



## **Response of the European Network against Racism (ENAR)**

### **World Conference Against Racism – Durban, September 2001**

**July 2001**

*The European Network against Racism (ENAR) is a network of some 600 European NGOs 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/national initiatives with European initiatives. Further information is available at: [www.enar-eu.org](http://www.enar-eu.org)*

## **PREAMBLE**

This document represents the contribution which the European Network Against Racism, which includes 600 organisations in the 15 EU Member States, would like to make to the talks and discussions due to take place in the World Conference against Racism in Durban.

ENAR sees as its main missions the struggle against all forms of racism, and the promotion of equal treatment for everyone in the European Union, whether originating from a Member State or elsewhere.

We stand for and promote a Europe which is multiethnic, multicultural, multifaith, and which respects its own diversity. We believe that multiculturalism is a benefit and that every person living in the European Union, whatever his or her national or ethnic origin, culture, religion or beliefs, is helping to build the EU, and should enjoy equal rights and equal opportunities.

In our work at ENAR we always bear in mind the fact that the European nations must never forget the part they played in the colonisation of the countries of the South and the consequences. Nor can we forget the atrocities committed on the European continent in the name of nazism, fascism and nationalism, particularly in respect of the Jewish and Roma peoples.

We are concerned about the direction globalisation is now taking and the policies being adopted by international commercial and financial institutions which are bringing about a worsening of the economic and social conditions in a number of countries. They are pressuring governments to adopt measures which breach their obligations regarding human rights, increasingly exclude the most exposed and marginalised groups, and breed racism, racial discrimination, xenophobia and intolerance.

The Durban conference is an opportunity to achieve common goals and we demand concrete action plans at both national and international levels.

## **RECOMMENDATIONS**

### **1. International instruments in the fight against discrimination**

We call on all States to:

- Sign and ratify, without reservation, the Convention for the Elimination of all forms of Racial Discrimination (CERD) and the declaration of the recognition of the rights of individuals to file complaints as laid down in article 14 of the Convention.
- Sign and ratify the Convention for the Elimination of Discrimination Against Women (CEDAW) plus the additional Protocol, the Convention for the Protection of the Rights of All Migrant Workers and the members of their families, the Convention on the Rights of the Child, plus the additional Protocols.

We call on Member States of the Council of Europe to:

- Sign and ratify Protocol No. 12 of the European Convention on Human Rights and Fundamental Freedoms.

When the European Union adopted the directive prohibiting discrimination on grounds of race or ethnic origin, it took an important step towards the acquisition of a legal instrument establishing a common basis of protection within the 15 Member States.

This directive, completing and upgrading national legislation at present in force should serve as a model for other countries in the international community.

We call on Member States of the European Union to:

- Review their national legislation and ensure that it is in accordance not only with the directive, but also with all international human rights instruments at present in force.
- Make the necessary adaptations such that their national legislative systems may genuinely and effectively be applied in both the public and private sectors. This would mainly involve ensuring that the public is better informed about existing legislation and channels of recourse, specific training and information programmes for all officers responsible for the administration of justice, help and support for the victims of racism, serious statistical research into the application of the legislation, and the creation of independent specialist bodies responsible for the most part for monitoring the effective implementation of anti-racism measures, and for helping victims to take the necessary steps. Such bodies should be authorised to investigate and make recommendations.
- Adopt, as required by article 4 of the CERD, measures prohibiting organisations which promote and incite racial discrimination from doing so, and which make it clear that involvement with such organisations, and the uttering of arguments, speeches or any other form of expression which incites racial hatred, violence or discrimination, is an offence and as such is punishable by the law.

## **2. Institutional racism**

Every day, persons are subjected to direct or indirect discrimination by both private and public institutions and organisations because of their ethnic origin or their colour. Institutional racism is rife in such areas as employment, housing, education, the social services, health, access to goods and services, justice, the police and the law. It takes on a variety of forms – opinions, attitudes, behaviour, practices, procedures and policies.

We call on all States to:

- Recognise, identify and combat institutional racism in every sphere in which it appears and in whatever guise it may take.
- Eliminate structural barriers such as poverty, social exclusion, insecure residency status or lack of visibility, particularly in official statistics.

- Systematically attack racist and xenophobic attitudes within governmental institutions and the public sector, paying particular attention to the police and the forces of law and order.
- Introduce anti-discrimination clauses into public procurement contracts.
- Ensure that no holder of political power holds racist or xenophobic opinions, and that such persons do not attempt to manipulate public opinion with biased and alarmist speeches. We call on all democratic parties to adhere to the Charter of European Political Parties for a non-racist society and we demand that other good practices such as the establishment of a “cordon sanitaire” to isolate racist parties be developed.

### **3. Integrated approaches in the fight against racism (mainstreaming)**

In order to ensure that the integrated fight against racism is coherent and effective,

We call on the governments of the EU Member States to:

- Organise one interministerial conference per year to assess progress made by the various ministers in the fight against racism and the campaign to make that struggle a part of civil society.
- Intensively co-operate with non-governmental organisations involved in the fight against racism to reflect, formulate, implement and evaluate policy and practice in the anti-racism movement in order to use the expertise available for a common struggle against racism.
- Pay particular attention to the fight against multiple discrimination. Women from ethnic minorities who experience both racial and sexual discrimination should be protected by measures adapted to their situation and needs.
- Roma, Gypsies and Travellers are a group whose fundamental rights continue to be flouted throughout Europe. Their condition as a transnational ethnic minority should be recognised and taken into account in the formulation of policies and measures designed specifically for them.
- Religious minorities, particularly Muslims, are increasingly the targets of racist attack, and they are also the victims of discrimination, particularly as regards freedom of religion and funeral rites. These matters should form the subject of special measures.

### **4. Funds for the fight against racism**

However excellent resolutions may be in the fight against racism, they are useless if sufficient funds are not available to carry them into effect.

The EU action programme does in fact grant funds to support the fight against racism at the European level, but the finance provided is insufficient.

- We call on the governments of the Member States to devote 0.5 Euros per year per person to the fight against racism. A portion of this money should go directly to organisations working in the field and to organisations representing ethnic minorities.

## **5. Immigration and asylum**

The manner in which asylum and immigration matters have been dealt with in recent years has had a very negative effect on ethnic minorities and persons originating from outside the Union, whether residents or not, which has turned migrants the profile of criminals and given rise to a campaign of racism and violence against them.

A repressive policy based almost entirely on the control of illegal immigration is doomed to failure. There always have been and always will be people who are illegally present in Member States territory, regardless of the systems and huge sums of money employed to prevent this occurring.

Within the globalisation context, and in view of the appalling situation in a number of countries, the EU should be prepared to accept new migrants and asylum seekers under the best conditions possible. Nor should such a welcome be motivated solely by the demographic and economic conditions prevailing in the EU Member States. A common immigration policy at EU level should be designed so as to include no racist or discriminatory elements, for example such as that which favours migrants who are qualified or come from a specific country.

We call on the governments of the EU-Member States to:

- Hold a genuine dialogue on immigration: it should respect the rights of the person, take account of political, social, economic, environmental and other realities at the world level, and should consider all the possibilities of receiving migrants into the EU countries in a generous manner.
- Implement collective and individual measures for those who are present illegally to correct the effects of years of restrictive immigration policies. We also demand that their fundamental rights be respected, including the right to go to court.
- In the field of asylum, strictly apply the spirit and letter of the 1951 Geneva Convention (including the principle of “non-refoulement”). In the case of persons who cannot be accorded refugee status in the sense of the Geneva Convention, but who are nevertheless in need of protection, we call as a matter of urgency for action to be taken to design new legal instruments which will grant them that protection.  
We ask that particular attention be paid to the most vulnerable asylum seekers, women and children. Gender based violence must be recognised as a form of persecution and as grounds for granting them asylum, and they should have an independent status not linked to that of a spouse.  
Unaccompanied minors should receive special treatment from the authorities and should be treated as children, not refugees.  
We call for all detention centres for refugees and asylum seekers to be closed, for the physical and emotional violence such people have suffered when detained and

expelled to be abolished, and we demand that their basic fundamental rights be respected, including the right to work.

- Allocate adequate means to implementing measures and programmes aimed at a better integration of migrants, asylum seekers and refugees in host countries

EU institutions are at present discussing a series of texts dealing with the rights to be granted to persons originating from third countries who are legally and permanently resident in a EU country. We believe that such persons should have exactly the same rights as EU citizens, including the right to vote and eligibility at local and European levels. At the present moment nationality is an obstacle to the equality of rights between EU citizens and persons originating from third countries.

Since the European Union has benefited and continues to benefit from the work and contribution of persons from third countries, it should not only recognise the enormous contribution made by these millions of people, but it should also ensure that they fully enjoy their rights.

We call on the EU-Member States to:

- Grant full citizenship on the basis of residence, not nationality.
- Adopt the draft directive on family reunion without the amendments tending to limit this fundamental right, which should establish equal rights with EU citizens and the members of their families.
- Adopt as soon as possible the draft directive on persons from outside the EU with a long residence in the EU, and in due course to harmonise it at the national level such that they be granted the right to vote.

## **6. Education**

School should be one of the major tools in the fight against social exclusion since it provides a unique opportunity to detect inequalities existing between the children and their families. It should be in a position to deal with children's specific needs and to arrive at solutions, which should be taken into account by the authorities.

Unfortunately schools are often unable to deal with the challenges they face: they suffer from a shortage of human and financial resources, the teachers are inadequately trained, programmes are unsuitable, etc.

The EU has set up a series of programmes aimed at improving teaching in the case of travellers, migrant workers, etc (eg. Comenius). Although the value of these transnational programmes is beyond question, there still remains a great deal to be done at the national level.

We call on the governments of the EU Member States:

- Within the framework of the fight against racial discrimination, to deal with educational problems as a matter of urgency, particularly primary and secondary

education, to assess it together with members of the teaching body, family representatives and associations active in this field, to examine questions such as absenteeism and truancy, ghetto schools and the violence often associated with them, and the fact that failing children are so often too quickly re-directed towards technical or trade training.

- To carry out research to analyse the reason for which some minority or nationality groups suffer more frequently from lack of preparation and training and at the end of their studies are more frequently afflicted by social exclusion.
- To establish programmes lasting several years, which will direct human and financial resources towards the campaign to equalise the opportunities of all school children.
- To implement positive action aimed at eradicating the gap between various children, and at fulfilling the needs of children from minorities, groups of travellers and migrants.

## **7. Media**

Racism often appears in the media, particularly as:

- The negative representation of minorities who are defined in terms of « race », « religion » or « culture »;
- The treatment of the question of migratory flow as being one of the causes of the problems within the host country;
- A Eurocentrism, which ignores the countries of the South.

We call for the drafting of a code of good conduct directed at the various media which will have, among others, the following objectives:

1. To take account of the experience and competence of minorities, by recognising their value as a source of information, not only as regards matters which directly affect them, but also in respect of questions dealing with their group as a whole;
2. To deal with questions relating to other countries, peoples, cultures, etc., in such a way as to highlight their complexity, while avoiding all stereotypes and simplifications;
3. To attempt to ensure that workers in information, the media and communication reflect the plurality of society;
4. Not to tolerate racist actions or behaviour masquerading as freedom of expression, even when legal.

## **8. Recognition and reparations**

Slavery, forced labour, genocide and ethnic cleansing are contemporary crimes which must be rooted out and fought against tirelessly and firmly by the international community.

But we must also take account of the historical consequences of crimes suffered by millions of Africans and their descendants, which is why:

We call upon all States, and particularly those of the European Union, to:

- Recognise that in all of history the slave trade is one of the greatest crimes committed against humanity, not only because of its atrocity and barbarity, but also because of its extent, its institutional nature and its transatlantic and global dimensions, and to offer apologies to Africans and their descendants.
- Support demands for reparation for slavery, colonialism and apartheid suffered by Africans and their descendants.
- Recognise that colonialism and apartheid were tragedies for humanity in general, and that they have a continuing impact on Africans and their descendants.
- Study the impact of racism as regards Africans and their descendants and redouble efforts in the fight against racism and discrimination.
- Initiate a more active plan for the reduction of poverty in the most deeply indebted countries by cancelling the debts of these nations.

## **9. National action plans**

At Durban, we will call on the States to undertake to implement national action plans in the fight against racism and discrimination (NAP).

- NGOs, unions and other civil society groupings should be actively consulted in the formulation, implementation and assessment of a national action plan.
- We ask that an executive body be charged with the implementation of the national action plan. The composition of this body should represent diversity within society, and include victims of racism, racial discrimination, xenophobia and intolerance.
- Local authorities should be involved with the co-ordination of the action plan at the local level.
- An annual assessment of the action plan should be carried out by an independent body in consultation with the NGOs and other interested civil society sectors.
- The governments should set aside budgets to be used exclusively in the implementation of the national action plans.

## **10. Role of the United Nations in the follow-up of the World Conference in Durban**

We call on the United Nations High Commissioner for Human rights to take on the responsibility of examining and assessing the national action plans for the year 2005.

The Human Rights Commission should be adequately financed to be able to fulfil its responsibilities satisfactorily.

## **11. Follow-up of the WCAR**

We strongly recommend that the United Nations organise a follow-up conference to the World conference against racism. That conference could be held in 2005 and would have the objective of evaluating progress made in the fight against racism and of adapting international and national action plans according to the results achieved.