



all different, all equal :
from principle to practice

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

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REPORT OF WORKING GROUP II

**Policies and practices to combat
racism and related discrimination
at sub-national and national levels**

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WORKING GROUP II: Policies and practices to combat racism and related discrimination at sub-national and national levels

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Working Group II examined what is done by governments, public institutions and NGOs to combat racism and discrimination. This implied analysing the means deployed and the results obtained so as to make suggestions for improvement. This work was undertaken by persons from throughout Europe, who have specialist knowledge in many different fields and come from both public bodies and the private sector. It does not aim to be exhaustive but to highlight practical action, the success of which has been demonstrated.

I Joint action to combat all forms of discrimination

1. The need to involve everyone in combating discrimination

Above all it is groups of victims of discrimination which have to act: all the experiences analysed in the course of the debates show that more rapid progress is achieved when the representatives of the groups concerned are directly involved in drawing up, implementing and evaluating measures.

Specialised bodies also have a key role to play. They are responsible for conducting enquiries and/or examining the merits of individual applications. Whether they take the form of ombudsmen or specialised committees, the aim is to set up bodies whose independence has to be guaranteed by safety clauses:

- procedures for the appointment and dismissal of their members should remove them from the influence of the authorities;
- associations, NGOs and unions should form an integral part of these bodies;
- they should not receive instructions from any superior authority (the government or any other);
- they should have adequate financial resources but the source of these funds (whether from government or parliament) should not influence their action;
- the principles governing the management and functioning of these bodies should be expressly stated.

It is also considered a good idea for these independent bodies to be required to publish regular reports (as is the case in France).

Participants stressed the importance of encouraging the active participation of NGOs, civil society and the public in general. One particular good practice was mentioned in this connection, namely that of awarding a distinction to organisations which set up plans of action against racism of their own accord (the example cited was the "baton against racism" awarded on the occasion of an annual conference in Denmark).

The success of the fight against discrimination depends on political resolve: political decision-makers play a crucial role in putting ideas into practice at international, national and, above all, local level. The gap that can exist between political rhetoric and practice has to be bridged. The Working Group thought it essential that minority groups are sufficiently represented within political parties (for example, over the last twenty years in the Netherlands, the use of quotas has led to a considerable increase in the percentages of women (40%) and representatives of minorities (10%) involved in politics, enabling these groups to react more forcefully to violations of rights). The role of politics has to be quite clearly stated and this sometimes implies a degree of civic courage when dealing with political parties, including advocates of discrimination and members harking back to a racist past, as has been illustrated by the situation in Austria. The issue should not be confined to a national level; it has to take on a European dimension and involve civil society. To help civil society in its efforts, it is vital for the member States of the Council of Europe, and the applicant States, to ratify the relevant international conventions.

2. A range of methods available

The Working Group examined potential strategies, which should be organised according to an integrated approach, including practical activities. Policies should be differentiated to take account of the distinctive characteristics of each group and incorporate the goal of equality between women and men throughout.

Means of identifying cases of discrimination make it easier for plaintiffs to access mechanisms of redress. In France, there is a free telephone number which anyone who feels they are a victim of discrimination could call to explain their case. A committee in each French *département* provides a victim support service and ensures that, where appropriate, cases are referred to the courts. In Belgium, some NGOs attempt to offset the lack of information from public services on laws and procedures applicable to cases of discrimination (employment agencies, public transport, the police, etc.) by providing legal advice and assistance.

So as to gain an accurate picture of the different forms of racism (whether indirect, concealed or violent), the European Monitoring Centre on Racism and Xenophobia pools information on the subject and uses it as the basis of round table discussions. Other important sources are the reports of CERD and ECRI as well as various NGOs. It is necessary to compile statistics according to standard criteria so as to allow comparative analyses and enable effective preventative action to be undertaken. For this purpose discrimination mechanisms have to be examined using measurement standards, such as the benchmarking system adopted in Norway.

Anti-discrimination measures can be provided for by law, but this is often merely a starting point. It is essential to set up programmes and plans of action including precise goals in each field (criminal law, social services, the economy, etc.) which will often lead to local action also.

II Specific fields of action

1. Employment

When addressing employment, the Working Group stressed the importance of detailed studies aimed at gauging discrimination in this area, which has emerged as the most frequent form of discrimination. A recent research project in Hungary has made it possible to assess the economic cost of discrimination and establish a link between under-employment of victims of discrimination and increases in social conflicts and economic imbalances. In studies carried out by the International Labour Office, using a systematic approach to gauge discrimination, a whole series of measures has been proposed which could be taken by social partners and governments. Emphasis is placed on the implementation of collective measures: charters and guidelines for employers and trade unions to be applied in all situations.

The need for activities focusing on employment agencies to ensure that they do not create discrimination was seen as an important issue (Norway). The action of local authorities was stressed; in Italy, integration is facilitated by an introduction to Italian language and culture as well as by vocational training for skilled jobs.

Attention was drawn to legislation which makes it possible to shift partially the burden of proof in civil cases. In Sweden, cases can be referred to the courts by the ombudsman or by trade unions, meaning that workers no longer have to cover the costs of trials.

2. Roma/Gypsies

The problem of the Roma is a very sensitive issue in central and eastern Europe, which has led to the creation of committees on which these groups are represented. Using national and international funds, measures have been taken in the areas of employment, housing and education. Criminal, labour and social law has been amended and prevention has been assigned to a specialist body (Romania, Bulgaria). In Romania, the Roma minority, like others, is represented in parliament and a national ombudsman ensures that legal instruments are properly applied. Slovenia has established contacts with Austria with a view to co-operation. Italy insists on the role of local authorities in fostering mutual exchange between different categories of the population. Everywhere, the spotlight is placed on measures taken to preserve the Roma/Gypsy culture.

3. Immigration

On the issue of immigration, Italy has organised a dialogue with foreigners as part of a "council" and has instructed a commission, comprising researchers and NGO representatives, to carry out a number of studies. In Ukraine the emphasis has been placed on problems in the countries of origin and on the need to seek out the networks controlling this type of trafficking.

4. Street children

In Italy, attention has been focused on the phenomenon of children begging in the street following the conflicts in the Balkans. A guidance service has been set up to help them.

5. Women

Two problems emerged concerning women. The first is the question of inequality of participation in political life – an issue that has been effectively tackled in some cases by the introduction of quotas. Promoting the value of women's work, notably in the home, is another issue that has been the subject of information campaigns in Italy – along with the serious problem of trafficking in women for purposes of sexual exploitation. Places have been established where Muslim women can find a listening ear.

6. Justice and legal systems

In the justice field, emphasis is placed on judges' training, particularly in relation to their attitude to members of ethnic minorities. In Norway, provision has been made for the election of "lay" judges who are members of such minorities. In the Netherlands, prosecutors have been appointed to specialise in combating discrimination and a national body co-ordinates the investigation of discrimination cases.

7. Policing

In Ireland, emphasis has been placed on the problem of use of language, bearing in mind the possible reluctance of foreigners arriving from another country to have dealings with the police, notably if actions by the police in their country of origin has caused them to leave. A dialogue and co-ordination procedure has been set up within the police service. In the United Kingdom, the black police officers' association has had a significant influence on the evolution of police forces.

III Conclusion

All the experiences that have yielded results have certain key points in common. The first requirement is a dialogue with minorities and it is then necessary to involve them in the bodies responsible for assisting them in the resolution of their problems. Wide-ranging information about activities and scrutiny of the way they are followed up ensure their effectiveness.