



Response of the European Network against Racism (ENAR)

European Union Agency for Fundamental Rights Consultation with Civil Society

Questionnaire Response

May 2007

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

Introduction

“the whole problematic of racism, discrimination and xenophobia has to be reflected, debated and acted upon on the basis of global human rights.”

Anti-discrimination and human rights activists too often speak at or past each other, but not together. The artificial separation of the anti-discrimination and human rights imperatives manifest politically, institutionally, as well as in the organisation of civil society. The recently established Fundamental Rights Agency (FRA) 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’. In the coming years the Agency will provide a forum for articulating anti-racism as a core fundamental rights objective of the European Union. This imperative should inform all aspects of the Agency’s working including, crucially, its cooperation with civil society.

In developing a strategy for cooperation with civil society, the FRA should take into account, not only its own objectives but also the role it has to play in encouraging civil society engagement in the broader European fundamental rights agenda. In 2002 the European Commission adopted a communication on minimum standards for consultation. This communication recognised the critical role that the ‘culture of consultation and dialogue’ plays in the EU. This objective was consolidated in the text of the Constitutional Treaty with the explicit adoption of the principle of participatory democracy, which includes a provision that ‘the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society’.

ENAR has a history of collaborating closely with the EUMC, this experience demonstrates the crucial role of civil society in enhancing the legitimacy, credibility and effectiveness of the Centre as a European Union Agency. In particular ENAR has contributed to:

- Linking the Centre to those who experience racism and discrimination
- Raising priority issues for the Centre to take into account in its work
- Raising awareness of the work of the EUMC
- Dissemination the policy recommendations and findings of the EUMC
- Enhancing the policy impact of the Centre

Conversely ENAR’s experience demonstrates the crucial role which an EU agency can play in enhancing the work of NGOs and civil society. In particular the production of credible, comprehensive, and concrete research and analysis can support advocacy activities and impact of civil society actors.

ENAR has welcomed the strong emphasis on cooperation with civil society within the regulation establishing the EFRA. The regulation states that:

Recognising the important role of civil society in the protection of fundamental rights, the Agency should promote dialogue with civil society and work closely with non-governmental organisations and with institutions of civil society active in the field of fundamental rights.

However beyond empowering the Agency to establish a Fundamental Rights Platform, the regulation provides little detail regarding how the Agency should establish an ‘open, transparent and regular dialogue’ with civil society.

Consequently ENAR welcomes the initiative of the Agency to gather the views of civil society, and looks forward to continuing its fruitful and cooperative relationship with the Agency, as its extended work programme emerges.

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

CONSULTATION WITH CIVIL SOCIETY

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Policy area and main activities:	Racism and discrimination
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A. GENERAL: From the European Monitoring Centre on Racism and Xenophobia to the Fundamental Rights Agency

1. Do you or have you used the EUMC's products, if so in what way?

- a. Information purposes
- b. Research and analysis
- c. To influence policy making
- d. Awareness raising
- e. Advocacy
- f. Campaigning material
- g. Training
- h. Other (please specify)

B. INFORMATION AND COMMUNICATION

What kind of information would you expect FRA to deliver? What are your needs with regard to materials and products?

One of the overall objectives of the Agency is to “collect, record, analyse and disseminate relevant, objective, reliable and comparable information and data”. ENAR would welcome a continued focus on the production of comprehensive research reports which provide a systematic analysis of the situation of racism, and broader human rights, in the European Union. In order to have enhanced impact of the policy and political context in the European Union, it is crucial that the Agency provide concrete and credible analysis and suggestion for policy change at the European level. Strong recommendations by a European Agency provide a solid basis for enhancing advocacy activities of civil society.

Which communication tools would you suggest for enhancing information exchange between the Agency and civil society organizations? E.g., a bulletin targeted specifically to civil society, website discussion forum, thematically focused meetings/hearings?

The Agency's website will remain the key information tool for civil society in accessing information provided by the Agency.

A regular bulletin would enhance this exchange by providing links to new initiatives. The Agency should build on the existing bulletin to provide more detailed information in the field of human rights. While there are a number of civil society bulletins in the field of racism, there is a lack of a similar tool in the field of Fundamental Rights in the European Union. ENAR would suggest that the Agency invest in enhancing its capacity to reflect a broader fundamental rights agenda through the bulletin, as a tool in building overall capacity in this area. In particular the bulletin could highlight EU funding opportunities. ENAR would not suggest a separate bulletin for civil society but rather a general tool for all of the Agencies stakeholders.

ENAR welcomes the emphasis on information exchange with civil society. While the Agency has a crucial role to play in the collection and dissemination of information and research, the Agency will be unable to complete its tasks without the analysis of key priorities and issues provided by civil society. There are a range of tools available to the Agency to collect these views, including but not limited to the Platform, ENAR looks forward to contributing to the broader dialogue, including thematically focused meetings.

C. DATA AND INFORMATION COLLECTION

Does your institution have any mechanisms for receiving and registering complaints related to discrimination on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation? (Please specify which ground(s) and the nature of the mechanism, including whether it is officially registered as a body/organization empowered to receive and act on complaints)

Through its annual Shadow Reports, ENAR provides an overview of the situation of racism at the national and European levels. The reports detail the communities which are vulnerable to racism and discrimination, how racial discrimination manifests itself in Europe include noting complaints data, as well as analyse responses to racism in Europe. All the national and European report are available on the ENAR website: ww.enar-eu.org. Many ENAR members across the EU member states are involved in NGO complaints collection mechanisms at the national level.

The analysis in the report includes an emphasis on manifestations of multiple discrimination, particularly as regard how the different grounds interact with racism and religious discrimination.

Does your institution have any mechanisms for recording or monitoring incidents of discrimination on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation?

ENAR does not have a direct mechanism for reporting and monitoring racist incidents at the European level, however the ENAR Shadow Reports (see above), reflect national and NGO data collection mechanisms.

Does your institution collect systematically from the media information and reports on incidents or cases of discrimination on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation?

ENAR's Shadow Reports include a focus on the media, and how the media reports racial and religious discrimination. A number of ENAR members are involved in media monitoring initiatives at the national level.

Does your institution participate (and if yes, how) in any official monitoring mechanism for the collection of data on discrimination on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation?

Does your institution provide support to victims of discrimination on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation?

ENAR provides support to the victims of discrimination on the grounds of racial or ethnic origin, through the provision of information and capacity building to NGOs that work directly with the victims of discrimination at the national level. Many of ENAR's members have a direct function in supporting victims, this role is either provided in response to governmental commitments, or in the absence of governmental initiatives as envisaged under the Race Directive 2000/43/EC.

Does your institution cooperate with national bodies empowered to combat discrimination, promote equal treatment and/or human rights?

At the national level many ENAR members cooperate directly with the national equality bodies. For example in the preparation for the 2007 European Year of Equal Opportunities 2007, ENAR organised a series of national level roundtables, many of which actively involved the national equality bodies. At the European level ENAR collaborates with Equinet, the network of equality bodies, and has participated in information exchange and annual meetings of Equinet.

D. POLICY DEVELOPMENT

How can civil society best contribute to FRA's policy development activities, examples include participation in expert meetings, drafting discussion papers, drafting policy documents, contributing to an online discussion forum, participating in FRA traineeships?

Civil society actors should be involved in all stages of the policy development activities of the FRA, in order to ensure that the recommendations which emerge fully reflect the needs of the victims of fundamental rights abuses. This means integrating civil society representatives in *all* the structures of the Agency including the management board, the scientific committee, the staff of the agency, as well as the Fundamental Rights Platform.

In developing specific policy positions targeted initiatives should be undertaken to ensure that the emerging findings are tested by a wide variety of civil society stakeholders. For example the practice of the Council of Europe's ECRI is to widely consult civil society on their draft general recommendations. The Agency should use its existing structures, including the Platform, to ensure that all of its policy analysis is rigorously tested with regard to its impact on everyone that lives in the European Union. There should be a strong link between individual board members and civil society in their national context.

E. PROMOTING DIALOGUE AND AWARENESS RAISING

How could the FRA promote dialogue, enhance cooperation and contribute to the capacity building of civil society on national and European level through networking and beyond the Platform?

The Agency has an important role to play in enhancing the capacity of civil society, within the context of its broader mandate, particular with regard to the collection and analysis of research and data. By:

1. Involving a wide range of civil society stakeholder in its data collection mechanisms, a key contribution of the EUMC has been in extending access to the RAXEN network to a variety of stakeholders, and supporting the development of national data collection strategies.
2. Providing opportunities for exchange and learning with regard to civil society data collection.
3. Analysing data and research and providing concrete policy recommendations, and making civil society actors aware of these outcomes. By highlighting comparative European analysis, the Agency will contribute to the capacity of civil society to engage in national advocacy.

How could FRA cooperate with civil society in making people more aware of their rights?

The Agency should provide concrete analysis to civil society stakeholders on the wide variety of fundamental rights in Europe, but more specifically an analysis of where these rights are undermined or at risk in the European Union. The annual report on the situation of fundamental rights, should provide an easily accessible overview and analysis in this regard, which would provide a tool to civil society in highlighting rights, but also undertake targeted initiatives where particular rights are at risk. For example the annual report could flag 4-6 areas which are key risk areas in the coming period, and provide concrete strategies for preventative action. National dissemination of this information should be underpinned by a proactive relationship between the board members of the Agency, and NGOs in their national context.

What kind of support would your organization need from the FRA in the area of dialogue and awareness raising?

F. FUNDAMENTAL RIGHTS PLATFORM (See art. 10, Council Regulation (EC) No 168/2007)

Is your organization already a member of a network, if so which one? Is it a national or European network?

As a network of European NGOs involved in the fight against racism across the 27 EU Member States, ENAR is involved in a number of European level networks including:

- The Platform of Social NGOs (and through the Platform the Civil Society Contact Group)
- The UNHCR/NGO Platform on Migration and Asylum
- An (informal) working group on multiple discrimination
- The European Anti-Poverty Network (EAPN)
- The Platform on Intercultural Dialogue (including the steering committee).

On which criteria should organizations be selected for participation in the Platform?

As envisaged in the regulation “the Fundamental Rights Platform shall be open to all interested and qualified stakeholders”. Given the breadth of the mandate of the Agency ENAR recognises the challenge of ensuring an inclusive and effective Platform. To this end ENAR would recommend the following criteria for selecting participation:

- Representativity of a broad range of NGO stakeholders at either the national or European levels.

- Relevance of focus given the priorities of the Agency.
- Capacity to contribute to the work of the Agency on an ongoing basis.

In the context of these broad criteria, ENAR would also recommend that the Platform reserve a number of seats for smaller national or local NGOs who work with/represent the direct victims of fundamental rights abuses, and who would not normally have the opportunity to engage in such European level initiatives. The Agency should provide specific supports to these organisations in order to enhance their capacity to contribute to the work of the Platform.

ENAR would suggest that a panel of civil society and other stakeholder be established in order to elaborate selection criteria, and monitor the selection process. This panel should also be responsible for monitoring the overall effectiveness of participation in the Platform on an ongoing basis.

Should the Members of the Platform change according to the FRA's work program and the Multiannual Framework?

It may be appropriate to review participation in the platform on the basis of the FRA's work programme, as well as in the context of ongoing evaluation of participation. However the broad remit of the Platform should not be narrowed in line with the work programme, as this will undermine the capacity of the Platform to identify new and emerging fundamental rights concerns, which may not yet appear on the agenda of the Agency.

However ENAR would recommend that it would be useful to provide structured space for considering specific issues of relevance to the work of the Agency, particularly when it comes to developing policy recommendations. In this regard ENAR would suggest the establishment of targeted, time specific working groups of the Platform which would have a clear mandate in the context of current priorities.

Given the particular emphasis the Agency will have on racism and xenophobia, it is important that it have a specific structure to address these issues. To this end ENAR would recommend the establishment of a standing working group on racism which would be chaired by the chair of the Platform.

What working methods would you suggest the Platform to adopt? E.g., should there be thematic round tables?

The Platform should employ a range of activities in order to reflect the many functions it has the potential to play. In particular space for broad and open reflection should be balanced with more targeted and specific discussion of key issues of priority.

In addition to yearly meetings of the Platform, would a restricted website for the Platform Members or a virtual platform be a useful tool for exchanging information and sharing expertise?

Information tools such as a virtual platform may be useful in the context of specific initiatives and discussion points, and could potentially be linked to the establishment of working groups with a specific mandate. However as with all such initiatives the limits of these type of exchanges where their mandate is not specifically defined must be balanced against the resource investment they require.

G. FRA's THEMATIC AND OPERATIONAL PRIORITIES

What do you think should be FRA's thematic priority areas for the next five years, apart from racism and related intolerance?

The experience of the EUMC provides an opportunity to build on the work of the Agency in the context of its experience of working on racism and xenophobia. In particular ENAR would emphasis the need to match urgent fundamental rights priorities in Europe with the existing and emerging capacities of the Agency. These should include:

- Migration and integration
- Asylum and refugee protection
- Discrimination beyond race (in particular sexual orientation and hate crime; and the impact of the Employment Equality Directive 2000/78/EC)

In the context of the fight against racism ENAR would particularly emphasis the need to build on the EUMC's work in the fields of:

- Racial profiling
- Racist crime and policing
- Impact of counter-terrorism measures on minority communities
- The situation of Roma, Sinti and Travellers.

In FRA's set up phase what do you think should be its operational priorities for the first 2 years, for example establishing networks of expertise, conducting mapping exercises, developing promotional materials, cooperating with international organizations etc.?

The key operational priority for the Agency in the first two years, should be establishing contact and links with the board range of relevant civil society stakeholders. This is crucial for the effective functioning of the Platform, as well as the overall objectives of the Agency. Significant resources should be invested in developing strong relationship with civil society, which are integral to the work of the Agency.

H. SYNERGY

You may include comments on your expectations with regard to synergy between civil society activities and the work of FRA, how you would measure synergy, whether you think that there are other structures/communication tools that should be established, what concrete outcomes you would expect from working together with FRA etc.

I. ANY OTHER COMMENTS:

In developing is strategy for cooperation with civil society, the FRA should take into account, not only its own objectives but also the role it has to played in encouraging civil society engagement in the broader European fundamental rights agenda. The Agency has a responsibility to encourage all of the European institutions to live up to the highlights standards of transparency, and to realise structured and open engagement with civil society.

The Agency must build on the culture of civil society cooperation which has been developed by the EUMC. The Platform provides a useful opportunity in this regard, but does not represent the whole picture. This culture of dialogue and cooperation must inform all aspects of the Agencies work, and all of its supporting structures.

Would you like to be included in the FRA's distribution list for bulletins, Equal Voices magazine, publications and media releases?

(Yes / No): Yes