racism in europe
enar shadow report 2005

 european network against racism
Author: Catherine Lynch

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ENAR - European Network Against Racism
43 rue de la Charité, B-1210 Brussels
Tel +32 2 229 35 70
Fax +32 2 229 35 75
Email: info@enar-eu.org
www.enar-eu.org
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2005 has been a year of great turbulence for anti-racist work. Not that it was any different from previous years with regard to ENAR’s commitment to the fight against racism, discrimination and breaches of fundamental rights, and supporting our member organisations. What made this year unusual was two incidents which undermined the process of mutual integration between ethnic and religious minorities and the majority populations: the London terror attacks and the caricatures of Prophet Mohammed published by a Danish newspaper. The challenges presented by these events were compounded by the difficulties anti-racist movements face due to the actions of misguided minority elements.

Representing a large network of antiracist NGOs, ENAR’s political leadership and staff attended a number of seminars, conferences and meetings organised by EU institutions and other actors, as well as events organised by ENAR members throughout Europe.

These meetings dealt with a wide range of issues: diversity in the labour market, terrorism, racist crimes, litigation, NGO networking, Roma marginalisation, religious discrimination, and media and racism. One topic, however, which kept creeping up the agenda in many discussions was freedom of expression and the protection of ethnic and religious minorities. There was a widespread recognition that this is a longstanding issue that Europe must resolve. The consequences of not doing so are dire and the vibrations are felt throughout the world. The urgency of this issue was so great that many European leaders became involved in finding solutions. Fortunately, things cooled down with time, but it left a very bad taste in everyone’s mouth. We hope that a more reasoned debate is possible in 2006.

It is our hope that the political leaders of the European Union and its member states will use this new found awareness to exert their influence to not only get the already existing anti-discrimination directives fully implemented where lacking, but also to put the Union on a truly inter-cultural, inter-ethnic and inter-religious path.

The ENAR Shadow Report 2005 is a mirror of what is happening in European societies. We tell it as we see it. For that, we are grateful to the work done on the ground by thousands of dedicated souls as well as to those who collected this valuable information and provided us with a very useful tool. Now it is in your hands.

Bashy Quraishy
President - ENAR
1. Introduction

Racism in Europe today is a phenomenon that is contrary to the principles of the European Union and threatens to undermine social cohesion and the realisation of human rights. Developments in 2005 across Europe demonstrate the need for a renewed focus in this area.

The European Network Against Racism (ENAR) Shadow Report for Europe provides a unique mechanism to collect and present the views of civil society on the state of racism in EU member states and across Europe. The commonality of experiences of racism and religious discrimination across member states demonstrates the importance of a European approach to racism. The report is based on Shadow Reports on 20 EU member states, namely Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Slovak Republic and United Kingdom (UK). This 2005 Shadow Report is of particular significance as it is the first shadow report that provides the opportunity to include data and analysis from the EU10 states, following accession in May 2004.

Racism is a global and persistent phenomenon that is experienced by ethnic and religious minority groups across the European Union. While the existence of racism is a shared experience across Europe, manifestations and targets of racism can vary in different contexts and change over time. The changing though persistent nature of racism is a challenge facing those involved in the struggle against it.

2005 was characterised by an increase in manifestations of racism and a notable increase in far-right and extremist expressions of racism. This trend is accompanied by evidence of an increased tolerance for discriminatory behaviour particularly against immigrants and Muslims. A lack of political will to address racism is sometimes evident and disturbing.

In 2005, Roma, Sinti and Travellers continued to experience racism across Europe. The Muslim community was also a clear target of racism and religious discrimination. Third country nationals also experienced high levels of racism, with undocumented migrants and asylum seekers being particularly vulnerable.

The report offers a snapshot of concerns with regard to racism in Europe at a particular point in time from the perspective of civil society and anti-racism NGOs. It does not attempt to present a comprehensive or scientific analysis of racism in Europe, but rather the report provides an update on and analysis of the issues relating to racism and religious discrimination across Europe in 2005. It identifies commonalities in the experience of racism. Cognisant of the reality that racism can manifest differently depending on the specific context, due regard is given to the differences between and within national contexts.

The report also includes examples of good practice by NGOs in the area of anti-racism identified by ENAR members. These examples demonstrate the critical role of NGOs in developing creative and innovative strategies. The good practice examples are presented in text boxes in section four.

With regard to terminology, the report generally refers to the experiences of ‘ethnic and religious minority groups’. However, it is acknowledged that how racism is understood can vary between countries as can the language used to describe those vulnerable to racism and religious discrimination. The development of legislation and other measures to address racism in the

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1 The ENAR national Shadow Reports are available at: www.enar-eu.org/en/publication/shadow_reports/
2 For ease of reference this report will refer to those countries who acceded to the European Union in May 2004 as the ‘EU10’, and the ‘old’ member states as the ‘EU15’.
national context is often informed by these realities and understandings. When referring to specific instruments in specific contexts, it is sometimes necessary to use other terms such as ‘foreigner’ or ‘foreign citizen’.

Throughout the report, a commonality of experience in member states is evident. Common issues across Europe include issues regarding data, immigration and racial profiling. Across Europe there is a lack of adequate data available to enable the extent of racism to be measured and to identify key areas where racism is experienced. Immigration is revealed throughout the report as a key site for the manifestation of racism. 2005 brought a renewed focus to countering terrorism following the bombings in London in July, revealing a negative impact of counter-terrorism mechanisms on ethnic and religious minority groups. Linked to both immigration policy and counter-terrorism measures is an increased concern at the use of racial profiling particularly by police and immigration officials.

Section two provides information and data on communities which are vulnerable to racism in Europe. Section three provides an overview of political and legislative developments in Europe in 2005 in the areas of anti discrimination and migration, including family reunion and asylum policies. It considers developments to address racism as a crime and other measures on countering terrorism that impact negatively on ethnic and religious minority groups, particularly the practice of racial profiling. An overall assessment of the transposition of Directive 2000/43/EC, hereinafter referred to as the ‘Race Directive’, is presented in an appendix to the report. Manifestations of racism and religious discrimination are outlined in section four focusing on key problems in the areas of employment, housing, education, health, policing and racial profiling, racist violence and crime, access to goods and services and the media. In each area examples of good practice by NGOs are also identified.

The report proceeds in section five by assessing the state response to the problems encountered in light of developments in 2005 and European and international commitments. Responses are assessed with regard to the areas of anti discrimination; racist violence and racist crime; counter-terrorism and protection of human rights; and the integration and social inclusion of ethnic and religious minority groups. Presenting the views of civil society and anti-racism NGOs, this section identifies gaps in existing protections.

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2. Communities vulnerable to racism

The picture of racism in Europe and of the communities vulnerable to racism is a complex one. Europe is a diverse society. Ethnic and religious minority groups are part of the European diversity. However, ethnic and religious diversity are not always recognised or valued across Europe. Racism is a persistent and damaging experience in the everyday lives of ethnic and religious minority groups in Europe. Racism and religious discrimination threaten to undermine the principles that underpin the concept of the European Union, social cohesion and the realisation of human rights for all in the EU.

Racism is not a fixed entity but is something that changes over time, in new and different contexts. Therefore, while there is a commonality in the experience of racism, racism can be experienced in different ways by different groups depending on the context and time.

The ENAR Shadow Report for Europe 2004 provides a useful framework for understanding diversity in Europe. This framework has been adapted slightly for the 2005 report to ensure inclusion of communities vulnerable to racism in the EU10. Therefore, there is also a focus on minorities within minorities as well as on Roma, Sinti and Travellers.

The 2005 ENAR Shadow Reports from across Europe identify particularly vulnerable communities as including Roma, Sinti and Travellers; third country nationals, particularly undocumented migrants and asylum seekers; the Jewish community and the Muslim community.

Communities in Europe can be vulnerable to racism on the basis of their residential status and citizenship. Third country nationals and especially undocumented migrants and asylum seekers are vulnerable. Regional origin and ethnicity are key factors as well. Vulnerability to racism can vary according to generation and there are both similarities and differences between the experiences of first, second and third generations, established minorities and new minorities.

The intersection between racism and religious discrimination is a complex one and it is clear that religious minorities are targets of racism. The largest minority religion in the European context is Islam. Jews are also a significant religious minority in this context. Muslims and Jews are reported consistently as the religious minorities most vulnerable to racism in the reports. Other religious minorities that experience racism and religious discrimination include Buddhists, Sikhs and Jehovah Witnesses.

Minorities within minorities are particularly vulnerable groups. Minority ethnic groups are not homogenous groups; many members experience other forms of discrimination as well as racism such as sexism, heterosexism and discrimination on the grounds of disability. All countries acknowledged the phenomenon of multiple discrimination. However, the extent and exact nature is difficult to quantify due to a lack of disaggregated data.

Roma, Sinti and Travellers represent a particular group that have consistently experienced discrimination in Europe over centuries. They share a common tradition of nomadism but also a common experience of racism. Depending on the context, they are described as national minorities, established minorities or new minorities. In some instances Roma do not have a nationality and are amongst the group of ‘stateless persons’. Roma have been part of society of some of EU15 states as well as EU10 states for centuries and still experience discrimination. In some member states Roma have come through, or are currently in, the asylum process. The precarious status of ‘asylum seeker’ compounds the experience of discrimination for Roma in this instance.


5 The Jewish community has experienced various forms of anti-Semitism throughout European history. It should be recognised, however, that anti-Semitism cannot be reduced to religious discrimination only.
3. Political and legislative developments

This section provides an update of the political and legislative developments in 2005 which impacted on the struggle against racism across Europe. It focuses on the developments relating to key areas including anti-discrimination, migration, racism as a crime and countering terrorism. It demonstrates an emerging infrastructure in relation to anti-discrimination. Increasingly restrictive and exclusive developments are evident in the area of immigration. Legal infrastructure to address racism as a crime is also apparent across Europe though it is limited. Measures to counter terrorism are also examined and it is concluded that such measures are impacting negatively on ethnic and religious minorities.

3.1 Anti discrimination

The most important development across Europe in 2005 relates to the transposition of the ‘Race Directive’ and the ‘Employment Equality Directive’ and the emerging body of case work. It should be noted, that three countries have yet to transpose the ‘Race Directive’ and that inertia in this regard has been attributed to a lack of political will. While most states have transposed the ‘Race Directive’, many reports highlight provisions that have only been partly implemented. It should also be noted that while there is progress in relation to specific anti-discrimination measures, developments in other areas, including immigration, threaten to undermine the overall effectiveness of any anti-discrimination initiatives.

The ‘Race Directive’ has made a very significant impact on the overall picture with regard to anti-discrimination across Europe. The ‘Race Directive’ has been transposed in 17 of the 20 countries examined in this report. The emerging body of case work demonstrates the positive effect of this European initiative while also providing information so that NGOs and other actors can identify gaps where they exist. Countries that have not yet transposed the ‘Race Directive’ include the Czech Republic, Germany and Luxembourg. One of the key reasons identified for this is a lack of political will.

The extent of the impact in any one member state of the transposition of the ‘Race Directive’ is determined by a range of factors including support offered, such as provision of information and the legal infrastructure that was previously available. For some EU10 countries, accession has proven positive in regard to anti-discrimination. For example, prior to accession Estonia did not have any detailed anti-discrimination legislation. While the report on Estonia estimates that many of the provisions are only partially implemented, it acknowledges that this still represents progress.

Issues arising with regard to anti-discrimination legislation include lack of effectiveness as a result of insufficient remedies and sanctions and gaps in the ‘Race Directive’ itself including the exclusion of third country nationals. In the assessment of the transposition of the ‘Race Directive’ in the reports, only three reports indicated that effective and dissuasive sanctions exist: Estonia, Finland and the Netherlands. Effectiveness, however, has been enhanced by certain provisions of the ‘Race Directive’ including the provision relating to burden of proof as highlighted for example in the Greek report.

The establishment of specialised equality bodies is generally welcomed. However, in some countries where effective infrastructure has already been in place there are concerns that there may be a dilution, less independence and less strength.

In the report on France concerns were expressed around a possible dilution and lack of independ-

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ence when the Action and Support Fund for Integration and the Fight Against Racism (FASILD) is transformed to the National Agency for Social Cohesion and Equal Opportunities. The report on the UK expresses similar concerns. In the UK the establishment of the single equality body, the Commission for Equalities and Human Rights (CEHR), will require the dissolution of three agencies and the transfer of their duties to the CEHR. Two will be dissolved in 2007 and the Commission for Racial Equality will follow suit in 2009.

An important provision of the ‘Race Directive’ for NGOs relates to the participation of NGOs in complaints procedures. Unfortunately, in a significant proportion of states where the ‘Race Directive’ has been transposed, this provision is given only partial effect. Where the participation of NGOs is allowed, lack of funding remains a barrier to NGOs in availing of the right to participate in complaints procedures. Similarly, even fewer states have fully implemented the provision regarding social dialogue on anti-discrimination. An overall assessment of the transposition of the ‘Race Directive’ in each member state is contained in appendix.

Civil society and anti-racism NGOs played a critical role in supporting the development and adoption of the ‘Race Directive’ and other EU responses to racism and discrimination. It is regrettable therefore that this role has not been sufficiently recognised and supported at a national level, despite provisions in the ‘Race Directive’.

Concern is expressed regarding evidence of a diminishing political will in the area of anti-discrimination. This is reflected in some cases through delays in transposition of the ‘Race Directive’. In other contexts this is reflected through the only partial implementation of certain provisions of the Directive. Less than half of the reports indicate that the provision of the ‘Race Directive’ with regard to government led positive action measures has been implemented. In some reports, there are indications of a step back in terms of commitments to such legislation and in a few cases the introduction of laws that actively discriminate. An example of a potentially discriminatory law is a case in Denmark where a law, referred to as the ‘Imam Law’, has been introduced that requires religious leaders to speak Danish and respect ‘western values’.

3.ii Migration, family reunion and asylum policies

Immigration is a critical area in the struggle against racism in Europe today and the site of many manifestations of racism, including institutional forms of racism. Immigration legislation and policies set a climate that in turn has been perceived by the public to accept and facilitate racism against immigrants. A particularly serious concern is the impact the climate of anti-terrorism and specifically anti-terrorist measures is having on immigration policy and legislation. This concern is explicitly stated in a number of reports including in the reports on France and the UK. The report on France describes immigration policies as being at the heart of institutional racism and the report on the UK warns that anti-asylum racism is becoming the new acceptable form of discrimination.

A number of countries have adopted more restrictive immigration legislation. In Germany for example, a law entitled “Law for Control and Limitation of Immigration” (Zuwanderungsgesetz) is legally binding since January 2005. Reports on some countries, including Austria, argue that the development of restrictive immigration legislation has been facilitated through the transposition of EU directives relating to the harmonisation of immigration policy.
including Directive 2003/109/EC\(^7\) and Directive 2003/086/EC.\(^8\)

A number of NGOs describe the immigration policy of their countries as discriminatory. The report on Denmark describes immigration legislation as simply not accepting non-Western immigrants. The report on Cyprus indicates that a new and stricter migration policy was adopted in March 2005 in order to bypass the rights of migrants derived from community law, mainly through the ‘long term residence’ Directive. There is evidence of greater involvement of police in the area of immigration in some countries and increased powers in this regard as is demonstrated in the section exploring manifestations of racism in policing, section 4.v.

Family life is a basic human right but is not equally facilitated for all migrants. Denmark has been criticised by the United Nations (UN) for their policy on family life. Ireland similarly has received criticism from the Committee on the Elimination of Racial Discrimination (CERD) as well as the Irish Human Rights Commission (IHRC) in this area. The report on Finland expresses concern that emerging policy does not show due regard to family life or the rights of children. In the German report, it is pointed out that as family reunion is linked to residency status, the weaker the residence permit is, the weaker is the right to family life.

Directive 2003/9/EC,\(^9\) which lays down minimum standards for the reception of asylum seekers, is another relevant directive in the migration context. While in some instances conditions of reception for asylum seekers have improved, in others they have remained the same or are poorer. The report on Lithuania argues that conditions of reception for asylum seekers may not be in line with a range of articles of the Directive.

Countries that previously had a relatively balanced immigration policy are looking increasingly to an economic migration policy. For example in Finland, the Immigration Policy Programme submitted to the government by the responsible working group in 2005 promotes economic migration, and concern is expressed that insufficient provision is made with regard to family reunion and the rights of children.

Integration and integration policy are understood differently in different contexts. In some contexts, integration is understood as assimilation.\(^10\) In places, integration policy forces ethnic and religious minority groups to integrate as opposed to facilitating integration or reflecting integration as a two-way process involving also the majority population. The concept of integration as well as developments and implementation are further considered in section 5.iv assessing the response with regard to integration and social inclusion.

The concept of integration is critical especially where it informs integration tests which in turn affect a person’s rights and entitlements e.g. to residence, family reunion and social welfare benefits. Integration tests apply in the Netherlands, and in Luxembourg 2005 saw the introduction of new conditions regarding an application for reunion with a partner which include passing an integration exam and an income assessment.

On the whole positive integration is weak across Europe with only a few exceptions. The restric-

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\(^10\) Cultural assimilation is described as the process whereby a minority group gradually adopts the customs and attitudes of the prevailing culture. It has widely been identified as an outdated approach, which fails to account for and promote respect of ethnic and religious diversity.
tions on family life and often difficult access to citizenship are factors that have a negative impact on the capacity of migrants to integrate. Countries such as France and Germany saw the long term effects of poor integration policy affecting first, second and even third generation immigrants. The protest of French youth in the suburbs of Paris against their treatment by the police is a clear example of this. The ‘riots’ crisis arose from growing exclusion in suburban areas. The report on France argues that the response by media and politicians to the situation exacerbated racism, xenophobia, anti-Semitism and Islamophobia by pointing the finger at international migration.

Across Europe, Roma, Sinti and Travellers experience consistent social isolation and marginalisation. Where there are integration policies directed at the inclusion of Roma, Sinti and Travellers, implementation is consistently weak.

Different countries have different systems with regard to access to citizenship. Control over access to citizenship is considered important to a nation’s sovereignty and therefore not an area in which the EU can intervene. However, how a country treats its citizens can be considered.

Concerns with regard to citizenship include the issues presented in the report on Germany relating to revocation of citizenship. This report highlights that newly naturalised German citizens have had their citizenship revoked despite the fact that in the past and for historical reasons it was not possible to deprive someone of their German citizenship without very strong grounds. The European Commission on Racism and Intolerance (ECRI) requested a review of the practical application of the citizenship law. At the end of 2005 the review had not yet taken place.

Concerns have also been raised with regard to conditions for asylum seekers whose applications for asylum have failed and for irregular migrants while awaiting deportation. These range from very poor living conditions to lack of access to legal services, and other gross human rights violations.

Problems with regard to detention and deportation can be illustrated through examples presented in reports on Cyprus and Lithuania. In Cyprus the Supreme Court developed negative case law on the detention of asylum seekers which legitimises long detention periods of asylum seekers and deportation orders. In Lithuania, the Law on Foreigners’ Legal Status 2004 allows for the detention of asylum seekers. While in detention they do not have access to legal services. It should be noted that ECRI regards the introduction of the Lithuanian law of 2004 as a step backwards for refugee protection in several areas. In Germany, the constitutional court found a mass deportation in September illegal, declaring that only in the case of crimes which are a threat to public security could people be deported.

A number of reports raise serious concerns with regard to the negative impact that anti-terror measures are having on the development and implementation of immigration legislation and policy. Security measures resulting from anti-terror measures cause concern. The report on the UK particularly highlights the impact of security measures on immigrants. New security measures include electronic tagging and fingerprinting for people from countries that produce a high number of asylum seekers. In Germany almost 15,000 refugees had their asylum claims revoked compared to 577 in 1998. This point is explored further in section 3.iv on counter terrorism.

Only three EU member states allow members from the EU10 the right to work, namely Ireland, the UK and Sweden. While we cannot adequately assess trends across Europe with regard to this group at this point, the experience from Ireland and the UK help us highlight emerging issues. In Ireland for example, a ‘Habitual Residency Condition’ was put in place with the result that a person must be normally resident in the country for two years to be entitled to a range of social welfare benefits including access to public hous-
ing. EU citizens from the EU10 are experiencing increased levels of homelessness as a result of this restriction.

3.iii Racism as a crime

Developing initiatives to recognise and address racism as a crime raises a number of questions for member states with regard to how racism is understood in the national context. The type of legal system in place also comes into play. For these reasons, legislative and political developments with regard to racism as a crime are diverse. It is generally accepted that there is a difference between a racist incident and a racist crime. It is also generally accepted that racist crime is a very particular type of crime. In some contexts, only far right extremism is considered to be racist and this has implications for how racist crime is defined in legislation. In many contexts, racist crime is considered as hate crime and dealt with in the same way. In the minority of cases, discrimination is criminalised.

Though legal frameworks differ considerably, we can conclude from the reports that a majority of member states have legal measures in place to provide some form of protection from racist crime and some form of penalty to the perpetrators. The Czech Republic and Greece are the exceptions in this regard. 2005 was a significant year for Estonia which saw the introduction of a new penal code that makes racism a crime.

Where measures to address racism as a crime have been developed, the scope of the legislation and remedies available vary considerably. There are problems in terms of implementation and effectiveness. Legislation may encompass a restrictive understanding of terms such as ‘racially motivated’, ‘crime’ and ‘incitement’. Under-reporting of racist crime is a key barrier reported across Europe. There can also be problems in the area of recording racist crime, attributed to both a lack of effective recording mechanisms and a lack of awareness on the part of police.

The impact of individual and institutional forms of racism within the police force is a major obstacle that needs to be recognised and acknowledged. Sometimes racially motivated crime is simply not taken seriously and it has been reported that police can be reluctant to record a crime as such, as highlighted for instance in the reports on Hungary and Lithuania. In some cases police might not recognise the racist element and treat an incident as hooliganism. There have been cases of unequal application of the law where cases pertaining to Roma and people of colour might rarely be investigated, a concern expressed in the report on Hungary.

The UK also introduced a law to make the incitement of religious hatred a criminal offence in order to put an end to a gap in the existing law which was being exploited by the far right to campaign against Muslims.

Five country reports mention that there are measures in place allowing aggravated sentencing, namely in Belgium, Finland, France, Italy and the UK. The Netherlands raised the maximum penalty for the punishable offence of discrimination in 2005. Changes in the law in Italy make sentencing of a crime with racial hatred as an aggravating circumstance very difficult. Proposals to introduce aggravated sentencing in Latvia were rejected in 2005. The outcome of a 2005 petition in Malta to introduce aggravated sentencing is as yet unknown, and in Ireland research commissioned under the National Action Plan Against Racism will examine this question.

3.iv Counter terrorism

Countering terrorism was high on the European agenda and the agenda of many member states in 2005, especially in light of the bombings in London in July of this year. The cloud of secrecy around anti-terrorism measures makes it difficult to ascertain a complete picture of the measures
being put in place by governments to counter terrorism and their particular impact on the lives of ethnic and religious minority groups. That said, there is clear evidence that anti-terror measures have been put in place in a number of countries that are resulting in racial profiling, targeting Muslims and immigrant communities specifically. Because of the nature of stereotyping, racial profiling impacts on all ethnic and religious minority groups.

Anti-terrorism measures also have implications for the freedom of the population as a whole through the introduction of restrictions on speech and other measures such as the use of surveillance cameras. Austria reports that 2005 saw the introduction of video surveillance in seven public spaces, including Vienna and Innsbruck. They have also had implications for the collection and protection of data. The report on the Netherlands points to the increased powers to request personal data. Research from Germany indicates a perception of data protection as restraining effectiveness, costly and preventing meaningful solutions.

Not all countries, however, consider terrorism to be a high priority issue in their national contexts. Greece is an example of a country that has made explicit that they have no need for additional anti-terror measures and that Greece is a safe country. It is also reported that the Minister for Public Order is keen to send out the message that Islamophobia does not exist in Greece, though the practical reality is not so clear.

Across Europe we see instances of the strengthening of police power through anti-terrorism measures. The report on Belgium highlights developments from the Justice Ministry that aim to pass a law which strengthens the role of police. While specific measures to combat terrorism can be difficult to ascertain given the secrecy associated with anti-terrorism measures and intelligence, it is clear that a correlation between countering terrorism and controlling immigration exists. The impact of the climate of anti-terrorism is becoming increasingly evident from the Shadow Reports, resulting in restrictive immigration policies and a limitation, sometimes violation, of migrants’ rights. Examples which illustrate the effect of counter terrorism measures on immigration policies are drawn from reports on Italy, Lithuania, Malta and Austria. In Italy, 2005 anti-terrorism measures enable accelerated expulsion procedures.

The link between counter terrorism and immigration policy has also been noted by European and international bodies. ECRI reports that Lithuania has mainstreamed national security and public order considerations into all aspects of asylum and refugee law, including measures for indefinite detention of those ‘foreigners’ who are considered to pose a threat. In Malta it is reported that anti-terrorism debate and considerations have affected amendments to the Refugee Act. One member of Parliament in Malta is reported to have claimed that if only 2% of asylum seekers were terrorists a nucleus would form. The United Nations High Commissioner for Refugees has criticised an Aliens Law Package 2005 introduced in Austria after the London bombing for violating fundamental rights that are guaranteed by the Austrian Constitution.

Racial profiling often is apparent in the implementation of immigration policies. In this regard, it can be noted that racial profiling has been a problem for ethnic and religious minority groups long before the current ‘war on terror’. However, it is now facilitated by both anti-terror and immigra-

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11 For example, in the UK the “glorification” of terrorism was made an offence in 2005 though it is vaguely defined.

12 Amendments made in 2003 to the Asylum Act 1997 already make provisions to “curtail the asylum seeker’s right to prepare a defense”.
tion measures and is increasingly accepted by the general public. The lack of research on racial profiling is highlighted in many of the reports. However the reports on Belgium, Czech Republic, Denmark, Germany, Hungary, Ireland, Italy and Latvia demonstrate evidence of racial profiling.

The UK requires special attention in this year’s report in light of the aftermath and reactions to the London bombings. In terms of legislative and political developments, the Prevention of Terrorism Act 2005 and a ‘12 point plan’ against terror are recorded as central developments. A range of concerns have been expressed in relation to the ‘12 point plan’ which Prime Minister Tony Blair has described as “changing the rules of the game.”

Concern is expressed in the report on the UK that the plan extends the use of control orders to British citizens and sets new thresholds for British citizenship. Control orders can restrict the movement, association or use of particular goods and services of the controlee. It was also proposed that new powers to close mosques be introduced but this proposal was challenged and subsequently cancelled.

The UK report expresses concern that there are insufficient safeguards in the new laws to allow mistakes to be rectified speedily and new offences are considered to open the way to easier prosecution without putting in place necessary safeguards for rights and freedoms. It is regretful that a review of the Prevention of Terrorism Act 2005 did not consider the impact of the Act on community relations.

\[13\] In a report on the impact of the July 2005 bombings, the European Monitoring Centre on Racism and Xenophobia (EUMC) noted the positive response of the government and its actions to overcome a potential ‘backlash’ against the Muslim community. EUMC, The impact of 7 July 2005 London bomb attacks on Muslim Communities in the EU, at: www.eumc.eu.int.

\[14\] Control orders are now lawful as the extension of their application to British citizens means they no longer discriminate on the basis of citizenship.

\[15\] Control orders allow the government to place individuals suspected of involvement in terrorism under house arrest. They have to report to a police station daily and restrictions are placed on their movements, banning them, for example, from visiting airports or railway stations.
4. Manifestations of racism and religious discrimination

This section provides an overview of manifestations of racism and religious discrimination in key problem areas. Relevant developments demonstrating discrimination during 2005 are highlighted in each area and examples of good practice are also included. Despite a general lack of statistical data, evidence of inequalities emerges across a range of areas including employment, accommodation, education and health. Discrimination in accessing other goods and services is also documented. Racist violence and crime is a key site for exploration as is the area of policing and particular regard is given to the use of racial profiling. The media is also explored as a site of discrimination.

4.i Employment

Employment continues to be a site for much of the racism and religious discrimination reported across Europe. Established minorities clearly experienced racism in employment in every country. Across Europe it is reported that migrant workers and asylum seekers experience discrimination and exploitation in the workplace. Many of the issues documented in the Shadow Reports relate to access. A large proportion of the issues refer to the need to consider experiences of racism while in employment, including conditions of work, retention and access to promotion.

Instances of racism in the area of employment provide evidence of how immigration policy can undermine equality and anti-discrimination measures. The position of migrants in the workplace is determined largely by migration policy and legislation as well as the overall economic climate and public attitudes. In every country the rights of migrants were fewer than those of other citizens or nationals. The realisation of migrants’ rights depends on their employment status. The right to residency is one right that is clearly tied to employment status. Other rights, such as the right to family life, also depend on employment and migration status, as well as on income. The position for migrant workers is often poor because of the conditions of their migration status and poorer conditions in work such as lower pay and the type of work that they carry out. Migrant workers are denied both vertical and horizontal labour mobility.

Insecure and sometimes dangerous employment conditions experienced by migrant workers are also a concern for NGOs. The report on Italy highlights that ‘foreign citizens’ undertake the most dangerous tasks without adequate protection, as we can see is the situation in many EU member states. Official statistics in Italy demonstrate a significant difference between the accident rates for ‘foreign citizens’ and the population as a whole. Among ‘foreigners’, there are 65 reported cases out of 1000 insured workers, while the average rate on the total number of workers is 40 cases out of 1000 insured workers. 2004 saw an increase of 6.7% in industrial accident rates for non-EU citizens and a 25% on figures for 2002. In reality, this is estimated to be even
greater given that many cases are not reported in the case of concealed labour.

Little regard is given to the rights of seasonal workers in Cyprus where their situation in the farming industry is compared to trafficking in human labour. Poor conditions for domestic workers are particularly highlighted in reports on Cyprus and Ireland.

Undocumented workers are in a particularly precarious position in every member state, open to abuse and exploitation with little or no possibilities for protection or redress.

Students from ethnic and religious minority groups also experience discrimination. For example, the report on the Netherlands provides evidence of discrimination against students from ethnic and religious minority communities in accessing work placements. The situation for non-European Economic Area (EEA) students is compounded through immigration policies which places restrictions on the right to work for non-EEA students. Restrictions on the right to work for students vary in different countries.

Employment in the public sector was highlighted by a number of countries as posing particular problems in terms of access for migrant workers where institutional discrimination might be evident given the structural obstacles facing the workers. Access to public sector employment was highlighted as an issue in the Irish and Italian reports. In the UK public sector, targets have been set to overcome discrimination in the area.

Religious discrimination is also evident in the area of employment. UK data reveals that the Muslim community is the least economically

Védiorbis, a temporary placement agency in France, signed a Charter on the Promotion of Equal Opportunities in Employment for 2006. The Charter enables 1,000 youths from disadvantaged suburbs to benefit from what has been termed a ‘Security-Citizenship’ week. The Charter has been developed to give youth the opportunity to learn more about employment opportunities in the public and private sectors including in the area of security and policing.

A partnership in Italy between the Municipality of Rome and an NGO, Opera Nomadi, has resulted in the opening of the first employment desk for Roma communities. Opera Nomadi aims to promote and protect Romani culture and the rights of Roma, Sinti and Travellers. The Roma employment desk is supported by the Municipality and managed by Opera Nomadi. It offers advice and cultural mediation for the employment of Roma, Sinti and Travellers. In the work, the skills and potential of the people involved are considered with a view to assess how they might meet the labour opportunities available in the area.

Asylum seekers face difficulties as in most countries they cannot work. Where they can work they face similar problems as migrant workers. Access to employment can be difficult as they are at risk of losing the right to work and deportation should their case for asylum fail, an insecure position which is not attractive to employers.

Though migrant workers pay tax and national insurance contributions, they do not always enjoy the same benefit from their contributions as EU and member state citizens. For example, the report on Cyprus indicated that although migrants pay the same obligatory national insurance contributions as Cypriots, they do not enjoy the benefits that are stipulated by the Social Insurance Fund Law.

The situation of Roma, Sinti and Travellers must also be highlighted as ethnic minority groups who experience consistent discrimination with regard to employment across Europe, both on the basis of their ethnicity and their legal status. In the Czech Republic for example, the unemployment rate of Roma is estimated at 70%. In the report on Ireland it is explained that complaints by Travellers of discrimination in employment dominated the cases received in 2004 by the equality body, the Equality Authority.
active community. Research by the Council of Islamic Communities in Hamburg, Germany, demonstrates an increase in discrimination against Muslim girls and women in the labour market. This situation may be the case in other countries as well but available data is not always able to capture this.

4.ii Accommodation and housing

Accommodation was highlighted by a number of reports as the main site for manifestations of racism and religious discrimination. The impact of discrimination in this area is of particular concern given the effect of poor, inadequate, inappropriate or lack of accommodation on the status and well-being of ethnic and religious minority groups in relation to other areas. For example, there is a clear link between substandard accommodation and health status.

The type of issues highlighted by ENAR members in 2005 relate to reception centres for asylum seekers; conditions of detention of irregular migrants; general lack of provision of social housing; lack of intercultural planning; overcrowding; substandard accommodation; poor segregated accommodation and residential racism.

The situation regarding accommodation for asylum seekers and Roma, Sinti and Travellers is of serious concern for NGOs and living conditions are often deplorable.

Asylum seekers are increasingly accommodated in reception/accommodation centres in European countries. In all countries where reception/accommodation centres exist, questions and concerns have been raised. Furthermore, in some contexts asylum seekers whose application for asylum has failed as well as irregular migrants are not only detained in detention centres but also in prisons.

The detention of asylum seekers whose asylum applications have failed raises a number of issues. Conditions in prisons are often inappropriate. The condition for migrants in detention centres can also be extremely poor. In Malta, the conditions were of such concern that members of the medical profession highlighted the situation in 2005. In Germany, several people tried to commit suicide in the Berling-Koepenick deportation prison. The suicide attempts by migrants have been attributed by NGOs to fear of deportation. Another issue is the fact that where people are detained in prisons, there is a criminalisation of irregular migration and of asylum. This has repercussions for the perception of migrants by the general public and fuels racism.

The issue of accommodation for Roma, Sinti and Travellers is a complex one. In reality, this ethnic minority group is living in appalling conditions and there is little political will in relation to accommodation provision for these groups. Poor public attitude toward Roma, Sinti and Travellers provides no incentive, rather a disincentive, to politicians to address the issue and can inhibit implementation of accommodation policies where they exist. The majority of Roma, Sinti and Travelers live in substandard and inappropriate accommodation. In the Czech Republic, Roma represent between 50% - 90% of the inhabitants of ‘bare walled’ apartments which are reported as the poorest form of accommodation used by those who have been unable to pay their rents. In several countries 2005 also saw the demolition of Roma accommodation that had been built without adequate permission; no alternative was provided.
and the demolition was found to be illegal. In Finland, there was a 120% increase on the complaints received by the Ombudsman for Minorities from Roma in relation to accommodation.

In Hungary, Roma are the group most at risk of eviction. The report on Italy refers to the poor conditions in ‘Roma camps’ in 2004 and reports that in 2005 the situation remained unchanged. Where there has also been limited progress is the accommodation situation for Travellers in Ireland. While in Ireland there are good policies in place, implementation remains an issue and in reality it is estimated that 22% of the Traveller population is without permanent accommodation and 788 families live on the roadside.

In terms of public opinion, a survey conducted in Latvia reports negative attitude to living with Muslims, Jews and Roma. In Hungary a European Values Study reveals that 60% of Hungarians do not want immigrants or ‘foreign workers’ as neighbours.

Quality of accommodation is also an issue for migrant workers. The report on France highlights the lack of a housing policy for migrant workers as a real problem. The report describes the situation for migrant families as catastrophic and points to several fires during the summer of 2005 which resulted in the death of 52 people, 36 of whom were children.

Because of their generally lower socio-economic status, ethnic minority groups are more reliant on public housing which is often lacking. The right to access public housing is conditional in many cases on legal status and immigrants therefore can face a double burden.

Ethnic and religious minority groups rent accommodation in the private rental sector and have lower levels of home ownership. In the rental sector they experience direct discrimination and excessive prices. This is especially true for immigrant communities. Whether they own, rent or access public housing, ethnic and religious minority groups experience residential racism.

In the UK, the cross-government National Strategy for Neighbourhood Renewal aims to ensure equal access to public and private sector housing and improve conditions in the most deprived neighbourhoods. An action plan has been produced by the Office of the Deputy Prime Minister. Targets are set that all social sector homes should meet the decent homes standard by 2010. This will benefit one in ten Black and Minority Ethnic Group households. Housing policy is also expected to increase the proportion of vulnerable owner-occupiers and private tenants in decent housing to 70% in 2010 (up from 57% in 2001).

An interesting reflection in a number of reports relates to segregated accommodation, social deprivation and the term ‘ghetto’. Reports on both Germany and the UK concluded that segregated accommodation itself is not the issue. Communities live together for a range of reasons including for the assurance of social support. In some cases, ethnic and religious minority groups have been accommodated in segregated accommodation as a result of social policy. In other instances, ethnic and religious minority groups are forced to find accommodation in areas where rents are cheaper and the result is that ethnic and minority groups live together in areas of poverty and social deprivation. The reports conclude that the real cause for concern is the social deprivation experienced by ethnic and religious minority groups living together, segregated from the community at large.

4.iii Education

An examination of racism in the area of education across Europe demonstrates issues of direct discrimination and more institutional forms of discrimination. Racism in the education system is manifested at a number of levels. It is evident in
government departments responsible for education, in school management, by teachers, pupils and also by parents. The debate around racism and education relates to issues in terms of the right to education; access to education and participation; educational outcomes; type of educational provision for ethnic and religious minority groups e.g. mainstream and segregated schooling; quality of education provided; existence and adequacy of measuring, monitoring and redress mechanisms. The link between schools and government bodies with responsibility around immigration is also of concern to NGOs.

While education is an area where there are serious manifestations of both direct and indirect racism, it is also an area where many good practice initiatives are underway or being developed.

The right to education is an issue in a number of countries, particularly where this right is attached to residency status. In some countries, e.g. Ireland, there is a constitutional right to education up to the age of 16 once a person is resident in the country. In some other countries, however, the right to education is limited to those in possession of a residence permit or of a particular type of permit. In the Czech Republic the new Education Act 2005 provides an anti-discrimination measure but this does not extend to those children without a residence permit. In Germany, seven Federal States allow only partial education to young refugees.

Segregation has been a problem experienced by Roma, Sinti and Travellers particularly where segregation is accompanied by a poorer quality of education. However, in some cases ethnic and religious minority groups have chosen to be educated separately as mainstream education does not meet their needs or discriminates against them. In Malta for example, the Muslim community set up an Islamic school to address the issue of a lack of instruction in Arabic in mainstream schools. The school is run by Muslims and Christians.16

Generally outcomes from the education system are poorer for members of ethnic and religious minority groups. Factors leading to this include stereotyping and lower expectations by education professionals of ethnic and religious minority groups. The report on France highlights the fact that in the French situation, youth from immigrant backgrounds are over-orientated toward making choices in the technical areas.

In terms of educational outcomes, there are exceptions with ethnic and religious minority groups exceeding the overall population in educational attainment. Where ethnic and religious minority group members complete their studies, the UK finds that they outperform the general population. Also in the UK, girls perform better than boys across all groups except in the case of Gypsies and Irish Travellers. This reality suggests that overcoming problems of access and problems experienced by early school leavers could have a very positive effect in terms of overall

16 It should be noted that it did not receive any public funding despite the fact that the State funds Catholic schools.
Parents also play a role in contributing to racism in the school environment. An example of racism from parents is given in the report on Cyprus where parents insisted a school be closed and Roma students dispersed to other schools on the basis of a suspicion that Roma students carried a hepatitis virus. The Department of Education co-operated with their demands and parents allowed the school re-open on the basis that the Roma pupils would not be returning. Subsequent medical tests proved that the Roma children in question were not carrying the virus. This incident is currently under investigation though no report is yet available.

The link between schools and government bodies with responsibility around immigration is also of concern to NGOs. For example, in Germany and in Cyprus schools are obliged to inform authorities if pupils do not have a residence permit.

Across Europe it can be noted that Roma, Sinti and Travellers experience consistently high levels of educational disadvantage and discrimination from and within the education system. In the Slovak Republic, government and NGOs alike define the experience of Roma as the predominant issue in education. Combating segregation in schools was high on the agenda of the government in the Netherlands in 2005. Their efforts included a study monitoring Roma education which provided evidence of segregation and the unjustified transfer of Roma students.

Educational outcomes for Roma, Sinti and Travellers are generally poorer than overall populations. While a positive development was reported from the Netherlands where there are now Roma language teachers, this is the exception rather than the rule. While there are some concerted efforts being made by governments in this regard, in general there is concern that across Europe the problems experienced by Roma, Sinti and Travellers in the area of education are not being taken seriously enough. The Greek report explains that there is a 60% level of illiteracy amongst Roma.

The Centre for Education Initiatives in Latvia implemented the project “Romani child in welcoming school” from October 2004 to July 2005. The main objectives of the project were to include Romani children in mainstream classes through establishing local structures, such as the Romani Parent Support Centres, and training mainstream school teachers to work with Romani children. Seminars, workshops for parents, meetings, consultations for parents of Romani children, teachers and other participants were held.

4.IV Health

The health of members of ethnic and religious minority groups is impacted on negatively by their experiences of discrimination in other areas including education, employment and accommodation. The fact that they are amongst the groups at risk of or experiencing poverty greatly affects their ability to choose healthcare options. Already at a disadvantage, they are further affected by discrimination in the healthcare systems, which like the education system, manifest both direct and indirect forms of discrimination. Issues in healthcare for ethnic and religious minority groups range from a lack of culturally appropriate service provision, inadequate support such as translation facilities to blatant abuse and gross violation of human rights.

For immigrants there are basic issues such as the entitlement to access the healthcare system. In Finland, those with short term residency status are not entitled to access health services. In Germany also, there are restrictions in terms of healthcare for asylum seekers.
Language issues are raised in reports on Denmark, Estonia, Germany, Ireland and Malta. In Malta doctors have refused to see patients because of communication difficulties. In Estonia and Denmark measures to address language issues, including training of doctors in Russian in the case of Estonia and provision of interpreter services in Denmark, have been cut back.

In most countries, lack of data collection and access to data mean that it can be difficult to paint an accurate picture of the health status and well-being of ethnic and religious minority groups. This is especially true in relation to disaggregated data. However, in the UK disaggregated data in terms of health has been collected and 2005 figures reveal that across the majority of ethnic and religious minority groups, women’s health is more likely to be described as ‘not good’. In other countries the situation for Roma women has been highlighted. The report on the Czech Republic presents a pertinent example. The Czech Public Defender of Rights investigated 87 complaints and concluded in December 2005 that the problem of sterilisation, either by improper motivation or illegally, does exist in the Czech Republic.

Living conditions for seasonal workers raised serious health concerns in Italy in 2005, a situation to which the medical profession itself drew attention. Similarly, doctors have highlighted poor conditions in detention centres in Malta, including a lack of medical equipment. On the other hand, the report on Hungary highlights improvements in terms of easier access for immigrants to healthcare than in previous years. A particular issue arises in Lithuania where access to healthcare is linked to employment, requiring payment of social contributions. As Roma have disproportionately low levels of economic activity, they are also disproportionately negatively affected by this situation.

Other experiences of racism within the healthcare system relate to the experiences of healthcare professionals from ethnic and religious minority groups as employees within the system. The report on Denmark highlights discrimination by patients against doctors and the Irish report highlights institutional discrimination against medical professionals including doctors, nurses and nurses’ aids with regard to promotion, recognition of qualifications and working terms and conditions.

The scape-goating of immigrants for the strain on healthcare systems fuels racism and does not take into account the fact that many migrants contribute to the healthcare system through tax and insurance payments as well as the critical fact that in some countries the healthcare system is increasingly dependent on migrant labour for healthcare workers and professionals.

\[17\] Only first aid is provided to those who have not paid social contributions.
4.v Policing and racial profiling

The main problem areas in terms of policing relate to: institutional racism; the use of racial profiling\(^\text{18}\); over-policing; a lack of trust in the police force; lack of recording of racist violence and crime as such; lack of independent complaints mechanisms for complaints against the police themselves; poor relations between the police and ethnic and religious minority groups (especially youth); policing issues with regard to asylum seekers, including in places of detention; and stereotypes held by police that associate ethnic and religious and minority groups with terrorism, drug dealing and irregular immigration.

Racism within the police forces is an issue of grave concern. Both individual and institutional forms of racism are evident. An independent human rights audit of the police in Ireland which was published in 2005 revealed institutional racism. In the UK the Lawrence Steering Group expressed concern about underlying racist attitudes held by police despite investment in training. The Lawrence Steering Group was set up in 1999 to oversee the implementation of the 70 recommendations of the report of the Stephen Lawrence Inquiry.\(^\text{19}\)

In Italy police were found to be the second largest group of offenders with regard to racist crime. Police violence was also highlighted in Italian temporary stay centres where asylum seekers whose applications for asylum have failed as well as irregular migrants are detained. A survey carried out by the National Commission on Security Deontology in France revealed that persons of ‘foreign origin’ are more likely to be victims of police violence and abuse than the general population.

Roma, Sinti and Travellers face particular difficulties in the area of policing - they are the targets of racial profiling in a number of countries. This is reported specifically in Italy, Latvia and the Slovak Republic. In the report on Hungary it is documented that Roma are kept in pre-trial detention longer than non-Roma. The report on Latvia explains that problems with policing relate to smaller, visibly different and socio-economically vulnerable minority communities, the most obvious example being Roma. Roma are over-represented in prison and are more likely to be subjected to ‘stop and search’ actions and unlawful detention. In the report on the Slovak Republic, a disproportionate use of coercive methods on Roma is highlighted.

In the Czech Republic, a National Strategy for the Work of the Police in Relation to Ethnic Groups and Minorities existed between 2003 and 2005. The practical benefit of this strategy was seen from February 2005 in the gradual appointment of liaison officers for minorities working under regional police authorities of the Police Force of the Czech Republic, who act as mediators of contact and communication between minorities and the Police Force of the Czech Republic. In localities with a higher concentration of minorities, police assistants may supplement the work of the liaison officers.

Abuse experienced by Roma is consistently underreported. The report on Latvia attributes underreporting to a lack of trust in complaints mechanisms, whereas in the report on the Slovak Republic it is pointed out that no independent complaints mechanism exists.

Though positive in some regards, the Strategy for

\(^{18}\) Racial profiling occurs when race is used by law enforcement or private security officials, to any degree, as a basis for criminal suspicion in non-suspect specific investigations. Discrimination based on race, ethnicity, religion, nationality or on any other particular identity undermines the basic human rights and freedoms to which every person is entitled, see: Amnesty International USA, What is Racial Profiling?, http://www.amnestyusa.org/racial_profiling/index.do, accessed 21 December 2005.

\(^{19}\) This report, also known as the Mac Pherson Report, was a highly controversial and influential report on discrimination and racism in the police force that followed from the unsatisfactory investigation of the racially motivated murder of a Black schoolboy, Stephen Lawrence.
the Work of the Police of the Czech Republic in Relation to Minorities 2006-2007, which was developed in 2005, causes some concern. The fact that the strategy is aimed at Roma is considered as discriminatory in itself. It is aimed at members of the Romani community, as the cultural differences of members of other national minorities do not normally manifest themselves in respect of the work of the police force of the Czech Republic. There is concern that the implication is that the Roma have more problems with the police and visa versa than the members of other minorities.

Racial profiling is evident in the work of the police in nearly all countries in Europe and is based on police stereotypes which might be described as associating ethnic and religious minority groups with terrorism, drug dealing and irregular migration. The involvement of police in immigration matters and increased powers in this regard are of particular concern, as racial profiling has been identified as a clear outcome of this situation. Groups that appear to be the main targets of racial profiling include Muslims, Roma, youths from ethnic and religious minority groups, and asylum seekers.

Racial profiling is facilitated through legislation, most clearly immigration and anti-terrorism legislation. One example of such legislation is recorded in the report on Germany. The Residential Restriction Obligation Pass Law (Residenzpflichtgesetz) restricts freedom of movement of asylum seekers. It is described in the report as the legal base for controlling mainly Black people in public places such as trains or stations. Grassroots organisations oppose the law as they identify it as racially motivated and akin to an apartheid residential restriction.

Other examples where legislation is argued to facilitate racial profiling can be drawn from reports on the Netherlands and Italy. Since January 2005 police in the Netherlands can ask for proof of identity. The UK also reports an increase in the disproportionate use of ‘stop and search’ against ethnic and religious minority groups. Muslim women were disproportionately affected by an ordinance proposed by the Mayor of Treviso (Italy) in 2004 that forbade the covering of one’s face on the municipal territory. The development has been described as the Treviso ordinance ‘against the Burqa’. In August 2005, the Court of Justice of Treviso dismissed the case of a woman of Bengali origin who had been denounced by traffic police in Treviso as a consequence of the ordinance. The ordinance has since been cancelled.

Poor systems for monitoring racism by the police as well as a lack of trust and faith combine to make it difficult to measure or address racism by the police.

4.vi Racist violence and crime

There are a number of problems standing in the face of any attempt to respond to racist crime. These include the denial of the existence of racist crime; lack of adequate and effective legislation; underreporting; evidence of reluctance in some instances by police to record racist crime as such. Further considerations of these issues can also be found in the section on racism as a crime (section 3. iii) and the section assessing the response with regard to racist violence and racist crime (section 5.ii) of this report.

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20 The ‘Residential Obligation’ obliges asylum seekers to settle in the town or county or sometimes states where the aliens authority in charge resides. If they want to leave this area, e.g. to visit relatives, they must ask for a written permit. Violations of the residential obligation are fined; in case of repeated breaches a criminal procedure is imminent.

21 UK legislation provides for the police to stop and search members of the public without making an arrest. There have long been concerns that in the implementation of these powers the police disproportionately stop members of ethnic minority communities.
Lack of data is an obstacle although there is some evidence that methods of data collection and recording of racist crime are improving. There is a need to make the distinction between a real increase in racist crime and simply better reporting mechanisms. In the Slovak Republic, for example, there was a 34% increase in the number of racist crimes registered by police. This increase has been attributed in part to greater effectiveness by police as a result of increased awareness. Under-reporting is also an issue affecting the reliability of data collected. Where there has been a decrease in the reporting of racist crime the questions of trust and effectiveness of the system should be raised. The reports on Denmark, Germany and Estonia highlight the denial of racist crime and evidence of some reluctance on the part of police to record crime as racist.

A rise of right-wing extremism, as well as other forms of nationalism, is evident in a number of countries, such as Denmark, Sweden, Germany, Latvia, Malta and the Slovak Republic. The use of the internet as a tool for the dissemination of racist sentiment, crime and propaganda is particularly worrying given that internet crime is not often recorded and the legal difficulties that have been experienced in challenging internet-based criminal activity. This point is considered further in the section on the media including the internet (section 4.viii).

A positive development is the significant decrease in anti-Semitic crime recorded in France, from 1,575 in 2004 to 974 in 2005, though these figures are of course still unacceptable. However, this is not true across the board and an increase in anti-Semitic crime is reported, for example, in the Netherlands.

In France new measures to fight cyber-crime were announced. One measure involves the establishment of a national reporting centre on illegal internet content. A charter was signed in 2004 by Internet Service Providers (ISPs). This Charter ensures that ISPs provide their customers with complaint forms through which they can report abuses or illicit content.

4.vii Access to goods and services in the public and private sector

The EU ‘Race Directive’ was highlighted as the single most important factor in improving access to goods and services in the public and private sector, though the extent of the positive impact varies between countries. However, despite the Directive, access to goods and services in both the public and private sector remains a problem even though few countries reported a significant increase in the area. Key problems pertain to the lack of enforcement, the lack of data (including the lack of a central registration point in some countries) and the fact that in some countries the public sector is exempted from some of the provisions of the Directive.

The report on Hungary highlights the role played by the Mahatma Gandhi Human Rights Organisation in developing good practice. The organisation seeks to defend refugees’ rights as well as organising cultural programmes that support the establishment of a more tolerant society. The organisation helps report and find legal assistance for foreign victims of civil violence and crimes.

The European Roma Rights Centre (ERRC) is an international organisation based in Hungary that defends the legal rights of Roma. The work of ERRC has had a positive impact locally in Hungary. This is evident with regard to access to goods and services and has been achieved through ERRC research. The research has provided strong evidence for cases going to court. ERRC sometimes funds cases as well in order to ensure that precedence is established.

Consistently vulnerable groups include Roma and Travellers as well as third country nationals. The areas reported as responsible for the greater number of complaints were consistently i) financial services including banks and access to credit and insurance and ii) the hospitality sector (hotels, restaurants, etc.).
The public sector was also an area where discrimination was reported, which is very serious as the public sector provides some of the most basic services to people, particularly those with low incomes. Ethnic and religious minority groups are at particular risk of poverty, which compounds their experience of discrimination in accessing goods and services.

There are differences in the application of the ‘Race Directive’ to the public sector. In Lithuania, for example, legislation is characterised by the fact that no distinction is drawn between public and private service providers whereas in Ireland exemptions for public service providers are included in the legislation transposing the ‘Race Directive’.

Language difficulties pose a challenge to equal access to services for immigrants, Roma and national minorities alike.

4.viii Media, including the internet

The media is a particularly powerful tool and can play a very positive role in the struggle against racism. On the other hand, it can also act as a tool for the dissemination of racist ideas and perspectives. While there is some evidence of the former, e.g. initiatives by the media in Italy to uncover deplorable conditions in temporary stay centres, there is worrying evidence of the role of the media in the latter.

Problem areas identified in the reports include an association by the media between Islam and terrorism; sensationalism; and stereotyping of ethnic and religious minority groups including in particular Roma, Sinti and Travellers as well as Muslims and asylum seekers.

The report on the Czech Republic describes media coverage of Roma as stereotypical with Roma portrayed as people who steal, do not pay rent or refuse to work. The case is similar in Italy. Hungary also reports negative portrayals of Roma.

In Ireland, media coverage of the trial of Padraig Nally for the killing of John Ward, a Traveller, revealed the level of tolerance for the racism that persists against the Traveller community across society, including in the media. Mr. Ward was on Mr. Nally’s land without his permission when he was killed. A number of commentators sympathised with Mr. Nally’s actions. Mr. Nally was convicted of manslaughter in 2005.

Lack of representation and participation from ethnic and religious minority groups as employees within the media is also an issue. Here, however, there have been some developments with regard to increasing the Roma voice in the media, though Roma continue to be asked to speak on Roma issues rather than mainstream issues.

The internet too presents problems. The internet is proving very difficult to regulate and has become a key tool in the dissemination of right wing propaganda. However, as the internet develops so too we see the emergence of increased mechanisms of controls. Difficulties with regard to the media include problems of regulation. There is evidence to suggest this is managed best where there are legal systems and systems of self-regulation by the media itself such as in Finland.
5. Assessing the response

This section assesses state responses to racism and religious discrimination, from the perspective of civil society and anti-racism NGOs and in the light of developments in 2005 and European and international commitments.

Each of the shadow reports acknowledged that there was some level of government response. However, in many instances responses have been superficial, inadequate or without follow up. Implementation is often the main obstacle, despite the transposition of the potential of the ‘Race Directive’ which means that in the majority of countries a framework for non-discrimination does exist. Due to problems with implementation, the potential of the ‘Race Directives’ continues to be unrealised. In a number of countries it is acknowledged that the government is making significant efforts. However, the efforts can only go so far when the root of the problem, institutional racism and laws that facilitate discrimination, remain in place.

5.1 Anti discrimination

The ‘Race Directive’ and ‘Employment Equality Directive’ continue to be the main drivers of government responses to discrimination in member states. However, progress in this area reveals a worrying lack of political will to address racism in a comprehensive, sustainable manner. Despite sanctions from the EU, some countries still have not transposed the Directives while in other countries gaps remain. A number of obstacles to effective implementation of the law are evident even where the Directives have been transposed, including a lack of public awareness, insufficient data collection and a lack of resources available to equality bodies.

The fact that a small number of countries continue to deny the existence of racism, as evident in Denmark and Latvia for example, presents a fundamental barrier to adequately addressing the phenomenon.

The ‘Race Directive’ has not yet been transposed in countries such as Germany, Czech Republic and Luxembourg. Only measures relating to employment have been fully transposed in a number of other countries, such as Malta. In the report on Belgium, we see a step back in anti-discrimination legislation arising from the ruling of the Court of Arbitration that cancelled some provisions of the law against discrimination of 25 February 2003. The federal system in Belgium is reported as making the transposition even more complex and thorny.

Gaps in the transposition of the ‘Race Directive’ are also significant. These range from gaps in definitions as evident in Belgium, non application to the area of education as in Finland, restrictions to the area of employment as in Malta and Estonia. Difficulties in terms of availability of effective remedies and penalties are reported in all but two of the reports.

Serious gaps exist in the ‘Race Directive’ itself and therefore in any efforts to transpose the Directive, including the fact that non-discrimination measures do not apply to third country nationals. The effect of this omission from legislation is two-fold. On the one hand, no protection or redress is provided to third country nationals where they experience discrimination. On the other hand the existence of such an omission sends a message that discrimination against third country nationals is acceptable. For asylum seekers this is of particular concern in a context where racism against them is on the increase.

The establishment of equality bodies was highlighted as a positive development in reports on Estonia, Ireland and Lithuania. However, it is pointed out that no equality body exists yet in Malta, despite some provisions of the Directive on employment having been implemented. Concerns regarding the effectiveness of equality bodies are expressed in the reports on Austria, Denmark, Italy and Latvia. In Denmark, the
equality body is regarded as having little power. In Italy no cases were brought in 2005 despite the fact that the National Office Against Racism and Discrimination (UNAR) dealt with 282 cases in that year.

The report on Latvia argues that there is evidence that there is a lack of financial and political support for the National Human Rights Office, which hinders the capacity of the Office in becoming a strong player in the struggle against racism. Lack of resources was also highlighted in the report on Ireland, where decisions have been made to prioritise certain cases on the basis that insufficient resources exist to engage in further work.

Another obstacle to the effectiveness of anti-discrimination legislation and responsible equality bodies is the lack of public awareness of their existence and people’s rights with regard to anti-discrimination. Lack of awareness is highlighted particularly in reports on Hungary and Latvia. The UK report also points to the need for more awareness raising initiatives with regard to measures arising from the ‘Race Directive’.

Lack of data continues to be an overarching problem. The barrier this presents to realising the potential of developments in the area of anti-discrimination is highlighted in the reports on the Czech Republic and Latvia. It is acknowledged that this is a complex question that reflects historical contexts as well as insufficient infrastructure and understanding. The establishment of equality bodies has functioned as a central point for the collection of data in a number of countries and is proving an effective solution to some of the problems with regard to collection and availability of data.

While reports on countries such as Austria regrettably find that the government does not directly engage or dialogue with civil society in relation to anti-discrimination, there is evidence of some progress and positive engagement in a number of countries, including in the Netherlands and Ireland. In the case of the Netherlands, the report reflects that the openness to involve civil society arises from an increased awareness by the government in recent years of the need to address discrimination.

On the whole, there is evidence of a lack of or diminishing political will in regard to anti-discrimination and the rights of ethnic and religious minority groups, with some countries not transposing Directives, and some amending legislation with limiting consequences, as a result weakening of the protection to groups in certain areas.

A concern in most countries, even where there are good anti-discrimination legislation and policies in place or under development, is the lack of protection for third country nationals from discrimination. There is a clear need to recognise that discrimination exists and is one of the central causes of social isolation and disadvantage. It must also be recognised that tackling social exclusion will require addressing racism and discrimination at the level of legislation. This includes a review of the discrimination present in existing laws, the effects of which will not be overcome by more superficial measures.

An overall assessment of the transposition of the ‘Race Directive’ is presented in appendix.

5.ii Racist violence and racist crime

There are a range of laws designed to combat at least some aspects of racist violence and racist crime in most member states. Regrettfully, the effectiveness of most of these laws comes into question. Where a law might exist, the infrastructure and political will to enable and ensure
effective implementation of the law does not necessarily exist. Underreporting and lack of data remain two of the critical impediments to the effectiveness of the law. No law can ever really be effective without adequate police response and capacity. The response to racist violence and crime by the police force and programmes in place to improve capacity in this regard such as training are mixed. They differ between and also within countries.

There are very different approaches to recognising racism as a crime. The report on Denmark outlines a case where this factor may be evident. The courts refused to take up the matter of a complaint with regard to discriminatory comments made by a member of the Danish People’s Party in the Copenhagen Post. The comments were later found to be discriminatory by the UN Committee on the Elimination of Racial Discrimination (CERD).

Difficulties in relation to data collection are particularly highlighted in the reports on the Czech Republic, Finland, Germany, Hungary, Italy, Netherlands and the Slovak Republic. In Germany, there is no data on the basis of ethnic criteria though politically motivated crime is recorded. In Italy there is a lack of data available particularly in relation to hate crime. The National Institute of Statistics (ISTAT) in Italy provides some data on criminal judicial statistics but this does not explain the extent of the phenomenon. A special case exists in the Netherlands where the data gathering process has been stagnant since 2004 when the General Intelligence and Security Service (AIVD) ceased its role in this regard. It remains unclear if the police will continue to gather data on racism and extreme-right violence.

A recurring problem that is highlighted with regard to police responses is a reluctance to record racially motivated crime as such and a consistent treatment of racist crime as hooliganism. This scenario resonates with the situation described in reports on the Czech Republic and Hungary. A reason underpinning this is lack of awareness and capacity of police to recognise and deal with racially motivated crime. Though generally complimentary in terms of police performance, the report on the Slovak Republic notes a particular need to address the approach of the police to Roma.

Governments have consistently failed to provide or resource adequate and ongoing training for police in the area of anti-racism. The capacity of police to deal with racially motivated crime or work in multi-ethnic communities is undermined by the lack of adequate training available to them. This was highlighted for instance by the reports on Ireland, Latvia and Malta.

It is acknowledged throughout the reports that while police are charged with protecting people against racist violence and crime, they can also be the perpetrators.

There are very different approaches to recognising and combating institutional racism in policing. In Ireland, a human rights audit of the police force published in 2005 revealed institutional racism within the police force. In the UK, where institutional racism has long been recognised and measures put in place to address it, the Lawrence Steering Group expressed concern in 2005 that the underlying attitudes of the police have not changed despite substantial investment in training.

There have been some positive responses to racist violence and crime. Aggravated sentencing is one such response. Where aggravated sentencing exists it is regarded as a positive governmental response to racist crime. Reports on Belgium, France and the Slovak Republic highlight the benefit of such a response from their experience. On the other hand, the report on the
Netherlands cautions that the legislation can be undermined somewhat by the mild sentences handed down.

The reports on Finland and Denmark also report positive responses. The report on Finland describes police performance as generally good and the Danish report records an improvement in police performance including in the registration of racially motivated crime.

A positive and interesting development in 2005 was the adoption of new measures by France to fight cyber-crime. This includes a doubling of the number of specialised investigators by 2007 from 300 to 600. In Hungary, the police force has adopted a comprehensive programme with regard to Roma but it is considered that there is also a need to include other minorities and non-European citizens in these measures. Monitoring methods relating to xenophobia for the police have been adopted in the Czech Republic but have not been implemented. In Estonia, there is no specific action plan to address racist crimes and violence. A suggestion in the UK report is that a proactive response to racist violence be developed through the introduction of preventative measures.

5.iii Counter terrorism and protection of human rights

Measures adopted by governments to counter terrorism are causing serious concerns for the protection of human rights and the racialisation of the security agenda. This section demonstrates a clearly negative impact of such measures, including the practice of racial profiling, on ethnic and religious minority groups.

A range of obstacles exist which make it difficult to paint a complete picture of counter terrorism and its impact on the protection of human rights. However, the evidence available raises serious questions in terms of how government responses are both targeting minorities in a discriminatory manner and failing to protect minorities in the face of human rights abuses. It should be noted that while a range of specific anti-terrorism measures are known to be in place, the impact on minorities is also caused by the link that has been forged with immigration resulting in increasingly restrictive and intrusive policies in this area.

Muslims and immigrants, especially asylum seekers, are often the main targets of anti-terrorism measures. However, the nature of stereotyping and racial profiling means that many ethnic and religious minority groups are affected by these supposedly targeted policies.

In the report on Italy, the negative impact of counter terrorism measures on the Muslim community is recorded. The report on the Czech Republic documents evidence of a biased approach to certain groups, including Muslims, from the website of the Ministry of the Interior. The report on the Netherlands also provides evidence of active targeting of Muslims, including measures which are aimed at mosques and Islamic organisations. It is reported that the Dutch government has made reference to what it has termed ‘Islamic terrorism’.

The effect of terrorism and counter terrorism measures have trickled out into the general public as is demonstrated by a Danish poll in the Copenhagen Post, which revealed that more than one in four Danes said they had become more suspicious of Muslims. The report on the Netherlands asserts that exclusion of and discrimination against Muslims seems to be growing or manifesting itself more explicitly. The report on Hungary also points to the discriminatory application of such measures.

The UK report highlights concerns that counter terrorism measures will negatively impact on community relations, alerting us to the fact that
this consequence has not been considered in the review of 2005 counter terrorism measures.

The report on Estonia describes a specific context within which counter terrorism measures exist, which differs considerably from the majority of the other member states. It concludes that the targets of counter terrorism measures appear to be ethnic Russians and Russian speakers.

Concerns in terms of legal developments are many. There is concern that new laws regarding anti-terrorism do not provide for sufficient safeguards or due process. In the assessment from Malta for example, far reaching powers on the basis of loosely formulated terms like 'indications' are considered as giving scope for subjective application and possibly constituting a violation of the law against discrimination.

There is a view expressed in the reports that governments respond differently to members of ethnic minority communities and third country nationals in the context of counter terrorism initiatives. In the report on Germany concern is expressed that the German government is biased in the protection of its citizens when they have a migrant background. Two cases were put forward to support this theory. The first involved a kidnap of a German citizen by the Central Intelligence Agency (CIA) of the USA; the second case was of a German citizen held in Guantanamo Bay. In both case, the government is perceived as having involved itself minimally.

In a context where there are concerns about lack of sufficient safeguards within new laws designed to address terrorism, the involvement of police in the area of immigration and their increased powers cause particular concern. The report on Austria argues that the extension of powers of the police in the Aliens Police Act 2005 is based on the assumption that in principle ‘aliens’ constitute a danger to public security. The Act prescribes more severe punishment for exploitation of the asylum system, as well as forcible feeding of people who go on hunger strike before expulsion. It also grants the police new powers of arrest, search and seizure in the handling of refugees and asylum seekers.

The report on Austria raises concerns that very restrictive legislation will almost inevitably result in increased, arbitrary incarceration of migrants, impairment of their human rights with attendant racially motivated crimes against them. In Ireland also, recent legislation gives police greater powers to stop people and request identification22 and discussions around future immigration and residency policy are underpinned by a restrictive notion arising from a security agenda.

There is evidence of racial profiling by officials across member states, facilitated both by counter terrorism measures and immigration legislation. However, the extent of racial profiling is difficult to ascertain given the lack of data and the fact that racial profiling has not been sufficiently considered by either researchers or policies, as highlighted in reports on Italy, Malta and Latvia.

Failure by state institutions to protect human rights has also attracted the attention of European and international bodies. For example, the European Court of Human Rights found that Finland was in violation of Article 3 of the European Convention in relation to a decision to return an asylum seeker. The basis of the decision was influenced by the fact that the asylum seeker’s travel route was unclear. However, the European Court did not consider this fact relevant in terms of the decision. The

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22 Irish nationals are not required to carry identification. Therefore it can be deduced that those who are stopped are perceived by police to be non-Irish nationals.
Czech police force has received international criticism for the state’s failure with regard to human rights protection.

5.iv Integration and social inclusion of ethnic and religious minorities

There are two key points to make with regard to measuring the success of integration policies. Firstly, racism and discrimination act as a fundamental barrier to integration. This needs to be recognised and addressed if integration policies are to be successful for ethnic and religious minority groups and the community at large. Secondly, integration must be considered at a conceptual level and this must inform policy development and implementation. While much of the rhetoric around integration at a European level suggests that integration is a process involving majority and minority communities, in many contexts it is revealed that integration is understood as meaning the assimilation of ethnic and religious minority groups into the majority culture and way of life.

A number of reports highlight the move towards forced integration of ethnic and religious minority groups including the use of integration testing with penalties for those who ‘fail’. This impacts on their rights and entitlements including their rights to residency, family reunion, citizenship and social welfare benefits. This raises questions for individual freedoms and is of particular concern where integration measures are based on flawed notions of what integration means.

While there are some interesting initiatives emerging with regard to integration and social inclusion, on the whole integration and social inclusion policies and initiatives can be described as ad hoc, inconsistent and limited. 2005 saw the results of years of inadequate integration policies and social inclusion measures, as Europe watched the youth of French suburbs protest at the injustice and discrimination they experience.

Immigration policies which, it has been noted, are increasingly restrictive and security conscious, pose a fundamental barrier to the effectiveness of integration policies. Anti-terrorism measures are contributing to a climate where social inclusion of religious minorities is very difficult. The Muslim community and those assumed to be Muslim experienced the brunt of these measures in 2005.
6. Conclusion

By presenting a comparative analysis of 20 national Shadow Reports produced by ENAR members, this report demonstrates that racism is on the increase and that more extreme forms of racism are coming to the fore. In 2005 third country nationals, Roma, Sinti and Travellers and the Muslim community were particularly vulnerable to racism across Europe. There is an increase in tolerance for racist behaviour, compounded by a decline in political will to address discrimination. Anti-asylum sentiments and actions could be now called an acceptable form of discrimination. During 2005 racism and discrimination were manifested in all areas of social interaction.

The question of language and terminology needs to be considered in light of the need for comparable data across member states. For example, how racism is understood in Germany is very different from how racism is understood in the UK, with the German definition and responses geared towards right wing extremism whereas in the UK more institutional forms of racism are recognised. Evidence of racism is also measured differently. In some instances, unequal outcomes are used to substantiate a conclusion that racism is present, whereas in other instances the existence of racism is measured on the basis of the intention of the perpetrator rather than the outcome for the victim.

Many countries report a lack of available data in relation to racism and religious discrimination. Successful data collection will require comparable data collection mechanisms with a consensus around definitions as well as strong legislation to protect data so that it can only be used for stated purposes. In some contexts and for historical reasons, data collection on the grounds of ethnic origin is forbidden. Trust is critical to the success of data collection. This is often the reason for the discrepancy between official data and that collected by NGOs.

This report reveals a commonality of experiences of racism and religious discrimination across member states. It also provides evidence of the positive role EU interventions can make to the struggle against racism. This is most apparent through the impact of the ‘Race Directive’ and the ‘Employment Equality Directive’. On the other hand, other EU interventions, including developments around the harmonisation of immigration policy, are contributing to a negative climate which is arguably facilitating manifestations of racism.

The commonality of experiences evident throughout the report demonstrates the importance of a European approach to racism and the importance of the role ENAR plays in monitoring these developments from a civil society perspective.
ENAR Shadow Reports

ENAR Shadow Reports are available at:

Shadow Report Austria 2005 - Author: Chibo Onyeji, International Association for Integrative Action (IAIA) and ICAP

Rapport alternatif 2005 Belgique - Authors: Mohcine Bayna et Chrisptophe Delanghe, Mouvement contre le Racisme, l’Antisémitisme et la Xénophobie (MRAX)

Shadow Report Cyprus 2005 - Author: Doros Polykarpou, KISA- Action for Equality, Support, Antiracism


Shadow Report Denmark 2005 - Author: Bashy Quraishy, Ethnic Debate Forum

Shadow Report Estonia 2005 - Author: Julia Kovalenko, Legal Information Centre for Human Rights (LICHR)

Shadow Report Finland 2005 - Author: Liisa Heikinheimo and Ali Qassim

Rapport alternatif 2005 France - Author: Yéra Dembele, Communication Liaison Franco-Africaine (FAFRAD)

Shadow Report Germany 2005 - Author: Dr. Andreas Hieronymus, iMiR – Institut für Migrations- und Rassismusforschung. Assisted by Ines Fögen, Thomas Gondermann, Ana Tenreiro and Till Telake

Shadow Report Greece 2005 - Author: Andriana Mardaki, SOS Racism Greece and Samsideen Iddrisu, Ghana Community


Shadow Report Ireland 2005 - Author: Catherine Lynch

Shadow Report Italy 2005 - Author: Camilla Bencini and Sara Cerretelli, Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE)

Shadow Report Latvia 2005 - Author: Dace Lukumiete, Latvian Centre for Human Rights (LCHR)

Shadow Report Lithuania 2005 - Author: Edita Ziobiene, Lithuanian Centre for Human Rights (LCHR)

Shadow Report Luxembourg 2005 - Author: Anita Petersheim

Shadow Report Malta 2005 - Author: Christian Attard, ENAR Malta

Shadow Report Netherland 2005 - Author: Leyla Hamidi, National Bureau against Racial Discrimination (Landelijke Bureau ter bestrijding van Rassendiscrimatie, LBR)

Shadow Report Slovak Republic 2005 - Author: Daniel Milo, People Against Racism

Shadow Report United Kingdom 2005 - Author: Sarah Kyambi, Runnymede Trust
## Appendix: Overall assessment of the implementation of the ‘Race Directive’ (2000/43/EC)

<table>
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<th>Provision/Concept</th>
<th>Direct discrimination</th>
<th>Indirect discrimination</th>
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<th>Instruction to discrimination</th>
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This assessment is the result of a questionnaire circulated to ENAR members in January 2006.

Key:
- Fully implemented;
- Partial implementation;
- Not yet implemented;
- Yes;  No

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<td>11</td>
<td>Social dialogue on anti-discrimination</td>
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<td>12</td>
<td>Government dialogue with NGOs</td>
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<td>13</td>
<td>Functions of the Equality body</td>
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<td>14</td>
<td>Review of existing law to ensure that they are compliant with the Directive</td>
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<td>15</td>
<td>Effective and dissuasive sanctions</td>
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Racism in Europe

Enar Shadow Report 2005

Racism has a distinctly European dynamic. Despite a long history of racism, Europe only began to take the battle against it seriously relatively recently. This report demonstrates the common experience of racism across the European Union today, even if manifestations and targeted forms of racism vary in different contexts and change over time.

This report is based on an analysis of 20 national Shadow Reports compiled by ENAR members in the first half of 2006, and covering the year 2005. The report concludes that racism is on the increase, and that more extreme forms of racism are coming to the fore. This conclusion is based on an analysis of recent political and legislative developments and manifestations of racism in employment, housing, education, health, policing, racist violence, access to goods and services, and the media. The report assesses the key governmental responses and demonstrates that while there has been some commitment to fighting racism in Europe, much remains to be done in the areas of anti-discrimination, racist crime, counterterrorism and the protection of human rights, and integration and social inclusion.

The report clearly demonstrates that the European Union has a significant contribution to make to the protection of ethnic and religious minorities in Europe. Consequently, a collective civil society voice remains essential in order to both fully exploit the potential of the EU in the areas of anti-racism and anti-discrimination, and to monitor broader policy developments in areas such as migration, to ensure that they do not undermine the principles of equality and fundamental rights.

The European Network Against Racism (ENAR) is a network of some 600 European organisations working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local, regional and national initiatives with European strategies.