organisations immediately preceded the European Conference.

The European Conference is adopting General Conclusions, which are reproduced below. Furthermore, Ministers of Council of Europe member States are adopting a Political Declaration, with which other participating States at the conference may associate themselves. The Political Declaration is reproduced separately.

## **B. CONTEXT**

The European Conference welcomes ethnic, religious, cultural and linguistic diversity in Europe as a source of social vitality which should be embraced, valued and enjoyed by all Europeans because it enriches and enhances our lives, our ideas, our creativity and our politics. It is also essential for Europe's economic prosperity as well as social success, through drawing on all available talents.

The European Conference affirms that the strengthening of democratic values and respect for human rights requires constructing a society in which all people, regardless of their origin, enjoy the same rights and opportunities.

The European Conference believes that all States must acknowledge the suffering caused by slavery and colonialism. It further believes all States must reject ethnic and religious cleansing and genocide, in Europe and in other regions of the world, and work together to prevent their recurrence. The European Conference also believes that the Holocaust must never be forgotten.

The European Conference recognises the continued and widespread occurrence of racism, racial discrimination, xenophobia, antisemitism and related intolerance. It further recognises that such occurrences target, notably on grounds related to language, religion or national or ethnic origin, persons such as migrants, asylum-seekers, refugees, displaced persons, non-nationals and indigenous peoples; or, on grounds related to belonging to minorities, persons such as Roma/Gypsies and Travellers. It is also aware of the multiple discrimination suffered by some persons, including on grounds of race, colour, ethnic or linguistic origin, gender, sexual orientation, age, disability, religion or culture. All such persons are henceforth referred to as targeted groups.

The European Conference furthermore recognises the persistence for targeted persons of the following problems in particular:

- ? the "everyday" discrimination that exists in employment, housing, education, services and so on;
- ? the lack or, more often, inadequacy of effective anti-discrimination provisions;
- ? the occurrence of contemporary forms of slavery, in Europe and in other parts of the world, despite the efforts undertaken by the international community and national governments;
- ? the incitement to discrimination against immigrants, asylum-seekers and refugees, on the part of certain media outlets and politicians;
- ? the discrimination faced by immigrants, asylum-seekers and refugees, and the growth of often violent racism and xenophobia against them, as well as their criminalisation;
- ? continuing manifestations of racial or ethnic violence and incitement to racial or ethnic hatred or intolerance;
- ? the proliferation and growth of extremist groups exacerbating these phenomena of hostility and violence;
- ? in some cases, the existence of certain forms of racism and prejudice in State institutions, direct and indirect;
- ? a "banalisation" of racism and intolerance: while the notion of racism as a theory based on the so-called superiority of a race or ethnic group over another is no longer so pronounced, theories of supposedly insurmountable cultural differences between groups can be observed;
- ? a rise in religious intolerance;
- ? violent acts against members of Jewish communities and dissemination of antisemitic material;

- ? persisting prejudice and discrimination against Roma/Gypsies;
- ? the use of new technologies of mass communication by racist individuals and groups.

In condemning these phenomena, the European Conference is aware that most of them are experienced not only in Europe but also in other regions.

To act to eradicate racism, racial discrimination, xenophobia, antisemitism and related intolerance, the European Conference proposes through its General Conclusions a series of measures, some of which may also be considered useful outside Europe. In exchanging its experiences with other regions in this respect, the European Conference emphasises the priority of action at national and local level, and by government in conjunction with civil society.

## **C. CONCLUSIONS AND RECOMMENDATIONS OF THE EUROPEAN CONFERENCE AGAINST RACISM**

### **LEGAL PROTECTION**

1. The European Conference reaffirms that acts of racism and racial discrimination are serious violations of human rights and should be combated by all lawful means.

#### Acceptance and full implementation of relevant international legal instruments

2. The European Conference calls upon all States, and notably all member States of the Council of Europe, to consider, if they have not already done so, to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and to make the declaration under Article 14 of that Convention on the right of individual petition, as well as all other relevant universal and regional international instruments relating to the protection of human rights, and to ensure their full and effective application at national level.<sup>1</sup>

3. The European Conference further calls upon all States to ensure that no reservation is contrary to the object and purpose of these instruments, to review existing reservations to these instruments with a view to withdrawing them, to comply with the relevant reporting obligations under these instruments and to publicise and act upon the concluding observations of the relevant supervisory mechanisms.

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<sup>1</sup> International and European legal instruments relevant to combating racism, racial discrimination, xenophobia and related intolerance are listed in Appendix I.

4. The European Conference recognises the need to provide effective protection from acts or situations involving racism, racial discrimination, xenophobia and related intolerance also in times of armed conflict. It stresses the importance of international humanitarian law, which contains many specific non-discrimination rules binding on parties to an armed conflict.

#### New developments at European and international levels

5. The European Conference welcomes the adoption by the Council of the European Union of a directive prohibiting discrimination on grounds of racial or ethnic origin. It believes that such legislative measures can make a valuable contribution to the fight against racism and xenophobia.

6. The European Conference also welcomes the adoption of Protocol No. 12 to the European Convention on Human Rights broadening, in a general fashion, the field of application of Article 14 (non-discrimination). It calls upon member States of the Council of Europe to consider signing and ratifying it without delay and to implement fully its provisions.

7. The European Conference underlines the importance of combating impunity, including for crimes with a racist or xenophobic motivation, also at international level. In this respect, it fully supports the work of the existing International Criminal Tribunals and the adoption of the Statute of the International Criminal Court. It calls upon all States which have not yet done so to sign and ratify the latter.

#### General and comprehensive anti-discrimination legislation at national level

8. For purposes of effectively combating racism, racial discrimination, xenophobia and related intolerance in the civil, political, economic, social and cultural fields, the European Conference recommends to all participating States that the national legislative framework in criminal, civil and administrative law should expressly and specifically prohibit discrimination on grounds of actual or presumed racial, ethnic or national origin, religion and belief and provide effective judicial and other remedies or redress, including through the designation of national, independent, specialised bodies. Such legislation should embrace the concepts of direct and indirect discrimination. It should cover such areas as employment, education, housing, health care, social protection and social security, social benefits, access to the supply of goods and services and to public places as well as access to citizenship. This legislation should clearly cover the functions of public bodies and authorities such as law enforcement personnel, judges and prosecutors, other components in the criminal justice system, local authority enforcement powers, health and safety bodies, child protection, detention under mental health legislation and tax collection, as well as the private sector.

## Application of the law and provision of effective remedies

9. To reinforce protection against racism, racial discrimination, xenophobia and related intolerance, the European Conference calls upon participating States to ensure that all persons have access to effective and adequate remedies and enjoy the right to seek from competent tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

10. In improving the effectiveness of criminal law in combating racism, racial discrimination, xenophobia and related intolerance, the European Conference draws attention to a number of measures participating States could consider. These may include:

- ensuring the criminal prosecution of offences of a racist or xenophobic nature is given a high priority and is actively and consistently undertaken. In this connection, the European Conference underlines the importance of fostering awareness and providing training to the various agents in the criminal justice system to ensure the fair and impartial application of the law;
- ensuring that racist and xenophobic acts are stringently punished, by allowing the racist or xenophobic motives of the offender to be specifically taken into account;
- in accordance with relevant international instruments, and in particular Articles 10 and 11 of the European Convention on Human Rights, ensuring that appropriate and efficient measures are taken to combat racist organisations, as well as to criminalize oral, written, audio-visual and other forms of expression, inciting to hatred, discrimination or violence against targeted groups or persons because of their actual or presumed racial, ethnic or national origin or religion;
- making the offence of Holocaust-denial punishable;
- empowering courts to impose, in addition to the main penalty, ancillary penalties such as fines or community service;
- prosecuting acts of a racist or xenophobic nature ex officio;
- allowing complainants of racist and xenophobic acts to opt for mediation in criminal cases, particularly where the parties are individuals.

11. The European Conference underlines the importance of access to the law and to the courts for complainants of racism and racial discrimination. With this in mind, it draws attention to the need for judicial and other remedies such legislation should provide to be widely known, easily accessible, expeditious, and not unduly complicated. Among particular measures the European Conference proposes participating States should consider are:

- in certain circumstances, shifting the burden of proof to the defendant in non-penal proceedings - when the plaintiff has established factual evidence of less favourable treatment caused by apparent discrimination;
- ensuring that adequate legal assistance, including legal aid, is available to complainants of discrimination when seeking a legal remedy;
- ensuring the protection against victimisation of complainants of and witnesses to discrimination;
- affording the possibility for non-governmental organisations to support complainants of racism, with their consent, in legal procedures;
- promoting sustained measures to ensure that all members of targeted groups are aware of the remedies available and how to make use of them;
- informing the broader public about legislation to combat racism, racial discrimination, xenophobia, antisemitism and religious discrimination, so that its effects in terms of access to the courts and compensation are supplemented by an educational impact on the general public;
- promoting sustained measures to ensure that persons belonging to targeted groups who have been victims of gender-related crimes, such as rape and other forms of sexual and domestic violence, forced prostitution and trafficking for the purpose of sexual exploitation, are granted adequate legal protection and support, empowered to take action and protected from racism, xenophobia and related intolerance of any form.

12. The European Conference draws attention to the importance of collecting and publishing accurate data, broken down by sex and age, on the number and nature of racist and xenophobic incidents or offences, the number of cases prosecuted or the reasons for not prosecuting, and the outcome of prosecutions. The European Conference recommends in this respect that anti-discrimination monitoring services may be established.

#### Examining the conformity of new and existing legislation with principles of non-discrimination

13. The European Conference encourages participating States to establish mechanisms for examining the conformity of draft legislation with principles of non-discrimination on the basis of race, ethnic or national origin, religion or belief, especially in relation to potentially discriminatory effects, including all forms of multiple discrimination, on persons belonging to targeted groups. Concerning existing legislation, the European Conference calls upon participating States to keep their legislative framework under regular review so as to promote equality and guard against any unintended or inadvertent discriminatory impact which may arise. Such legislative appraisal will also help to “mainstream” equality issues.



## Positive obligations and impact assessment of legislation as a means of prevention

14. Equal treatment by itself may not be enough if it does not overcome the weight of accumulated disadvantage suffered by persons belonging to targeted groups. The European Conference therefore calls upon participating States to consider introducing legislative and administrative measures which are necessary to prevent and correct situations of inequality. This would mean a positive duty on public authorities to promote equality and to assess the impact of policy, as well as to prevent and punish violations by any person, organisation or enterprise.

## Integration

15. The European Conference recalls that human rights and fundamental freedoms apply to all persons on the territories of all States, irrespective of their nationality or legal status. It advocates that participating States aim to ensure that non-nationals to whom residency has been granted – taking account of length of residence – can enjoy the rights necessary for full integration into the host society. It further notes that integration policies should not be subordinate to other policies such as immigration controls. When awarding nationality, participating States must take care never to discriminate on grounds of racial, ethnic or cultural origin.

## **POLICIES AND PRACTICES**

### Comprehensive national strategies/action plans, to include mainstreaming the fight against racism in policies and acting in partnership with civil society

16. The European Conference believes it is essential for participating States to recognise that combating racism in all its forms, and the discrimination that ensues, is a primary responsibility of government. It therefore encourages participating States to elaborate comprehensive national policies to promote diversity, equality of opportunity and participation of persons belonging to targeted groups. In elaborating such policies, the European Conference further encourages participating States to establish, or reinforce, dialogue with non-governmental organisations, social partners and researchers and to involve them more closely in designing and implementing policies and programmes. The European Conference calls upon participating States to ensure that public funds are not awarded to companies or other organisations which are not committed to non-discriminatory policies.

### Integrating a gender perspective

17. The European Conference underlines the importance of integrating a gender perspective in all actions and policies against racism, xenophobia and related intolerance, of empowering women belonging to targeted groups to demand respect for their rights in all spheres of public and private life and play an active role in the design and implementation of policies and measures which affect their lives.

### Effective participation of persons belonging to targeted groups in cultural, social and economic life and in public affairs

18. The European Conference calls upon participating States to create the conditions necessary for the effective participation of persons belonging to targeted groups in decision-making processes. Suitable measures include the creation of joint bodies for consultation between parliaments and local communities of foreign origin, the setting up of integration programmes which encourage the establishment of partnerships between local authorities, associations working in this field and the communities concerned and the design of methods, measures and forms of activity which enable these communities to participate in community life.

### Participation of national minorities in decision-making processes

19. The European Conference calls upon participating States to create the conditions necessary for the effective participation of persons belonging to national minorities in decision-making processes at governmental, national and local levels, in accordance with international standards, including the Framework Convention for the Protection of National Minorities. Attention is drawn in this respect to the usefulness, in certain contexts, of creating joint bodies for consultation between national authorities and local communities of national minorities, so that the latter can submit their opinions and proposals on matters concerning them.

### Combating discrimination against migrants

20. The European Conference draws attention to the rise in discrimination, intolerance and acts of violence directed against migrants, persons of migrant origin and resident foreign workers. It calls upon participating States to reinforce and implement preventive measures to combat these phenomena and to promote the participation of these groups in the decision-making processes in society.

### Role of independent specialised bodies at national, regional and local levels

21. The European Conference underlines the essential contribution of independent specialised bodies at national, regional or local levels in promoting equal treatment irrespective of racial or ethnic origin or religious background. The European Conference points to the range of functions independent specialised bodies may undertake at national, regional and local levels which further government policies in combating racism: offering opinions and advice to government bodies, monitoring the situation in the country, contributing to training programmes for certain key groups, making the general public more aware of discrimination issues and aiding and assisting complainants, including through the provision of legal assistance to enable them to enforce their rights in the courts and other institutions. In some cases, the bodies concerned may hear complaints and applications relating to individual cases and seek a settlement, either by mutual agreement or, within the limits prescribed in law, by legally-binding decisions. It calls upon participating States, as appropriate, to establish such independent specialised bodies, or, in countries where these exist, review and reinforce their effectiveness, while providing them with adequate financial resources, competence and capacity to ensure their effective functioning. It draws attention to *General*

*Policy Recommendation No. 2 of the European Commission against Racism and Intolerance (ECRI)* which sets out the principles for the establishment and functioning of such bodies (see Appendix II to the General Conclusions).

### Role of politicians and political parties

22. The European Conference underlines the key role that politicians and political parties can play in combating racism, xenophobia, antisemitism and related intolerance, by shaping and leading public opinion. In this respect, it calls upon politicians to provide a clear political message welcoming diversity in European societies and condemning political discourse which incites or attempts to incite racial and ethnic hatred or prejudice. It encourages political parties in Europe to take concrete steps to promote solidarity, tolerance and respect and to explain issues to the general public in such a way as to increase understanding and acceptance of difference. Such steps may include:

- to sign the *Charter of European political parties for a non-racist society* and follow its principles concerning responsible behaviour on issues of racism, both with regard to the parties' own organisation and to their activities in the political field (see Appendix III);
- to include anti-racist policies in election programmes and to condemn racist exploitation of issues such as immigration and asylum for electoral purposes, ensuring that any candidate for elected office is committed to anti-racist policies;
- to refuse any support, explicit or implicit, to parties that advocate racist and xenophobic positions.

### Criminal justice system

23. The European Conference calls upon participating States to take practical measures to make law enforcement officials more sensitive to the situation of targeted groups in order to counter any perceived unfairness in the application of the law and discrimination in the treatment of persons belonging to such groups in the criminal justice system. Such measures may include:

- training courses to promote cultural sensitivity and awareness of prejudice, as well as knowledge of legal aspects of discrimination;
- formal and informal dialogue between the police and targeted groups, for example through confidence-building measures, thereby promoting openness, accountability and mutual trust;
- facilitating access on an equal footing of persons belonging to targeted groups to the police and their auxiliary staff, as well as other professions involved in the criminal justice system, subject to regular review so as to evaluate the levels of recruitment, promotion and retention of staff belonging to targeted groups;

- anti-discriminatory codes of conduct among police forces and other professional groups involved in the administration of justice.

### Institutions in the field of employment and social affairs

24. The European Conference notes that good community relations are generally enhanced by social development and the full realisation of economic, social and cultural rights on the basis of non-discrimination. It calls upon participating States to promote policies in employment and the social sphere which seek to improve the prospects of targeted groups facing, for example, the greatest obstacles in finding, keeping or regaining work, including skilled employment. Particular attention should be paid to persons subject to multiple discrimination. The European Conference draws to the attention of participating States the following considerations:

- policies should be presented so as to enable employers and employees to recognise the benefits of equal opportunity and of diversity;
- the importance of involving the social partners and other non-governmental actors in the design and implementation of training and development programmes;
- public authorities should set an example by making sure they actively seek to recruit and retain persons belonging to targeted groups, which may require reviewing nationality requirements in some instances;
- public officials and all those involved in promoting access to employment should be trained, including by raising their awareness of the barriers to equal opportunity and intercultural sensitivity;
- persons belonging to targeted groups should have access to training, including vocational training, which improves their employability;
- governments can stimulate the development of mission statements, codes of conduct and policies on equal treatment at the workplace aimed at anti-discriminatory practices among employers, service providers and others;
- special attention should be given to protecting foreign domestic workers from discrimination and violence, as well as combating prejudice against them;
- in the field of housing, public and private authorities should promote the successful cohabitation of different social groups at the planning stage of urban development schemes as well as renovate neglected areas of public housing so as to counter social exclusion;
- public authorities should guarantee equal access to health and counselling services without discrimination.

## Monitoring

25. The European Conference strongly recommends monitoring all policies and programmes aimed at combating racial discrimination in order to assess their effectiveness in assisting targeted groups. All data should be broken down by sex and age, and information collected should include issues of multiple discrimination. Such statistical data may be complemented by public opinion surveys and also targeted surveys to ascertain the experience and perception of discrimination and racism from the point of view of potential complainants.

## Immigration and asylum

26. The European Conference calls upon participating States to promote the positive aspects of immigration among the general public, including by stressing the value of diversity and the contribution made by migrants to society. It underlines that promoting the social inclusion of migrants is a key instrument in combating racism, xenophobia and related intolerance. The European Conference notes that undue stress on restrictive admission/immigration policies may produce negative stereotyping and thus adversely affect persons belonging to targeted groups and the integration of non-nationals. It furthermore recognises the effect arbitrary detention of asylum-seekers and undocumented persons has on the growth of a climate of xenophobia. The European Conference calls for all measures relating to asylum-seekers and refugees to be fully in accordance with the 1951 Convention relating to the Status of Refugees.

27. The European Conference underlines that family reunification has a positive effect on integration and calls upon participating States to facilitate family reunion, with due regard to the need for an independent status on the part of family members. The European Conference urges all participating States to grant to asylum-seekers, refugees and migrants access to basic economic and social rights.

## Religious discrimination and intolerance

28. The European Conference underlines the importance of promoting understanding, tolerance and respect in matters relating to religion and belief. It recognises that religion and belief may be related to racial and ethnic origin and it may thus be difficult to provide comprehensive protection against discrimination on grounds of racial and ethnic origin without also prohibiting discrimination on grounds of religion and belief. In this respect, the European Conference draws attention to ECRI's *General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims* (see Appendix IV).

## Combating antisemitism

29. The European Conference, convinced that combating antisemitism is integral and intrinsic to opposing all forms of racism, stresses the necessity of effective measures to address the issue of antisemitism in Europe today in order to counter all manifestations of this phenomenon.

## Combating discrimination against Roma, Gypsies, Sinti and Travellers

30. The European Conference underlines the necessity for participating States to pay particular attention to and adopt immediate and concrete measures to eradicate the widespread discrimination and persecution targeting Roma, Gypsies, Sinti and Travellers, including through the establishment of structures and processes, in partnership between the public authorities and representatives of the Roma, Gypsies, Sinti and Travellers. The European Conference also draws attention to ECRI's *General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies* (see Appendix V).

## EDUCATION AND AWARENESS-RAISING

### Access to education

31. The European Conference calls upon all participating States to commit themselves to ensuring access without discrimination to education, based on respect for human rights, diversity and tolerance. The right to education applies to all children in the territory, irrespective of their legal status. This right also applies to adults in terms of access to life-long learning and education based in the community and workplace.

### School and other formal education

32. The European Conference calls upon participating States to introduce, or encourage the introduction of, or reinforce, human rights education, including promoting anti-racism, in the school curriculum and in institutions of higher education. It emphasises that this should be done both in daily activities and in the general functioning of the educational establishment and in the teaching of specific subjects. To this end, teacher-training programmes should incorporate human rights education.

33. The European Conference calls upon participating States to aim at education reflecting a multicultural society, with curricula open to other cultures and school materials based on the diversity of cultures (intercultural education). Education should also enable students to understand the historical, social and economic processes which have led to prejudice towards targeted groups. Educational curricula and materials should also have a broad global perspective which validates worldwide contributions to knowledge and civilisation. In this respect, participating States are requested to review their curricula and text books across all subjects, to ensure that these do not perpetuate stereotypes or prejudices, convey hate and cause racist, ethnic or antisemitic animosity, with particular attention to the teaching of history without bias.

34. The European Conference calls upon participating States to ensure that educational institutions implement an agreed policy on equal opportunities and anti-racism, which is regularly reviewed with those working in the school, parents and pupils or students. Such policy should also aim to tackle the interaction between

racist and sexist prejudice and stereotypes, including by promoting the active involvement of girls from targeted groups in all equal opportunities' activities. Pupils should be given information about how to deal with racist incidents in schools. Innovative measures, such as pupils acting as peer mediators to address issues of racial violence, should be examined.

35. The European Conference notes that young people from targeted groups are often underrepresented in institutions of higher education and calls for research to be undertaken into barriers to access in this respect.

36. The European Conference recognises that children from different cultural backgrounds may have little knowledge of each other's traditions and family life, which may lead to stereotyping and misinformation. Participating States are urged to promote an increase of knowledge of cultural diversity, for example by facilitating exchange programmes for children in families of different cultural background, in order to overcome ignorance of the lifestyles of others.

37. The European Conference encourages participating States to consider taking measures to increase the recruitment, retention and promotion of women and men belonging to targeted groups, and guarantee effective equality of access, to the teaching profession.

#### According importance to human rights education

38. The European Conference calls upon participating States to ascribe importance and give priority to human rights education in the formal and informal sectors and the promotion of a human rights culture throughout society. It notes that legislation and policies against racism and intolerance will not be fully effective unless they are complemented by activities which seek to bring about new behaviour and attitudes and increase mutual understanding.

#### Training of professional groups

39. The European Conference calls upon participating States to introduce, or reinforce, special training programmes to encourage awareness of issues linked to racism and related discrimination, including sexist prejudices, stereotyping and multiple discrimination, among the professionals most frequently in contact with targeted groups. In this respect, the European Conference draws the attention of participating States to the usefulness of codes of conduct or professional ethics.

#### General awareness-raising campaigns

40. The European Conference calls upon participating States to commit themselves to undertaking public information campaigns or other more long-term initiatives, to alert their societies to the dangers of racism, racial discrimination, xenophobia, antisemitism and related intolerance, and support initiatives of non-governmental organisations in this respect. Such campaigns or initiatives need to be addressed to the whole of society, in particular young people. It also calls upon participating States, in accordance with the proclamation of the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia

and Related Intolerance as mandated by the United Nations General Assembly, to commence immediately with public information initiatives to promote anti-racist awareness and action.

41. The European Conference calls upon participating States to facilitate, including in conjunction with local authorities and the relevant professionals, group activities, for example in the cultural, sporting and socio-educational fields, aimed at educating young people in human rights and democratic citizenship and instilling in them values of solidarity, respect and appreciation of diversity.

42. The European Conference calls upon participating States to put experiences of the past, such as slavery, the slave trade and colonialism, into historical perspective allowing for a comprehensive reflection on these events in relation to the roots of racism, racial discrimination and xenophobia in contemporary society, and to ensure a widespread dissemination of this knowledge among young people.

43. The European Conference calls upon all participating States to promote appropriate forms of Holocaust remembrance, including considering the proclamation of an annual Day of Holocaust Remembrance. It also calls for further study of the Holocaust in all its dimensions and the promotion of education about the Holocaust both in and out of schools.

44. Considering the phenomena of genocide, ethnic cleansing and racial segregation, which result in serious international humanitarian crises, the European Conference calls upon participating States to raise awareness of the said phenomena as manifestations of racism, racial discrimination and xenophobia.

45. To provide a sustained and coordinated approach to raising awareness, in schools, among professional groups and the general public, the European Conference notes that creating a source of training expertise in combating racism, racial discrimination, xenophobia, antisemitism and related intolerance - possibly locating such a source within an existing specialised body - could provide an effective anti-discrimination mechanism. This training expertise should be developed in consultation with targeted groups and should seek to recruit people from targeted groups as trainers.

#### Role of non-governmental organisations

46. The European Conference welcomes the catalytic role that non-governmental organisations have played in promoting human rights education and raising awareness about racism. It recognises the precarious situation of human rights and anti-racist NGOs in many countries and urges States to lift unnecessary barriers to the functioning of civil society. It calls upon participating States to strengthen co-operation with non-governmental organisations, harnessing their experience and expertise in developing governmental legislation, policies and other initiatives. It also calls upon participating States to provide financial support to human rights education and awareness activities of non-governmental organisations, without compromising their independence.



## INFORMATION, COMMUNICATION AND THE MEDIA

### Information and communication

47. Information is crucial to the exercise of rights and the principle of transparency. In this respect, the European Conference encourages participating States to set up a service providing free access to public sources of information on the rights of persons who consider themselves victims of racism, racial discrimination, xenophobia, antisemitism and related intolerance.

48. Research, analysis and dissemination of information are also essential to the elaboration of policy and decision-making. The European Conference encourages participating States to collect, record and analyse data concerning racism and related intolerance from a broad range of sources, while endeavouring to establish common indicators and criteria at European level to enable data comparison. Since access to data and transparency in its collection also encourage confidence about the data itself, the European Conference requests participating States to publish and disseminate widely the findings of research into racism and related phenomena. The European Conference furthermore notes that such research can also be conducted in co-operation with European and international institutions and non-governmental organisations. It encourages participating States to take fully into account the recommendations of appropriate monitoring mechanisms at national, European and international levels, including the country-specific approach of the European Commission against Racism and Intolerance (ECRI). In particular, it invites States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to publicise widely their periodic reports to the Committee on the Elimination of Racial Discrimination, as well as the conclusions and recommendations of the Committee following the consideration of these reports.

49. The European Conference recognises that networks of information are an important tool in the fight against racism and xenophobia. It therefore encourages participating States to organise and support initiatives for regular exchanges of information at local, regional, national and European level as well as to facilitate the role of non-governmental organisations in this respect. It notes that women and men belonging to targeted groups have taken a leading role in networking activities of non-governmental organisations, thus contributing to the empowerment of their groups. All participating States should recognised the importance of community media, in particular community radio, that give a voice to women and men from targeted groups.

### Media as a reflection of society

50. The European Conference recognises that media should represent the diversity of multicultural society.

It considers that media enterprises and journalists organisations could reflect on:<sup>2</sup>

- the importance of the recruitment and presence of journalists from targeted groups in mainstream media, especially television;
- an inclusive coverage of society, using diverse sources of information;
- reporting factually and accurately on acts of racism and intolerance;
- avoiding derogatory stereotypical depiction based on individuals' origins in publications and programme services;
- treating individual behaviour without linking it to a person's origin where this is irrelevant;
- depicting society in its cultural, ethnic and religious diversity in a balanced and objective manner and in a way which also reflects the perspectives and outlook of targeted groups;
- presenting a view of cultural diversity and immigration as a structural and positive component of European societies;
- opening the broadcasting system and programmes for intercultural issues;
- alerting public opinion to the dangers of intolerance as well as deepening public understanding and appreciation of all forms of diversity;
- challenging the assumptions underlying racist or xenophobic remarks made by speakers in the course of interviews, reports, discussion programmes, etc;
- developing a multicultural approach to output specifically geared to children and young people so as to enable them to grow up with the understanding that society is enriched by differences.

#### Codes of conduct and self-regulation

51. Because of the extent of the influence media can exercise and its positive role in raising awareness of issues, and taking into account freedom of expression and the need for media independence, the European Conference encourages media professionals to consider developing self-regulatory codes of conduct with regard to combating racism in the media.

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<sup>2</sup> See also Appendix to Recommendation No. R (97) 21 of the Committee of Ministers to member States of the Council of Europe on the media and the promotion of a culture of tolerance.

## Training

52. The European Conference draws attention to the importance of the initial and in-house training of journalists and media professionals in relation to promoting a culture of tolerance, respect and diversity. Participating States should encourage schools of journalism and media training institutes to highlight this in their core curricula.

## Advertising

53. The European Conference draws attention to the power of advertising. In this context, it underlines the usefulness of establishing a code of conduct in the advertising sector which prohibits discrimination on such grounds as race, national or ethnic origin and religion. It furthermore considers that advertisers should also refuse to carry advertising messages which portray cultural, religious or ethnic difference in a negative manner, including by reinforcing sexist or other stereotypes and prejudices.

## Role of the internet

54. The European Conference welcomes the positive contribution the internet can bring in combating racism through its rapid and wide-reaching communication. It calls upon participating States to examine ways in which the internet can be used systematically, for example through the creation of a specific site, to provide information about good practices for combating racism, racial discrimination, xenophobia, antisemitism and related intolerance. It also draws attention to the potential use of the internet to create educational and awareness-raising networks against racism and intolerance, both in and out of school.

## Combating hate speech and racist material on the internet

55. While recognising the specific characteristics of the internet, and the obstacles these entail for combating the dissemination of racism on the internet, the European Conference urges participating States to apply to the extent possible existing legislation for prosecuting those responsible for incitement to racial hatred on the internet and their accomplices. It further recommends the training of law enforcement authorities in addressing the problem of dissemination of racist material through the internet.

56. The European Conference draws the attention of participating States to the need to coordinate a prompt international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material on the internet. In this respect, it calls for international judicial co-operation to be strengthened and rapid intervention mechanisms to be agreed. More specifically, the European Conference draws to the attention of participating States, with a view to their individual and joint action:

- the need to distinguish between the function of access provider and host provider and their respective responsibilities;
- the importance of including the issue of combating racism, xenophobia, antisemitism and intolerance in all current and future work at international level aimed at the suppression of illegal content on the internet;
- the need for dialogue with all providers, in order to discuss voluntary measures to counter racist sites: such measures could include blocking sites, a filtering system or refusing anonymity to the authors of sites;
- the need to develop codes of conduct and self-regulatory measures among access and host providers.

57. The European Conference furthermore draws the attention of participating States to the need for more active awareness-raising among decision-makers concerning the problem of the dissemination of racist messages through the internet.

#### **D. CO-OPERATION AT EUROPEAN AND INTERNATIONAL LEVELS**

58. To complement action at national and local levels, the European Conference calls upon participating States, as appropriate, to promote:

- effective legal and judicial co-operation at regional and international levels in combating racism, antisemitism and xenophobia to prevent the perpetrators of racist or xenophobic acts from benefiting from the fact that offences are treated differently in various States.
- exchange at European and international levels among national independent specialised bodies and other relevant independent bodies with a remit to monitor racism and racial discrimination;
- exchange at European and international levels among educational authorities and others involved in developing curricula incorporating anti-racist and intercultural education.

Furthermore, the European Conference calls upon participating States, as appropriate, to:

- invite the Council of Europe Commissioner for Human Rights to continue to support States in their fight against racism, racial discrimination, xenophobia, antisemitism and intolerance;
- consider how best to reinforce the action of the European Commission against Racism and Intolerance (ECRI);

- support activities of the European Monitoring Centre on Racism and Xenophobia (EUMC) to build networks for monitoring and information-sharing, including an inventory of foundations, organisations and networks fighting racism in Europe;
- support the action of the OSCE to combat racism and intolerance, including its High Commissioner on National Minorities, its Office for Democratic Institutions and Human Rights and its Representative on Freedom of the Media, as well as through its relevant field missions.

59. The European Conference calls upon participating States to include in their national delegations to the World Conference against racism, racial discrimination, xenophobia and related intolerance women and youth, as well as to ensure transparency in the constitution of their delegations.

60. The European Conference calls upon participating States, non-governmental organisations and other concerned actors in civil society, bearing in mind the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, to implement and support United Nations action aimed at combating racism, racial discrimination, xenophobia and related intolerance and to participate actively and constructively in the third World Conference against racism.

61.



# APPENDIX I

## INTERNATIONAL AND EUROPEAN LEGAL INSTRUMENTS RELEVANT TO COMBATING RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

(a) at universal level:

- the Convention on the Prevention and Punishment of the Crime of Genocide (New York, 9 December 1948)
- the Universal Declaration of Human Rights (New York, 10 December 1948)
- Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Geneva, 12 August 1949)
- Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Geneva, 12 August 1949)
- Convention (III) relative to the Treatment of Prisoners of War (Geneva, 12 August 1949)
- Convention (IV) relative to the Protection of Civilian Persons in Time of War (Geneva, 12 August 1949)
- the Convention relating to the Status of Refugees (28 July 1951) and its Additional Protocol (16 December 1966)
- Convention (no. 111) concerning Discrimination in Respect of Employment and Occupation (Geneva, 25 June 1958)
- the Convention against Discrimination in Education (Paris, 14 December 1960)
- the International Convention on the Elimination of All Forms of Racial Discrimination (New York, 21 December 1965), including the Declaration under its Article 14 recognising the competence of the Committee on Racial Discrimination to consider communications from individuals or groups
- the International Covenant on Civil and Political Rights (New York, 16 December 1966), its Optional Protocol allowing for the consideration of communications from individuals (New York, 16 December 1966) and its second Optional Protocol aiming at the abolition of the death penalty (New York, 15 December 1989)
- the International Covenant on Economic, Social and Cultural Rights (16 December 1966)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (Geneva, 8 June 1977)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (Geneva, 8 June 1977)
- the Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) and its optional protocol recognising the competence of the Committee on the Elimination of Discrimination against Women to receive and consider communications from individuals and groups (New York, 6 October 1999)

- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984)
- Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (Geneva, 27 June 1989)
- the Convention on the Rights of the Child (New York, 20 November 1989) and its optional protocols on the involvement of children in armed conflicts and on the sale of children (New York, 25 May 2000), child prostitution and child pornography (New York, 25 May 2000)
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (New York, 18 December 1990)
- the Statute of the International Criminal Court (Rome, 17 July 1998)

(b) at European level:

- the Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950), including its Protocols
- the European Convention on Establishment (Paris, 13 December 1955)
- the European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe (Paris, 13 December 1957)
- the European Social Charter (Turin, 18 October 1961) and its Additional Protocols
- the European Convention on the Legal Status of Migrant Workers (Strasbourg, 24 November 1977)
- the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Strasbourg, 26 November 1987)
- the Convention on the Participation of Foreigners in Public Life at Local Level (Strasbourg, 5 February 1992)
- the European Charter for Regional or Minority Languages (Strasbourg, 5 November 1992)
- the Framework Convention for the Protection of National Minorities (Strasbourg, 1 February 1995)
- the European Social Charter (Revised) (Strasbourg, 3 May 1996)
- the European Convention on Nationality (Strasbourg, 6 November 1997)



## APPENDIX II

### EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE GENERAL POLICY RECOMMENDATION NO. 2:

#### **Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level**

The European Commission against Racism and Intolerance (ECRI):

Recalling the Declaration adopted by the Heads of State and Government of the member States of the Council of Europe at their Summit held in Vienna on 8-9 October 1993;

Recalling that the Plan of Action on combating racism, xenophobia, antisemitism and intolerance set out as part of this Declaration invited the Committee of Ministers to establish the European Commission against Racism and Intolerance with a mandate, inter alia, to formulate general policy recommendations to member States;

Taking into account Resolution 48/134 adopted by the General Assembly of the United Nations on 20 December 1993 on National Institutions for the Promotion and Protection of Human Rights;

Taking into account also the fundamental principles laid down at the first International Meeting of the National Institutions for the Promotion and Protection of Human Rights held in Paris from 7-9 October 1991 (known as the "Paris Principles");

Recalling the different Resolutions adopted at the first and second European meetings of National Institutions for the Promotion and Protection of Human Rights, held respectively in Strasbourg on 7-9 November 1994 and in Copenhagen on 20-22 January 1997;

Taking into account Recommendation N° R (85) 13 of the Committee of Ministers on the institution of the Ombudsman;

Taking also into account work carried out by the Steering Committee for Human Rights (CDDH) relating to the establishment of Independent National Human Rights Institutions;

Emphasising that combating racism, xenophobia, antisemitism and intolerance forms an integral part of the protection and promotion of fundamental human rights;

Recalling the proposal of ECRI to reinforce the non-discrimination clause (Article 14) of the European Convention on Human Rights;

Profoundly convinced that everyone must be protected against discrimination based on race, colour, language, religion or national or ethnic origin or against discrimination which might stem indirectly from the application of the law in these areas;

Convinced of the necessity of according the highest priority to measures aiming at the full implementation of legislation and policies intended to combat racism, xenophobia, antisemitism and intolerance;

Recalling that an effective strategy against racism, xenophobia, antisemitism and intolerance resides to a large extent on awareness-raising, information and education of the public as well as on the protection and promotion of the rights of individuals belonging to minority groups;

Convinced that specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level can make a concrete contribution in a variety of ways to strengthening the effectiveness of the range of measures taken in this field and to providing advice and information to national authorities;

Welcoming the fact that such specialised bodies have already been set up and are functioning in several member States;

Recognising that the form such bodies might take may vary according to the circumstances of member States and may form part of a body with wider objectives in the field of human rights generally;

Recognising also the need for governments themselves to provide information and to be accessible to specialised bodies and to consult them on matters relevant to their functions;

recommends to the governments of member States:

1. to consider carefully the possibility of setting up a specialised body to combat racism, xenophobia, antisemitism and intolerance at national level, if such a body does not already exist;
2. in examining this question, to make use of the basic principles set out as an appendix to this recommendation as guidelines and a source of inspiration presenting a number of options for discussion at national level.

## Appendix to ECRI general policy recommendation N° 2

### *Basic principles concerning specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level*

#### **Chapter A: The statutes establishing specialised bodies**

##### Principle 1

##### **Terms of reference**

1. Specialised bodies should be given terms of reference which are clearly set out in a constitutional or other legislative text.
2. The terms of reference of specialised bodies should determine their composition, areas of competence, statutory powers, accountability and funding.

\* \* \*

#### **Chapter B: Alternative forms of specialised bodies**

##### Principle 2

1. According to the legal and administrative traditions of the countries in which they are set up, specialised bodies may take different forms.
2. The role and functions set out in the above principles should be fulfilled by bodies which may take the form of, for example, national commissions for racial equality, ombudsmen against ethnic discrimination, Centres/Offices for combating racism and promoting equal opportunities, or other forms, including bodies with wider objectives in the field of human rights generally.

\* \* \*

## Chapter C: Functions and responsibilities of specialised bodies

### Principle 3

Subject to national circumstances, law and practice, specialised bodies should possess as many as possible of the following functions and responsibilities:

- a. to work towards the elimination of the various forms of discrimination set out in the preamble and to promote equality of opportunity and good relations between persons belonging to all the different groups in society;
- b. to monitor the content and effect of legislation and executive acts with respect to their relevance to the aim of combating racism, xenophobia, antisemitism and intolerance and to make proposals, if necessary, for possible modifications to such legislation;
- c. to advise the legislative and executive authorities with a view to improving regulations and practice in the relevant fields;
- d. to provide aid and assistance to victims, including legal aid, in order to secure their rights before institutions and the courts;
- e. subject to the legal framework of the country concerned, to have recourse to the courts or other judicial authorities as appropriate if and when necessary;
- f. to hear and consider complaints and petitions concerning specific cases and to seek settlements either through amicable conciliation or, within the limits prescribed by the law, through binding and enforceable decisions;
- g. to have appropriate powers to obtain evidence and information in pursuance of its functions under f. above;
- h. to provide information and advice to relevant bodies and institutions, including State bodies and institutions;
- i. to issue advice on standards of anti-discriminatory practice in specific areas which might either have the force of law or be voluntary in their application;
- j. to promote and contribute to the training of certain key groups without prejudice to the primary training role of the professional organisations involved;

- k. to promote the awareness of the general public to issues of discrimination and to produce and publish pertinent information and documents;
- l. to support and encourage organisations with similar objectives to those of the specialised body;
- m. to take account of and reflect as appropriate the concerns of such organisations;

\* \* \*

## **Chapter D: Administration and functioning of specialised bodies**

### Principle 4

#### **Composition**

The composition of specialised bodies taking the form of commissions and the like should reflect society at large and its diversity.

### Principle 5

#### **Independence and accountability**

1. Specialised bodies should be provided with sufficient funds to carry out their functions and responsibilities effectively, and the funding should be subject annually to the approval of parliament.
2. Specialised bodies should function without interference from the State and with all the guarantees necessary for their independence including the freedom to appoint their own staff, to manage their resources as they think fit and to express their views publicly.
3. Specialised bodies should independently provide reports of their actions on the basis of clear and where possible measurable objectives for debate in parliament.
4. The terms of reference of specialised bodies should set out clearly the provisions for the appointment of their members and should contain appropriate safeguards against arbitrary dismissal or the arbitrary non-renewal of an appointment where renewal would be the norm.

## Principle 6

### **Accessibility**

1. Specialised bodies should be easily accessible to those whose rights they are intended to protect.
2. Specialised bodies should consider, where appropriate, setting up local offices in order to increase their accessibility and to improve the effectiveness of their education and training functions.

\* \* \*

## **Chapter E: Style of operation of specialised bodies**

### Principle 7

1. Specialised bodies should operate in such a way as to maximise the quality of their research and advice and thereby their credibility both with national authorities and the communities whose rights they seek to preserve and enhance.
2. In setting up specialised bodies, member States should ensure that they have appropriate access to governments, are provided by governments with sufficient information to enable them to carry out their functions and are fully consulted on matters which concern them.
3. Specialised bodies should ensure that they operate in a way which is clearly politically independent.

Strasbourg, 13 June 1997

## APPENDIX III

### CHARTER OF EUROPEAN POLITICAL PARTIES FOR A NON-RACIST SOCIETY

#### WE, THE DEMOCRATIC POLITICAL PARTIES OF EUROPE,

**Having regard** to the international human rights instruments signed and ratified by our European Union Member States, in particular to the United Nations Convention on the Elimination of All Forms of Racial Discrimination,

**Having regard** to article 1 of this Convention, which defines racial discrimination as "... any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural of any other field of public life ...",

**Having regard** to the preamble to the Single European Act in which the Member States of the European Community declare to work together to promote democracy on the basis of the fundamental rights recognised in the constitutions and laws of the Member States, in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter,

**Having regard** to the Treaty of Amsterdam which enables the European Community to "... take appropriate action to combat discrimination based on ... racial or ethnic origin, religion or belief..." and facilitates police and judicial cooperation in the framework of the European Union in preventing and combating racism and xenophobia,

**Recognising** that the fundamental rights as enshrined in the international human rights instruments signed and ratified by the EU member states include the right to free and uninhibited political speech and debate,

**Mindful** that according to these same international human rights instruments one's political freedoms are not absolute in view of the equally fundamental right to be protected against racial discrimination and that therefore political freedoms cannot be allowed to be abused to exploit, cause or initiate prejudice on the grounds of race, colour, ethnic origin or nationality or for the purpose of seeking to gain the sympathy of the electorate for prejudice on such grounds,

**Being aware** of the special tasks and responsibilities of political parties as actors in a democratic political process, defending, articulating and bearing witness to the basic principles of a democratic society; providing a platform for discussion on issues where there may be differences of opinion, integrating different views into the process of political decision making, thereby enabling society to solve conflicts of interest and of opinion between various social groups through dialogue rather than through opting out and conflict; selecting representatives at various levels for active participation in the political process,

**Convinced** that free use of one's political rights can and must go hand in hand with firmly upholding the principle of non-discrimination and is inherent in the democratic process itself,

**Being convinced** furthermore that representation of ethnic minority groups in the political process is properly an integral part of the democratic process, since political parties are or should strive to be a reflection of society,

**COMMIT OURSELVES TO ADHERE TO THE FOLLOWING SPECIFIC PRINCIPLES OF GOOD PRACTICE:**

- **To defend** basic human rights and democratic principles and to reject all forms of racist violence, incitement to racial hatred and harassment and any form of racial discrimination.
- **To refuse** to display, to publish or to have published, to distribute or to endorse in any way views and positions which stir up or invite, or may reasonable be expected to stir up or to invite prejudices, hostility or division between people of different ethnic or national origins or religious beliefs, and to deal firmly with any racist sentiments and behaviour within its own ranks.
- **To deal responsibly and fairly** with sensitive topics relating to such groups and to avoid their stigmatization.
- **To refrain from** any form of political alliance or cooperation at all levels with any political party which incites or attempts to stir up racial or ethnic prejudices and racial hatred.
- **To strive for** the fair representation of the above mentioned groups at all levels of the parties with a special responsibility for the party leadership to stimulate and support the recruitment of candidates from these groups for political functions as well as membership.

**And further pledge** to take appropriate action to ensure that all persons who work for or associate themselves in any way with any of our election campaigns or other activities will be aware of and at all times act in accordance with the above principles.

Utrecht, 28 February 1998



## **APPENDIX IV**

### **EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE GENERAL POLICY RECOMMENDATION NO. 5:**

#### **Combating intolerance and discrimination against Muslims**

The European Commission against Racism and Intolerance:

Recalling the Declaration adopted by the Heads of State and Government of the member States of the Council of Europe at their first Summit held in Vienna on 8-9 October 1993;

Recalling that the Plan of Action on combating racism, xenophobia, antisemitism and intolerance set out as part of this Declaration invited the Committee of Ministers to establish the European Commission against Racism and Intolerance with a mandate, inter alia, to formulate general policy recommendations to member States;

Recalling also the Final Declaration and Action Plan adopted by the Heads of State and Government of the member States of the Council of Europe at their second Summit held in Strasbourg on 10-11 October 1997;

Stressing that this Final Declaration confirms that the goal of the member States of the Council of Europe is to build a freer, more tolerant and just European society and that it calls for the intensification of the fight against racism, xenophobia, antisemitism and intolerance;

Recalling that Article 9 of the European Convention on Human Rights protects the right to freedom of thought, conscience and religion;

Recalling also the principle of non-discrimination embodied in Article 14 of the European Convention on Human Rights;

Bearing in mind the proposals contained in Recommendation N° 1162 on the contribution of the Islamic civilisation to European culture adopted by the Parliamentary Assembly on 19 September 1991;

Taking note of the conclusions of the Seminar on religion and the integration of immigrants organised by the European Committee on Migration in Strasbourg on 24-26 November 1998;

Stressing that institutional arrangements governing relations between the State and religion vary greatly between member States of the Council of Europe;

Convinced that the peaceful co-existence of religions in a pluralistic society is founded upon respect for equality and for non-discrimination between religions in a democratic state with a clear separation between the laws of the State and religious precepts;

Recalling that Judaism, Christianity and Islam have mutually influenced each other and influenced European civilisation for centuries and recalling in this context Islam's positive contribution to the continuing development of European societies of which it is an integral part;

Concerned at signs that religious intolerance towards Islam and Muslim communities is increasing in countries where this religion is not observed by the majority of the population;

Strongly regretting that Islam is sometimes portrayed inaccurately on the basis of hostile stereotyping the effect of which is to make this religion seem a threat;

Rejecting all deterministic views of Islam and recognising the great diversity intrinsic in the practice of this religion;

Firmly convinced of the need to combat the prejudice suffered by Muslim communities and stressing that this prejudice may manifest itself in different guises, in particular through negative general attitudes but also, to varying degrees, through discriminatory acts and through violence and harassment;

Recalling that, notwithstanding the signs of religious intolerance referred to above, one of the characteristics of present-day Europe is a trend towards a diversity of beliefs within pluralistic societies;

Rejecting all manifestations of religious extremism;

Emphasising that the principle of a multi-faith and multicultural society goes hand in hand with the willingness of religions to co-exist within the context of the society of which they form part;

recommends that the governments of member States, where Muslim communities are settled and live in a minority situation in their countries:

- ensure that Muslim communities are not discriminated against as to the circumstances in which they organise and practice their religion;
- impose, in accordance with the national context, appropriate sanctions in cases of discrimination on grounds of religion;
- take the necessary measures to ensure that the freedom of religious practice is fully guaranteed; in this context particular attention should be directed towards removing unnecessary legal or administrative obstacles to both the

construction of sufficient numbers of appropriate places of worship for the practice of Islam and to its funeral rites;

- ensure that public institutions are made aware of the need to make provision in their everyday practice for legitimate cultural and other requirements arising from the multi-faith nature of society;
- ascertain whether discrimination on religious grounds is practised in connection with access to citizenship and, if so, take the necessary measures to put an end to it;
- take the necessary measures to eliminate any manifestation of discrimination on grounds of religious belief in access to education;
- take measures, including legislation if necessary, to combat religious discrimination in access to employment and at the workplace;
- encourage employers to devise and implement "codes of conduct" in order to combat religious discrimination in access to employment and at the workplace and, where appropriate, to work towards the goal of workplaces representative of the diversity of the society in question;
- assess whether members of Muslim communities suffer from discrimination connected with social exclusion and, if so, take all necessary steps to combat these phenomena;
- pay particular attention to the situation of Muslim women, who may suffer both from discrimination against women in general and from discrimination against Muslims;
- ensure that curricula in schools and higher education – especially in the field of history teaching – do not present distorted interpretations of religious and cultural history and do not base their portrayal of Islam on perceptions of hostility and menace;
- ensure that religious instruction in schools respects cultural pluralism and make provision for teacher training to this effect;
- exchange views with local Muslim communities about ways to facilitate their selection and training of Imams with knowledge of, and if possible experience in, the society in which they will work;
- support voluntary dialogue at the local and national level which will raise awareness among the population of those areas where particular care is needed to avoid social and cultural conflict;
- encourage debate within the media and advertising professions on the image which they convey of Islam and Muslim communities and on their responsibility in this respect to avoid perpetuating prejudice and biased information;

- provide for the monitoring and evaluation of the effectiveness of all measures taken for the purpose of combating intolerance and discrimination against Muslims.

Strasbourg, 16 March 2000

## **APPENDIX V**

### **EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE GENERAL POLICY RECOMMENDATION NO. 3:**

#### **Combating racism and intolerance against Roma/Gypsies**

The European Commission against Racism and Intolerance:

Recalling the decision adopted by the Heads of State and Government of the member States of the Council of Europe at their first Summit held in Vienna on 8-9 October 1993;

Recalling that the Plan of Action on combating racism, xenophobia, antisemitism and intolerance set out as part of this Declaration invited the Committee of Ministers to establish the European Commission against Racism and Intolerance with a mandate, inter alia, to formulate general policy recommendations to member States;

Recalling also the Final Declaration and Action Plan adopted by the Heads of State and Government of the member States of the Council of Europe at their second Summit held in Strasbourg on 10-11 October 1997;

Stressing that this Final Declaration confirms that the goal of the member States of the Council of Europe is to build a freer, more tolerant and just European society and that it calls for the intensification of the fight against racism, xenophobia, antisemitism and intolerance;

Noting the proposal concerning the nomination of a European mediator for Roma/Gypsies contained in Recommendation N° 1203 (1993) of the Parliamentary Assembly of the Council of Europe;

Bearing in mind the conclusions of the human dimension seminar on Roma in the CSCE (OSCE) region organised on 20-23 September 1994 by the Organisation for Security and Co-operation in Europe (OSCE), in close consultation with the Council of Europe and the continuing co-operation between the two Organisations in this field;

Welcoming the nomination by the Secretary General in 1994 of a Co-ordinator of Council of Europe Activities on Roma/Gypsies;

Bearing in mind the work of the Specialist Group on Roma/Gypsies (MG-S-ROM);

Recalling Recommendation N° R (97) 21 of the Committee of Ministers to member States on the media and the promotion of a climate of tolerance;

Recalling the provisions contained in ECRI's general policy recommendation N° 1, which sought to assist member States in combating racism, xenophobia, antisemitism and intolerance effectively, by proposing concrete and specific measures in a limited number of particularly pertinent areas;

Profoundly convinced that Europe is a community of shared values, including that of the equal dignity of all human beings, and that respect for this equal dignity is the cornerstone of all democratic societies;

Recalling that the legacy of Europe's history is a duty to remember the past by remaining vigilant and actively opposing any manifestations of racism, xenophobia, antisemitism and intolerance;

Paying homage to the memory of all the victims of policies of racist persecution and extermination during the Second World War and remembering that a considerable number of Roma/Gypsies perished as a result of such policies;

Stressing in this respect that the Council of Europe is the embodiment and guardian of the founding values - in particular the protection and promotion of human rights - around which Europe was rebuilt after the horrors of the Second World War;

Recalling that combating racism, xenophobia, antisemitism and intolerance forms an integral part of the protection and promotion of human rights, that these rights are universal and indivisible, and that all human beings, without any distinction whatsoever, are entitled to these rights;

Stressing that combating racism, xenophobia, antisemitism and intolerance is above all a matter of protecting the rights of vulnerable members of society;

Convinced that in any action to combat racism and discrimination, emphasis should be placed on the victim and the improvement of his or her situation;

Noting that Roma/Gypsies suffer throughout Europe from persisting prejudices, are victims of a racism which is deeply-rooted in society, are the target of sometimes violent demonstrations of racism and intolerance and that their fundamental rights are regularly violated or threatened;

Noting also that the persisting prejudices against Roma/Gypsies lead to discrimination against them in many fields of social and economic life, and that such discrimination is a major factor in the process of social exclusion affecting many Roma/Gypsies;

Convinced that the promotion of the principle of tolerance is a guarantee of the preservation of open and pluralistic societies allowing for a peaceful co-existence; recommends the following to Governments of member States:

- to sign and ratify the relevant international legal instruments in the field of combating racism, xenophobia, antisemitism and intolerance, particularly the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;

- to ensure that the name used officially for the various Roma/Gypsy communities should be the name by which the community in question wishes to be known;
- bearing in mind the manifestations of racism and intolerance of which Roma/Gypsies are victims, to give a high priority to the effective implementation of the provisions contained in ECRI's general policy recommendation N° 1, which requests that the necessary measures should be taken to ensure that national criminal, civil and administrative law expressly and specifically counter racism, xenophobia, anti-semitism and intolerance;
- to ensure that discrimination as such, as well as discriminatory practices, are combated through adequate legislation and to introduce into civil law specific provisions to this end, particularly in the fields of employment, housing and education;
- to render illegal any discrimination on the part of public authorities in the exercise of their duties;
- to ensure that suitable legal aid be provided for Roma/Gypsies who have been victims of discrimination and who wish to take legal action;
- to take the appropriate measures to ensure that justice is fully and promptly done in cases concerning violations of the fundamental rights of Roma/Gypsies;
- to ensure in particular that no degree of impunity is tolerated as regards crimes committed against Roma/Gypsies and to let this be clearly known among the general public;
- to set up and support specific training schemes for persons involved at all levels in the various components of the administration of justice, with a view to promoting cultural understanding and an awareness of prejudice;
- to encourage the development of appropriate arrangements for dialogue between the police, local authorities and Roma/Gypsy communities;
- to encourage awareness-raising among media professionals, both in the audiovisual field and in the written press, of the particular responsibility they bear in not transmitting prejudices when practising their profession, and in particular in avoiding reporting incidents involving individuals who happen to be members of the Roma/Gypsy community in a way which blames the Roma/Gypsy community as a whole;
- to take the necessary steps to ensure that rules concerning the issue of de jure and de facto access to citizenship and the right to asylum are drawn up and applied so as not to lead to particular discrimination against Roma/Gypsies;

- to ensure that the questions relating to "travelling" within a country, in particular regulations concerning residence and town planning, are solved in a way which does not hinder the way of life of the persons concerned;
- to develop institutional arrangements to promote an active role and participation of Roma/Gypsy communities in the decision-making process, through national, regional and local consultative mechanisms, with priority placed on the idea of partnership on an equal footing;
- to take specific measures to encourage the training of Roma/Gypsies, to ensure full knowledge and implementation of their rights and of the functioning of the legal system;
- to pay particular attention to the situation of Roma/Gypsy women, who are often the subject of double discrimination, as women and as Roma/Gypsies;
- to vigorously combat all forms of school segregation towards Roma/Gypsy children and to ensure the effective enjoyment of equal access to education;
- to introduce into the curricula of all schools information on the history and culture of Roma/Gypsies and to provide training programmes in this subject for teachers;
- to support the activities of non-governmental organisations, which play an important role in combating racism and intolerance against Roma/Gypsies and which provide them in particular with appropriate legal assistance;
- to encourage Roma/Gypsy organisations to play an active role, with a view to strengthening civil society;
- to develop confidence-building measures to preserve and strengthen an open and pluralistic society with a view to a peaceful co-existence.

Strasbourg, 6 March 1998