

Peer Baneke
and
Bill Seary

Study for the
Rothschild Foundation (Europe)
of

Social Action on Legislation

CONCERNING RACISM, XENOPHOBIA AND
ANTISEMITISM IN EUROPE

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Summary

Executive Summary of the report of a study for the Rothschild Foundation Europe of Social Action on Legislation Concerning Racism, Xenophobia and Antisemitism in Europe

This was the second mapping study undertaken by Peer Baneke and Bill Seary for the Rothschild Foundation (Europe). The previous study – on the monitoring of racism, xenophobia and antisemitism – was submitted in May 2007. In preparation for this report, Belgium, Germany, France, Italy, Hungary, Slovakia and the United Kingdom were visited and various European networks were consulted.

The issues that are seen as important and the approaches to dealing with them vary widely across Europe, thanks to different legal systems, different histories, different civil society structures, and different experiences of immigration. In many of the countries visited, the immigration of visible minorities was seen as being a new phenomenon. This perception is important. However, the reality is that some countries have longstanding communities of ethnic minorities and that all the countries visited have traditionally been the home of Jewish and Roma/Gypsy/traveller communities.

In European Union countries the directives adopted in 2000 have ensured national legislation. In practice the transposition of these directives is very variable with problems in terms of: limitation of scope to the workplace; definitions that failed to deal adequately with indirect discrimination, harassment and instructions to discriminate; weaknesses in the protection against victimisation, in the shift of the burden of proof and in the rights of non-governmental organisations to assist individuals with their cases; and inadequate independence for equality bodies.

Even the least adequate legislation, however, provided a basis for concrete action and the real issue was in the terms of poor implementation of existing legislation. The way in which legislation had been imposed from the European level, often with little national debate, had led to poor understanding of, and inadequate support for the legislation by the police, judges and officials whose cooperation would be essential for successful implementation. Advocacy at the national level was needed mainly to create a positive environment for implementation.

Two organisations (European Network against Racism and UNITED for Intercultural Action) are central to European civil society action on legislation to combat racism and xenophobia. At national and local level there are many groups active on these issues. The UNITED database has over 4000 organisations listed. Local government is also important in this work; as an employer; as a driver of local attitudes; and as a source of funding for non-governmental organisations and community groups.

Activities in the field include victim support (including strategic litigation), advocacy, capacity building, training, public campaigns and the pursuit of hate material on the internet.

In a number of countries, respondents were able to identify successes in court cases where legislation (often legislation that predated the European Union directives) had been used to defend victims of persecution, to punish offenders or to remove offensive material from, for example, websites. In a few countries, we were told that efforts to address racism and antisemitism on football grounds were having an impact, at least on the games of the major leagues.

We have found rather few examples of foundations that provide funding (in any field) to local organisations across Europe. This kind of work brings with it challenges in terms of understanding local conditions, local cultures and language and in terms of evaluating the use made of grants.

The areas where funding is currently most difficult are strategic litigation and (often) monitoring the actions of police and other official organisations. Also, Muslim organisations can face difficulties in raising money for welfare work (e.g. providing support for victims of domestic violence) that they only have the skill and resources to offer to their own community.

The greatest need for funding was in extending the scope of these and similar activities. In addition there was a need for a) grants to provide the training and ongoing support for local activists to carry out discrimination testing, to work with all the authorities and to stimulate public action against discrimination and b) for funding for a study on victim support with a view to advocating for the governments to set up such schemes.

In most of the “old Europe” countries visited, governmental funding of some kind (local, regional, national, parastatal) was the main financial support for civil society work. Foundation funding is important in Germany and, particularly, the UK. The new member states of the European Union are moving from a situation where foundations (particularly Soros foundations and foundations based in the United States of America) together with the European Union were the main source of funding for nearly all non-governmental work to a much more difficult funding climate.

The main problem for many organisations was in raising core money. This was particularly the case for grass roots groups - they find that their structures are not recognised and they are not accustomed to the bureaucracy involved in many grant applications. Continuity of funding is critical, and pressure for innovative ideas is not helpful when what is needed is the extension of the availability of existing methods. Racism, xenophobia and antisemitism are deeply embedded in European societies. Combating them will require sustained commitment by government and civil society over a long period.

Ideas for funders

Action at the national level

- advocacy for improved monitoring
- action research projects in the area of advocacy

Action at the local level

(these should be open to organisations at any level -local, national or indeed international)

- grants for local organisations, particularly community organisations to run victim support centres
- grants for support networks for such centres
- local solution-seeking workshops
- innovative work in conflict resolution
- strategic litigation

Applicants should be required to show that they have sought funding from local sources, particularly from local government sources.

Selected Annexes

Belgium

Context

Belgium has a complicated federal structure with administrations for the national level, for three regions and for three language communities. Many responsibilities are discharged by regional or communal authorities. The federal authorities are responsible for the implementation of European Union law.

In May 2007, Belgium adopted new laws which are believed to bring it into conformity with the European Union directives. Belgian law goes further than required by the European Union in terms of grounds of discrimination. It also makes discrimination a criminal offence (as well as a ground for civil action). So far, the criminal law basis for anti-racism work has not been much used.

Twenty cases on racist discrimination were heard by the Belgian courts in 2006. A high percentage of these were unsuccessful.

The Brussels labour court has sent a case to the European Court of Justice asking for clarification of the concepts of direct discrimination and indirect discrimination and on what is to be understood by an effective, proportionate and dissuasive sanction as provided for in the directive.

A national action plan against racism¹ was launched on 17 March 2005.

Civil Society and government

Non-governmental organisations believe that they have effective dialogue with the relevant parts on the governmental structure. They sometimes receive draft legislation at an early stage. However, there does not seem to be any formal consultation procedure in this field.

The key non-governmental organisations rely on governmental (especially regional and communal) sources of money for their core costs.

Civil society organisations active in the field.

These include:

Mouvement contre le racisme, l'anti-sémitisme et la xénophobie (MRAX)²

Minderhedenforum³

Kifkif⁴

¹ www.diversiteit.be/NR/rdonlyres/A6D2EE8E-9E46-457D-ADF1-1CBD681FD7CA/0/PlanActionFedRacismepincipesFR.pdf

² www.mrax.be

³ www.minderhedenforum.be

⁴ www.kifkif.be

Liga voor Mensenrechten⁵

Coordination Nationale d'Action pour la Paix et la Démocratie⁶

Examples of non-governmental work

- information sessions for non-governmental organisations, briefing officials and lobbying for improvements in connection with the draft of the new law;
- supporting cases on, for example police violence (on the grounds that the victim has been denied access to justice by state delays) the failure to produce the decree needed to implement legal provisions on discrimination testing schools that banned headscarves;
- lobbying for more monitoring to be carried out in Belgium;
- lobbying for the authorities to launch a public awareness campaign;
- creating awareness of their rights by the minority communities.

Ideas

- strategic litigation
- increasing the knowledge among small organisations and community groups of the importance of European Union legal requirements, including a web and paper manual of rights in simple language and including advice about what sort of evidence needs to be collected to make a case;
- increase resources for advocacy work;
- more support for victims to help them take cases forward;
- training for judges;
- establishing a system requiring ethnic monitoring in businesses;
- widening the scope of the current law on holocaust denial;
- advocating for an independent monitoring of police violence

⁵ www.mensenrechten.be

⁶ www.cnapd.be

France

Context

In France, the existence of racism is acknowledged and real attempts are made to deal with it. It is widely agreed that current laws are adequate with the following exceptions:

- the laws relating to employment in the (substantial) public sector place restrictions on the number of non-European Union citizens;
- Gypsies and travellers in France face complicated registration requirements that limit their freedom of movement. In addition they are only allowed to stop at specified sites of which there are only enough for a small proportion of the travelling families.

Furthermore much needs to be done to ensure full implementation and to promote tolerance and diversity.

French public discourse tends not to use the term "communities": it conflicts with the republican ideal that there is only the one "French Community". Everyone must have the same chances and this means that it is wrong to categorise people in any official way – and also that affirmative action is misguided.

A common position is that the principle of "laïcité" protects the private life but sets an obligation of neutrality of official buildings. Some groups - including some organisations dedicated to equal opportunities for all - take this further and suggest that, in public, people should accept "French" styles in such matters as dress, beards or the display of religious symbols.

There is indirect discrimination in government hiring policy:

- there is a ban on headscarves, turbans and on religious symbols;
- everyone employed by the state must pass a test on French culture; and
- schools and hospitals are required to employ a minimum of 70% of European Union citizens. In practice the result is that all non-citizens are employed on temporary contracts with little security and lower pay than citizens.

The worst discrimination is in housing and employment hiring, neither of them areas in which the state has much role. In housing the worst race discrimination is at the level of higher cost private housing. However social housing also has problems. It is often subject to "population control" - based on the belief that there are limits to the proportions of certain groups of people that are acceptable in an area. This (and similar practices limiting the proportion of, say, people of North African origins in particular occupations) is illegal. However judges tend to allow arguments (not envisaged in the law) that "population control" and similar practices constitute the necessary management of the discrimination of others.

The traditional conception of the civil recourse, the way that evidence is handled and rules of civil procedure are not well adapted to ensure that the burden of proof lies

with the presumed discriminator. The use in evidence of the results of discrimination testing has recently been accepted in the Criminal Code and the Labour Code.

The CNCDH (National Human Rights Consultative Commission), attached to the office of the prime minister, is consulted on all legislative reforms affecting human rights and provides counsel and recommendations to the government. One of its six sub-commissions deals with the annual publication of a report on racism and antisemitism. The government is represented on CNCDH by representatives of the prime minister and of the ministries principally concerned; civil society is represented by delegates from national associations concerned with the promotion and protection of human rights; and there are range of other members.

People from a civil society background are among the members of the council¹ and the advisory board² of the equality body (La Haute Autorité de Lutte contre les Discriminations et pour l'Égalité).

Civil society organisations active in the field

These include:

SOS Racisme³

La Ligue Internationale contre le racisme et l'antisémitisme (LICRA)⁴

Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)⁵

Conseil représentatif des institutions juives de France (CRIF)⁶

Examples of non-governmental work

- advocacy for better laws;
- approaches to ministers;
- diffusion of legal precedents and legal tools;
- public campaigns: a recent advert campaign addressed the problem of job discrimination especially among small employers;
- organising sessions for magistrates, to share with them the reality of discrimination and to explain the need for tough penalties. Training is also needed for police officers and welfare workers;
- discrimination testing a) for public awareness of issues and b) for collecting evidence for a court case;
- approaching the media;
- encouraging people from minorities to stand up for their rights;
- handling complaints about discrimination and public racist, xenophobic or antisemitic discourse;
- legal pursuit of racist internet sites.

¹ <http://www.halde.fr/haute-autorite-1/institution-2/college-21/college-3.html>

² <http://www.halde.fr/haute-autorite-1/institution-2/comite-consultatif-22/comite-consultatif-4.html>

³ www.sos-racisme.org

⁴ www.licra.org

⁵ www.mrap.fr

⁶ www.crif.org

Ideas

- funding of non-governmental organisations to pursue test cases and targeted training of judges, lawyers and non-governmental organisations in this regard seems indispensable;
- funding for a website that set out and explained the case law;
- finance tools for local sections such as DVDs and players, printed materials, exhibition stands, film hire...);
- grants to provide the training and ongoing support for local activists to carry out discrimination testing, to work with all the authorities and to stimulate public action against discrimination. Local sources might be available for the salaries of such people.

Germany

Context

Germany is a federal republic with much activity (both governmental and non-governmental) on racist violence being carried out at the level of the federal states (Laender) or of cities. Civil society is strong in western Germany but still relatively weak in the east - which is where some of the worst racism is seen. Because of its history, there are strong pressures within mainstream German society against overt expressions of antisemitism. There are laws against holocaust denial and against rightwing extremism.

There is however a weak culture of anti-discrimination and little awareness of racism in the German society. The transposition of the European Union directives was difficult - one of the problems was that church bodies that should have been helpful were worried about their right to appoint staff from among their adherents. As yet, there is little knowledge of how the new laws could be used.

The federal government convened a consultation meeting on integration in 2006. This has led to a national integration plan and to a further conference in 2007. However, this second conference was subject to some criticism as it followed the introduction of new immigration rules that were seen as making family reunions more difficult and especially discriminatory. There is e.g. a discrimination against certain groups based on their ethnic origin: A German citizen with a Turkish background is not treated like a German citizen with no migrant background with respect to the marriage of a non-European Union-citizen.

There are worries about the extent to which the equality body will be dependent on the Federal ministry. Furthermore there are many criticisms regarding the facilities, the size of the staff and the financial strength of the body as well especially towards the law, which does not fully implemented the European Union Directives against Discrimination.

At present, complaints are taken by some municipalities and some non-governmental organisations. In Berlin e.g. there is an official antidiscrimination body but without a complaints office. This body cooperates with antidiscrimination offices and civil society in that field. The law implementing the European Union directives has not require the Laender level to establish equality bodies as well as the public education sector.

The large Turkish community has only recently (last five years) identified itself as having problems of racial discrimination. It is poorly represented in public administration – though there has been some official training for people of Turkish origin in order to get their educational skills up to the level required for joining the police.

The government has established two bodies to facilitate dialogue with civil society: -

- the Forum gegen Rassismus² (Forum against Racism) provides a platform for discussion between state agencies and civil society on all issues concerning the fight against racism, xenophobia and antisemitism. It is chaired and serviced by the Federal Ministry of the Interior. The Forum has some 80 members, including about 60 nongovernmental organisations which are active Germany-wide or, at the least, in more than one Land. A working group of the Forum has launched an awareness campaign, including the publication of information briefs on the implementation of the relevant European Union directives;
- the Bündnis für Demokratie und Toleranz – gegen Extremismus und Gewalt³ (Alliance for Democracy and Tolerance – Against Extremism and Violence) is works with a range of actors to fight extremism, xenophobia and violence. One of its key tasks is to promote, support, network and publicise local initiatives and projects by providing information, advice and documentation.

Civil society organisations active in the field.

Civil society in Germany is active, particularly at Land and city level. There are a vast number of organisations with an interest in combating racism, xenophobia or antisemitism. UNITED is in contact with 553. The most active in the area of the implementation of legislation include:

Die Deutsche Gewerkschaftsbund⁴;

The main welfare agencies (Arbeiterwohlfahrt, Diakonisches Werk, Caritas, Paritätischer Wohlfahrtsverband, Deutsches Rotes Kreuz, Zentrale Wohlfahrtsstelle der Juden in Deutschland);

The German Football Federation and the German Football League;

Forum Menschenrechte⁵;

Verband für interkulturelle Arbeit⁶;

Bund gegen ethnische Diskriminierung in der Bundesrepublik Deutschland⁷

The Antidiskriminierungsnetzwerk Berlin des TBB (ADNB)⁸;

ReachOut⁹;

Amadeu Antonio Stiftung¹⁰;

Arbeiterkultur und Bildungsverein¹¹.

Examples of non-governmental work

- coordinating the work of other non-governmental organisations;
- joint work with police forces on training;
- consultancy with victims;

² www.bmi.bund.de/cln_012/nn_1126328/Internet/Navigation/DE/Themen/Extremismus/ForumgegenRassismus/Forum_gegen_Rassismus_node.html__nnn=true

³ www.buendnis-toleranz.de

⁴ www.dgb.de

⁵ www.forum-menschenrechte.de

⁶ www.via-bundesverband.de

⁷ www.bdb-germany.de

⁸ www.adnb.de

⁹ www.reachoutberlin.de

¹⁰ www.amadeu-antonio-stiftung.de

¹¹ www.akbv.de

- advocacy for greater monitoring by public bodies such as the police;
- running empowerment projects against right wing crime (mainly in Berlin and the former East Germany);
- training for those affected by discrimination and racism.

Ideas

- discrimination testing - especially for access to services;
- strategic litigation and funding in general for the legal costs of taking cases to court;
- empowerment of those affected by discrimination.

Italy

Context

Italian legislation in this area is complicated, with many relevant provisions. These include:

- the labour law, which has banned discrimination on grounds of political or religious opinion since the 1970s (when discrimination against communists was a problem);
- the immigration law, which has a generally applicable section which bans discrimination on grounds of ethnic origin. It stipulates that non-citizen workers should have the same rights as citizen workers;
- the “Mancino” Law of 1993 outlaws racial, ethnic and religious discrimination. This was weakened by the Berlusconi government and a new draft is going thorough Parliament in an attempt to strengthen it again;
- the legislative decree of 2003 that established the equality body.¹

In June 2007 the European Commission asked for an explanation of an apparent failure to implement in full the race equality directive.

Italian legislation is also difficult to implement:

- the proliferation of laws means that judges are often unclear as to which laws apply to which circumstances;
- in courts "racist behaviour" needs to be balanced against "expression of opinion";
- people who suffer racial discrimination are often migrants and courts have difficulty in distinguishing between discrimination on race grounds (which is clearly illegal) form discrimination on grounds of nationality (the legality of which is less clear).
- the equality body lacks resources and its independence is jeopardised by its close relationship to the ministry of equal opportunities;
- civil cases can take up to twelve years, so there is little case law on the implementation of the European Union directives. The immigration law has been in force for many years and is therefore better understood – and more widely used.

Non-governmental organisations argue that there needs to be legislation to simplify the present situation, avoiding the current confusions and making the law clear to lawyers and judges.

Italy has no clear concept of ethnic minority. In practice this is taken to correspond to migrants.

There are established Roma and Sinti communities in Italy, also substantial numbers of Roma from Central/Eastern Europe. Although an estimated 60% of the estimated 170,000 Roma and Sinti in Italy should be entitled to Italian citizenship and a further 30% have European Union citizenship, Italian public opinion lumps them all together and regards them as having no right to be in Italy.

¹ <http://www.pariopportunita.gov.it/DefaultDesktop.aspx?NewStatus=4&page=73>

Migrants and Roma, even when their documents are in good order, face discrimination in housing, work, access to services and schooling. Nobody enforces antidiscrimination laws - if a non-governmental organisation takes up a case (and persists) the system works but a migrant without support has little chance of success. Public opinion surveys show a sharp deterioration in the attitude of Italians to Jewish people. Public attitudes towards immigrants have become more tolerant in recent years, though Albanians and Roma continue to be linked to crime and the Romanian community (which overlaps with the Roma one and is often not distinguished from it in public discourse) is now the most suspected of criminal behaviour. Security issues are however having an adverse affect on the treatment of migrants. Camps have been established for undocumented migrants: the conditions in these are worse than in prisons.

Combating racism, xenophobia and antisemitism requires cultural changes and needs long term pressure. Unfortunately, political instability in Italy makes this very difficult.

The UN Special Rapporteur appears to have been shown a draft action plan to combat racism during a visit to Italy in October 2006. His report² identified weaknesses in the plan.

Civil society organisations active in the field.

There are many civil society organisations in the field. They include:

- Centro di Iniziativa per l'Europa del Piemonte³ - CIE is the Italian board member of ENAR
- Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE)⁴;
- Forum Internazionale Ed Europeo Di Ricerche Sull'immigrazione⁵;
- Iniziative e Studi sulla Multiethnicita⁶;
- Unione delle Comunità Ebraiche Italiane⁷ (Union of Italian Jewish Communities);
- ARCI- Associazione di Promozione Sociale⁸
- Associazione Studi Giuridici sull'Immigrazione⁹

Examples of non-governmental work

- capacity building and the exchange of good practice;
- lobbying for full transposition of the European Union directives;
- training with police training services and other public officials;
- activities addressing adverse culture - seminars, reports etc.

Ideas

- strategic litigation;
- training work (including the production of a manual and of multimedia materials)

² www.universalhumanrightsindex.org/hrsearch/displayDocumentVersions.do?docId=1076&lang=en

³ www.ciepiemonte.it

⁴ www.cospe.it

⁵ www.fieri.it

⁶ www.ismu.org

⁷ www.ucei.it

⁸ www.tesseramento.it/immigrazione/index.php

⁹ www.asgi.it

with police, hospital staff and public officials would be useful;

- work on housing, especially for Roma and Sinti;

- grants are needed for long term work – they should not be time limited - and should not look for innovation.

Hungary

Context

The main issue in Hungary in connection with racism and xenophobia is the position of Roma people. In addition, casual antisemitic and xenophobic discourse is acceptable to a wide range of politicians and recent surveys have shown high and increasing levels of antipathy to immigrants.

Thanks to the process of acceding to the European Union, Hungary developed legislation in the early years of this decade that meets most international standards - though the equality body¹ is based within the Ministry for Social Affairs and Labour (rather than being transparently independent) and it is poorly resourced.

Roma have particular problems in education, employment and housing - all of these issues have become worse as a result of liberalisation since 1989. Roma also face problems in getting access to services – including social care. Many Roma lack identity documents and are not therefore able to vote. However, thanks to the working of the party list element of the elections there are some Roma members of the parliament. Recent immigrants share some of these problems – especially in terms of getting access to services.

Roma people are recognised as a minority which gives their communities certain rights, including a modest level of self-government. The self-government structures vary considerably in their effectiveness and in the extent to which they are representative of the Roma community. Education is a particular problem. Primary education suffers from high levels of (illegal) segregation. This leads to poor access to secondary and higher education.

On the positive side, the accession process seems to have awoken a real determination in official and non-governmental circles to address the problem. There are a few active non-governmental organisations working to ensure the implementation of the legislation. Also, some of the media are very open to ideas of tolerance and equality, though others tend to portray Roma as a drain on the social security system. Some non-governmental organisations have found that they can work constructively with the authorities on, for example, detention.

The process of forming Hungary's legislation was highly top-down. There was, for example, virtually no public discussion of the laws that were introduced as a result of European Union requirements.

Hungary is part of the Decade of Roma Inclusion 2005-2015² process and has produced an action plan.³

¹ www.egyenlobanasmod.hu

² www.romadecade.org

³ demo.itent.hu/roma/portal/downloads/Decade%20Documents/actionplan_hung.pdf

Hungary is a relatively small country and Budapest is the main centre for political and policy work. It has a fifth of the total population – almost ten times the size of the next largest city. The main actors, governmental and non-governmental know each other reasonably well and there is a certain level of interchange of staff.

The equality body is required to liaise with non-governmental organisations. It holds occasional conferences to get feedback from civil society. Non-governmental organisations were consulted about the composition of its advisory body and two border members have a non-governmental organisation background.

Civil society organisations active in the field.

These include:

- Hungarian Helsinki Committee⁴
- Legal Defence Bureau for National and Ethnic Minorities⁵
- Chance for Children Foundation⁶
- Roma Civil Rights Foundation⁷
- Amrita⁸
- International Law Research and Human Rights Monitoring Centre⁹

Examples of non-governmental work

- taking legal cases through the Hungarian system and, if necessary to the European Court of Human Rights;
- work with the police training body, looking at whether there is any ethnic profiling in the police force;
- establishment of a secondary school adjusted to the educational needs of Roma children and leading to a full certificate;
- establishment of a student hostel for Roma secondary school children;
- studies – for example on the differences in treatment of Roma and non-Roma in the criminal justice system;
- non-discrimination and tolerance training for local council officials;
- work with football clubs and the football association on the question of racist and antisemitic abuse by fans.

Ideas

The main problem is in raising core money.

Grants could also include: -

- strategic litigation;
- dissemination and analysis of court cases;
- capacity building with Roma organisations.

⁴ www.helsinki.hu

⁵ www.neki.hu

⁶ www.cfcf.hu

⁷ rpa@chello.hu

⁸ www.kistigris.hu

⁹ www.nemzetkozijogert.hu

Slovakia

Context

The organisations concerned with racism in Slovakia regard the existing antidiscrimination and hate-crime legislation as broadly satisfactory (though, in June 2007, the European Commission asked for an explanation of an apparent failure to implement in full the race equality directive). As far as the anti-discrimination legislation is concerned, there is a recognition that it was introduced as part of the European Union accession process, rather than as a result of the lobbying efforts of non-governmental organisations.

Surveys have shown that prejudice against Roma and foreigners is widespread in Slovakia. In one survey some 80% of respondents said that they would prefer not to be linked by marriage to a Roma family and that they would prefer not to have Roma neighbours.

In the larger cities, and in Bratislava in particular, there are right wing groups that spread hate against Roma, foreigners, Jews, Muslims and young people with a visibly alternative live-style. This has included violent attacks on the streets.

There are a few, but active and effective, non-governmental organisations involved in this area. Many of them report good working relations with the police on hate crime. Most of them express some frustration with the difficulties they have in using the antidiscrimination law. In connection with racist violence they note that victim support is not available in Slovakia and that witness protection is unreliable.

Discrimination and race-hate are being combated by the equality body (the Slovak National Centre for Human Rights¹), the Plenipotentiary for Roma communities, the police and the prosecutors. The police, in particular, have started to make serious attempts to deal with racist violence. However rather few cases are reported to them and their success rate in solving the crimes is still fairly low.

Since the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, the government of Slovakia has organised the drafting of successive action plans. The current one² covers the period 2006-2008.

Civil society has a considerable role to play in the implementation of the Durban action plans (see above).

Civil society organisations active in the field

These include:

Ludia proti rasizmu³ (People against Racism)

Nadacia Obcan a demokracia⁴ (Citizen and Democracy Foundation)

¹ www.snslp.sk

² www-8.mensiny.vlada.gov.sk/data/files/2161.doc

³ www.rasizmus.sk

Nadácia Milana Šimecku⁵ (Milan Šimecka Foundation)
Spoločnosť ľudí dobrej vôle⁶ (Goodwill Society)
Liga aktivistov pre ľudské práva⁷ (League of Human Rights Advocates)
Nadácia otvorenej spoločnosti⁸ (Open Society Foundation)

Examples of non-governmental work in this area include:

In co-operation with the Slovak Police Corps, projects regarding prevention on the field of racial motivated crimes and fighting against extremism.

Training for police officers

Training for prosecutors

Training for judges

Discrimination testing

Monitoring hate content on the internet: legal pursuit of racist sites

Public awareness work, including work in schools

Legal advice to victims

Ideas

Funding for a study on victim support with a view to advocating for the government to set up a scheme

⁴ www.oad.sk

⁵ www.nadaciamilanashimecku.sk

⁶ www.cassovia.sk/sldv

⁷ www.mvro.sk/league-of-human-rights-advocates-volunteering.html

⁸ www.osf.sk

United Kingdom

Context

The United Kingdom is composed of four countries (England, Wales and Scotland - known collectively as "Great Britain" - and Northern Ireland). England and Wales share a legal system (within in which Wales has a fair degree of administrative autonomy). Scotland and Northern Ireland have separate legal systems, partly controlled by local parliaments and administrations.

Some ethnic minorities in the UK are long established (including, notably, a black community in Liverpool that has been established for more than 250 years). Even with more recently arrived communities a substantial proportion are born in the UK and therefore have British citizenship. In addition, citizenship is available to most people who have lived legally in the United Kingdom for at least five years.

In June 2007 the European Commission asked for an explanation of an apparent failure to implement in full the race equality directive.

The government is moving towards legislation for Great Britain to bring together all aspects of discrimination work, including the European Union directives. In principle non-governmental organisations welcome this as the approach to various grounds of discrimination is very uneven. However there is disappointment about the level of consultation that was undertaken in the preparation of this legislation. (The consultation involved "experts", rather than representatives of the communities affected). There is also disappointment that there are no proposals to allow class actions.

Government is also, separately, looking at ways in which integration and cohesion can be strengthened. This work has led to an action plan for Great Britain.¹ Within this, Scotland² and Wales³ have their own plans. Northern Ireland has its own equality strategy.⁴ There is clearly a link between this work and the government's efforts to ensure security against terrorist attacks. Among non-governmental organisations there is a feeling that the security dimension can undermine the integration work. The return to widespread use of stop and search powers in London was mentioned by several respondents and Muslim communities, in particular, feel that the language used reinforces prejudices that equate all Muslims, as violent or potentially violent, and thus undermines cohesion. There is also concern that pressure for cohesion will lead to funding problems for single community organizations.⁵

One major issue is that legal aid is not available for employment tribunals and there

¹ www.homeoffice.gov.uk/documents/improving-opportunity-strat

² www.gro-scotland.gov.uk/abotgros/race-equality-scheme.html

www.scotland.gov.uk/library2/doc01/sli-01.htm

www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-06/sor0628-02.htm

³ www.wales.gov.uk/themesraceequality/index.htm

⁴ www.ofmdfmi.gov.uk/race-equality-strategy.pdf

⁵ see, for example, society.guardian.co.uk/communities/story/0,,2143377,00.h

are moves to restrict the legal aid available to the smallest legal practices. These practices tend to handle the cases of the most disadvantaged and the change is expected to make it more difficult for them to bring discrimination cases to court.

There are loopholes in the law on religious discrimination. Muslim organisations in particular are very aware that legislation in this area can be used to restrict their activities rather than to defend them.

Travellers and Gypsies find that one weakness in current legislation is that housing rights do not apply to their sites and that the previous duty on local authorities to provide sites has been replaced with advice that authorities should carry out an analysis of the needs for sites and then take action. These needs analyses are proceeding very slowly.

Some communities that suffer discrimination (including, but not restricted to, travellers and Gypsies) also suffer from low literacy rates. This – directly and, through reduced confidence levels, indirectly - creates additional problems for such groups in advocating for their rights.

Civil society and government

There is no formal consultative structure between government and the civil society. However, civil society is represented on the board of, for example, the equality body (Commission for Equality and Human Rights¹ from October 2007).

The government work on cohesion (see above)

Civil society organisations active in the field.

There are many organisations at local, national and UK level working for improvements in various ways. A small selection follows:

The Monitoring Group²

The 1990 Trust³

Islamic Human Rights Commission⁴

Board of Deputies of British Jews⁵

Traveller Law Reform Project⁶

The Northern Ireland Council for Ethnic Minorities (NICEM)⁷

¹ www.cehr.org.uk

² www.monitoring-group.co.uk

³ www.blink.org.uk

⁴ www.ihrc.org

⁵ www.bod.org.uk

⁶ www.travellerslaw.org.uk

⁷ www.nicem.org.uk

Examples of non-governmental work

- advocating for, and seeking legal injunctions to ensure, the maintenance of legal aid;
- working to get recognition for the economic contribution of black business;
- framing and dissemination of comments on government proposals;
- national and regional consultation meetings;
- assisting police forces with training;
- advocating for a significant increase in the sites available for travellers and Gypsies.

Ideas

Training that dealt with literacy indirectly (e.g. writing for advocacy with Members of Parliament or writing for websites) would be useful. This would best combine trainers from the relevant community, trainers from other communities facing discrimination and trainers from the majority community.

Funding which is only for groups working for all faiths is unhelpful as many Muslims are not catered for by such schemes and small organisation may in practice not be able to work for all faiths.

A legal defence fund could be useful.

Funding could be provided for individuals that work on change.

Community organisations need, chiefly, the means to support case workers. They also need help with infrastructure, particularly with premises.

Many grass roots groups find that getting core funds is difficult because their structures are not recognised and because they are not accustomed to the bureaucracy involved.

Any grant scheme should run for a minimum of three years.