Racism and racial discrimination: the main trends today and how to respond effectively

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Stephanos Stavros

Executive Secretary to ECRI

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Addressing issues of racism and racial discrimination together with questions of xenophobia and religious intolerance is nothing unusual for the human-rights organ I represent. As a matter of fact, according to General Policy Recommendation No. 7 of the European Commission against Racism and Intolerance (ECRI), racism is the belief that a ground such as "race", colour, ethnic origin but also religion and nationality and even language justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons. And racial discrimination is any differential treatment based on the above grounds which has no objective and reasonable justification.

Unfortunately, racism and racial discrimination are real concerns in many of the States that are members of both the Council of Europe and the OSCE. ECRI has been monitoring the situation for 15 years now. In the annual report it will publish soon, it notes the following main trends:

- A general rise in racist violence

- Anti-Gypsyism: Roma and Travellers experience open hostility (sometimes encouraged for electoral purposes) and social exclusion, as well as raids against their settlements and murders. Although there is increased public awareness of their predicament and activism by community organisations, state programmes intended to improve the situation of Roma and Travellers have suffered cuts as a result of the economic crisis.

- Anti-Black racism, which often takes extreme forms, such as organised attacks against individuals or communities. At the same time, colour-related insults are widespread during sports activities.

- A hardening of the tone of the immigration debate to which the economic crisis has contributed. Responsibility for the deterioration of security conditions, unemployment and health-care systems' deficits is often attributed to migrants, refugees, and asylum seekers. As a result, entire communities, including nationals with relatively recent immigration backgrounds, are stigmatised.

- A negative perception of Muslims and

- Antisemitism. I need not insist on the two last aspects, which have been addressed in detail in the previous sessions.

- Discrimination in employment, education, housing, health and access to goods and services.

- Racial profiling by the police.

- Abuses when fighting terrorism and

- Increased levels of prejudice in the political discourse and some media.

What should be done to reverse the above-mentioned trends?

At the conceptual level, one must be aware of the specific characteristics of the different types of racism and racial discrimination. However, one must also be wary of any attempt at prioritisation, since competition between victims is unacceptable. In the fight against racism, mutually reinforcing efforts should cover every victim and vulnerable group, in accordance with the general principle of the equal dignity of all human beings.

One must also be wary of the excessive use of the victimisation discourse. Many members of the above-mentioned groups are fully integrated and, as a result, participate in public life and feel empowered to make demands related to their particular identity. A lot of these demands can be reasonably accommodated while many others must be accepted in accordance with the law. Dealing with the majority's intolerant reactions should be seen as part of democratic States' responsibilities.

ECRI provides advice to States on how to combat racism and racial discrimination. This is contained either in its country-by-country reports or in its general policy recommendations that are addressed to all member States.

The fight against racism and racial discrimination starts with the enactment of effective laws. Appropriate guidance can be found in this respect in ECRI's above-mentioned GPR No. 7. The criminal statutes should punish a number of acts, including some forms of intolerant speech. ECRI's approach on this matter has been vindicated by the European Court of Human Rights in two recent cases: the Féret v. Belgium judgment and the Le Pen v. France decision. It is very important for States to collect statistics on racist offences and one must pay tribute in this connection to ODIHR's work on hate crime.

Comprehensive civil and administrative anti-discrimination legislation providing, inter alia, for the shifting of the burden of proof should be adopted. ECRI's standards in this connection go beyond those enacted by the EU in the sense that they cover some of the fields in which the latter has not yet legislated.

According to GPR No. 7, States should also put in place specialised bodies. These should be independent and have the power to examine individual complaints, conduct investigations, help victims before the courts, advise government departments on legislation and policy-development and conduct awareness-raising campaigns (victims and general population). Moreover, they should be given sufficient resources. This is a major challenge nowadays, since the crisis has entailed cuts in the budgets of many such institutions. ECRI supports the exchange of good practices among specialised bodies by organising an annual seminar for all of them in Strasbourg.

Ethnic statistics are an essential tool for measuring racial discrimination. The relevant data should be compiled in accordance with the principles of self-identification, confidentiality and informed

consent. Unfortunately, as seen by many of ECRI's country reports, this is a field in which a lot of progress remains to be made.

Finally, at the institutional level, States should set up independent authorities for the examination of complaints against the police, including complaints about racial discrimination. Guidance can be found in ECRI's GPR No. 11 and an opinion by the CoE Commissioner for Human Rights.

Moving away from legislation and institutions, education is naturally very important for the fight against racism. This is the topic of ECRI's GPR No. 10. So is the contribution of the media. This is a difficult field, since democratic governments cannot and should not have control. Many of ECRI's country reports promote self-regulatory codes and organs. Politicians are also advised to exercise peer pressure.

On a very topical issue, last year ECRI adopted GPR No. 12 on combating racism and racial discrimination in the field of sport. [This recommendation asks Governments to ensure equal opportunities in access to sport for all; provide adequate legal protection; and train the police in identifying, dealing with and preventing racist behaviour at sporting events. ECRI also emphasises the important role of local authorities, sports federations, sports clubs, schools, athletes, coaches, referees, supporters' organisations, politicians, the media and sponsors. ECRI calls on all these actors to unite and build a coalition against racism in sport.]

And on 19.3.10 ODIHR, FRA and ECRI issued a common statement on condemning manifestations of racism and xenophobia on the Internet.

It is clear that Governments are primarily responsible for the fight against racism and racial discrimination and their work is cut out for them. At the same time, international supervision is essential. In addition to ECRI's monitoring, CoE States are urged to ratify Protocol No. 12 to the ECHR to give everyone within their jurisdiction the right to complain about discrimination to an international court. [Only 17 CoE States have done so.] The right of individual petition to CERD serves the same purpose.

My presentation would be incomplete if I did not speak, especially in this forum, about synergies. Partnerships are of key importance for the fight against racism and racial discrimination. Of course, Governments are our first partner. Civil society is another. They are consulted on a confidential basis before and during the visits that lead to the adoption of the country reports and at the stage of implementation (national roundtables and interim follow-up). FRA and the UNHCR are also important institutional partners for ECRI because of their excellent knowledge of the issues. Finally, I should stress the very good cooperation we have with ODIHR, which we officially inform of our country findings in a number of key fields (legislation, law enforcement, data collection, the fight against antisemitism, training and support of civil society and intercultural and religious education) to assist them in designing their support programmes.

I am fully convinced that this high-level conference will provide a further boost to our cooperation and could open perspectives for common action outside the traditional ECRI geographical zone.