

Joint statement of the EU Fundamental Rights Agency and the Council of Europe's Commissioner for Human Rights on the Durban review conference

Do not miss the opportunity to step up the global fight against racism and discrimination!

The Council of Europe's Commissioner for Human Rights and the Director of the European Union's Fundamental Rights Agency jointly call on European governments to remain engaged in the preparations for a UN review conference against racism in April 2009.

“Racism is a global phenomenon. No country, no region, is free of this social ill - including the European countries”, say Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, and Morten Kjaerum, Director of the European Union Agency for Fundamental Rights (FRA).

Respect for equality in diversity is a central premise for building democratic and inclusive societies. The Durban agenda against racism and discrimination must be matched with concrete action and endured vigilance at local, national and European levels. This follow-up conference provides an opportunity to illustrate and review many of the concrete and important steps taken in European countries to realise the goals proclaimed at the World Conference. We can take pride in the advancements that European countries have made, but much remains to be done to fight racism globally and regionally.

The United Nations has invited States to review and learn from the progress made since the 2001 World Conference against Racism in Durban, Europe should not miss this opportunity and contribute to the elaboration of a renewed programme of action.

The 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban set out a global agenda to fight racism and discrimination in all its forms. While the Durban agenda triggered new initiatives and action in many countries, racism, discrimination, xenophobia and other forms of intolerance persist across the European continent. Recent reports published by the Commissioner for Human Rights, the EU's Fundamental Rights Agency and the European Commission show that in Europe groups that are particularly vulnerable to racism include Roma, Sinti, Travellers, members of African, Jewish and Muslim communities, migrants, refugees, asylum-seekers, other national, ethnic or religious minorities, and indigenous peoples.

Discrimination based on ethnic origin is seen by 62 percent of respondents to be the most widespread form of discrimination in the European Union.¹ Many people in Europe become victims of multiple forms of discrimination. Elderly or disabled members of minorities, female migrants, Roma women and children, refugees who are homosexual, and many other groups experience particularly entrenched and painful forms of discrimination. At the same time, Europe faces an upswing in xenophobic, racist and anti-Semitic or anti-Muslim rhetoric, which is no longer the sole preserve of extremist political groups and prepares the ground for discrimination, harassment and violent assaults against minorities.

The development of legal frameworks for anti-discrimination, the creation of specialised ombudspersons and equality bodies, the adoption of targeted national action plans, and the criminalisation of racially motivated behaviour constitute the most concrete steps in realising the Durban agenda on the European continent.

We must remain vigilant that these advances are not undermined. The aftermath of the events of 11 September have presented further human rights challenges to the prevention of racism, discrimination, xenophobia and other forms of intolerance. The temptation to resort to racial, ethnic or religious profiling in counterterrorism measures and increasingly restrictive policies in the field of migration are among such negative trends.

A major step forward was taken with the new anti-discrimination and equality legislation which was enacted in all EU countries in 2000 and was inspired by the UN human rights treaties and the European Convention on Human Rights. The European Union also adopted legislation banning the diffusion of hate speech through TV channels, and most recently, the EU countries agreed on common legislative standards to criminalise racist and xenophobic behaviour across the EU. At the same time, there are still inequalities in the legal protection against discrimination that is offered to different groups within the EU. The ratification of Protocol No. 12 on the general prohibition of discrimination to the European Convention on Human Rights by all member states of the Council of Europe would be an important step forward.

There is also new EU anti-discrimination legislation in the pipeline, which was proposed by the European Commission and would end the hierarchy of protection afforded to different grounds of discrimination. EU governments should adopt this proposal in order to guarantee equal rights to equal treatment to all persons suffering from discrimination. Studies also show that the implementation of anti-discrimination legislation remains uneven in Europe and that sanctions are often not applied effectively. The existing equality bodies must be given strong independent mandates and receive the necessary resources to combat discrimination successfully.

Undoubtedly Europe faces many challenges in the combat against racism, but there is increased awareness among political leaders, NGOs, media, and society at large about what remains to be done. The effects of the global financial and economic crisis also need to be closely monitored as they could lead to increased racism and discrimination. With the Council of Europe, the European Union institutions, and the Fundamental Rights Agency, there are strong regional mechanisms that can support States in the fight for human rights and against racism.

A pool of knowledge, analysis and potential good practice is available, not the least of it collected by the Council of Europe and the Fundamental Rights Agency. Europe must not miss the opportunity of the upcoming Durban review conference, which starts its deliberations on 15 December 2008, to share its experiences with other regions and learn from the successes - and the failures - of other parts of the world

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For background

- The Durban Review Conference will take place in Geneva between 20-24 April 2009 under the auspices of the UN General Assembly. More information: <http://www2.ohchr.org/english/issues/racism/DurbanReview/index.htm>
- The European Union Agency for Fundamental Rights (FRA) is a body of the European Union. It has been established in March 2007 and is based in Vienna. The Agency has three key functions: to collect information and data on fundamental rights; to provide advice to the EU and its Member States; and to promote dialogue with civil society in order to raise public awareness of fundamental rights. It builds on the former European Monitoring Centre on Racism and Xenophobia and continues to monitor such phenomena in the European Union. More information: <http://fra.europa.eu>
- The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the organisation's 47 member states. Elected by the Council's Parliamentary Assembly, the present Commissioner, Thomas Hammarberg, took up his duties on 1 April 2006. To discharge the functions set out in the mandate, the Commissioner works along four main intertwined lines: a system of country visits and dialogue with the Governments and national actors; thematic recommendations and awareness-raising activities; co-operation with national human rights structures; protection of human rights defenders.

More information: <http://www.commissioner.coe.int>

¹ Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes. (July 2008) See: http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_sum_en.pdf