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OSCE Conference on Racism, Xenophobia and Discrimination

EU intervention in session 1: Legislative and Institutional
Mechanisms, and Government Action, including Law Enforcement

I am particularly pleased to take the floor, also on behalf of the European Union, for the first time at this conference. I should like to refer briefly to the written statement we have circulated in advance, additional copies of which are of course available. In this statement, we welcome the convening of this conference as a timely opportunity for the OSCE and its participating states to send a clear and unequivocal message to the world that no forms of racism and intolerance can find a haven in our region, and for the OSCE to consider measures it can take to combat such phenomena, which can even lead to serious violence.

I draw your attention in particular to the operational recommendations that the European Union has presented in our written contribution, and to which we shall refer also in further oral statements.

The EU itself is part of a world that has become wider and globalised, where everything interconnects and interweaves, where the multiplication of capabilities for reaching out and reaching in constitutes the best assurance that nobody anywhere is deliberately left out. The motto of the draft Constitution of the European Union is "United in diversity". This is also one of the messages delivered at the OIC Ministerial Conference last May. The EU High Representative Javier Solana stressed that "the promotion of tolerance (must be set) on the basis of universally-held values and of international law". This is precisely what OSCE has been striving for ever since 1975.

It is no surprise therefore that the European Union and its Member States have a long tradition of taking comprehensive and co-ordinated action against racism, xenophobia and discrimination. This is reflected in several documents adopted by the respective institutions of the

European Communities and European Union since the 1977 Joint Declaration on Fundamental Rights.

But let me revert to the specific subject of this first session. In this regard, I should like to mention just a few milestones.

The EU's Charter of Fundamental Rights was proclaimed in 2000. Its Article 1 reaffirms the respect and protection of human dignity; its Article 21 prohibits any discrimination based on any ground such as race, colour, ethnic or social origin, language and religion or belief. The Convention on the Future of Europe has proposed to incorporate the Charter into the future Constitutional Treaty.

These principles have been backed up by concrete legal measures. New, far-reaching EU Directives to combat discrimination are currently being incorporated by all Member States of the European Union into national legislation. The Racial Equality Directive covers a wide range of areas where unfair treatment might occur, including access to jobs, working conditions, rates of pay and the rights and benefits linked to a job. As well as the workplace and labour market, the new legislation also includes access to education and training, to goods and services which are available to the public, social security benefits and health care.

Moreover, Member States are legally required to designate specialised bodies to promote racial equality. These bodies will have the power to assist victims of discrimination, conduct independent surveys and studies on discrimination, and publish reports and deliver recommendations.

As well as the rules on racial equality, new European rules prohibiting discrimination in employment and occupation on the grounds of religion or belief, age, disability and sexual orientation must be implemented by Member States by December 2003, although Member States may request an additional period of up to three years to deal with age and disability discrimination.

In the field of criminal law, the EU adopted a Joint Action in 1996 to combat racism and xenophobia that ensures effective legal co-operation between Member States in the area and prevents perpetrators of racist and xenophobic offences from benefiting from different treatment by moving from one Member State to another to avoid prosecution.

A key factor in developing legal measures has been to ensure consistency and coherence between the law and a whole host of mechanisms to support implementation, including mainstreaming anti-racism across programmes and activities, and strengthening co-operation amongst EU Member States. Legal measures should be seen as advancing not only the protection of society from racism, xenophobia and discrimination, but the promotion of equal treatment and the resulting benefits of social cohesion and inclusion,

particularly in multi-ethnic societies. Laws must be clear in their aim and intention.

The EU is aware that racism and xenophobia cannot be issues solely for the perpetrators and the victims. It cannot be a challenge only for our minority communities. Racism, xenophobia, discrimination as well as their related violence are a blight on society as a whole and require all communities in society working together. Governments, members of civil society and the media cannot opt out. The principles that the EU is built on demand that we all take action. This conference offers us an additional occasion to state our resolve.

The Acceding Countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia and the Associated Countries Bulgaria, Romania and Turkey align themselves with this contribution.