racism
enar shadow report 2008
in europe

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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Message from the president

I am delighted to present the 5th edition of the European Network Against Racism (ENAR) Shadow Report on Racism in Europe. Despite small improvements, this edition, based on 22 country-specific Shadow Reports produced by ENAR members, demonstrates that racism and discrimination were still very much present in Europe in 2008.

Despite the fact that almost all Member States have transposed the EU Equality Directives, effective transposition and implementation of the existing legal standards is still lacking in many countries and many gaps continue to affect the daily lives of ethnic minorities across Europe. In addition, the context of economic downturn has created more turbulence for anti-racist work which now more than ever, requires consistent and ongoing commitment so as to avoid falling into the easy 'trap' of xenophobia. Minorities throughout Europe were disproportionately affected by unemployment or employment under precarious conditions in 2008, and this is likely to increase in the coming period. In addition, racial discrimination continued to manifest itself in education and positive action measures seeking to allow equal access to education, including through the provision of language training, remained very limited in most countries. The continuing increase in incidents of racially motivated crimes against minorities across Europe in 2008 is also very worrying. Whilst a number of countries noted an increase in racist violence and crime, the legal and policy framework within those countries remained mostly unchanged.

Nonetheless, 2008 saw some important developments in the legal and policy framework at EU level. The Framework Decision on combating racism and xenophobia was finally adopted, and a proposal for a new directive to combat discrimination on grounds of religion or belief, age, sexual orientation and disability outside employment was issued by the European Commission. Migration was also the focus of many legal and policy initiatives in 2008, both at European and national levels. However the lack of policy coherence and true political will, together with an overarching security focused agenda, undermines these developments, which in turn has undermined the integration of ethnic minorities and third country nationals in Europe.

The 2008 ENAR Shadow Report has paid particular emphasis to the social aspects of migration. It has been reported that national social inclusion strategies make reference to ethnic minorities in a number of countries; however lack of coherence between policies continues to result in social exclusion and poverty.

Racism remained a deep-rooted problem in 2008, and, with the increasing insecurity that people feel in this context of economic crisis, it is likely to increase in the foreseeable future. The importance of the role of ENAR in monitoring these developments from a civil society perspective is therefore all the more crucial. ENAR's Shadow Report on racism in Europe is a unique mechanism to collect and present the views of civil society on the state of racism in EU member states and across Europe, and we are very thankful for the valuable support of the European Commission, the Compagnia di San Paolo and the Joseph Rowntree Charitable Trust in enabling this unique monitoring instrument to be published.

Mohammed Aziz
ENAR President

Executive summary

This report covers the period between January and December 2008. Section two of the report identifies the communities most vulnerable to racism in the European Union whilst section three highlights some of the manifestations of racism and racial discrimination in various spheres of life ranging from employment to housing, from education to media and from healthcare to policing. It also provides examples of good practice from various European countries implemented by civil society organisations. Section four provides an overview of legal and political developments in anti-discrimination, migration and integration, criminal justice and social inclusion. The final section provides a list of recommendations and concludes by drawing together the main findings of the report.

In 2008, despite improvements, a Europe free from racism and discrimination remains to be achieved. Despite extensive legislation at both the European and national level, the daily lives of ethnic minorities around Europe remain plagued with prejudice, stereotyping, and exclusion. Amongst the communities considered most vulnerable to racism one finds the Roma, Europe's largest ethnic minority, migrants including both intra-community migrants and third country nationals, as well as religious minorities, most notably the Muslim and Jewish Communities.

In the field of **employment**, ethnic minorities face discrimination at all levels, ranging from difficulties in the recognition of foreign qualifications to outright exploitation and abuse, including sexual and physical, in some cases. Minorities remain disproportionately affected by unemployment and employment under precarious and/or dangerous conditions. They tend to be employed in jobs that do not reflect their qualifications and to face a glass ceiling effect with regard to progression within the job.

Furthermore, the link between unemployment, poverty and lower quality **housing** disproportionately affects ethnic minorities. Other problems include homelessness and the ghettoisation of ethnic minorities, most notably the Roma, as well as difficulties in accessing the private rental market. Migrants in various countries face restrictions on the purchase of properties whilst others, especially seasonal workers and rejected asylum seekers, risk destitution.

In **education**, racial discrimination manifests itself in the allocation of places within schools, a lower quality of education in areas more heavily populated by ethnic minorities, and cases of racially motivated incidents including verbal harassment, bullying and abuse. The result is that ethnic minorities are more likely to have lower levels of academic attainment.

The **health** status of ethnic minorities is also worse than that of majority populations, as barriers including language and lack of information exclude ethnic minorities from receiving quality healthcare.

Evidence compiled from various European countries indicates the prevalence of the use of **ethnic profiling** by police, as well as other forms of discrimination in policing. **Racist crimes** often go unreported, and in cases where they are reported, they are frequently inadequately investigated. Moreover, rising extremism and the increase in cases of racial violence and hate crime remain of serious concern throughout the European Union. Amongst the victims are migrants, Roma communities and religious minorities, most notably the Muslim and Jewish communities.

The period under review also saw a number of important legislative and policy measures especially at the European level. In the field of **anti-discrimination** a key development was the presentation of the highly debated proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation[1]. The proposal supplements the existing legal framework under which the prohibition of discrimination based on religion or belief, disability, age and sexual orientation is restricted to employment, occupation and vocational training. At the national level, the Shadow Reports indicate that Member States have all, to various degrees and with different scopes, adopted legal measures to combat discrimination on race or ethnic origin and religion. In many states the scope of the legislation is limited to the minimum

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1   *Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008) 426 final, 2008/0140 (CNS).*

requirements established by EU legislation[2] (that is, limited to employment for the ground of religion and extending to the provision of goods and services for race). In some countries, the level of protection falls below this established minimum, whilst in others, the legal framework goes beyond this established minimum.

In the field of **migration and integration**, the main developments included the adoption by the European Council of the Pact on Immigration and Asylum, the Employer Sanctions' Directive, the Returns Directive, the Proposal for a Residency Rights Directive and the setting up of the European Migration Network.

Developments within the **criminal justice** sector were limited over the course of 2008, as the recommendations of European and International bodies, including the European Commission Against Racism and Intolerance (ECRI), most notably its General Policy Recommendation on Racism in Policing[3], were not taken on by relevant national authorities. Whilst a number of countries noted an increase in racist violence and crime, the legal

and policy framework remained largely unchanged. On a European level, a Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, originally presented in 2001, was finally adopted. It criminalises incitement to racial hatred, whilst making racial motivation an aggravating circumstance for a number of crimes. Case law regarding hate crime over the internet was brought forward in front of national courts during 2008.

Social inclusion strategies made reference to ethnic minorities in a number of countries; however lack of coherence between policies continued to result in exclusion and poverty.

The findings of this report, and of the 22 national Shadow Reports on which it is based, indicate that despite progress in various fields, lack of policy coherence and the failure of states to duly implement their legal obligations, as well as growing prejudice fuelled by biased media and public discourse, result in persistent racism and discrimination which continues to impact ethnic minorities in all areas of life.

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2   *The Article 13 Equality Directives: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.*

3   *European Commission Against Racism and Intolerance, ECRI General Policy Recommendation N° 11 on combating racism and racial discrimination in policing, 29 June 2007, http://www.coe.int/t/e/legal_affairs/legal_co-operation/fight_against_terrorism/2_adopted_texts/ECRI%20GP%20Rec%2011%20racism%20and%20policing%20E.pdf.*

1. Introduction

In 2008, despite improvements, a Europe which is free from racism and discrimination remains to be achieved. Notwithstanding the fact that the European Union and its Member States have all signed up to the main international treaties combating discrimination, including that on the basis of race and religion, and in spite of extensive legislation at both the European and national levels, the daily lives of ethnic minorities across Europe remain plagued with prejudice, stereotyping, exclusion, unemployment, lower levels of educational attainment, difficulties in accessing quality healthcare and education and often being denied access to goods and services. The findings of the ENAR Shadow Reports from the various European countries not only confirm this but also underscore the need for a concerted effort across the European Union to overcome the barriers and challenges that hinder effective equality for all. The European Union is uniquely placed to have an impact on such measures. Positive developments towards equality, however, require political will at all levels, ranging from the European institutions to national, regional and local governments, employers, trade unions, civil society organisations and ethnic minorities themselves. A Europe without racism will not be achieved until such political will is guaranteed, resulting in concrete measures at the legislative, administrative and practical levels to overcome the barriers, legal and practical, that continue to exclude ethnic minorities from participating on a level playing field within the population.

This report provides a unique method of compiling information on some of the most pressing issues and presenting the views of civil society organisations on the current state of racism and discrimination in the European Union. Its findings present the daily realities of ethnic minorities in the various Member States as reported and reflected by organisations working at all levels, from the grassroots to the European. The objectives of the report are the following:

1. To bring together experiences, facts and developments from across the European Union on matters pertaining to racism and anti-racism, providing a window onto the daily lives of ethnic minorities in the European Union.
2. To contribute to the European debate on issues of anti-racism through factual and well researched information, and hence be able to inform legislative and policy developments as well as political strategies.
3. To build a well-documented starting point for future and coordinated action at the European, national, regional and local levels.

This report covers the period between January and December 2008. Whilst it does not attempt to present a scientific analysis of racism in Europe, it seeks to identify commonalities based on the findings of 22 national reports from across the European Union. It also looks into relevant developments which took place at European level during the same period. Trends are also extracted between the findings of 2008 and the findings of previous years.

Section two of the report identifies the communities most vulnerable to racism in the European Union. These include migrants, displaced persons, the Roma and religious minorities established in the various Member States. Following this, section three looks into manifestations of racism and racial discrimination in various spheres of life ranging from employment to housing, from education to media and from healthcare to policing. Examples of good practice from European countries implemented by civil society organisations are also given. Section four provides an overview of legal and political developments in anti-discrimination, migration and integration, criminal justice and social inclusion. The final section provides a list of recommendations and concludes by drawing together the main findings of the report.

2. Communities vulnerable to racism

Europe's population is constantly becoming more diverse, with various ethnic and religious minorities present in all parts of the Union and contributing to Europe's identity and cultural and economic well being. It is not surprising that the Eurobarometer (EB) survey on discrimination carried out in 2008[4] found that over half of Europeans "have friends or acquaintances who are of a different religion or hold different beliefs (61%), or are of a different ethnic origin (55%)"[5]. Even so, certain communities and categories of persons continue to face discrimination and exclusion in various spheres of life. "Discrimination based on ethnic origin (62%) is seen to be the most widespread form of discrimination in the EU"[6]. ENAR's national Shadow Reports confirm the continuing presence of racism, discrimination and xenophobia in all European societies and identifies certain groups as being particularly vulnerable.

Most of the national shadow reports identify the **Roma**, "who collectively form the largest ethnic minority in the enlarged EU"[7] as being particularly vulnerable to racism and discrimination[8]. The EB survey found that 77% of Europeans were of the opinion that being a member of the Roma community was a disadvantage in society. Whilst the European Union acknowledges that "Roma are an integral part of European civilisation"[9] most of whom are European citizens, in 2008, they remained socially excluded, vulnerable to discrimination in virtually all areas of life, and often falling victim to race-motivated violence and crime. The EB survey also found that people were less comfortable having a Roma neighbour (European average stood at 6)[10] than a member of another ethnic minority (European average 8). Other communities associated with the Roma, including Romanian migrants, also faced similar problems.

Migrants are another category identified as particularly vulnerable to racism. Whether it is Romanians in Italy or Poles in the UK, or asylum seekers in Malta or Romania, they continue to face prejudice and discrimination. Legal status and negative public perception, often fuelled by alarmist media and political discourse, hinder integration in their European host societies, leading to exclusion. National minorities, such as Russians in Estonia, the Irish in the UK and the Turks in Cyprus, are also identified as being victims of racism. Migrant women are especially vulnerable. The results of the EB survey in this regard are quite telling. It found that "discrimination on grounds of ethnic origin is especially commonplace amongst respondents who were born outside of Europe (23%). It is also more common amongst people born in Europe but outside the EU (10%) and people living in an EU country other than where they were born (9%), than it is for those living in their country of origin (2%)"[11]. These numbers indicate the inter-relation between migration[12] and race issues, as the two often become intertwined; a reality reported in all national Shadow Reports. Whilst distinctions may be made between different categories of migrants, the discrimination faced is normally the same, and happens irrespective of one's status. Particular nationalities have been identified as being particularly vulnerable, including Somalis in Finland, Moroccans in the Netherlands and Romanians in Italy.

Similar to previous years, **religious minorities**, and most notably the Muslim and Jewish communities, were considered as vulnerable to racism in 2008. The ENAR shadow reports found religious discrimination to be present, even rampant, in almost all of the Member States; a reality which is further confirmed by the findings of the EB survey[13]. It appears that the citizenship status of persons is irrelevant when faced with growing Islamophobia. The report from Bulgaria, for instance, identifies the Pomaks (Bulgarian Muslims) as particularly vulnerable to racism. It would appear therefore that just like being of Roma origin, being of a different religion or belief renders one vulnerable to discrimination irrespective of one's nationality.

The intersection between various grounds of discrimination and the question of **multiple discrimination** is highlighted in most national reports. Women, LGBT[14] and older members of ethnic minorities have all been identified as particularly susceptible to discrimination. They remain amongst the most vulnerable and excluded members of society as multiple discrimination impinges on their life chances.

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4   *Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes, July 2008 available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf, hereinafter referred to as EB Survey.*
5   *EB Survey - Page 6.*
6   *EB Survey - Page 8.*
7   *EB Survey - Page 44.*
8   *All but one of the national reports mention Roma as one of the categories vulnerable to discrimination.*
9   *Roma website of the European Commission: http://ec.europa.eu/social/main.jsp?catId=518.*
10 *Scale given between 1 and 10 where 10 is the most comfortable.*

11 *EB Survey - Page 13.*
12 *Understood as being the movement of persons irrespective of the causes of such movement.*
13 *The EB survey found that 42% of respondents think that discrimination on the basis of religion is widespread in their countries.*
14 *The Lesbian, Gay, Bisexual, and Transgender Community.*

3. Manifestations of racism and racial & religious discrimination

The aim of this section is to provide the reader with an overview of the most common and pressing manifestations of racism and racial discrimination in the European Union. Divided into various sub-sections, it provides an outline of the key issues in employment, housing, education, health, policing, racist violence and crime, access to goods and services as well as the media. The findings are based on evidence compiled in the various national reports, through official and unofficial sources and anecdotal evidence. Whilst examples from Member States are given, this is not to, in any way, suggest that other countries do not face the same or similar problems. On the contrary, they are merely evidence of trends existing in various parts of the European Union.

The cross-cutting issues identified in the 2007 report, namely: data collection, multiple discrimination and the inter-sectionality of issues subsisted over the course of 2008. Whilst some countries have official sources of information, it remains a key concern that race-segregated data is still lacking in most European States. Much of the data presented in the reports comes from non-official sources whilst in some others not even this is available. Anecdotal evidence therefore remains a key source of information for this and the national Shadow Reports. As highlighted in the European Handbook on Equality Data[15], there are six major purposes for data collection. These are: to guide and support policy development and implementation[16], to provide empirical evidence in support of judicial processes, to support the monitoring of equality performance both on the national and business-level, to raise awareness, and to support research. Whilst general data on various issues such as employment and education is compiled, this is often not done in a manner allowing for a real understanding of the particular problems and needs of ethnic minorities. The official setting up of the European Migration Network, the function of which is to collect, analyse and distribute data on asylum and immigration is a positive step in this regard. Moreover, the EU Fundamental Rights Agency has contributed a substantial amount of data especially with regard to anti-discrimination, most notably through the EU MIDIS project[17], which is quoted throughout the present report.

Another cross-cutting concern is the issue of "multiple discrimination", both between the grounds of race and religion and with other grounds. Female members of ethnic minorities are, for instance, reported to be generally worse off than their male counterparts. Other reports make reference to older and LGBT persons. Very often, the discrepancy in legal protection between the various grounds, which can be seen as the result of an incomplete anti-discrimination legislation at the European level, leads to legal loopholes in terms of protection against discrimination. It is therefore a welcome development that the Commission has, over the course of 2008, proposed legislation which would bring to a par the protection from discrimination on the various grounds established in Article 13 of the EU Treaty[18]. It is unfortunate, however, that the proposed directive does not make direct reference to multiple discrimination. It is essential that the directive explicitly confronts this phenomenon so as to ensure that, irrespective of how Member States opt to transpose the directive, it will be addressed in the national legal framework.

Furthermore, similar to previous years, the inter-relation of issues came out very clearly in the national reports of 2008. Unemployment and poor working conditions result in poor quality housing and segregation, which in turn has a negative effect on children's access to quality education and access to healthcare. Lower levels of educational attainment and the failure to recognise foreign qualifications can lead to lower quality employment for different categories of persons. Segregation in housing can lead to less opportunities for economic advancement and barriers to integration which in turn fuel greater prejudice. These are just some of the many relations which can be established.

3.1 Employment

Despite the commitment undertaken in Article 5(i) of the International Convention on the

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15 Published by the European Commission in 2006.
16 The development of policies to target certain phenomena such as 'absenteeism' or higher levels of unemployment among ethnic minorities.
17 The EU-MIDIS survey of the EU Fundamental Rights Agency studies the perspectives of discrimination of selected ethnic minority and immigrant persons resident in the EU Member States. For more information, see http://fra.europa.eu/fraWeb-site/eu-midis/index_en.htm.
18 Article 13 TEC.

Elimination of Racial Discrimination (ICERD)[19], and extensive legislation at the EU and national level prohibiting discrimination on the grounds of racial and ethnic origin and religion in employment, the national Shadow Reports detail how ethnic and religious minorities continue to face various difficulties in and around employment. These range from difficulties in the recognition of foreign qualifications to outright exploitation and abuse, including sexual and physical abuse. Ethnic minorities are also disproportionately affected by unemployment and employed in precarious and/or dangerous conditions. They tend to be employed in jobs which do not reflect their qualifications and to face a glass ceiling effect with regard to progression within the job.

In 2008, ethnic minorities remained disproportionately affected by unemployment even if the gap started to close slowly in a number of countries. Whilst race-segregated data in this regard is not forthcoming from all countries, a number of shadow reports reflect some worrying trends.

The unemployment rate of migrants in Finland, for example, is estimated at around 20% which, whilst being slightly lower than previous estimates, remains over double the national average[20]. The unemployment rate varies between various categories of ethnic minorities; Roma continue to have the highest unemployment rates, with the report from Poland indicating an unemployment rate of circa 90%[21]. Amongst migrants and/or persons of migrant background, the shadow report from the UK reports that Indians have the lowest unemployment rate (6.3%) of all ethnic minority groups, whilst Bangladeshi and Pakistani have the highest unemployment rates at 14.5% and 13.5% respectively. When accounting for gender, Bangladeshi and Pakistani women are the most likely to be unemployed and white women are the least likely to be unemployed (22.1% and 4.4% respectively)[22]. The report from Finland highlights how the unemployment rates for immigrants from predominantly Muslim countries such as Iraq (56%), Afghanistan (60%), Somalia (56%), Iran (45%) and Morocco (47%) are exceptionally high[23]. Moreover, the report from Lithuania indicates that ethnic minorities are more likely to fall within the category of long term unemployed[24]. Whilst similar and comparable data to the above is not available on a European level, anecdotal evidence indicates that similar trends exist in various other European states.

Amongst the factors which are identified as contributing to these statistics, one finds growing prejudice and stereotyping, lack of culturally sensitive service provision by employment agencies, language barriers and difficulties in recognition of foreign qualifications. Discrimination takes both direct and indirect forms with, for instance, discriminatory advertising reported in some countries and disproportionate and unreasonable language requirements being made elsewhere.

In the **UK**, the **All Wales Ethnic Minority Association** (AWEMA) is embarking on a three year project funded by the European Social Fund to provide work and skills opportunities for over one thousand ethnic minorities across the West Wales and Valleys area. Particularly targeting women, the programme intends to provide better employment opportunities through qualifications and further education, help with applying for jobs, support in accessing Jobcentre Plus, and childcare services. AWEMA will also work with employers to develop equal opportunities strategies in recruitment through raising awareness of language and cultural issues affecting different ethnic minority groups.

Restrictions on employment rights for certain categories of migrants also render them more vulnerable to unemployment. This can be linked to their status or to the particular job or profession they wish to exercise. Some reports explain that a number of professions are closed, meaning that only citizens can practise them (thereby excluding migrants). A number of national reports identify difficulties and delays in the issuance of work permits as a clear obstacle to the inclusion of migrants in the labour market. Whilst one may have the right to work in theory, the process is so slow as to discourage employers from recruiting migrants. This normally results in one of two scenarios. In the first, employers opt not to hire persons of immigrant background at all, meaning that migrants are in practice excluded from the job. In the second scenario, the migrant is recruited without the necessary documentation

19 International Convention on the Elimination of All Forms of Racial Discrimination; Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965; Entry into force 4 January 1969, in accordance with Article 19. The article provides that 'In compliance with the fundamental obligations laid down in Article 2 of this convention, State Parties undertake to prohibit and to eliminate racial discrimination'.
20 See ENAR Shadow Report 2008 for Finland, Page 4.
21 See ENAR Shadow Report 2008 for Poland, Page 9.
22 See ENAR Shadow Report 2008 for the UK, Page 11.

23 See ENAR Shadow Report 2008 for Finland, Page 4.
24 See ENAR Shadow Report 2008 for Lithuania, Page 11.

(as to work permits etc.), rendering the employee subject to exploitation and abuse. Both options negatively impact ethnic minorities and especially migrants. This is outlined for instance in the report from Ireland[25].

In **Denmark**, bus company **Arriva22** set up a school to teach bus drivers to communicate effectively in the Danish language. 50% of the company's workforce consists of bus drivers from a minority background and the company makes extra efforts to attract minority youth. The company guarantees a job when minority drivers speak the Danish language at a level which allows them to go through a driving course. The company has also started a mentoring system, whereby an experienced driver from the same cultural background assists the new person in getting into the routine.

Amongst those members of ethnic minorities who do manage to find a job, the national Shadow Reports note difficulties in securing permanent employment. Ethnic minorities are more likely to be employed on a contractual basis meaning that they have less job stability and are subject to a stronger element of discretion from their employer. In the case of migrants, this can have serious implications on residency rights including access to long term residence. This is confirmed for instance by the Dutch report which quotes research to the effect that racial discrimination is an obstacle to achieving permanent employment[26].

Moreover, the Shadow Reports from a number of countries also note the ethnicisation of the labour market with certain industries and jobs being disproportionately filled by ethnic minorities. The report from Malta, for instance, indicates the construction and cleaning industries as areas of employment generally filled by migrants[27].

A key concern which resounds throughout almost all of the Shadow Reports is the difficulty of migrants to find jobs corresponding to their level of education and/or skills. In a number of countries, persons who are qualified professionals in their own countries find themselves employed in jobs that are well below their qualification level, leading to a situation whereby specialist skills are wasted. Ethnic minorities face difficulties with regard to progression in employment as they face a glass ceiling effect. Moreover, the German

report highlights how largely due to discrimination, 38% of highly qualified academics with a Turkish background plan to "go back" to Turkey[28], although some of them were born and/or raised in Germany. Discrimination is therefore having a negative impact on the European labour market.

Employment conditions, including salary and other issues, were also reported as challenges in most of the national reports. A number of reports highlight the pay gap between various groups, stating that racial discrimination in one of the reasons for this gap. In Italy, migrants employed as nurses are reported to receive wages 20 to 40% lower than those of their Italian counterparts[29]. Results from qualitative research carried out in the Netherlands shows that non-Western migrants "feel that they have to work harder than their indigenous counterparts to achieve the same labour market position" and that they "feel that they constantly have to demonstrate that they do not fit the - unfavourable - stereotypical image of their group"[30]. Employment conditions beyond the pay gap include the precariousness of their position, whereby jobs are not stable, and health and safety standards are lower. The Italian report for instance highlights a disproportionate number of casualties among foreign workers[31].

In Ireland, the Migrant Rights Centre Ireland's **Bridging Visa Campaign Group** is made up primarily of migrant workers who have become undocumented for reasons beyond their control who came together to work for change. The Campaign goal is that the Department of Justice, Equality and Law Reform provides a temporary 6-month residency stamp called a Bridging Visa for non-EU/EEA nationals who have entered Ireland lawfully but have become undocumented for reasons beyond their control.

Exploitation, which is understood as being "the act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one's own benefit"[32], continued to be experienced by ethnic minorities and especially foreign workers in various EU Member States. The report from Malta indicates for instance that migrants are working longer hours than their co-workers, sometimes exceeding limits set by law, and getting paid less than the minimum wage[33].

25   See ENAR Shadow Report 2008 for Ireland, Page 13.
26   See ENAR Shadow Report 2008 for the Netherlands, Page 15.
27   See ENAR Shadow Report 2008 for Malta, Page 7.
28   See ENAR Shadow Report 2008 for Germany, Page 12.
29   See ENAR Shadow Report 2008 for Italy, Page 11.
30   See ENAR Shadow Report 2008 for the Netherlands, Page 11.
31   See ENAR Shadow Report 2008 for Italy, Page 11.
32   International Ogranisation for Migration Glossary on migration.
33   See ENAR Shadow Report 2008 for Malta, Page 10.

Lack of knowledge of the relevant legal standards and available protection mechanisms result in ethnic minorities, and especially migrants, being less likely to report cases of exploitation. This is further exacerbated by fear of losing one's job and/or residency rights. The situation of undocumented migrants is of particular concern in this area.

The situation of seasonal workers is precarious. Research carried out by Médecins Sans Frontières (MSF) in Italy found that 90% of interviewees[34] had no work contract although they were legally staying in Italy (68% of those who have a resident permit have a job in the black market). The working day is of 8 to 10 hours for a salary that, in half of the cases, is between 26 and 40€ per day, while for one third of the workers it is not more than 25€. The researchers state that "seasonal workers are often exploited: they receive a low pay, work under the pressure of "mediators" or employers, do not have any protection from the trade unions and their working conditions do not comply with the measures of security and prevention indicated by law"[35].

A number of reports, such as Cyprus and Italy, outline physical and sexual abuse which seems to be the ultimate form of exploitation and abuse being carried out within the context of migrant employment. Victims of trafficking and domestic workers are most likely to be affected by such abuse.

A clear connection was established in some reports between discrimination in employment and in housing. For instance, the report from Hungary reported how villages with large Roma settlements have the highest unemployment rates[36].

3.2 Housing

Anecdotal and other evidence from across the European Union confirms that, just as in 2007, ethnic minorities continue to face discrimination within the housing market. Incomprehensive and ineffective legislation, poverty and prejudice by owners and tenants continue to be key factors leading to discrimination in this regard.

With the exception of some countries, data regarding housing of ethnic minorities is scarce and many reports rely on anecdotal efforts compiled by the various organisations and entities acting in support

of ethnic minorities. The EU Fundamental Rights Agency confirms this in stating that: "just as in the area of employment, complaints data collected by official or unofficial organisations cannot be said to reflect the real extent of discrimination in the area of housing"[37]. Despite these limitations, the available data indicates that discrimination in housing continued over the course of 2008.

A key concern expressed throughout many of the reports is the increased ghettoisation of foreigner and Roma communities in various European countries, including for instance in Ireland and Romania. Whether as a result of institutional decisions or practical realities (such as unemployment), this is leading to the creation of spatial segregation and socially excluded localities where communities are effectively denied access to basic services such as water and electricity. They also report difficulties in accessing quality education and healthcare. Moreover, such areas tend to be made up of buildings and facilities of lower standard.

In **Finland**, the Ministry of the Environment and RAY, the national slot machine association, financed KOTILO or **GASTROPOD** in English, a three-year pilot project aimed at developing good practices and models of living for immigrants and Finns. The overall aim of the project is to improve living arrangements for all inhabitants. Working with housing authorities, the project targets suburbs where there are significant numbers of both immigrants and Finns, and has trained mediators who work as cultural interpreters and negotiators to prevent conflict.

The use and conditions of detention in some Member States, including Spain and the Netherlands, and poor conditions in reception centres in others, continue to result in negative housing experiences for displaced persons in various Member States. Despite the fact that asylum seekers and especially those who have been granted some form of international protection are entitled to housing assistance under the provisions of the European asylum legislation and specifically the Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers (hereinafter the Reception Directive)[38],

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34 Total of 600 seasonal workers.

35 The research is quoted extensively in the ENAR Shadow Report 2008 for Italy.

36 See ENAR Shadow Report 2008 for Hungary, Page 11.

37 FRA Annual Report 2009, Page 40.

38 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF.

improper transposition and lack of implementation of these provisions results in a discrepancy in rights. This, coupled with restrictions on particular groups of persons from entering the labour market, results in greater difficulties in accessing private accommodation.

Affected by unemployment and poverty, ethnic minorities continue to be more likely to be homeless than majority populations. Moreover, ethnic minorities are more likely to live in overcrowded residences and in conditions likely to be detrimental to their health and general well-being. In Romania for instance, 48.4% of the Roma households allow less than 5.9 square meters per person as opposed to 8.41 for the majority population[39]. The same applies to migrants, especially seasonal workers and asylum seekers, who are seeking to save money in order to further their migration plans or to remit money back to their families, and attempt to cut costs by sharing accommodation. This reality has resulted in landowners being reluctant to rent to foreigners or asking higher prices. The MSF research regarding seasonal workers in Italy shows that 65% of seasonal workers live in abandoned buildings, 20% in rented houses (flats or rooms), and 10% in tents. In the village of Alcamo, in Sicily, 5% are even forced to sleep on the streets for lack of alternative accommodations[40].

Social housing is offered to ethnic minorities in a number of countries, provided that certain criteria are met. The Finnish report explains how social housing granted to asylum seekers in line with the requirements of the Reception Directive did not adequately cater for the needs of the larger Somali families[41].

In the **Netherlands**, the Bureau Discriminatiezaken Hollands Midden en Haaglanden (ADA region The Hague) launched a new **website providing information on discrimination in the neighbourhood**. It provides support on how to maintain a good relationship with one's neighbours and also advises on how to deal with a situation that has got out of hand. There is specific information about institutions, charities and NGOs available for several districts in and around The Hague.

Racism by property agents is also reported in a number of countries. The report from Spain indicates how according to a study by SOS Racismo, 80% of the real estate companies in Bilbao systematically refuse to rent apartments to migrants[42]. Agencies simply respond to the demands of owners and tenants who do not want migrant or ethnic minority tenants despite the fact that such behaviour amounts to direct discrimination and is in clear violation of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (hereinafter the Race Equality Directive)[43].

Limitations in the transposition of the Race Equality Directive have resulted in impact which falls short of what was anticipated. In Finland, for instance, the prohibition of discrimination in housing is restricted to public housing and a similar prohibition does not apply to the private rental market, despite the reality of discrimination in both public and private housing. The report from Cyprus indicates that discrimination between Cypriots and non-Cypriot EU nationals is allowed in law.

Moreover, specific requirements for migrants exist in various countries when it comes to purchasing property which can lead to disadvantage and the possibility of discrimination. Furthermore, difficulties in accessing loans and mortgages mean that ethnic minorities are less likely to be owners of property. Data from the UK, however, highlights how certain groups (most notably Indians) have a higher ownership rate than the majority population.

A link needs to be drawn here to the findings which are outlined in the previous section on employment and the next sections on healthcare and education. There is an intimate relationship between these four issues as unemployment leads to homelessness and ghettoisation which lead to a de facto exclusion from various services. Unemployment, poverty and social exclusion deny a person access to adequate accommodation.

NGOs have undertaken discrimination testing methods in order to assess the extent of discrimination in housing. In these scenarios, two comparable persons, whose main difference is their ethnic origin, seek to rent an apartment. The findings of such research highlight the extent of

39   See ENAR Shadow Report 2008 for Romania, Page 13.
40   As reported in the ENAR Shadow Report 2008 for Italy, Page 14.
41   See ENAR Shadow Report 2008 for Finland, Page 13.
42   See ENAR Shadow Report 2008 for Spain, Page 15.
43   Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML.

racial discrimination in housing. In Germany, for instance, Turkish test identities were twice more likely to be rejected than their German counterparts. In the same survey German test identities received 24% more approval for apartment viewings than Turkish test identities. The researcher noticed direct discrimination in 42 cases (8.7%) in which Turkish test identities were denied an appointment for the viewing while the German test identities immediately received an appointment for the viewing for the same adverts for apartment listings. Nevertheless, according to the survey, in 79% of the cases "equal treatment" was observed whereas in 19% of the cases, Turkish test identities were discriminated against[44]. Similar tests were carried out in various European countries.

3.3 Education

"Despite considerable effort at EU, national and local levels, it is an unfortunate reality that discrimination in European educational systems continues to be widespread, leading to education inequalities and considerably lower levels of educational attainment of migrants and minorities compared to the majority populations"[45]. Some indicators of racism in education include obstacles to access to quality education, both direct and indirect, discrimination in the allocation of places, a lower quality of education in areas more heavily populated by ethnic minorities, and cases of racially motivated incidents including verbal harassment, bullying and abuse. All of these can be found, to varying degrees, in various EU Member States as reported by the national Shadow Reports.

The link between education and discrimination is two-fold. Discrimination continues to be present within educational systems and establishments whilst, on the other hand, it can be used as a tool to combat and prevent discrimination as well as for the empowerment of potential victims and the integration of migrants into European societies.

As Europe's populations become more diverse, the European classroom is having to adapt to being composed of pupils of various ethnic backgrounds. This requires a greater deal of intercultural dialogue

even on the classroom level whilst teacher training aimed at preparing current or prospective teachers for the multicultural classroom remains missing or ineffective in various Member States.

Parents also have an impact in this regard. The Danish report quotes a researcher in explaining how Danish parents are not receptive to the information given to them that quality education does not suffer because of minority children and that they should attend school meetings to discuss issues[46]. Such parents are using a mechanism available in Danish law to move their children to schools with a lower number of minority students. This indirectly contributes to segregated schooling. Such segregation is also affected by the housing situation outlined above.

> In **Romania**, at the end of 2008, the project of Ethnic Relations Euro-regional Centre released a **teacher's book for the history of national minorities**. The book is meant to help history teachers in general and those who will be teaching the optional course which is hopefully going to be introduced in the curricula on the history of national minorities. The material was drafted by experts from the Ministry of Education and also from organisations of national minorities. It includes the history of the 19 national minorities recognised in Romania.

Racial harassment and bullying is also a relatively frequent occurrence in many countries with the report from Cyprus reporting how many of the persons responsible for the racist attack on a 15 year old were in fact young people under the age of 18. Such behaviour is likely to result in lower academic achievement and an overall negative experience of the educational system for ethnic minorities.

Education curricula that do not reflect diverse societies, and which teach only a version of history promoted by the majority population or references biased against some ethnic groups and promoting intolerance remains a serious concern. Some countries, such as Cyprus[47], identify an urgent need to revise curricula in order to ensure that human rights education is mainstreamed throughout the education system. Current textbooks and teacher trainings are organised in such a way as to promote an ethnocentric view of history and the world-at-large. This, in turn, fuels racist ideologies in the minds of local students and makes ethnic

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44   See ENAR Shadow Report 2008 for Germany, Page 13.
45   Comments of the European Network against Racism (ENAR) on the Green Paper Migration & Mobility: challenges and opportunities for EU education Systems (December 2008), available at: http://cms.horus.be/files/99935/MediaArchive/pdf/Consultation%20Response%20COM%20(2008)423%20FINAL.pdf.

46   See ENAR Shadow Report 2008 for Denmark, Page 18.
47   See ENAR Shadow Report 2008 for Cyprus, Page 22.

minority students less likely to integrate within the classroom and benefit from the education.

Some of the national reports, such those of Italy, Malta and Cyprus, identify the fact that integration initiatives within schools are often "voluntaristic" and unstructured meaning that good practices and the welcoming of newly arrived students are left to the good will and intentions of individual teachers or the specific school. Despite the acknowledgement of the crucial role that education plays in integration, this has not been reflected in any substantial way in obligations on schools to actively promote social cohesion and integration. Positive action measures seeking to allow equal access to education, including through the provision of language training remain very limited. There seems to be a general reluctance to promote education which accommodates language, culture, religion or is intercultural in nature.

Data regarding the attendance of ethnic minority children in schools is alarming. The latest report on Roma education in Lithuania indicates that most Roma children (69%) do not attend pre-school establishments or pre-school groups, and that participation in after school activities is uncommon among Roma. This makes it harder to acquire social skills that would contribute to adaptation at school. In Poland, around 50% of Roma children and 90% of children of refugees do not attend public schools[48].

The EU Fundamental Rights Agency reports how in some European countries, children of asylum seekers are not subject to compulsory education, whilst in others there is an obligation on schools to report the legal status of the parents, thereby hindering access to education for children of undocumented migrants who would fear deportation[49]. It also quotes other obstacles including discriminatory enrolment procedures and access testing, unavailability or inaccessibility of pre-school facilities and long distances to schools. These practical barriers have a clearly negative impact on ethnic minority children.

The situation of academic performance and attainment of ethnic minorities is also of concern. The report from the Netherlands quotes research by the Education Inspectorate to the effect that pupils from ethnic minorities in Dutch schools display lower performances than native Dutch pupils[50].

Schools with a high percentage of pupils from non-Western ethnic minorities often display a high percentage of failing students. Pupils from ethnic minorities are also more likely to leave school prematurely. There are various possible reasons for this, including issues of language, culture and commitment. Positive action measures such as extra language tuition can go a long way in helping overcome these obstacles.

Dutch education remains strongly segregated, especially in urban areas. This is partly due to segregation in housing, and partly as a result of the free choice of school for parents.

Another concern affecting migrants especially at a later stage in their careers is that of recognition of qualifications. As highlighted in the section on employment above, this often results in a situation where migrants face problems in finding work in line with their level of education. It also hinders their ability to pursue further education and training.

In **Cyprus**, the **Multicultural Care Centre for Nicosia's Children** is a free day care centre for children of migrant mothers, set up in July 2008. It provides care, food, play facilities and learning environments for children aged 5-12 whose mothers have a nationality other than Cypriot and who are permanent residents of Cyprus with work permits. The Centre's activities were jointly funded by the EU and Nicosia municipality. 20 mothers, including Russian, Congolese, Armenian, Iraqi, Romanian, Filipino and Georgian nationals, benefited from its services in 2008.

The **Nicosia Youth Polycentre**, though not specifically targeted at ethnic minority children, makes a point of outreach to migrant communities and "aim[s] to include all kinds of minority groups who live in Nicosia".

Another concern expressed in various national reports is the refusal by States to offer bilingual education even in areas where the so-called minority language is, in reality the majority language. Quoting language experts, the Danish report discusses how the Danish education system discriminates bilingual children by only focusing on what is missing in their Danish language skills and blaming this exclusively on their culture[51].

48 http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119098.htm, accessed 21 April 2009.
49 See FRA Annual Report 2009, Page 45.
50 See ENAR Shadow Report 2007 for the Netherlands, Page 19.
51 See ENAR Shadow Report 2007 for Denmark, Page 19.

In **Luxembourg**, the **Centre for Intercultural Information and Education** proposes educational projects to primary and secondary schools to raise awareness of diversity, with the aim of promoting dialogue. The Centre is managed by the Ministry of Education, the city of Luxembourg and the Organisation for the support of immigrant workers (ASTI).

A similar concern was noted in Latvia where the government failed to introduce mechanisms to monitor the effects of the language change in minority schools on the quality of education, educational achievements, drop-out rates or further educational or professional careers of pupils from these schools[52].

Education beyond the classroom is also important and can play a crucial role in integration. The EU Common Basic Principles on Integration[53] acknowledge that basic knowledge of the host society's language, history, and institutions is key to integration; and that enabling immigrants to acquire this basic knowledge is essential to successful integration[54]. Initiatives such as language training and cultural orientation have been organised throughout the European Union by various entities including local governments and civil society.

3.4 Health

International and European human rights law protects the right of everyone to healthcare; however in the European Union various groups continue to face discrimination and barriers in accessing this right. This applies especially to migrants and undocumented migrants in particular but also to Roma and other ethnic minority groups.

The EU Fundamental Rights Agency reports how "data for 2008, until September, show that only ten national or regional equality bodies (...) received complaints regarding discrimination in healthcare on grounds of racial or ethnic origin"[55] with the highest number being received in Sweden. The EU Midis research "shows that levels of perceived discrimination in

healthcare are generally low amongst migrants and minorities in the European Union"[56]. The report notes that Roma (17% - most notably in Greece (23%) and Poland (22%)) and North Africans (24%) in Italy were exceptions to these statistics. The indirect nature of the discrimination, the nationality exemption in EU anti-discrimination legislation and lack of awareness of rights might contribute to the relatively low number of complaints in this regard. Despite this, where statistics are available, they indicate that ethnic minorities have considerably lower health outcomes than the majority population[57].

In **Denmark**, since many among the older generation of ethnic minorities, especially women, have poor knowledge of Danish society and thus very little information about their health, Iman Ahmad who has worked for many years with women's integration started a training course with the project **Partnership on Amager.** The initiative is used to educate minorities as Health Ambassadors for their communities. Women learn basic information about illnesses such as diabetes and how they can prevent diseases. The course is in different minority languages and is eight weeks long. Until now, Iman Ahmad has trained 60 women and given them certificates.

There is a strong inter-relation between employment and access to healthcare, and therefore, ethnic minorities who find it hard to find regular and stable employment due to discrimination in the labour market, will also face difficulties in accessing quality healthcare. The report from Lithuania, for instance, reports how according to the Law on Health Insurance, persons who do not pay mandatory social insurance payments cannot apply for free health care services. In case of illness, people who are not insured through the obligatory social insurance can only expect free services for first aid[58]. Considering that the Roma community is affected by very high levels of unemployment, it is clear that they have very limited access to health services.

The Romanian report highlights how the vicious cycle of poverty and exclusion in which Roma are caught has direct consequences on their health status[59]. The specific problems combine access issues with poverty related illnesses, resulting in a

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52   See ENAR Shadow Report 2007 for Latvia, Page 16.
53   The EU Common Basic Principles were adopted by the EU Justice and Home Affairs Council of November 2004. Until today, they form the basis of the European understanding of integration despite not being formally binding on states. See http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf.
54   See in particular Common Basic Principle No. 4.
55   EU Fundamental Rights Agency, Annual Report 2009, Page 52.

56   EU Fundamental Rights Agency, Annual Report 2009, Page 55.
57   See, for instance, ENAR Shadow Report 2007 for the UK, Page 17.
58   See ENAR Shadow Report 2008 for Lithuania, Page 17.
59   See ENAR Shadow Report 2008 for Romania, Page 18.

proven ten year lower life expectancy[60]. This is the reality lived by the Roma as well as other ethnic minorities across Europe and is not restricted only to Romania.

Another key problem is the fact that lack of proper documentation affects undocumented migrants and Roma alike. The Hungarian report notes that despite a legal provision for all persons regardless of citizenship to acquire treatment in case of an emergency, common practice is very different and migrants are often left untreated[61].

Language barriers are listed in virtually all reports as the key problem leading to the exclusion of ethnic minorities from accessing healthcare even when they have a right thereto. Lack of knowledge of entitlements is another critical point in this regard, whilst administrative delays in giving health cards and similar papers can also result in difficulties for ethnic minorities in accessing their rights.

> In **Germany**, the so called **"MiMi" Project** aims to train committed persons with a migrant background to become inter-cultural healthcare mediators. These people who will be instructed at the Ethno-Medical Centre, Hannover, will be appointed to improve the health provision of families with a migrant background. The trained mediators have the responsibility to pass on their knowledge in their communities through offering courses on healthcare. Therefore the training contains facilitation techniques and course planning. The "Three-Generation-Project" is a significant milestone in improving the healthcare and health awareness of migrants as basic attitudes concerning health and elementary knowledge on health are passed on from grandparents and parents to the children.

The specific situation of particular groups of migrants is highlighted in various reports. The mental health situation of asylum seekers and the virtual impossibility of seasonal workers to access healthcare in Italy are but two such examples. A serious health related concern was raised in the Czech report, which made reference to cases of coerced sterilisation of Roma women. Despite the outcry by various international entities, the Czech government has failed to take a serious position on the matter. Various countries,

such as Italy, have adopted measures and guidelines to provide assistance to persons who have undergone Female Genital Mutilation, as well as to prevent the practice from being carried out within the country or whilst the person goes back to her country of origin for holidays.

> In **Italy**, the **"Health without exclusion" campaign** aims to improve access to health services and promote health education with the Roma and Sinti population living in camps in Rome. The main objective is to bring health institutions closer to Roma and Sinti living in camps, through a specific activity of mentorship for the correct use of health services and training of social and health officials.

The need to develop multicultural health strategies and train health workers in cross-cultural communication, including through the provision of professional translation and interpretation services is highlighted throughout many of the national Shadow Reports. The lack of knowledge among health practitioners about diseases that have a higher incidence among people from specific ethnic minorities threatens the quality of care for this group. Such an intercultural health strategy[62] was launched in February 2008 in Ireland, and the development was welcomed by organisations supporting ethnic minorities[63].

3.5 Policing and ethnic profiling

There appears to be widespread distrust in police and other authorities by ethnic minorities across Europe. Ethnic profiling is reported in a number of national reports from various parts of Europe, and is identified as common not only by ordinary police but more so by border guards and similar entities as reported by, amongst others, the Danish report[64].

Ethnic profiling can be defined as "the use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities"[65]. The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective

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60 European Parliament, Motion for a European Parliament Reso-
    lution on the social situation of the Roma and improving their
    access to the labour market in the EU, 28.01.2009 available at:
    http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//
    EP//TEXT+REPORT+A6-2009-0038+0+DOC+XML+V0//
    EN#title2, accessed 7 May 2009.
61 See ENAR Shadow Report 2008 for Hungary, Page 20.

62 See "National Intercultural Health Strategy, 21 February 2008",
    available at http://www.healthfacts.ie/latest-news.html, ac-
    cessed 17 April 2009.
63 See ENAR Shadow Report 2008 for Ireland, Page 19.
64 See ENAR Shadow Report 2008 for Denmark, Page 23.
65 Working definition adopted by ECRI in its General Policy Rec-
    ommendation Number 11 on Combating Racism and Racial
    Discrimination in Policing.

evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity"[66].

Unjustified use of police powers based on ethnic profiling was reported in a number of EU Member States, most notably Bulgaria, Cyprus and Italy[67]. In some countries, positive developments were noted, especially with regard to certain ethnic minorities whilst other groups continued to be adversely affected by the phenomenon. In Bulgaria, for instance, the situation got better with regard to Turks but remained as bad or took a turn for the worse with regard to Roma[68].

Ethnic profiling was also noted in other countries within, for instance, employment regulations' compliance enforcement whereby people of ethnic minority backgrounds are more likely to be asked to present work permits than others. This was reported in Cyprus where a distinction is made between Greek and Turkish Cypriots[69].

> In **Malta,** upon the request of the Police Academy, the National Commission for the Promotion of Equality (NCPE) organised a **training and awareness raising session on race and xenophobia for their new police recruits**. This training takes place every year and is now an integral part of the training offered to all new police recruits. These training sessions include an overview of legislation related to anti-discrimination with regard to race, an explanation of NCPE's remit and a group discussion regarding xenophobia and racism.

The statistics emanating from the Italian joint patrols launched in 2008 are quite telling. One Italian out of every 1 550 has been checked and one foreign person for every 300[70]. The disproportionate impact on ethnic minorities is a clear indication that race, whether directly or indirectly, plays an important part in the enforcement of such measures.

Many national reports highlight the difficulty in assessing the extent to which ethnic profiling is practiced in the Member States. This is often due to the fact that no complaints are filed. This, in turn, might be the result of a lack of trust by ethnic minorities in the complaints mechanisms which exist. In the UK[71], data indicates that people of ethnic minority background are still overrepresented in all areas of the criminal justice system. Black people are eight times more likely and Asian people two times more likely to be stopped and searched by the police than white people[72]. In recorded 1 035 438 stop and searches by the police in 2007/08, 17% of the people were Black, 8% were Asian and 2% were of other ethnic origin. Black people are also two and a half times more likely to be questioned by the police than white people[73]. Research carried out by the Open Society Institute[74] indicates that "evidence from countries across the European Union shows that police routinely use generalisations about ethnicity, religion, race, or national origin in deciding whom to target for identity checks, stops, and searches. Contemporary concerns about terrorism underlie a rising interest in ethnic profiling in Europe, which many see as an effective way to identify terrorist suspects"[75].

Another key concern regarding policing, which was also outlined in the 2007 report, is that incidents in which the victims were of ethnic minority background were not thoroughly investigated by police officers. The Czech report outlined that a case of racially motivated arson, which could have put the lives of some 30 people at serious risk, was investigated by the police as a misdemeanour[76]. The racial motivation in these offences is rarely investigated despite the fact that national legislative frameworks often make racial motivation an aggravating circumstance for some of these offences[77]. Similar issues are reported in Estonia, whilst the Finnish report highlights how immigrants feel that the police, together with the justice system, lack the motivation and resolve to investigate and act on racist offences[78].

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66   Open Society Institute, Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory (hereinafter OSI report), 2009, Page 19.
67   See relevant national Shadow Reports for more details.
68   See ENAR Shadow Report 2008 for Bulgaria, Page 16.
69   See ENAR Shadow Report 2008 for Cyprus, Page 28.
70   See ENAR Shadow Report 2008 for Italy, Page 20 or Righetti, Chiara 2008 "Controlli, a Roma e Milano oltre il 50% è sugli stranieri", http://temi.repubblica.it/metropoli-online/controlli-a-roma-e-milano-oltre-il-50-e-sugli-stranieri/, accessed 5 June 2009.
71   See ENAR Shadow Report 2008 for the UK, Page 19.
72   Riley, James, Cassidy, Davnet and Becker, Jane. Statistics on Race and the Criminal Justice System 2007/08, (n.p.: Ministry of Justice, 2009), page 28.
73   Bennetto, Jason. Police and racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report (London: EHRC, 2009), page 21.
74   Open Society Institute, Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory, 2009.
75   Ibid. Page 8.
76   See ENAR Shadow Report 2008 for the Czech Republic, Page 19.
77   Refer to the Law and Policy section regarding the Framework Decision on Racism as a Crime adopted by the European Union in 2008.
78   Annual Report of the Ombudsman for Minorities 2008, p. 21, as reported in the ENAR Shadow Report 2008 for Finland, Page 21.

A distinction is drawn in a number of reports between a legislative framework which is often considered as satisfactory, and common practice which often falls well below expectations. Moreover, enforcement mechanisms remain limited or weak with, for instance, the Cypriot report highlighting how "no mechanisms are in place to monitor volume of complaints of racist behaviour by police, and no other metrics are in place to ensure or even monitor compliance with official rules"[79]. The Danish report quotes Amnesty International in stating that "the Danish police complaints system does not live up to international human rights standards"[80]. In a number of countries, ethnic minorities pressed charges against police officers for illegal treatment or actions, and this, in some cases, led to convictions with serious consequences for the officers involved.

The reaction of complaints bodies and ombudsmen to reports of discrimination by police varied between Member States. In some, these are taken very seriously, whilst in others complaints were either thrown out or sidelined, reflecting a reluctance to treat cases as ones of discrimination leading to de facto impunity for alleged perpetrators.

> In **Ireland**, a number of NGOs are supporting An Garda Síochána through the provision of **training on issues relating to trafficking**. NGOs providing the training include Ruhama - an organisation which amongst other activities, offers support to women working in the sex industry - and Migrant Rights Centre Ireland who have an expertise in the area of trafficking for forced labour[81].

Ethnic minorities are also disproportionately subject to excessive use of force and violence by the police. In Romania, incidents are reported to have included beatings, abusive arrests and evacuations as well as descending upon Roma houses[82]. A dramatic and emblematic episode took place in Bussolengo, near Verona, Italy where three Roma Italian families were taken away from a parking lot where they were temporarily stopped, and forced to go to the police station, and were subjected to violence for over six hours. In addition to beating and offending the adults,

the Carabinieri (Italian Police) also used force with the children. A child was beaten losing three teeth whilst another was kept with his head under the water for a long time. The episode was reported by an organisation that subsequently supported the families in reporting to judicial authorities.[83] Cases of police brutality against racial minorities have also made their way to the European Court of Human Rights[84].

In the UK, 8 of the 25 people who died in police custody in 2008 were from an ethnic minority group[85]. Cyprus reported how NGOs working for the support of ethnic minorities where themselves targeted for unfair treatment by the police especially when organising or participating in demonstrations[86].

Even in countries where ethnic profiling is not considered to be a major issue, there is a public perception that ethnic minorities are collectively responsible for the majority of crimes and disorders. This stereotyping is promoted by biased media coverage and negative public discourse, as highlighted in other parts of this report. Such bias often permeates into police forces, who find themselves reflecting the prejudices of their community rather than seeking to investigate crime and protect all those under their remit. These prejudiced attitudes are reportedly resulting in unwillingness by young members of ethnic groups to join police forces. This may lead to a lack of representation of ethnic minorities in police forces, a representation which is seen in a number of reports as leading to improvements in the existing situation.

Religious profiling is another issue of concern, one often directly linked to the question of security and counter-terrorism. The report from Estonia, for instance, highlights how in cases where there is a conflict with other persons or authorities, Muslims are as a rule immediately treated as guilty without any prior investigation[87]. The German report notes how "discourses on Muslims in public, political and academic fields are determined by security concerns and religiously motivated terrorism"[88].

The reality of policing in most European countries is therefore one which is criminalising ethnic

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79 See ENAR Shadow Report 2008 for Cyprus, Page 27.
80 See http://www.amnesty.dk/default.asp?mode=newsletter& page=1031&lang=da as reported in the ENAR Shadow Report 2008 for Denmark, Page 22.
81 While this is a very positive development, it should be noted that the Irish Human Rights Commission has called for more resources and training of Gardaí to support victims of trafficking.
82 See ENAR Shadow Report 2008 for Romania, Page 42.
83 See ENAR Shadow Report 2008 for Italy, Page 20.
84 See, for instance, European Court for Human Rights, Stoica v. Romania, Application No. 42722/02 as reported in the ENAR Shadow Report 2008 for Romania, Page 21.
85 INQUEST, Deaths in Police Custody: http://www.inquest.org. uk/, as reported in the ENAR Shadow Report 2008 for the UK, Page 20.
86 See ENAR Shadow Report 2008 for Cyprus, Page 30.
87 See ENAR Shadow Report 2008 for Estonia, Page 18.
88 See ENAR Shadow Report 2008 for Germany, Page 18.

minorities through ethnic profiling, failing to adequately address racist violence and crime, leading to a situation of lack of trust between the police and ethnic minority groups. Ethnic profiling by police forces remains an area on which reliable data is largely lacking in almost all European countries. Such data, the collection of which has been known to, in itself, prompt a revision of certain discriminatory practices, is required if adequate measures are to be put in place.

On a positive note, a number of national reports highlighted encouraging developments in the training of police officers. A key suggestion remained that of having ongoing training and controls over the exercise of police discretion. The role of NGOs and equality bodies in this regard, as well as greater communication between police forces and communities are to be encouraged. Initiatives such as those taken by the OSI Justice Initiative are commendable, as are trainings offered at national level as those by the National Commission for the Promotion of Equality in Malta and Migration and Citizenship Research Initiative in Ireland[89]. The Codes of Ethics of police forces are another important tool. Many of these reportedly make clear mention of anti-discrimination; it is however important that there should be mechanisms in place to ensure that these provisions go beyond the mere mention in the documents and effectively provide an equal police service to all irrespective of ethnic background.

> The project "**Combating hate crime in Latvia and the Czech Republic: legislation, police practice and the role of NGOs**" led to awareness raising and improvement of police capacity in the Latvian capital Riga in identifying and investigating hate crimes, and strengthening NGO and police cooperation in Latvia. The project was implemented by the **Latvian Centre for Human Rights** and included mutual exchange study visits for Latvian and Czech police and NGO representatives, the publication of papers on legislative developments and police practices concerning hate crimes in Latvia and the Czech Republic, as well as national seminars and international conferences in both countries.

3.6 Racist violence and crime

Just as in previous years, rising extremism and the increase in cases of racial violence and hate crime

remain of serious concern throughout the European Union. Amongst the victims are migrants, Roma communities and religious minorities, most notably Jewish and Muslim communities.

> **Leap** is a charity in the **UK** that specialises in conflict resolution and young people. Leap's Peer Educators and Trainee Youth Workers can focus on a range of topics, one being identity and belonging. This training aims to help young people lower racial intolerance to prevent racist violence among the young people they will work with. One method is through a short workshop on the theme of conflict and identities, where they help young people develop the skills and confidence to have "dangerous conversations" in "safe spaces". Leap also offers certified training and development for adult frontline professionals working with young people aged 11 to 21 years to prevent racist violence. The activities are based in London, Yorkshire and Scotland, but Leap responds to requests from across the UK.

It remains unclear whether a common definition of hate crimes can indeed be developed as states continue, as reported by Sweden, to discuss their own definitions, in order to ensure that the main victim groups are adequately covered. A working definition which takes these national differences into account is that developed by OSCE's Office for Democratic Institutions and Human Rights which is "any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership with a group (...) a group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor"[90].

The interpretation and application of legal provisions making racial motivation an aggravating circumstance seems to remain an issue as States, and prosecuting authorities, seem reluctant to use these terms. The FRA reports how it continues to receive reports "of Member States' failure to properly acknowledge and respond to racist crime"[91].

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89 See ENAR Shadow Report 2008 for Malta and Ireland respectively.

90 See Hate Crimes in the OSCE Region: Incidents and Responses, Annual Report for 2006, available at: www.osce.org/odihr.

91 See EU Fundamental Rights Agency, Annual Report 2009, Page 32.

Even in countries like France that have in previous years reported a decrease in racial violence, 2008 marked a reversal of these trends. The institutional response to these incidents varied considerably between Member States; however a number of reports, including for instance the Spanish report, highlight how not enough is being done to combat this type of behaviour and support/assist victims[92]. The FRA comments that racist crime against minorities in Europe continued to be "under-reported, under-recorded and under-prosecuted".[93]

Another growing concern is the reluctance by ethnic minorities to report cases of racial harassment and violence. This may be due to ethnic minorities' mistrust of the police forces and the strong belief that nothing can or will be done to find those responsible and bring them to justice. Such lack of reporting means that it is very difficult for reliable statistics to be compiled. It is interesting to note in this regard that only twelve EU Member States are now recognised by the FRA as collecting sufficiently robust justice data on racist violence and crime to allow for a trend analysis of the problem[94]. The FRA, similarly to ENAR, finds that in most Member States where data is available, there has been an upward trend with regard to racial violence and crime.

The initial findings of the EU Midis research[95] carried out for the FRA puts forward worrying statistics. 18% of Roma and Sub-Saharan Africans interviewed in the research reported having fallen victim of assault, threats or harassment in the past 12 months that they consider to have been racially motivated. 9% of North African, 8% of Turks, and 7% of Central and Eastern European people and 5% of Russians also gave the same response[96].

In Hungary, the **International Law Research and Human Rights Centre** continues to provide legal counselling to victims of racist violence.

The **Hungarian Helsinki Committee** also provides free legal assistance to those whose human rights have been violated.

The report from Spain reports dozens of xenophobic manifestations and demonstrations by ultra right wing and neo fascist groups in various Spanish

cities[97] whilst attacks targeting the Roma, Jews, people of colour and LGBT persons orchestrated by similar groups were also reported in Hungary[98]. Some of the most notorious expressions of racism in Lithuania[99] took place in spring 2008. On 11th of March (National Independence Day) a group of approximately 200 right wing extremists marched in the central avenue of the capital Vilnius, shouting racist slogans aimed at Jews and Russians[100]. The police did not attempt to halt the marching and passively observed the manifestation of hatred[101]. The publication of videos of the march raised public outrage and high media coverage. Only after three days of silence did police officials make statements about launching a criminal investigation[102]. In Finland, racist crimes included discrimination, defamation of character, unlawful threats and destruction of property[103]. According to the report, most of the crimes are concentrated in areas with large populations of migrants such as southern Finland[104].

In the **Czech Republic**, the Czech Helsinki Committee held a **round table** on the topic **"Internet Hate and the Boundaries of Freedom of Speech"**. The committee also addressed the then US Secretary of State Dr. Condoleezza Rice, informing her that Czech and other European neo-Nazi websites are registered in the USA and emphasising both their dangerous potential and the legal violations they are currently committing.

The suspected kidnapping of a child by a Roma girl sparked off severe cases of violence in Italy with Roma camps in Ponticelli (Naples) being assaulted with Molotov cocktails and fire, and finally being cleared out, starting off a series of aggressions on Roma and Romanian people. In September, a young man from Ghana was arrested by the

92 See ENAR Shadow Report 2008 for Spain, Page 19.
93 Ibid. Page 29.
94 Ibid. Page 113.
95 As reported in the Fundamental Rights Agency Annual Report 2009.
96 See FRA Annual Report 2009, Page 30.

97 See ENAR Shadow Report 2008 for Spain, Page 18.
98 See ENAR Shadow Report 2008 for Hungary, Page 24.
99 As outlined in the ENAR Shadow Report 2008 for Lithuania, Page 19.
100 Pileckas Lukas, Vilniuje - fašistų maršas, Lietuvos Rytas, 12 March 2008, http://www.lrytas.lt/-12052536261202971831-p1-Lietuvos-diena-Vilniuje-fa%C5%A1ist%C5%B3-mar%C5%A1as-nuotraukos-video.htm, accessed 4 May 2009.
101 Jackevičius Mindaugas, Šėlstantys „skinai" policijos nedom-ino, Delfi, 12 March 2008, http://www.delfi.lt/news/daily/lithuania/article.php?id=16279078, accessed 4 May 2009.
102 Praėjus 3 dienom po skustagalvių eitynių atsibudo ir Vilniaus policija, Lrytas.lt, http://www.lrytas.lt/-12054110571203163702-p1-Lietuvos-diena-Pra%C4%97jus-3-dienoms-po-skustagalvi%C5%B3-mar%C5%A1o-atsibudo-ir-Vilniaus-policija-2-video.htm, accessed 4 May 2009.
103 Joronen, Mikko Poliisin tietoon tullut rikollisuus Suomessa 2007. Poliisiammattikorkeakoulun raportteja 72/2008, page 27.
104 See ENAR Shadow Report 2008 for Finland, Page 21.

Municipal Police of Parma and taken to the police station, where he was beaten up and abused with racist insults[105]. Such aggression by the police is also noted by the FRA which states that there are "continuing reports of police violence against visible minorities" quoting Amnesty International reports relating to Greece and Spain in this regard[106].

3.7 Access to goods and services in the public and private sectors

In different countries, and to varying degrees, different categories of ethnic minorities face difficulties in accessing goods and services. Whilst there is strong anecdotal evidence of this across the European Union, the real extent of the problem is very difficult to measure as the vast majority of cases go unreported. The Race Equality Directive prohibits discrimination in the provisions of goods and services on the ground of race, although similar provisions linked to the ground of religion are not yet in place. Even if the Directive puts forward such a prohibition, this is not evenly applied throughout the Member States of the European Union as some, for instance, exclude private providers from the prohibition. Cross-cutting issues include the provision of accessible information, exemptions within equality legislation and adequacy of penalties and redress. The national Shadow Reports indicate that Roma and migrants are amongst the most vulnerable to racism in these areas.

In **Ireland**, "Integrating Ireland" worked around the country to inform and work with member groups and their members about the local and EU elections in 2009. They launched a website, **www.ivote.ie** which allowed them to post relevant information materials that they received from organisations and members that were of use to other members in informing and mobilising their communities to participate.

Language barriers often result in migrants and other ethnic minorities not being able to go through the bureaucratic processes in order to benefit from services to which they are entitled. Moreover, they are very often in a position of information deficit meaning that they are not fully aware of their rights and the procedures which need to be undertaken in order to actualise those entitlements. The Irish report, for instance, notes how a research report commissioned by the Immigrant Council of Ireland on experiences of

Chinese, Indian, Lithuanian and Nigerian communities found that a lack of information and language awareness limited access to services including private services such as looking for a house and setting up a bank account[107]. The particular nationality of a migrant, including whether he comes from within or from outside the EU, has little impact on the ability to overcome these difficulties. In this regard, positive action measures should be taken in order to help ethnic minorities overcome these hurdles. Such measures could include the provision of information manuals in different languages, translation of core application forms and assistance with the filling in of such forms.

Problems have been reported with regard to services offered by financial institutions. In Germany, rating and ranking systems, as well as specific documentation requirements, are reported to be the causes of exclusion of certain groups of people, most notably refugees, from accessing financial services[108]. Furthermore, the Finnish report mentions the insurance industry as particularly problematic[109].

A number of incidents were also recorded in the area of transportation including bus and taxi services, whilst places of entertainment remain a key concern. In reflecting almost all national reports, the Danish report highlights how the most persistent and obvious discrimination is in the leisure industry, especially in night clubs and discotheques[110]. Ethnic minorities are often refused entry to places of entertainment, as the prohibition of such discrimination as included in the Race Equality Directive often goes unenforced. Moreover, a number of reports, such as Sweden and Romania[111], highlight how, when enforced, the sanctions imposed are too low to leave any impact on the service providers.

Another service area which has been considered susceptible to discrimination is the telephony sector. In the Netherlands, a mobile telephone provider was found to have acted in violation of the Equal Treatment Act by refusing services to a woman of Indonesian origin, on the basis that she could not show

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105 For more information about both these incidents, see ENAR Shadow Report 2008 for Italy, Page 22.
106 FRA Annual Report 2009, Page 32.

107 Immigrant Council of Ireland, Getting On, p. 75, available at http://www.immigrantcouncil.ie/images/5115_gettingon.pdf, as reported in the ENAR Shadow Report 2008 for Ireland, Page 26.
108 See ENAR Shadow Report 2008 for Germany, Page 20.
109 See ENAR Shadow Report 2008 for Finland, Page 23.
110 See ENAR Shadow Report 2008 for Denmark, Page 27.
111 For instance an internet cafe was fined 150 Euros for a sign stating that Roma were not allowed into the shop.

a residence permit. The equality body, in this case, considered that the procedure which describes the exemptions for not possessing a residence document was so unclear that indirect discrimination based on nationality could be established[112]. In Finland, mobile phone operators charge different deposit amounts for immigrant and native customers who want to purchase a phone line[113].

A number of national reports highlight positive developments in terms of cases being brought forward on discrimination, both before the various equality bodies and tribunals as well as before the courts. The report from Bulgaria, for instance, reports improvements which it attributes to strategic litigation in the field of anti-discrimination undertaken by NGOs.

In **Poland**, the **"Otwarta Rzeczpospolita"** association is making a permanent test of effectiveness of Polish law and justice institutions in the fight against anti-Semitism, xenophobia and discrimination and takes intervention actions asking the competent authorities and institutions about certain incidents of anti-Semitic, racist, xenophobic, and other forms of discrimination.

3.8 Media, including the internet

The impact of the media on public perception is undeniable and can make or break any attempt to positively influence people against discrimination and racism.

The national Shadow Reports indicate that ethnic minorities are negatively depicted in the media, whether they are closely associated with crime or criminal activities or as the subject of humour. A common thread across Europe seems to be that identified by the Greek report which highlights how the media often presents the negative facets without ever highlighting the valuable contributions that ethnic minorities make to the communities and countries in which they live. The use of alarmist terminology and persistent bias in reporting is likely to lead to greater racism and xenophobia. Of specific concern is the mention of a person's ethnicity or national background when reporting cases of crime.

Ethnic minorities seem to be sceptical of media coverage, believing that the portrayal of their group

is prejudiced, as confirmed by research carried out in the Netherlands[114], although the concern is persistent throughout the reporting countries' national reports.

Civil society organisations acknowledge the potential role of the media in anti-racism campaigning, but complain that a lack of resources results in such means often being difficult, if not impossible to access. Engagement by media agencies in anti-racist campaigning should be promoted.

Racism in the media can come from two areas. The first is an editorially generated bias, whereby certain newspapers purposely adopt stances likely to lead to racism and xenophobia. Commenting on the situation in Italy for instance, the Committee for the Elimination of Racial Discrimination stressed that the media had a crucial role in the spreading of stereotypes against Roma and transmitted the hate campaign initiated by some political parties, especially on occasion of the approval of the so-called "security package"[115]. The second source, which is even more difficult to regulate can be described as "user generated" - referring to cases where racist sentiments are generated mainly by the readers and listeners through phone-ins, letters to the editors and other similar means.

There is therefore a growing need around Europe to encourage the "media to have a positive role in combating prejudice and negative stereotypes" and to "adopt all necessary measures to combat racism in the media"[116]. In this regard, engagement by civil society organisations with the media, specifically through the provision of up to date and accurate information and training is to be encouraged.

In **Bulgaria**, the **Roma Information Agency "Defacto"** submitted a complaint to the Commission for Protection against Discrimination regarding discrimination in the media. The commission ruled that in this situation the Bulgarian National Television discriminated the Roma community and intentionally used hate speech so that it could provoke public reaction against the whole Roma community.

This is not to say that all media is negative or biased. In fact, a number of reports, including Malta and Denmark, have highlighted that groups

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112 *Equal Treatment Commission, 18.12.2008, opinion no. 2008-156.*

113 *Annual Report of the Ombudsman for Minorities 2008, p. 12.*

114 *See ENAR Shadow Report for the Netherlands, Page 29.*

115 *See ENAR Shadow Report for Italy, Page 26.*

116 *UN CERD, Consideration of reports submitted by states parties under article 9 of the convention. Concluding observations of the Committee on the Elimination of Racial Discrimination - Italy, March 2008, available at: http://www2.ohchr. org/english/bodies/cerd/docs/co/CERD-C-ITA-CO-15.pdf, accessed 12 September 2008.*

of journalists are emerging who are pushing for unbiased and substantiated reporting.

With regard to the question of asylum, a trend in European media has been that it made little effort to provide fair and accurate reporting, especially regarding the reasons for which persons seek protection in Europe. Moreover, a confusion of terminology continues to prevail as awareness of the relevant issues by journalists and editors lacks.

Around Europe, it seems that ethnic minorities are under-represented in mainstream media and only over-represented when it comes to reporting of crime and misdemeanour. The constant reference to a person's nationality or ethnic background in this context is of concern. The UK report for instance notes how although the number of people from ethnic minority background working in media is increasing they feel under-represented or misrepresented on television, radio and the printed press[117]. The same applies to other countries. A number of reports highlighted how migrants and members of ethnic minorities are not often seen as primary sources of information, but only as secondary sources. Similarly, for instance, the report from Greece noted how NGOs and specifically human rights NGOs are often invited to the media in a very minor role, and depicted as enemies of the countries, promoting something which is against the interest of the state[118].

The use of the internet for the propagation of racist and neo-fascist and neo-nazi propaganda is a growing concern in most European countries. Marked with a clear difficulty of legislation enforcement, the internet has been used by extremist groups in order to push forward material which would otherwise be illegal. The report from Luxembourg notes how difficulties have arisen

as many of the websites responsible for the propagation of racist material and ideologies are hosted in the United States, making them difficult to prosecute[119].

Conversely, NGOs have found the internet, including new media sites including Facebook and blogging, to be cost-effective ways of making their message known. Internet advocacy, through the promotion of online petitions as well as news servers, have all been used by NGOs.

It is common in most EU Member States for press committees to have guidelines, of various forms, that prohibit discrimination and promote equality. The strength of these guidelines varies, with some being enforceable and others not. In general, however, they provide positive impetus for journalists to adapt their writing to ways which seek to avoid the spreading of xenophobic or racist material. Media self-regulation in this regard should be encouraged.

On a positive note, the development of community media and the use of the internet to bring together communities in Europe have been seen as positive developments. Websites have also been used as a tool for bringing migrants into contact with each other and by governments in order to carry out relevant consultations.

In **Sweden** the **National Association of Afro Swedes** (Afrosvenskarnas Riksförbund) continued to provide teaching tools against racism, through the internet site Get Educated. The site provides, among other things, information, new reports and research on racism and ethnic discrimination that are deemed relevant for teachers as well as definitions, practice and discussion exercises for students around particular themes (media, the development of the idea of race, prejudice).

117 "Reflecting our society", Guardian News and Media Sustainability Report, 2008.
118 See ENAR Shadow Report for Greece, Page 17.
119 See ENAR Shadow Report for Luxembourg, Page 23 (in French).

4. Political and legal context

2008 saw a number of important political and legislative developments both at EU and national levels. The adoption of the European Pact on Immigration and Asylum and the presentation of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (outside of employment) remain the two most important developments of the year. In this section, these will be outlined, divided into developments linked to anti-discrimination, migration and integration and criminal justice. An NGO perspective on these developments will be provided.

The EU's legislative framework in this regard enjoys widespread support, and important developments at national level can be attributed to the European level. The adoption of key anti-discrimination legislation is one example of this. Yet even when law is in place, the effective transposition and enforcement of the legislation can have serious implications on its effectiveness.

The Eurobarometer survey on anti-discrimination[120] highlighted a split in findings as to whether sufficient measures are being taken at the Member State level to combat the various forms of discrimination, with 47% giving an affirmative answer to this question and 48% expressing the opposite view. The ENAR national Shadow Reports indicate that despite legislation and efforts in various Member States discrimination remains a reality in the lives of ethnic and religious minorities, and that in many cases existing legislation is proving inadequate to ensure effective equality for all. The EB survey found that the majority of Europeans support further anti-discrimination legislation, with 77% backing measures to protect people from discrimination in education and 68% in access to goods and services. Moreover, the general Eurobarometer No. 68, published in May 2008, found that 74% of Europeans support the idea of a common immigration policy towards people from outside the European Union.

4.1 Anti-discrimination

An impact assessment carried out by the European Commission[121] at the beginning of 2008 confirmed the findings of the ENAR Shadow Reports that discrimination continues to persist in every country of the European Union and that existing legislation has not proven sufficient to stop such discrimination. The impact assessment defined three core objectives for European efforts in this field, namely: to increase protection from discrimination, to ensure legal certainty for economic operators and potential victims across the Member States, and to enhance social inclusion and promote full participation of all groups in society and the economy.

On the 2nd of July 2008, within the context of the renewed social agenda package[122], the European Commission put forward proposals aimed at "adapting the EU's policies to new social realities". The package included the highly debated proposal for a directive[123] which provides for protection from discrimination on the grounds of age, disability, sexual orientation and religion or belief beyond the workplace. The proposal supplements the existing legislative framework under which the prohibition is restricted to employment, occupation and vocational training. The first part of the year was marred by doubts as to whether the proposal would result in a horizontal directive covering the various grounds, or one covering only disability.

The scope of the proposed Directive[124] which is restricted to such areas falling within the competence of the Community[125], applies to both the public and private sectors[126] and in relation to social protection, inclusion, social security

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120 Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes, July 2008 available at: http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf hereinafter referred to as EB Survey.

121 Commission Staff working documents accompanying the Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, Summary of the Impact Assessment; {COM(2008) 426 final}{SEC(2008) 2180} available at: http://ec.europa.eu/social/BlobServlet?docId=478&langId=en.

122 See for instance:http://ec.europa.eu/social/main.jsp?catId=89&langId=en&newsId=376&furtherNews=yes.

123 Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation {SEC(2008) 2180} {SEC(2008) 2181} Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:DKEY=473800:EN:NOT.

124 As set out in in Article 3 of the proposal.

125 Therefore excluding from the remit of the directive discrimination in areas currently falling within the second and third pillars.

126 Including public bodies.

and healthcare, social advantages, education and access to and supply of goods and other services which are available to the public, including housing. Discrimination in access to goods and services is only prohibited when being done in a professional or commercial capacity. Amongst the exceptions, one finds differences in treatment in access to educational institutions based on religion or belief, and that "the directive is without prejudice to national legislation ensuring secularisation"[127]. The nationality exemption found in the Race Equality Directives is also found in this proposal. In line with existing anti-discrimination legislation, the proposal also makes provision for issues such as the shift of the burden of proof, victimisation, dialogue with stakeholders and the setting up of equality bodies.

The proposal establishes minimum standards[128] and also includes a non-regression clause[129]. It makes provisions for judicial and/or administrative procedures to be put in place for the enforcement of the relevant obligations and a role for interested entities including associations and organisations to engage in such procedures on behalf or in support of the complainant. Equality bodies have the role of providing independent assistance to victims of discrimination in pursuing their complaints before the relevant judicial bodies.

The Shadow Reports indicate that Member States have all, to various degrees and with different scopes, adopted legal measures to combat discrimination on race or ethnic origin and religion. In many countries the scope of the legislation is limited to the minimum requirements established in EU legislation (that is, limited to employment for the ground of religion and extending to the provision of goods and services for race), in others even below (for instance in some countries, private actors are excluded from the scope of the directive), whilst in some countries, including for instance Bulgaria, the legal framework goes beyond this established minimum. Moreover, all EU Member States are parties to the International Convention on the elimination of racial discrimination which itself places certain obligations on state parties.

A number of reports indicate improvements in the national legislative framework. Some countries adopted new equality legislation whilst others amended existing laws in order to bring them up to scratch with the requirements of the directives and in some cases, going beyond these minimum requirements. The infringement proceedings which were brought forward by the Commission in 2007-8[130] were seen as critical in ensuring that these changes were made. The European Commission's Activity Report on Anti-Discrimination[131] notes how "despite the efforts of all EU countries to implement the Racial Equality Directive, not all national legislation fully conforms to its requirements"[132]. Many national reports and the FRA confirm this, highlighting for instance how definitions have been altered and/or national equality bodies either not being set up or having been given a mandate that is restricted beyond the minimum required by the Directive.

Even where they have been created, equality bodies remain very diverse and distinct both in terms of structure and staffing and in terms of the number of cases that they handle. It is therefore not surprising that only about a quarter of respondents to the Eurobarometer survey[133] mention the national equality body as a source of redress they are likely to turn to if they had to fall victim of discrimination. Lawyers and trade unions seem to be preferred in this regard[134].

A key concern remains, however, that despite the fact that EU anti-discrimination measures have been adopted by States, the impact of such legislation is not yet being felt, meaning that whilst the wording of the law has changed, in practice this has had little impact on the situation of ethnic and religious minorities in European countries. The report from Cyprus highlights, for instance, how the lack of legal aid for victims of discrimination, the lack of funding for independent bodies which might represent such victims, and the limited nature of awareness-raising campaigns to make both vulnerable groups and their employers aware

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127 Article 3(4).
128 Meaning that higher standards may be introduced.
129 Meaning that the Directive shall not constitute a ground for a reduction in the existing level of protection against discrimination in the Member State.

130 On 31 January 2008 the Commission sent reasoned opinions to 11 Member States, requesting them to fully implement EU rules prohibiting discrimination in employment and occupation on the grounds of religion and belief, age, disability and sexual orientation.
131 European Commission, EU action against discrimination, Activity Report 2007-2008, available at http://ec.europa.eu/social/publications.
132 Ibid. Page 18.
133 Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes, July 2008.
134 Ibid. Page 23.

of their rights, has resulted in a situation where the law is, in practice, ignored. The relatively low number of cases brought before the courts in the Member States on the basis of the provisions of the Directives mean that jurisprudence remains scarce. The result is a situation where discrimination is de jure outlawed and de facto widespread[135].

Another worrying trend is the lack of knowledge of potential victims of the existing legal measures and redress which are available. A common trend which runs through many of the Shadow Reports is the acknowledgment of the fact that "where fewer registered complaints exist, this should not be taken to signal a lower incidence of discrimination, rather, it may suggest that victims are unaware of, or unwilling to use, the available procedures"[136]. The EB survey found low levels of awareness of anti-discrimination legislation in the European Union[137]. When asked whether their country has laws prohibiting discrimination on the basis of race when hiring new employees, for instance, 39% said that no such legislation exists, 36% said it does and 25% did not know. With regard to religion, 42% said no, 35% said yes, with 23% answering that they don't know. Such low levels of awareness of existing legislation are a key factor leading to the lack of effectiveness of the legislation. The FRA reports how "the EU-MIDIS survey, completed in December 2008, found that awareness of anti-discrimination legislation and of the existence of equality bodies among the migrant and minority groups surveyed is equally minimal"[138]. These findings are confirmed by the national Shadow Reports, most of which highlight this fact. Equality bodies, Member States and civil society organisations should continue to work towards raising awareness in this regard.

Further to this lack of knowledge, the duration of proceedings, the difficulties and costs associated therewith, and low level sanctions often discourage victims of discrimination from bringing forward their complaints; this despite the fact that a number of reports highlight the important role that court judgments have in interpreting and building on the existing framework as civil society organisations engage in strategic litigation.

The report from Hungary, for instance, finds that the courts there have sanctioned violations not only consistently, but strategically[139]. Strategic litigation is therefore crucial for the real potential of anti-discrimination legislation to be realised. On the other hand, court judgments may also, in some circumstances, limit the possibilities of the legislation, such as a judgment by a Cypriot Court ruling that positive action measures are illegal on the grounds of being discriminatory[140]. A number of national reports identified an urgent need for training of judges on the Directives and anti-racism more broadly. Reluctance from their part to receive such training is also noted in some countries. Equality bodies should be empowered (legally and financially) to support victims of discrimination in bringing forward their complaints.

The question of National Action Plans Against Racism remained relevant in 2008, which was marked by preparations for the Durban Review Conference that was held in Geneva in April 2009. Many anti-racist NGOs had hoped that the conference would provide an impetus for States to develop ambitious and forward looking action plans; however, reality disappointed in this regard. Not all EU Member States have adopted such plans. Moreover, in Ireland for instance, the plan that came to an end in 2008 was not followed up, and the funding for the institutions aimed at overseeing the implementation of the plan was withdrawn.

Questions of funding were also prominent in 2008, as agencies working in the fight against racism have had their budgets cut, putting anti-discrimination work at risk. The Irish report highlights how budgetary cuts to the National Consultative Committee on Racism and Interculturalism (NCCRI) resulted in the closure of the office[141]. Conversely, in the United Kingdom, requirements linked to the promotion of social cohesion were introduced making funding from certain government departments dependant on such a commitment[142].

4.2 Migration and integration

Migration is subject to extensive legislation on both the European and national levels, and 2008 saw important developments in the legal and policy framework related thereto. The main developments

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135 UN Committee On Economic, Social And Cultural Rights report, section 10. Also see Nikos Trimikliniotis, 'Evaluating the Anti-Discrimination Law in the Republic of Cyprus', The Cyprus Review 20:2.
136 FRA Annual Report 2009, Page 22.
137 See EB Survey, Page 30.
138 The FRA report delves into a discussion of the findings which will not be reproduced here.

139 See ENAR Shadow Report 2008 for Hungary, Page 31.
140 See ENAR Shadow Report 2008 for Cyprus, Page 40.
141 See ENAR Shadow Report 2008 for Ireland, Page 30.
142 See ENAR Shadow Report 2008 for the UK, Page 26.

included the adoption by the European Council of the Pact on Immigration and Asylum[143], the employers' sanctions Directive[144] and of the Return Directive[145], the proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (hereinafter the residency rights directive)[146] and the setting up of the European Migration Network[147]. On the national level, developments seemed to promote a security-oriented perspective to migration management as the law became more restrictive with less people being accepted. The role of civil society in migration and integration was highlighted, both through the ENAR conference on Framing a Positive Approach to Migration and the initial preparations for the setting up, by the European Commission, of the European Integration Forum[148].

In this section, an outline of the initiatives on the European level will be given, as well as an assessment thereof. An overview of the most notable developments in various European countries will then also be given.

The adoption, under the auspices of the French Presidency, of the European Pact on Immigration and Asylum was the hallmark of migration-related developments in 2008. The pact is based around five basic commitments, namely:

1. To organise legal immigration to take account of the priorities, needs and reception capacities by each Member State, and to encourage integration;

2. To control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;
3. To make border controls more effective;
4. To construct a Europe of Asylum and;
5. To create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development.

In brief, the Pact aims at a coherent policy that regulates legal migration, ensuring a common playing field across the Union, whilst curbing irregular migration. In a media statement, ECRE secretary-general Bjarte Vandvik said: "The pact may be tipping the balance further toward the security approach - which to date has not provided solutions to Europe's migration challenges - and away from the necessary actions to ensure human rights safeguards"[149].

The Pact is security-oriented and keen on the control and removal of irregular migrants whilst focusing very little on the integration of legally residing third country nationals, as the latter are put forward as mere economic units. The Pact makes little reference to integration and this is seen exclusively with reference to the duties of migrants to integrate themselves, moving away from the rhetoric found in the EU Common Basic Principles on integration as a two-way process. On a positive note, the Pact makes direct reference to the need to combat any form of discrimination which migrants may be exposed to. It is unfortunate, however, that this positive approach is not streamlined throughout the rest of the plans or through any other measure adopted at EU level.

Another key development at European level was the proposal for a Council Directive on a single application procedure for a single permit for third country nationals to reside and work in the territory of a member state and on a common set of rights for third country workers legally residing in a Member State. The proposal, which forms part of the EU's effort to develop a comprehensive immigration policy, puts forth a common set of rights applicable to all migrant workers lawfully residing in a Member State but who are not yet entitled to long term residence status. It effectively grants equal treatment with nationals to migrant workers when it comes to particular employment-related fields, including working

143 European Pact on Immigration and Asylum, available at: http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf.

144 Proposal for a Directive of the European Parliament and the Council providing for sanctions against employers of illegally staying third-country nationals; Brussels, 16.5.2007 COM(2007) 249 final, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0249:FIN:EN:PDF.

145 Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (the "Return Directive").

146 Proposal for a Council Directive on a single application procedure for a single permit for third country nationals to reside and work in the territory of a Member State and on a common set of rights for third country workers legally residing in a Member State, No. Cion prop.: 14491/07 MIGR 105 SOC 414, available at: http://www.statewatch.org/news/2009/apr/eu-council-tcn-rights-8145-rev1-09.pdf.

147 Decision 2008/381/EC (OJ L131, 21.5.2008).

148 See for more information: http://ec.europa.eu/justice_home/news/information_dossiers/european_integration_forum_2008/index_en.htm.

149 As reported on http://sofiaecho.com/2008/10/23/653345_mixed-reception-for-european-union-immigration-pact.

conditions, freedom of association, education and training, recognition of qualifications, branches of social security, payment of acquired pension when moving to a third country, tax benefits and access to goods and services. It goes on to provide a number of possible restrictions, including requirements of proof of language proficiency, restrictions relating to study grants, public housing and in some cases granting certain rights only to persons who are in employment.

2008 saw discussions on the employers' sanctions Directive. The proposed Directive, which was finally adopted in May 2009, contains some positive aspects towards undocumented workers. These include measures to enforce payment of any outstanding remuneration, the presumption of a 6-month working relationship and ensuring the possibility to file a complaint through or with the support of a third party. There are, however, some unintended potential effects which can seriously hinder the achievement of the aims of the Directive. These include stigmatisation and the possibility of employers finding new ways to avoid responsibility making dealing with exploitation and abuse more difficult.

On the 14th of May 2008, the Council adopted a Regulation formally establishing the European Migration Network. The overall objective of the EMN, as explained on the network's own website[150] is "to improve the availability of, and access to, information concerning migration and asylum at European and Member State level in order to support policy- and decision-making in the EU. This will involve providing the Community, its Member States and, as a longer term objective, the wider public with objective, reliable and comparable information on the migration and asylum situation". The Network is made up of a series of contact points on the national level each of which prepare reports and studies aimed at informing policy developments at the national and European levels. It is a welcome development that may help bridge the information gap in this area.

2008 also saw the preparatory meeting of the European Integration Forum which was formally launched in 2009. The meeting gave participants, actors from all over Europe and coming from very diverse backgrounds, the opportunity to discuss the issues and the structure of the Forum. In general civil society organisations welcomed the initiative as a way for civil society to engage with the issue on a European level. The exact role and scope of the forum remains unclear and the time of writing and further information in this regard will be provided in the 2009 report.

The various Shadow Reports underline how, while the Member States of the European Union face a variety of different situations with regard to third country nationals and mobile European Union nationals, a common theme is that migrants are treated as second class persons, socially excluded and subject to various forms of discrimination with regard to access to rights, employment, education, and social services.

In view of these realities, ENAR organised a seminar[151] which sought to give civil society the space to "proactively define the frame of reference for debate on an EU approach to migration". Participants at the seminar identified a number of concerns which are present in various guises and degrees across the European Union. These include the failure to ensure the principle of equal treatment for all, migration policies which undermine the vision of a Europe without racism, a focus on the economic role/contribution of migrants which has obscured the goal of equal rights, the securitisation of the migration and asylum agenda, negative public perception of migration and lack of dialogue and engagement with civil society. It went on to propose 15 principles for framing a positive approach to migration, including the adoption of a rights-based approach and policy coherence[152].

A shift of support towards more right-wing, anti-immigrant parties was noted in a number of Shadow Reports. This was generally accompanied by negative political, media and public discourse of migration and integration as well as the further securitisation of the migration debate which has resulted, in a number of countries, in further restrictions and problems for migrants. The greatest concern on the national level

150 http://emn.sarenet.es/html/index.html.

151 More information available at: http://www.enar-eu.org/Page.asp?docid=17184&langue=EN.

152 1) Promote positive values, conception and principles, 2) Use positive terminology in political discourse, 3) Take a human rights based approach to migration, 4) Comply with human rights instruments 5) Make use of demographic data, challenging assumptions 6) Ensure anti-discrimination for all 7)Respect the links between anti-discrimination, integration and social inclusion 8) Enforce existing labour law 9) Protect workers' rights 10) Ensure policy coherence 11) Promote gender and age sensitive policy making 12) Ensure participation and the migrants' voice 13) Ensure equality in education 14) Recognise the global context 15) Be proactive not reactive - Available at: http://cms.horus.be/files/99935/MediaArchive/pdf/MigrationPublication_EN_Lowres.pdf

came from Italy where improvements in immigration policies and measures sustaining integration[153] which had been introduced by previous governments were put aside to leave space for a series of restrictive and criminalising provisions, specifically targeting Roma and irregular migrants but also asylum seekers and migrant families. The new amendments include the criminalisation of illegal entry and stay, the setting of a penal sanction for anyone renting property to irregular immigrants, and the requirement of proving sufficient economic means for EU citizens moving to Italy. It also restricts the possibilities of family reunification and freedom of movement of asylum seekers. Besides going against provisions of European law, these amendments are likely to make integration more difficult whilst fuelling racism and xenophobia.

Growing support for anti-immigrant political groups is a worrying trend in various countries. The Finnish report highlights how "the popularity of the anti-immigrant and EU True Finns, which is currently the fourth most popular political party, as well as that of its sympathizers such as Jussi Halla-aho is the best political barometer of Finnish attitudes towards immigrants and other foreigners"[154]. In Italy, the pre-election campaigns by both sides revolved around the criminalisation of foreign citizens and a growing hostility towards the migrant population[155].

Many of the national reports note how the EU Common Basic Principles on integration have not left the desired effect of integration strategies at the national, regional and local levels. The report from the Netherlands for instance highlights how "even though the Dutch government played an active role in the framing of the eleven Common Basic Principles for Immigrant Integration Policy in the EU, these principles are not referred to in the shaping of national integration policies"[156]

There is uneven adherence to the principles, and despite being referred to on many occasions, basic principles such as the idea of integration as a two-way process are, in practice, not applied. States have also restricted the application of the principles to specific groups of migrants, or have placed the burden of adherence on migrants themselves. Many reports note the inter-relation between racism and integration and how the way in which one hinders

the other has not been adequately addressed at the national level. In a number of countries, issues are dealt with by different departments and with a lack of coherence in policies.

In a number of countries, integration polices themselves discriminated between different types of migrants. In Ireland, for instance, asylum seekers are effectively ruled out of integration. Whilst the concept of earned citizenship and residence is growing in various European countries, a lack of knowledge of rights and duties and unfamiliarity with the culture continue to hinder integration. Some states have opted for tests, yet these are often not accompanied by measures to ensure de facto integration.

Many reports continue to note a shift to what the UK report terms "acquired citizenship" and/or residence. The Dutch system of compulsory courses was under review due to its failure to really live up to expectations and reach its targets. In the UK the basic knowledge of "life in the UK" and being proficient in either English, Welsh or Scottish Gaelic language have been made requirements for naturalisation as a British citizen (as of 2005) and or gaining indefinite leave to remain (as of 2007)[157].

The role of regions, municipalities and towns in the integration of migrants is noted in a number of reports. The report from Finland for instance highlights how the Integration Act obliges municipalities to design their own integration programmes, which should indicate measures that municipalities intend to implement in order to integrate migrants into Finnish society. Apart from this, the Act also obliges municipalities, in cooperation with Employment Offices, to design personal integration plans for each migrant. Similar measures should be encouraged throughout the European Union on the acknowledgment of the fact that whilst coherent policies and standards are needed on the national level, integration in practice takes place at the level of the village, town or city.

4.3 Criminal justice

Developments within the criminal justice sector were limited over the course of 2008 as the recommendations of European and international bodies, including the European Commission Against Racism and Intolerance, were not taken

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153 http://www.senato.it/leg/15/BGT/Schede/Ddliter/tes-ti/28836_testi.htm, accessed 12 May 2009.
154 See ENAR Shadow Report 2008 for Finland, Page 30.
155 See ENAR Shadow Report 2008 for Italy, Page 28.
156 See ENAR Shadow Report 2008 for the Netherlands, Page 34.

157 See ENAR Shadow Report 2008 for the UK, Page 27.

on by the relevant national authorities[158]. Whilst a number of countries noted an increase in racist violence and crime the legal and policy framework remained largely unchanged. On a European level, the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law originally presented in 2001 was finally adopted. It criminalises the incitement to racial hatred whilst making racial motivation an aggravating circumstance for a number of crimes. Case law regarding hate crime over the internet was brought forward before national courts over the course of 2008.

Ethnic profiling remains a matter of concern throughout the European Union; however no legal or policy measures were adopted in this regard. Training initiatives for police continued through the Union and these are likely to leave a positive impact. In the meantime, the relationship between ethnic minorities and the police remains marred by mistrust and misinformation.

The lack of adequate data collection with regard to criminal justice is a concern reported in a number of countries. When this data is compiled, it is often in such country specific forms that comparison between countries is not possible.

4.3.1 Racism as a crime

2008 marked the adoption of a Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (hereinafter the Decision)[159]. The FRA welcomed the adoption of the Decision "as an important tool for the EU-wide condemnation of racist and xenophobic crime"[160]. The Decision puts an obligation on Member States to make, inter alia: the incitement to racial hatred and the public condoning, denial, grossly trivialising crimes like genocide, crimes against humanity and war crimes punishable by "effective, proportionate and dissuasive criminal punishments". It also makes racist and xenophobic motivation an aggravating circumstance for crimes or ones which can be taken into consideration by the courts in determining appropriate punishment.

It further clarifies that investigation and possible prosecution should not be dependent on a report by a victim.

The Decision, however, fails to address some growing concerns, including participation in groups and organisations involved in promoting racial hatred and violence, and public insults and threats of a racist nature. Neither does it explicitly address the question of racist crime and incitement to racial hatred over the internet. Moreover, it does not contain a non-regression clause. Article 7 of the Decision clarifies that the decision does not prejudice the constitutional right to freedom of expression and association.

Nonetheless, the Decision marks a positive and important step in the right direction. Even before the adoption of the Decision, a number of European countries had a legislative framework that covers racial and religious motivation for hate crime. Legislation in this regard can largely be divided into two categories. The first includes legislation making racial or religious motivation and aggravating circumstance for "mainstream" offences such as crimes against the person. The second is legislation which prohibits incitement to racial hatred. These are broadly the two types of crimes regulated by the Decision.

Key to the successful implementation of the Decision is the need to enhance monitoring of racist violence and crime. Data collection in this regard remains critical as various Shadow Reports highlight how such data is missing or incomplete. Lack of trust in the police by ethnic minorities also needs to be addressed if cases of racist crime are to be reported.

Special police training and projects were reported in a number of countries. In Sweden, the police have a project which aims to ensure that investigations of hate crimes are pursued swiftly and actively and to ensure that specialist investigators are available to investigate hate crimes at the scene of the crime at all hours[161]. Similar projects and initiatives remain lacking in a number of countries, and many Shadow Reports indicate that racist violence is not always taken seriously by the police.

158 See for instance ECRI General Position Paper on Racism in Policing published in 2007 as well as recommendations made by the same committee in the various country reports.

159 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF.

160 FRA media release available at: http://www.media4diversity.eu/en/content/fra-welcomes-new-eu-framework-decision-combating-racism-and-xenophobia.

161 Sweden/Polisen (2008) Polisens hatbrottsprojekt – ett utvecklingsprojekt i city polismästardistrikt, available at: http://www.polisen.se/mediaarchive/1690/9449/6991859/1_hatbrot-twebb.pdf, accessed 10 October 2008.

In 2008, the Austrian NGO ZARA succeeded in bringing its first case of cyber hate to an Austrian criminal court[162], with the result that the offender was given a sentence of nine months imprisonment. It is unfortunate, however, that the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems[163] which entered into force in 2006, has only been ratified by five EU Member States, namely Cyprus, Denmark, France, Latvia and Lithuania. The enforcement of hate crime legislation with regard to online crime remains difficult and requires collaboration between governments beyond the European Union, implying the need to cross over into different legal frameworks and jurisdictions.

4.3.2 Counter-terrorism
According to the EU Terrorism Situation and Trend Report[164] covering 2008, a number of Member States claim to continue to face a high-level threat from Islamist terrorism for reasons that include military presence in Iraq or Afghanistan, or accusations of anti-Muslim attitudes. According to the same report, 515 terrorist attacks were carried out in the Member States over the course of 2008. One of these was related to Islamist terrorism (a UK national detonated a bomb in a restaurant in the South-West of England). Over the year under review, of the 1009 persons that, according to information from the member states, were arrested on suspicion of involvement in terrorism, 187 were arrested in relation to Islamist terrorism. This is a decrease of 7% as compared to 2007, following an earlier decrease of 21% from 2006 (257) to 2007 (201). 187 people were arrested on suspicion of Islamist terrorism[165]. The majority of arrests took place in France and Spain. Arrested suspects had a variety of backgrounds, including North African, South Asian, Turkish and European. The report highlights how "although the majority of EU Member States have not been targeted by Islamist terrorists, some report that the perceived threat remains high or even estimate that the risk of an attack has increased for reasons that include

military presence in Afghanistan or Iraq"[166]. Whilst the threat of terrorism cannot be underestimated, these statistics pull attention away from the political and public rhetoric, present in most Member States, that Muslims are the key source of terrorist threats to Europe.

Counter-terrorism received varying degrees of attention across the European Union in 2008. No significant legal or policy developments relating to the fight against terrorism took place in the majority of EU Member States. In the UK, new regulations came into force which can disproportionately impact ethnic minorities, not because of the provisions of the law themselves but because of the ethnic and religious profiling associated with counter-terrorism measures across the European Union.

The terrorist threat has left an apparent impact on migration policy as a securitisation of the migration agenda can be noted across the European Union. Based on the pretext that the threat will come from the outside, various European States have restricted their migration measures, as specific conditions have been imposed on persons coming from certain, mainly Muslim, countries. In Germany for instance, the immigration office of North-Rhine-Westphalia created a questionnaire that was aimed at nationals from 26 mainly Muslim countries. The form contained questions about opinions and intentions of the students such as: "Do you know how to build explosives?" or "Have you ever been to Afghanistan?"[167]

A key criticism of counter-terror measures across the Union is that these very often link violent extremism only with Muslim groups, ignoring the various other possible types of terrorists and extremist groups. This is, in turn, another form of profiling. The link between counter-terrorism and ethnic/religious profiling is established in all reports which provide information about efforts to combat terrorism. Most national reports have little evidence to push forward in this regard; however, anecdotal evidence provides a strong indication of such profiling.

4.3.3 Ethnic profiling
Evidence from the ENAR Shadow Reports indicates that the official sanctioning of ethnic profiling, and the de facto implementation of such approaches,

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162 As reported in the Fundamental Rights Agency Annual Report 2009, Page 31.
163 Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems; Strasbourg, 28.I.2003, available at: http://conventions.coe.int/Treaty/en/Treaties/Html/189.htm.
164 EU Terrorism Situation and Trend Report, 2009, available at: http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/TESAT2009.pdf.
165 Statistics provided in TE-SAT Report.

166 Ibid. Page 42.
167 As reported in the ENAR Shadow Report 2008 for Germany, Page 33.

particularly in the context of counter-terrorism measures, is increasingly problematic for ethnic and religious minority communities. While the extent of ethnic profiling is difficult to ascertain given the lack of data and the fact that ethnic profiling has not been sufficiently considered by either researchers or policy-makers, the ENAR Shadow Reports indicate that ethnic profiling is widespread throughout the European Union. This is confirmed by the extensive research initiative carried out by the Open Society Institute[168].

Legal and policy developments in the area of ethnic profiling have been largely marked by attempts at legalising the collection and retention of personal data about people. The German and UK reports note how policies and initiatives were put in place to gather information and set up databases for law enforcement. Data mining exercises were also carried out. The OSI has reported how, for instance, a massive data mining exercise which took place in Germany trawled through the sensitive personal data of 8.3 million people on the basis of a broad profile that relied primarily on religion and ethnic origin - without finding a single terrorist[169].

The European Court of Justice decided that the German database may only retain data which is absolutely necessary for the application of the residence law rules and that the use of the data to fight crime for statistical purposes is prohibited[170]. Moreover, at the end of 2008 the European Court of Human Rights in a case against the United Kingdom ruled that keeping the details of people with no criminal convictions in the DNA database was a breach of Article 8 of the Human Rights Convention (the right to respect for private and family life). To date, only 495 people have succeeded in getting their DNA records removed from the database as the UK Government did not act on the ruling and instead unveiled plans in May 2009 to keep samples between 6 and 12 years[171]. The UK Government also announced a future equality assessment on the DNA database to identify possible discrimination in its practices; however these have not yet been released[172]. The lack

of an equality assessment is unjustifiable when considering 57% of innocent DNA samples taken in London are from the Black population[173].

The Dutch report highlights how the Minister of the Interior proposed to start registering the ethnicity of criminals. The Minister saw this as a way of overcoming the stereotyping of ethnic minorities as criminals. The idea was criticised from various angles, including anti-racist organisations.

It is therefore clear that developments with regard to ethnic and religious profiling have been around the collection and retention of information and this has to varying degrees been criticised by both the European Court of Justice and the European Court of Human Rights.

4.4 Social inclusion

In January 2008, the Employment, Social Policy, Health and Consumer Affairs Council adopted the joint report on social protection and social inclusion 2008[174]. The European Commission argues in the report that "preventing and tackling poverty and social exclusion through further modernisation of social protection in a framework of sound fiscal policies, combining both social adequacy and economic sustainability, is therefore fundamental to Europe's sustainable development. Policy consistency and coordination, including mainstreaming gender equality and solidarity between generations are essential to achieve the objective of fully including the most vulnerable in society"[175]. Furthermore, the acknowledgment that "inclusion and anti-discrimination policies need to be reinforced, not least in relation to immigrants and their descendants and to ethnic minorities" is welcome.

The National Action Plans on social protection and social inclusion focus, in most countries, almost exclusively on the inclusion into the labour market, with other areas where clear strategies and concrete action are urgently needed being ignored. This notwithstanding the acknowledgment of the fact that "healthy growth and job creation do not automatically improve the situation of those most marginalised within our societies"[176].

168 Open Society Institute, Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory, OSI 2009.
169 Ibid. Page 59.
170 See ENAR Shadow Report for Germany, Page 36.
171 Thomas, Mark, 'Smith's DNA database by stealth'. Guardian, 7 May 2009.
172 Ministry of Justice, The Government's Response to the House of Commons Home Affairs Select Committee Report: Young Black People and the Criminal Justice System (London: TSO, October 2007), p.40.

173 Black Mental Health UK 'Ethnic Minorities and the National DNA Criminal Database - The African Caribbean Experience' (n.p.: Black Mental Health UK, 2009).
174 Joint Report on Social Protection and Social Inclusion 2008 (7274/08), available at: http://register.consilium.europa.eu/pdf/en/08/st07/st07274.en08.pdf.
175 Ibid. Page 2.
176 Ibid. Page 5.

Lack of coherence between policies threatens to seriously undermine the potential of achieving the goals set out in the National Action Plans on social inclusion. The Irish report for instance notes that the cessation of the National Action Plan Against Racism (NAPAR) without evaluation and the closing of NCCRI are among the significant shortcomings that threaten to undermine social inclusion initiatives. A key area where the lack of coherence between policies is most apparent is migration. Restrictive policies which put many people at the risk of irregularity are also increasing the chances of people finding themselves in situations of exclusion and poverty as this is often directly related to their legal status.

A number of measures were proposed in various Member States that seek to remedy some of the concerns which have been outlined in other parts of this report. With the aim of further improving newly arrived immigrants' opportunities to get established in the labour force, the Swedish NAP proposed increased resources for supplementing foreign higher education and for validating professional skills acquired abroad. The Maltese NAP puts forward recommendations linked to assisting integration in the labour market, providing training for employers and enhancing service provision to migrants. Similar examples may be found in most of the European Union Member States. Furthermore, in line with the recognition of Roma as amongst the most socially excluded members of society, specific measures are reported in a number of Member States. Other reports have unfortunately left out a number of groups that have been consistently identified by civil society organisations as at risk of poverty and social exclusion. The report from Estonia for instance highlights how unlike previous years, ethnic minorities residing on the territory of Estonia are no longer considered to be vulnerable or socially excluded and unprotected and that the strategy does not introduce any specific measures targeting these groups. Immigrants, and in particular recent immigrants, or those who arrived in Estonia after 1991, and visible immigrants are not mentioned in this strategy.

A key concern expressed in various Member States regarding the NAPs is that whilst they put forward ambitious plans, these are not accompanied by measurable objectives whereby the success or otherwise of the plan on the promotion of social inclusion can be measured. This has resulted, over the years, in plans which leave little or no impact and which become little more than a wish list of intentions rather than actual effective plans. In too many cases, the measures proposed in the strategy report 2008-2010 repeat those proposed for 2006-2008 as they have not been achieved. This is linked to the issue of budgeting whereby the National Action Plans on social inclusion are not always supported by targeted budgets, meaning that very often it is difficult for measures to be implemented due to lack of funding. Whilst many reports do make reference to funding sources, these are very general (e.g. EU funding) and can sometimes prove difficult to access. The joint report acknowledges this concern and states that "national quantified objectives can be instrumental in making a decisive impact on the eradication of poverty"[177] and that "this can be further strengthened by the regular monitoring of policies' impact and effectiveness and, where needed by a reinforcement of the statistical capacity"[178].

Another key concern refers to the failure by various European Governments to respect the open method of coordination[179] and consult with NGOs and representatives of the excluded communities. Such procedures could positively influence the plans, making them more realistic and bringing them closer to addressing the real needs of excluded persons. In a number of countries, no consultation whatsoever was carried out, leading to various organisations being unaware that the plan was being formulated. In other states, formal consultations were carried out.

177 Ibid. Page 3.
178 Ibid.
179 This involves the introduction, after consultation with various stakeholders, of "soft" measures which are subject to peer review by other states. A full explanation of the OMC can be found here: http://europa.eu/scadplus/glossary/open_meth-od_coordination_en.htm.

5. National recommendations

The following recommendations are drawn from the recommendations made in the various national reports. They address authorities at various levels and are aimed at achieving a situation of equality for all. They also build on the recommendations made by ENAR over the past years.

5.1 General

- Ensure that existing EU legislation is adequately transposed and adopted at national level, e.g. in the area of anti-discrimination, racist crime and social inclusion.
- Promote data collection.
- Ensure that fundamental rights remain the foundation and framework of future EU measures in all areas and especially in the upcoming Justice and Home Affairs Programme, and that the European Commission reinforces its position as guardian of rights.
- Improve, and where currently missing implement, the process of fundamental rights impact assessment so as to not only ensure that proposals comply with fundamental rights standards but to also explore ways in which proposals can enhance the enjoyment of fundamental rights.

5.2 Anti-discrimination

- Ensure the correct implementation of the Race Equality Directive 2000/43 and the Employment Equality Directive 2000/78 at the national level and that weaknesses in the national legislation are addressed.
- Ensure that equality bodies are given the competence (legal and financial) to adequately carry out the duties assigned to them under the Race Equality Directive.
- Restrict as much as possible the exemptions present in the Equality directives.
- Support and improve the European Commission proposal for a Directive implementing the principle of equal treatment on the grounds of age, disability, religion and other belief, and sexual orientation.
- Extend the protection against discrimination on the ground of nationality provided by the Treaties to every person living in the territory of the EU.
- Extend the protection against discrimination on grounds of racial or ethnic origin, religion or belief

and nationality to all areas of EU competence, including Justice and Home Affairs.
- Increase awareness of anti-discrimination legislation and existing remedies and support victims' access to such remedies.

5.3 Migration and integration

- Sign, ratify and implement the UN Convention on the Rights of All Migrant Workers and Members of their Families.
- Promote, at all levels, positive values, conceptions and principles around the issue of migration and the value of diversity, including through the use of positive terminology.
- Adopt a human rights based approach to migration whilst ensuring compliance with all existing human rights instruments.
- Ensure that adequate data collection is undertaken and that demographic data is used to challenge misconceptions.
- Ensure that the principle of anti-discrimination is respected vis-à-vis migrants including by restricting the potential application of the nationality exemption in the Race Equality Directive.
- Acknowledge and work around the link that exists between anti-discrimination, integration and social inclusion, ensuring that migrants are allowed to participate in society in order to avoid their social exclusion.
- Ensure that policies deriving from various areas are coherent. EU and national migration policies should not be contradictory to equality and social inclusion policies.
- Promote gender and age sensitive migration policies ensuring that the needs to the most vulnerable are adequately addressed.
- Support the setting up of the European Integration Forum and similar fora on the national level which will allow for consultation with civil society and the voices of migrants themselves to be heard.

5.4 Criminal justice

- (Continue to) Raise awareness amongst all actors within the criminal justice system of racism as a crime. In particular, police training should include strong elements of anti-racism training.
- Ensure that cases of racism by police officers are duly investigated and sanctioned.

- Encourage greater dialogue between police forces and ethnic minorities in order to ensure that the concerns of the latter are addressed.
- States should co-operate with civil society in the development of situation testing as a research method, as a quality control method and in particular as a method of evidence that will increase the possibility for victims of discrimination to gain redress in court.
- Ensure that ethnic minorities have adequate and fair access to the justice system, specifically through the provision of cultural mediators.
- Promote the recruitment of members of ethnic minorities in the police and ensure that they have equal opportunities for progression in their careers.

5.4.1 Racism as a crime
- Ensure that the Framework Decision on combating racism and xenophobia as a crime is implemented across the Member States of the European Union.
- Ensure that police forces across the EU adequately address allegations of racist crime and that racial motivation is duly investigated.
- Sign, ratify and implement the Additional Protocol to the Council of Europe Convention on Cybercrime.
- Enhance criminal data collection policies, which are sensitive to the particularities of racist crime.
- Put in place targeted victim support initiatives, either through mainstream service provision or if appropriate, specific services dealing with racist crime.

5.4.2 Counter-terrorism
- Review counter-terrorism measures to ensure that they comply with international law.
- Take all appropriate action to effectively protect everyone in Europe from terrorism.
- Conduct, without delay, an equality and human rights audit of the European Union Action Plan to combat terrorism[180].
- Enhance the role of impact assessment, and in particular the fundamental rights impact assessment, in the design of any new counter-terrorism initiatives.

- Design, implement and evaluate counter-terrorism measures in an open and transparent manner which takes into account the perspectives of everyone living in the European Union.
- Fully implement the Guidelines on Human Rights and the Fight against Terrorism, adopted by the Committee of Ministers of the Council of Europe on 11 July 2002.

5.4.3 Ethnic profiling
- Ensure that relevant authorities, including police and immigration officers, are aware that ethnic profiling is both ineffective and illegal.
- Introduce monitoring of ethnic and religious profiling by law enforcement agencies and encourage the latter to include discussion of these issues in the training programmes for their staff at different levels.
- Ensure adherence to the "reasonable suspicion standard", whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria.
- Ensure that proper investigations are carried out into cases of ethnic profiling and that those responsible are duly sanctioned.

5.5 Social inclusion

- Ensure that the specific needs of ethnic minorities are included in social inclusion strategies under the Open Method of Coordination on Social Inclusion and Social Protection.
- Devise measurable targets and objectives, ensuring that the National Action Plans on social inclusion are implemented and that impact is felt.
- Ensure that the National Action Plans are the result of real consultation with all stakeholders including ethnic minorities.
- Encourage and support political participation and the right to vote to enhance social inclusion.
- Raise awareness through broad programmes addressing the role that majority society plays in overcoming social exclusion.

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180 The European Union Counter-Terrorism Strategy, 14469/4/05 REV 4, available at: http://register.consilium.eu.int/pdf/ en/05/st14/st14469-re04.en05.pdf.

6. Conclusion

The findings outlined in this report, consistently with the findings of previous editions, indicate that racism and racial discrimination continue to be a reality in the lives of ethnic and religious minorities across the European Union. From employment to healthcare and from education to policing, ethnic minorities face discrimination, prejudice and disadvantage. 2008 also saw a rise in neo-nazi and neo-fascist activities and racist crime.

This report has sought:

1. To bring together experiences, facts and developments from across the European Union on matters pertaining to racism, and anti-racism, providing a window onto the daily lives of ethnic minorities in the European Union;

2. To contribute to the European debate on issues of anti-racism through factual and well researched information, and hence be able to inform legislative and policy developments as well as political strategies;

3. To build a well-documented starting point for future and coordinated action at the European, national, regional and local levels.

Amongst the key concerns are incomprehensive legislation, lack of enforcement, lack of knowledge of available remedies and the lack of coherence between policies.

On the other hand, 2008 saw a number of important and positive initiatives. The proposal for a horizontal anti-discrimination directive and the setting up of the European Migration Network and Integration forum are but two examples of this. On the national level, the infringement proceedings initiated by the European Commission over the past years have resulted in improved legislative frameworks. National legal frameworks have been upgraded and in some cases, although not all, these now go beyond the strict requirements of the directive. However, legislation alone is not enough and the lack of political will at all levels has resulted in incoherent policies and a downgrading of the potential impact of the legislation. 2008 will remain marked by a number of key features - the proposal for a horizontal anti-discrimination directive, the adoption of the French Immigration Pact and the rise of politically condoned racism in Italy.

The National Action Plans on social protection and social inclusion are a particularly important tool which can help achieve the potential of the legislation and overcome many of the obstacles faced by ethnic minorities. The social aspects of migration also need to be addressed, and migration policies need to coherent, avoiding situations where migration policies undermine the social proposals made in the NAPs.

This report has highlighted the urgent need for a concerted effort across the European Union to overcome the barriers and challenges that hinder effective equality for all. The unique position of the Union in this regard should be exploited.

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Annex: List of abbreviations and terminology

Abbreviations

CBPs	Common Basic Principles on Integration
CERD	Committee on the Elimination of All Forms of Racial Discrimination
EB	Eurobarometer
ECHR	European Court of Human Rights
ECJ	European Court of Justice
ECRE	European Council on Refugees and Exiles
ECRI	European Commission against Racism and Intolerance of the Council of Europe
EMN	European Migration Network
ENAR	European Network Against Racism
EP	European Parliament
EU	European Union
FRA	EU Fundamental Rights Agency
ICERD	International Convention on the Elimination of All Forms of Radical Discrimination
LGBT	Lesbian, Gay, Bisexual and Transgender community
MSF	Médecins Sans Frontières (Doctors without Borders)
NGO	Non-governmental organisation
NAP	National Action Plan (on social inclusion)
NAPAR	National Action Plan Against Racism
NCCRI	National Consultative Committee on Racism and Interculturalism (Ireland)
OSCE	Organisation for Security and Cooperation in Europe
OSI	Open Society Institute
UK	United Kingdom
UN	United Nations

Terminology

"**Ethnic and religious minorities**": Throughout the report the term ethnic and religious minorities is used to define the broad category to which the report refers. Whilst no universally accepted definition of minority exists, the definition used by the International Organisation for Migration will be used. This provides: "a minority may be considered to be a group which is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics which differ from the rest of the population and who, if only implicitly, maintain a sense of solidarity directed towards preserving their culture, traditions, religion or language"[181]. Specific terminology is used when necessary.

"**Migrant**": The term migrant, as used for the purposes of this report, may include long-term and short-term migrant workers, students, asylum seekers and refugees, stateless persons, spousal and family dependants, women migrants and children, and undocumented migrants.

"**Forced migrant**": The term forced migrant refers specifically to persons who have been forced to move and includes asylum seekers, refugees and beneficiaries of other forms of international protection.

"**Third Country Nationals**": A person who is not a national of an EU Member State.

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181 IOM; International Migration Law; Glossary on Migration; page 42.

racism in europe
enar shadow report 2008

ENAR's Shadow Report on racism in Europe provides a unique method of compiling information on some of the most pressing issues and presenting the views of civil society organisations on the current state of racism and discrimination in the European Union. The 2008 report draws on 22 national shadow reports prepared by ENAR members across the European Union.

The report identifies communities that are vulnerable to racism and presents an overview of the manifestations of racism evident in 2008 in employment, housing, education, health, policing, racist violence, access to goods and services, and the media. It also provides an NGO assessment of the legal and political context with regard to anti-discrimination, migration and integration, criminal justice and social inclusion, and responses by governments.

The findings in this report indicate that racism and racial discrimination continue to be a reality in the lives of ethnic and religious minorities across the European Union. From employment to healthcare and from education to policing, ethnic minorities face discrimination, prejudice and disadvantage. 2008 also saw a rise in neo-nazi and neo-fascist activities and racist crime.

The commonalities in the experience of racism and religious discrimination across Member States which are evident in the report demonstrate the urgent need for a concerted effort across the European Union to overcome the barriers and challenges that hinder effective equality for all.

The European Network Against Racism (ENAR) consists of some 600 organisations working to combat racism in all EU member states and acts as the voice of the anti-racist movement in Europe. ENAR is determined to fight racism, racial discrimination, xenophobia and related intolerance, to promote equality of treatment between European Union citizens and third country nationals, and to link local/regional/national initiatives with European Union initiatives.

european network against racism aisbl

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