



European Network Against Racism
Réseau européen contre le racisme
Europäisches Netz gegen Rassismus

FRA 2010 Work Programme

Response of the European Network Against Racism to the
European Fundamental Rights Agency consultation on its 2010
Work Programme

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The European Network against Racism (ENAR) is a network of some 600 NGOs working to combat racism in all EU Member States. 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/national and European initiatives.

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1. **Name of organisation:** European Network Against Racism (ENAR)
2. **Policy area and main activities:** ENAR is a network of some 600 NGOs working to combat racism in all EU member states. 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/national and European initiatives. For more information: www.enar-eu.org
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1. Introduction

ENAR welcomes the initiative of the Agency to gather the views of civil society on its upcoming 2010 work programme. Such a proactive approach is to be welcomed as a core part of an ongoing and constructive dialogue.

ENAR has welcomed the broader mandate of the Fundamental Rights Agency, and in particular that the Agency “offers a unique opportunity to bring together the human rights and anti-discrimination imperatives, building on the work of the European Union Monitoring Centre on Racism and Xenophobia (EUMC), anti-racism can act as bridge in releasing its objective of ensuring ‘full respect for fundamental rights’¹. The multi-annual framework provides the basis for FRA’s annual work programme, but it is the Work Programme itself that brings the thematic areas to life and has the potential to have a positive impact on fundamental rights in the EU.

2. General observations

In terms of working methods, ENAR very much welcomes the new integrated approach adopted by the FRA in the planning and implementation of its activities. Integrating components of research, awareness raising and networking is key to ensuring that the impact of the Agency’s activities is maximised.

However, ENAR urges the FRA, when developing its work programme, to consider how its data collection work and expertise can contribute more broadly to policy developments in the area fundamental rights in the EU and feed into the EU institutions’ policy work during 2010 and beyond. FRA will need to ensure that its valuable research is translated into results in terms of policy outputs at EU level. There are indeed some key developments foreseen in 2010 which are relevant to the FRA’s activities, including the new, post-Hague Justice and Home Affairs programme, the renewed Social Agenda, the new anti-discrimination directive and the 2010 European Year against Poverty, to which FRA’s work programme will need to contribute to ensure an effective implementation of the strategic themes in the Multi-Annual Framework.

In addition, in terms of networking, the FRA should consider coordinating some of its activities, as relevant, with civil society platforms such as the upcoming European Roma Platform and European Integration Forum in order to create synergies with these platforms and make the best use of resources and expertise.

¹ ENAR response to the EU Agency for Fundamental Rights Consultation with Civil Society, May 2007.

3. Freedoms

ENAR welcomes the foreseen activities of the FRA in addressing the situation of irregular immigrants in the EU as well as the civil and political participation of immigrants in the EU. In both these areas, it will be important for the FRA to raise awareness of the fundamental rights of migrants, regardless of their legal status, and to adopt a human rights based approach when undertaking this research.

4. Equality

- **Racism, xenophobia, anti-Semitism, Islamophobia and related intolerance:**

ENAR welcomes the continued data collection work of the FRA on the situation of racism, xenophobia, anti-Semitism, Islamophobia and related intolerance, and believes this work should be ongoing and continue to be a priority for the Agency.

In the context of the fight against racism ENAR would particularly emphasise the need to undertake research on the **impact of counter-terrorism measures on minority communities**. ENAR members have noted that counter-terrorism measures have had a negative impact on minority communities, and in particular Muslim communities. Such a study would help to raise awareness of this negative impact and inform counter-terrorism policies in order to ensure that it is carried out within the context of the international human rights framework and in a non-discriminatory manner.

- **Discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation:**

ENAR welcomes the foreseen research project on **multiple discrimination**. However, we are disappointed that it is ranked as a 'third priority' project. In addition, this research project should not only include multiple discrimination on the grounds of gender, age and ethnicity, but also on religion. Indeed, discrimination on the grounds of religion and belief are often inextricably linked to racism and racial prejudice; frequently it is not possible to distinguish between these forms of oppression. In addition there are crossovers between gender, race and religious discrimination. FRA should also consider extending consideration to other grounds, such as disability and sexual orientation.

Moreover, from ENAR's perspective, data collection on **discrimination based on religion or belief**, including specifically access to the right to education by religious minorities is necessary, an. ENAR members consistently highlight a lack of data in this area.

ENAR welcomes the FRA's foreseen research project on the **rights of mentally ill persons in the EU**, in particular the fact that it will examine **inequalities in access to mental health care** for disadvantaged groups. This is particularly relevant in light of the European Commission's foreseen work on health and inequalities in the EU.

- **Rights of the child:**

ENAR welcomes the Agency's focus on the rights of the child and the recognition of the need to identify data collection gaps in this area. The rights of the child is also a priority for the European Commission, both in its social inclusion and education and youth policies, and FRA's research must be put to use to inform EU policy developments in these fields, in particular by ensuring they take a human rights perspective to opportunities offered to children and young people, in particular ethnic minority and migrant children.

5. Justice

ENAR welcomes the foreseen research study on **access to justice** as well as the research project examining multiple discrimination in access to 'equal justice'. Indeed ENAR members consistently underline that victims of discrimination lack adequate means of legal protection such as access to a Court or Tribunal. The European Commission itself has stated in its assessment of the implementation of the Race Equality and Employment Equality Directives that many victims of discrimination do not go to Court, because of the financial costs and fear of going to Court. In reality many of the victims of discrimination in Europe continue to find it difficult or impossible to pursue legal action and support to victims in achieving an effective remedy is inadequate. It is also essential that the FRA considers in its research the role of NGOs and equality bodies in enabling access to justice to the victims of discrimination and providing them with the right to redress.

Linked to this study, the FRA could also undertake **research on compensation to victims**, and more specifically on how the provisions related to civil sanctions in the Race Equality Directive and the Employment Equality Directive are implemented in the EU member states, using the FRA's expertise to examine the extent of actual access by victims of discrimination and the reasons why legal redress is under-utilised by them. ENAR members have reported that sanctions for unlawful discrimination and harassment rarely, if ever, meet the standard of "effective, proportionate and dissuasive". In addition, FRA's Annual Report 2008 underlines that no sanctions and/or awards related to cases of ethnic or racial discrimination could be detected during 2006-2007 in 12 Member States. It also underlines that sanctions are seen as crucial to improve the bargaining position of victims of discrimination and that there is a loss of the educative function of awareness-raising in the general public and amongst employers that stems from the threat and application of credible and dissuasive sanctions.

6. Cross-cutting themes

One of the biggest challenges facing the European Union is to promote the **social and economic inclusion of ethnic minority communities and so-called 'vulnerable groups'**, including the continuing and persistent discrimination faced by Roma, Sinti and Travellers, new migrants, established minorities of immigrant origin and other minority groups. Ethnic and religious minorities and migrants across Europe are still amongst the groups most vulnerable to poverty and social exclusion. Not only are minorities more likely to experience exclusion but experiences of exclusion are often more severe or extreme.

In particular considering that 2010 is the European Year against Poverty, ENAR is disappointed that no activities in the area of poverty and social inclusion are foreseen in the FRA's 2010 work programme. FRA could for instance undertake **a study on the social inclusion and integration of so-called 'vulnerable groups'** which include minorities, children, migrants, etc. This research would inform EU policy developments in the field of social inclusion so that they address the specific needs of minorities and would feed into the activities of the 2010 European Year against Poverty.

This work would cut across many of the thematic areas of the Multi-Annual Framework, including Racism, xenophobia and related intolerance; Discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination); The rights of the child, including the protection of children; Asylum, immigration and integration of migrants and Participation of the EU citizens in the Union's democratic functioning.