

Policies, legislation and practices against racism, xenophobia and related intolerance

A compilation of opinions issued by the European Monitoring Centre on Racism and Xenophobia (EUMC) and its successor, the European Union Agency for Fundamental Rights (FRA), related to the fight against racism

Summary for Policy Makers

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Executive summary

The European Union and its Member States have repeatedly condemned in the most absolute terms all manifestations of racism and xenophobia and have expressed their determination to safeguard fundamental rights, non-discrimination and equal opportunities for all. The EUMC/FRA reports show that in the period from 1997 to 2007 progress has been made across the EU, but also that much remains to be done in combating and preventing racist violence and discrimination in all fields of life and particularly in employment, education and housing, as well as with regards to strengthening inclusion, community cohesion and participation.

Despite the variation in legal frameworks, public policy responses, data collection and monitoring mechanisms across the EU, the EUMC/FRA reports have provided ample evidence showing that racism and xenophobia are widespread across the Union and that individuals and/or communities who are labelled as 'different' are being subjected to numerous forms of exclusion, disadvantage or ill-treatment.

Cross-sectoral recommendations

Having observed throughout its reports several common shortcomings across the EU Member States with regards to anti-discrimination and the fight against racism, xenophobia and related intolerance, the EUMC/FRA made a series of cross-sectoral recommendations with reference to:

- Tackling racist violence and discrimination practices in all spheres of life and particularly in employment, housing and education;
- Monitoring progress to overcome the obstacles to racial equality, with the support of civil society organisations, social partners and the minority communities themselves;
- Improving data collection, incident recording, monitoring and research regarding the situation of migrants and minorities;
- Recognising the interplay between migrant integration, social inclusion, community cohesion and racial equality and in consequence adopting a holistic approach to policy development;
- Promoting a culture of diversity that recognises the rights of minorities and migrants, as well as to strengthening the link between racial equality and community cohesion for instance by mainstreaming non-discrimination into all public policies.

These cross-sectoral recommendations complement the specific recommendations made in each individual sector covered by the EUMC/FRA reports.

Racist violence and crime

On the basis of its reports, the EUMC/FRA concluded that there was a need for significant improvement with respect to how criminal justice agencies respond to the problem of racist crime and violence. The EUMC/FRA has formulated the following key recommendations:

- Approximate criminal sanctions related to racism and xenophobia across the EU Member States, in line with the planned Framework Decision on combating racism and xenophobia;
- Establish comprehensive criminal justice data collection systems on racist crime in those countries that still lack them and have them standardised across the EU. This would lead to better informed policy responses in each Member State, including the adoption of workable and sufficiently broad legal definitions of specific crimes of racism, which in turn would ensure that the criminal justice system effectively tackles racist crime and violence;
- Improve law enforcement by ensuring that existing criminal law against racist and xenophobic offences is always applied, that victims of racist violence can find access to justice, and that no racist crimes remain unpunished;
- Ensure adequate police responses to racist crime and violence (e.g. accurate initial reporting and recording of racist and xenophobic offences, immediate response to indications of tensions, stepping up policing among targeted communities, providing support to victims of racist crime), as well as work towards the elimination of racial discrimination or racially motivated misconduct by police and other agents of the State.

Employment

The EUMC/FRA has highlighted in its reports persistent patterns of inequality and discrimination in employment affecting migrants and minorities in the EU. These communities generally endure worse work conditions than majority workers, receive comparatively low wages and tend to be over-represented in the most precarious and least desirable jobs.

The EUMC/FRA argued that inequalities and discrimination in employment can be minimised by:

- Encouraging the inclusion of minorities and migrants into the labour market (for instance by making use of positive action initiatives, by improving their em-

ployability by attending to their special educational needs, by developing strict codes of conduct against discrimination and in support of diversity etc.) and generally by adopting an approach which addresses non-discrimination, equal opportunities and diversity management at the same time;

- Setting quantitative targets and clear indicators in employment policies and guidelines enabling the measurement of progress in regard to migrants and minorities, and, in order to do so, improving the data collection mechanisms on employment, as well as conducting discrimination testing in places of work;
- Setting up a standardised system to evaluate foreign qualifications, as well as by addressing the special training needs of migrants and minorities.

Education

The EUMC/FRA has indicated in its studies that areas where immigrant or minority children are being let down include enrolment assessment, the choice or allocation of schools, drop-out or expulsion rates, academic performance and results, limited careers options, and progression to higher education. The pupils found to be most vulnerable to discrimination are those with a migrant or minority background, with Roma and Travellers and children of asylum-seekers and undocumented migrants being especially at risk. Findings from EUMC/FRA studies suggest that the relevant authorities must devote more attention to:

- Securing open and equal access to education for all by eliminating practical barriers to education, by addressing the special educational needs of immigrant and minority students, by ensuring that policies and practices do not inadvertently result in segregation or the overrepresentation of migrants and/or ethnic minorities in schools with lower academic demands or in special education, by having education institutions adopt anti-discrimination and anti-racist codes of conduct, and by endowing all children with the necessary means to participate in education;
- Financial and human resources, by allocating adequate resources and training in order to fulfil the urgent demands of a multicultural environment;
- Preventing segregation and to promoting intercultural education when defining public policies on education;
- Combating racism as well as direct and indirect racial discrimination in and through education, which also requires collecting comprehensive and comparable data sets on the educational situation of migrants and ethnic minorities nation-wide and at the EU level. This pertains to data on enrolment, attendance, completion rates, results achieved and progress made at all educational levels, as well as to the monitoring of acts of discrimination and racism in schools.

Housing

A widespread incidence of unfair and discriminatory practices affecting housing markets has been documented by the EUMC/FRA reports. This incidence is not random, rather it frequently results from a combination of low socio-economic status with systematic and persistent racist practices. The most vulnerable groups are Roma and Travellers as well as migrants (particularly non-EU or undocumented migrants).

The main recommendations made by the EUMC/FRA include:

- Ensuring equality of access to housing, for instance by providing counselling and information on the practical and legal housing-related issues, by lowering legal barriers to access to social housing or, in the case of access to private housing, by providing material or financial assistance which increase the renting or purchasing capacities of the target households, as well as by offering direct mediation between private landlords and potential tenants who otherwise might be discriminated against.
- Addressing without delay the housing situation of vulnerable persons, there being a need to reconsider the financial assistance and range of choice in social housing, as well as to reduce segregation.
- Conducting regular monitoring and evaluation of housing policies and practices, to ensure their compliance with anti-discrimination obligations and that they are part of wider packages of measures involving all areas of social and economic life.

Situation of Roma and Travellers

The EUMC/FRA has continuously been pointing to the systematic deprivation, exclusion and marginalisation of Roma and Travellers in the European Union and has urged both the Community and its Member States to take robust action to change this situation. Above all, there is an urgent need for conducting evaluations of the impact of EU, national and local projects and programmes targeting Roma and Travellers that have been implemented so far. Three major recommendations are central to the opinions expressed by the EUMC/FRA:

- Ensure non-discrimination and equal opportunities of Roma and Travellers in all spheres of life, particularly in education, housing, employment, and access to health and justice, for instance by including their interests in mainstream policies, as well as by making use of targeted initiatives or positive action;
- Achieve empowerment of the Roma and Travelling communities, with the aim of increasing their active participation at all levels of policy-making, including implementation and monitoring;

- Combat prejudice and promote respect for Roma and Traveller culture and tradition, because discrimination against these groups is often the result of deeply rooted negative stereotypes resulting from ignorance of their history, culture, values and norms.

Anti-Semitism

The detailed analysis of the data in the EUMC/FRA studies point to a number of areas where further initiatives could be taken including:

- Legislation, in order to introduce effective, proportionate and dissuasive criminal penalties;
- Monitoring and data collection, because the actual prevalence of anti-Semitic incidents is still very difficult to gauge in some countries;
- Education, given the crucial importance of education and training measures in combating racism and anti-Semitism, and also because of the need to properly convey the message of the Holocaust;
- Media and wider civil society, due to the necessity to promote interfaith and intercultural dialogue through joint initiatives at local, national and European level.

Islamophobia

The EUMC/FRA has pointed out that it is crucial that the efforts taken to engage with the Muslim community and to prevent anti-Muslim incidents be part of or complemented by comprehensive social inclusion and anti-discrimination policies, so that they achieve sustainable results and address core issues with benefits for the entire society. It is also important to communicate that such policies have stand-alone objectives, which go beyond the prevention of extremism.

While welcoming the growing awareness across Member States of the phenomenon of Islamophobia, the EUMC/FRA also pointed to a number of areas where further progress could be made, including:

- Empowerment, by promoting the active involvement of Muslim communities in institutionalised procedures of policy making at all levels and by supporting their self-organisation through capacity-building;
- Employment, by advancing positive action and support measures for Muslims, particularly the youth, and by implementing diversity management measures;

- Education, by promoting an education free of bias and by including an anti-racism and diversity component in the training of teachers, police staff and other public servants;
- Civil society – on the one hand by insuring its support in the fight against racism, xenophobia and related intolerance, including Islamophobia, and on the other hand by encouraging Muslim communities' involvement in all spheres of public life.

Introduction

The *European Monitoring Centre on Racism and Xenophobia* (EUMC) was established in 1997 to provide the EU and its Member States with reliable data and information, as well as informed conclusions and opinions, on the situation across Europe of racism, xenophobia, anti-Semitism, Islamophobia and related intolerance. Since its creation, the primary role of the EUMC was to support the development of effective policies, legislation and good practices against racism at the EU and Member State level. The *European Union Agency for Fundamental Rights* (FRA), launched on 1 March 2007, is mandated to continue the work of the EUMC on racism, xenophobia and related intolerance.

The EUMC set up the *European Information Network on Racism and Xenophobia* (RAXEN), consisting of a selected national focal point (NFP) from each Member State, to collect data and information across the EU. On the basis of the data gathered through RAXEN and other sources, the EUMC/FRA has monitored and analysed the extent, causes and effects of racism and xenophobia. It has proposed strategies to combat these phenomena, while always seeking to highlight and diffuse examples of good practice.

During its ten years of existence, the EUMC/FRA has published around 200 reports, policy papers and conference conclusions.¹ It has compiled annual reports on racism and comparative reports on key thematic areas. Each publication contains detailed conclusions and opinions relating to policies, legislation and good practices against racism and racial discrimination.

These reports address the thematic areas related to EU policy development on non-discrimination and equality, integration, criminal justice and social inclusion, focusing particularly on the issues of legislation, employment, education, housing and racist violence. When it was found that members of particular groups or communities were disproportionately affected in a certain thematic area, a more detailed examination of the situation of those groups or communities has been prepared: for example, relating to the experience of Roma and Travellers in the fields of employment, education and housing, Jewish communities in the areas of racist crime and violence and media discourse, and Muslim communities in the areas of racist crime and violence and media discourse, education, employment, housing and integration.

An important element of formulating conclusions and opinions for the EU and its Member States is the need to interact with relevant inter-governmental organisations. This cross-referral with other organisations is needed to ensure that the EUMC/FRA conclusions and opinions remain consistent with existing European and international standards and reflect international policy developments. Therefore, the EUMC/FRA maintains close cooperation with the main inter-governmental actors working in the field of racism and xenophobia, more specifically with the

¹ A complete list can be found on the website of FRA, www.fra.europa.eu.

Council of Europe and in particular with the *European Commission against Racism and Intolerance* (ECRI), the *OSCE Office for Democratic Institutions and Human Rights* (ODIHR) and the *UN Office of the High Commissioner for Human Rights* (OHCHR).

The present policy paper sums up the main opinions expressed and recommendations made by the EUMC/FRA on policies, legislation and practices against racism and racial discrimination in the EU between 2002-2007. Its purpose is to support the greater use of EUMC/FRA opinions by policy makers at European, national, regional and local level, as well as by other stakeholders with responsibilities related to the fight against racism, xenophobia and related intolerance, and to delivery of equality to disadvantaged members of society.

In this policy paper, the respective opinions and recommendations have been structured around the main themes of the Agency's past work on racism, xenophobia and related intolerance, namely racist violence and crime, employment, education, housing, situation of Roma and Travellers, anti-Semitism and Islamophobia. Subsequently, they have been further classified according to the stakeholder responsible for implementing a particular proposal. In addition, the first chapter gathers a series of cross-sectoral recommendations that emphasise the interdependence between all these sectors and thus provide the indispensable background to the action needed in each specific field.

This review should be a useful resource for policy-makers when developing policies and measures to combat racism, xenophobia and related intolerance. The FRA believes that by drawing on these recommendations the framework for action to combat racism will be practical, consistent and coherent.

A. Cross-sectoral recommendations

The European Union and its Member States have repeatedly condemned in the most absolute terms all manifestations of racism and xenophobia and have expressed their determination to safeguard fundamental rights, non-discrimination and equal opportunities for all. The EUMC/FRA reports show that in the period from 1997 to 2007 progress has been made across the EU, but also that much remains to be done in combating discrimination, integrating migrants and improving community cohesion.

A.1. Main findings

Despite the variation in legal frameworks, public policy responses, data collection and monitoring mechanisms across the EU, the EUMC/FRA reports have provided ample evidence showing that racism and xenophobia are widespread across the Union and that individuals and/or communities who are labelled as 'different' are being subjected to numerous forms of exclusion, disadvantage or ill-treatment.

Throughout its reports, the EUMC/FRA identified several common shortcomings across the EU Member States with regard to:

- **Tackling racist violence and discrimination** practices in all spheres of life and particularly in employment, housing and education;
- **Monitoring progress** to overcome the obstacles to racial equality, with the **support of civil society** organisations, social partners and the minority communities themselves;
- Improving **data collection, incident recording, monitoring and research** regarding the situation of migrants and minorities;
- Recognising the **interplay between migrant integration, social inclusion, community cohesion and racial equality** and in consequence adopting a holistic approach to policy development;
- Promoting a **culture of diversity** that recognises the rights of minorities and migrants, as well as to strengthening the link between racial equality and community cohesion for instance by **mainstreaming non-discrimination** into all public policies.

Highlighting social inclusion and integration as one of the main challenges facing Member States in the European Union, the EUMC/FRA calls for policymakers at all levels to recognise the interplay between integration, community

cohesion and the combating of racial inequalities in employment, education and housing, and as a consequence to adopt a more integrated approach to policy development.

However, in order to develop good policies, there is a need for quality data collection, monitoring and research. The EUMC has been of the long-standing opinion that there is a need for a more in-depth analysis of the impact of national, regional and local policy, in the fields just mentioned, on the rights of those belonging to migrant and minority groups. The regular review and assessment of the influence of such policies should be actively pursued with the support of civil society organisations, social partners and the minority communities themselves.

A.2. Recommendations²

Taking these observations as starting point, a series of cross-sectoral recommendations could be gathered from the reports, which would provide the indispensable background to the action further needed in each specific field, which will be dealt with over the next thematic chapters.

A.2.1. Legislation

A.2.1.1. EU level

The Commission should continue to take the appropriate action in order to ensure that all Member States transpose into their domestic law and implement all elements of the Race Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC).

A.2.1.2. National level

In their fight against racism, xenophobia and related intolerance, Member States should be guided in their enactment of legislation and accompanying measures by the General Policy Recommendations made by the Council of Europe's European Commission against Racism and Intolerance (ECRI).³

² This is a condensed compilation of those opinions and recommendations which have a general application across all the sectors covered by the EUMC/FRA's work. All the reports published by the EUMC and the FRA from the period 2001-2007 have been used for this section, particularly the most recent *Racism and Xenophobia in the Member States of the EU* (2007) and *Trends and Developments 1997-2005: Combating Ethnic and Racial Discrimination and Promoting Equality in the European Union* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

³ All General Policy Recommendations made by the ECRI can be accessed at http://www.coe.int/t/e/human_rights/ecri/1%2Decri/3%2Dgeneral_themes/1%2Dpolicy_recommendations/_intro.asp#TopOfPage (07.02.2008).

Member States should fully transpose and implement all elements of the Race Equality Directive and the Employment Equality Directive. Member States should consider going beyond the minimum legal requirements and extend the protection against discrimination to other areas than employment, in particular with regards to education and access to goods and services.

Member States should ensure that a positive action provision forms part of national legislation to promote racial equality and combat discrimination, particularly on the grounds of racial or ethnic origin, religion or belief. This provision at a minimum should cover the scope of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

Member States should constantly implement EU-level legislative updates and undertake systematic and regular reviews of their existing anti-discrimination policies and practices. All provisions or administrative practices that result in direct or indirect discrimination against members of ethnic or religious minority groups, regardless of whether this results from action or inaction of state or non-state actors, should be removed. Particularly the evaluation of the impact of new legal and regulatory initiatives should be considered as a key research and monitoring objective.

Member States must guarantee that the equality bodies (required by Council Directive 2000/43) are fully independent, adequately resourced, empowered to carry out formal investigations and take cases to court, and also that they can provide legal assistance to victims. Equality bodies will then be better equipped to act as catalysts for the development of effective anti-discrimination legislation.

A.2.2. National Strategies and Action Plans against Racism

A.2.2.1. Action at national level

Member States need to adopt an explicit public policy framework aimed at combating all forms of racism and racial discrimination. Policies should be designed and developed through public consultation, including a targeted assessment of specific ethnic minority concerns. This must lead to comprehensive National Strategies and Action Plans (NSAPs), giving priority to key areas such as racist crime and discrimination in employment, housing and education.

NSAPs against racism should, where necessary, include a review of legislation and administrative practices, to ensure coherent and coordinated implementation. The strategy should incorporate good practices already identified, knowledge gained through research, lessons learnt from substantial monitoring and evalua-

tions of other national programmes against racism throughout the EU and recommendations made by the relevant international, national and local organisations.

NSAPs against racism should be subject to interdepartmental government co-ordination (integrating the economic, social and legal aspects of anti-discrimination policies), consultation with the civil society and social partners (particularly with those identified as vulnerable groups and, among them, especially with representatives of Roma and Travellers and Muslim communities), as well as regular review (which should be presented annually to the national parliaments and also made available to the public).

NSAPs should incorporate a data collection component and must also:

- Set clear, quantitative targets and indicators within the policy guidelines that enable them to measure progress in combating racism, xenophobia and related intolerance;
- Include specific operational measures against discrimination and exclusion;
- Monitor, evaluate⁴ and report regularly on the impact of the measures to promote equality and combat racial discrimination;
- Make the necessary financial arrangements to ensure that all required measures are adequately funded.

A.2.2.2. Action at national, regional and local levels

Member States should involve regional and local authorities from the earliest stages of developing the national strategy, and ensure their commitment to its effective implementation. Subsequently, regional and local authorities should develop further action plans to implement the national strategy at local and regional level.

Moreover, Member States should ensure that ethnic and religious minorities, particularly Roma and Travellers and Muslim communities, are regularly consulted as well as given the opportunity and encouraged to be involved in the development, adoption, implementation, monitoring and evaluation of policies aimed at improving their living conditions. Moreover, authorities should ensure gender balance throughout the consultation process.

⁴ For a list of indicators of 'good practice' developed by the EUMC/FRA, see the annex.

A.2.3. Integration, social inclusion and cohesion policies

A.2.3.1. Action at national, regional and local levels

Member States should make use in their integration policies of the *Common Basic Principles on Integration* (CBPs) formulated by the Council of the European Union,⁵ in order to improve and diversify their integration programmes and policies.

When devising public policies targeting migrants and minorities, policy makers at all levels should recognise the interplay between integration, community cohesion and the combating of racial inequalities in employment, education and housing, and as a consequence adopt a holistic approach to policy development. It should challenge institutional barriers, resource problems and racist practices that often restrict the choices and environments of these vulnerable groups.

Member States should develop, where appropriate, community cohesion policies in order to prevent alienation and foster a sense of belonging for all communities by appreciating and valuing the diversity of the different cultures.

Member States should establish or support interdepartmental working groups tasked with ensuring that social and economic government policies deliver on the objective of promoting integration on the basis of equality and non-discrimination for all cultural, ethnic and religious minorities.

A.2.3.2. Action at local level

Local authorities are closest to the European citizen and therefore have a particular role to play in enhancing effective implementation of integration, social inclusion and community cohesion policies. A lead by local authorities in these areas has a positive impact on inter-community relations.

⁵ See Document 14615/04 of 19 November 2004, available at http://ue.eu.int/ueDocs/cms_Data/docs/press-Data/en/jha/82745.pdf (07.02.2008).

A.2.4. Monitoring and data collection⁶

A.2.4.1. Common action at EU and national level

The European Union and its Member States should take all necessary steps for the improvement of the availability, scope, quality and comparability of data relating to the situation of migrants and minorities at national as well as at EU level.

A.2.4.2. National level

Member States should develop appropriate mechanisms to:

- Systematically collect, compile and publish comparable annual statistics on the situation and needs of migrants and minorities in all spheres of life (particularly in education and professional qualification, housing, employment, health and social benefits, public access to goods and services, the criminal justice system, and civic and political participation);
- Record discrimination and incidents of racial violence and crime;
- Monitor institutional performance;
- Evaluate the impact of policies and measures that have been implemented.

When collecting such data, the principles of personal data protection should be respected.

A.2.5. Mainstreaming non-discrimination and equal opportunities

A.2.5.1. Action at national, regional and local level

Member States should implement support and positive action measures for migrants and minorities, in order to enhance their social situation, prevent or compensate for disadvantages linked to racial and ethnic origin respectively religion, provide them with equal opportunities and prevent their marginalisation and exclusion from mainstream society.

⁶ See also the European Commission's most recent publications on data collection: the *European Handbook on Equality Data* (2006), available at http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/hb07_en.pdf (07.02.2008), and *Measuring Discrimination: Data Collection and EU Equality Law* (2006), available at http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/07measdis_en.pdf (07.02.2008).

Member States should take the appropriate measures to guarantee that justice is fully and promptly done in cases concerning violations of the fundamental rights of migrants and minorities, particularly of, as well as to ensure that no degree of impunity is tolerated as regards crimes committed against individuals from these groups.

Public authorities at all levels, as well as other public and semi-public institutions, should serve as role models for anti-discrimination and equal opportunity policies. For instance they could adopt a diversity management approach, which would mainstream anti-discrimination activities and institutionalise the positive value of ethnic and cultural diversity.⁷

Where they have not yet done so, Member States should ensure that authorities at all levels undergo a process of institutional development to ensure they relate to ethnic and religious minorities, on a fair and equal basis. Staff training, clear leadership, effective management and supervision, practical guidance, monitoring of performance, and effective complaints procedures are useful tools for securing institutional change.

Member States should organise in-service training of teachers, police officers and civil servants that should address prejudice and negative stereotypes, increase awareness of direct and indirect discrimination, and provide them with the necessary tools to respond to and effectively deal with an ethnically mixed population.

Those Member States who have not already done so, should in due course establish specialized mediation or arbitration centres (or make existing mechanisms more accessible to migrants and minorities) that can help to mediate conflicts relating to discrimination before the parties reach the court. However, Member States must be aware that practices for conflict resolution, counselling and mediation, though likely to be useful at local level, cannot be substitutes for putting in place effective systems of inspection, policing and individual legal redress to combat discrimination in all spheres of life.

Member States could develop *codes of conduct* to counteract discriminatory practices in fields such as housing or employment and disseminate them nationwide.

⁷ Member States could consider adopting the European Communities' anti-racism provisions (*Council Regulation No 781/98 of 7 April 1998 amending the Staff Regulations of Officials and Conditions of Employment of other Servants of the European Communities in respect of equal treatment*) for the recruitment practices and regulations of their own public services.

A.2.6. Civil Society

A.2.6.1. Common action at European, national and local levels

As part of the strategies to attain an inclusive and cohesive society, the EU and its Member States should initiate and encourage public campaigns and educational programmes that promote tolerance and non-discrimination, respect for all the cultures represented in the EU, as well as raise public awareness of the existence and the unacceptability of racist violence and crime.

The European Commission, Member States governments and local authorities should initiate, encourage and actively support interfaith and intercultural dialogue initiatives at the local, national and European level, in close cooperation with all religious communities, Non-Governmental Organisations and other relevant stakeholders.

The EU and its Member States should facilitate the capacity development and support the activities of Non-Governmental Organisations that play an important role in combating racism, xenophobia and related intolerance and that provide appropriate legal assistance to victims.

A.2.6.2. National, regional and local levels

Member States should implement targeted information activities to ensure that groups vulnerable to discrimination are fully aware of the rights and institutional support mechanisms provided by the new anti-discrimination legislation, such as equality bodies (Art. 13 of Council Directive 2000/43) and victim support organisations (Art. 7 of Council Directive 2000/43). It would also be useful to produce, for each Member State, a directory of organisations defending the rights of victims.

Effective social inclusion strategies should work along with a concept of empowerment. This implies that Member States and local authorities should examine ways to encourage the active involvement of minorities, particularly Roma and Travellers and Muslim communities, in political, economic, social and cultural institutions and processes, especially by supporting their self-organisation through capacity-building.

Member States should encourage self-organisations of migrants and minorities to play an active role in society and politics, with a view to strengthening the civil society.

A.2.6.3. Media

Given their role in shaping social attitudes and behaviour, media organisations and Internet service providers in the EU should develop clear codes of conduct and training programmes for journalists and other media professionals to promote diversity and combat all forms of racism, xenophobia and related intolerance, including anti-Gypsism, anti-Semitism and Islamophobia.

Member States should enact or reinforce appropriate legislation on Internet service providers to prevent the dissemination of illegal racist and xenophobic material, in accordance with article 14 of the EC Directive on Electronic Commerce (2000/31/EC).

A.2.6.4. Political Parties

All political parties in Europe should sign and implement the *Charter of European Political Parties for a Non-Racist Society*,⁸ which sets out a clear code of conduct for the fight against all forms of racism, xenophobia and related intolerance.

A.2.6.5. Non-Governmental Organisations

All religious communities, Non-Governmental Organisations, local authorities and other relevant stakeholders should speak out against bigotry and hatred. Furthermore, they should seek to promote interfaith and intercultural dialogue through joint initiatives at local, national and European level.

People from migrant and minority ethnic groups themselves may actively explore and pursue means for achieving positive changes, individually, collectively or collaboratively.

A.2.7. Research and testing

A.2.7.1. EU level

The EU (for instance through its PROGRESS programme or the FRA) should collect, analyse, compile and disseminate information on 'good practice' models in the field of equality and anti-discrimination. Special consideration should be given to a systematic and rigorous independent evaluation of such actions and initiatives, in order to develop standardised 'good practice' criteria to be referred to at

⁸ Available online at http://fra.europa.eu/fra/index.php?fuseaction=content.dsp_cat_content&catid=3ef0500f9e0c5&contentid=3ef0546396bb5 (07.02.2008).

each stage of policy/project development, implementation and follow-up and with which to measure their 'success'.⁹

A.2.7.2. Common action at European and national levels

The EU and its Member States should support the transnational transfer of knowledge and try to enhance the flow of practical ideas between countries. Improvements in policy networks and environments might help bring valuable benefits in the future.

The EU and its Member States should enhance capacities for independent as well as governmental research and analysis that should inform social, economic and political integration policies in a comprehensive and reliable way.

A.2.7.3. National level

To analyse the subjective dimension of discrimination, Member States should support the surveying victims' perceptions and experiences (victim surveys). Moreover, Member States should consider implementing more widespread and systematic discrimination testing (or 'situation testing') in order to facilitate a clearer assessment of the magnitude and mechanisms of discrimination and provide evidence with which to supplement official data.¹⁰

⁹ For a list of indicators of 'good practice' developed by the EUMC/FRA, see the annex.

¹⁰ Member States that have not done so already should join the programme developed by the International Labour Organisation on discrimination testing in employment, education, housing, healthcare and access to goods and services.

B. Racist violence and crime

Since its creation, the EUMC/FRA has been collecting information on racist crime and violence in the EU, including on initiatives aimed at combating these phenomena. The findings and subsequent recommendations are detailed in the EUMC *Annual Reports* and in the comparative report *Racist Violence in 15 EU Member States. A Comparative Overview of Findings from RAXEN National Focal Points Reports 2001-2004*, published in 2005. Moreover, the same year the EUMC released another report, *Policing Racist Crime and Violence*, which focused specifically on police responses to racist crime and violence, with an emphasis on recording practices, responses to victims of racist crime, training, and engagement with civil society.

B.1. Main findings

On the basis of its reports, the EUMC/FRA concluded that there was a clear need for significant improvement with respect to how criminal justice agencies respond to the problem of racism crime and violence.

The main areas identified by the EUMC/FRA in its reports to be in need of improvement were:

- **Legislation and implementation**, with criminal sanctions related to racism and xenophobia having to be approximated across the EU Member States, in line with the planned Framework Decision on combating racism and xenophobia;
- **Data collection**, because of the need to establish comprehensive criminal justice data collection systems on racist crime in those countries that still lack them and have them standardised across the EU. This would lead to better informed policy responses in each Member State, enabling the criminal justice systems to effectively tackle racist crime and violence.
- **Law enforcement**, given that existing criminal law against racist and xenophobic offences is not always applied and therefore victims of racist violence find their access to justice constrained and certain racist crimes remain unpunished;
- **Police responses** to racist crime and violence, because the police act as criminal justice 'gatekeepers' in the initial reporting and recording of racist and xenophobic offences, which then determines their eventual investigation and prosecution;
- **Racial discrimination or racially motivated misconduct by state agents**, there being continuing disturbing reports of violence and malpractice against vulnerable minorities by police, immigration officers, border control personnel etc.

B.2. Recommendations^{11 12}

In line with the recommendations set forth in the European Parliament *Resolution on the increase in racist and homophobic violence in the EU* (2006) and its position after the re-consultation of the *Council Framework Decision on combating racism and xenophobia* (2007),¹³ the ECRI General Policy Recommendation No. 11, and the ODIHR *Annual Report on Hate Crimes* (latest version 2006-2007), the EUMC has been calling on the EU and its Member States to advance legislation, criminal justice initiatives and data collection on racist incidents in order to provide a firm foundation for policies which protect victims and deter perpetrators. Its main recommendations included the following:

B.2.1. Action at EU level

The EU should encourage and facilitate the cooperation between national forces, as well as the international exchange of knowledge through the means of transnational seminars, comparative analyses, 'good practice' guides and other material. Priority areas in this field include the recording and investigation of racist crime, victim support and referral, police training and the role of NGOs in combating racist crime/violence.

B.2.2. Common action at EU and national levels

The EU and its Member States should adopt the Framework Decision on combating racism and xenophobia¹⁴ which will harmonise criminal sanctions related to racism and xenophobia across the EU.

The EU and each Member State should facilitate the capacity development of civil society to contribute to monitoring and reporting hate-motivated incidents, to assist victims of hate crime and to conduct research on the extent and nature of racist crime and violence.

11 The following recommendations represent a selection of those made by the EUMC/FRA along the years on the topic of racist violence and crime. Further information on this subject, as well as detailed conclusions, recommendations and the arguments supporting them can be found in the EUMC/FRA reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

12 These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

13 <http://www.europarl.europa.eu/oeil/file.jsp?id=216962> (18.05.2008).

14 At the Justice and Home Affairs Council of 19-20 April 2007, the EU Member States reached a general agreement on adopting a Framework Decision on combating racism and xenophobia. The text had been under negotiations since 2001. In July 2007, a new version of the draft *Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law* was sent to the European Parliament for reconsultation. The Decision focuses on the prohibition of public incitement to violence and hatred directed against persons on the basis of their race, colour, religion, descent, or national or ethnic origin. Furthermore, it compels Member States to criminalise cases where public approval, denial or gross trivialisation of genocide amount to racist or xenophobic agitation. According to the draft text, Member States will ensure that these conducts are punishable by criminal penalties of a maximum of at least between 1 and 3 years of imprisonment.

B.2.3. Action at national level

All Member States must implement an adequate legal framework which ensures that the criminal justice system effectively tackles racist crime and violence. This would comprise adopting workable and sufficiently broad legal definitions of specific crimes of racism. Racist motivation should be recognised as an aggravating factor that increases sentencing.

National criminal legislation must also certify that racist and xenophobic offences committed by public officials in the course of their professional duties are deemed particularly serious and made punishable as aggravated offences.

Member States should introduce comprehensive and reliable criminal justice data collection mechanisms at national level. They should collect and make publicly available detailed statistics on racist crime, at every stage of the criminal justice system, which can be anonymously disaggregated to reveal information both about offenders and victims.

Member States should ensure that judges, magistrates, prosecutors and lawyers receive special training and continued education in new criminal law provisions relating to racism, which will enable the implementation of such provisions during investigations, prosecutions and sentencing. Moreover, police personnel should also receive in-service training on the nature and significance of racist crime, their role in combating such crime, and procedures to be followed.

Member States must establish victim-centred initiatives that address the needs of those who have been victimised by racist violence and crime. Moreover, Member States should support organisations that deal with such victims and provide them with training in recording incidents, assisting victims, filing cases and acting on behalf of victims in judicial or administrative procedures at a national level.

B.2.4. Law enforcement agencies

National law enforcement agencies should express a clear public commitment to the full and effective use of their powers, under existing law, in the fight against racist crime and violence. In addition, specialised units should be created to counter incidents of racially motivated offences, to monitor police responses and to provide expert advice.

Law enforcement agencies must translate this public commitment into the internal development of a clear procedural and practical guide for police officers about how to respond to crimes with a suspected racist element and how to support victims.

At the local level, police, in partnership with NGOs and community groups, needs to promote and facilitate the reporting of racist incidents, to respond immediately to indications of tensions by stepping up policing among targeted communities, and to provide adequate support to victims of racist crime, thus ensuring that vulnerable groups are aware of police commitments to effectively deal with racist crime and violence.

C. Employment

The EUMC/FRA has persistently underlined the inequality in employment and discriminatory labour market patterns affecting migrants and minorities in the EU in its *Annual Reports*, as well as in the report *Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-Discrimination in 15 Member States of the EU*, published in 2003.

The EUMC/FRA welcomed the progress made in incorporating the situation of migrants and ethnic minorities in the European Employment Strategy, as well as in having the same groups identified as vulnerable in terms of poverty risk in the European Strategy on Social Inclusion and Social Protection.

C.1. Main findings

Migrants and minorities generally endure worse work conditions than the majority population, receive lower wages and are over-represented in the most precarious and least desirable jobs. Moreover, concurring with the findings of the ECRI in its country reports,¹⁵ the EUMC/FRA also indicates that the Roma and Travellers are particularly vulnerable to employment discrimination across the EU.

The EUMC/FRA argued that inequalities and discrimination in employment can be minimised by:

- Encouraging the **inclusion of minorities and migrants into the labour market** and generally by adopting an approach which addresses non-discrimination, equal opportunities and diversity management at the same time;
- Improving the **data collection mechanisms** on employment, as well as conducting discrimination testing in places of work;
- Setting **quantitative targets and clear indicators** in employment policies and guidelines, which enable the measurement of progress in the situation of migrants and minorities;
- Setting up a **standardised system to evaluate foreign qualifications**, as well as by addressing the special training needs of migrants and minorities.

¹⁵ ECRI's country reports can be accessed at <http://www.coe.int/T/E/human%5Frights/ecri/1%2DECRI/2%2DCountry%2Dby%2Dcountry%5Fapproach/> (07.02.2008).

C.2. Recommendations^{16 17}

In order to achieve these goals and ultimately to create an integrated labour market in each Member State, the EUMC/FRA made a series of action-oriented recommendations, with a view to implementation. Most of these recommendations have been reinforced in the recent report released by the *High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation in the Labour Market* (HLG).¹⁸

C.2.1. Action at EU level

The European Commission should provide guidance regarding the conditions under which EU and national public procurement policies to improve equality are compatible with Community law.

C.2.2. Action at national, regional and local levels

Member States should create a task force, composed of representatives from relevant ministries, social partners and NGOs, responsible for elaborating a programme to promote the inclusion of migrants and minorities into the labour market, including the setting and monitoring of specific operational targets and measures against discrimination and exclusion. The ministries of employment and labour, in cooperation with social partners, employers' and workers' associations, should develop strict codes of conduct against discrimination and in support of diversity.

The FRA joins the European Commission in calling on Member States to transpose the Council Directive 2003/109/EC concerning the status of third country nationals who are long-term residents. According to this directive, third-country nationals who have acquired long-term residence status as set out by this act should have the right of access to the labour market on the same conditions as nationals, except for those activities which involve the exercise of public authority.

Member States should undertake comprehensive efforts, coordinated at the national level by the relevant Ministries of Employment, Labour and Education, to establish reliable and efficient systems for the evaluation and recognition of foreign qualifications and diplomas. Such systems could help to alleviate the widely ob-

16 The following recommendations represent a selection of those made by the EUMC/FRA along the years on the topic of employment. Further information on this subject, as well as detailed conclusions, recommendations and the arguments supporting them can be found in the EUMC/FRA reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

17 These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

18 HLG (2007) *Ethnic Minorities in the Labour Market. An Urgent Call for Better Social Inclusion*, Brussels, available at: http://ec.europa.eu/employment_social/fundamental_rights/pdf/hlg/etmin_en.pdf (07.02.2008).

served phenomenon of dequalification of skilled migrants, contribute to reducing discrimination in recruitment as well as enhance the efficient allocation of human capital.

Member States should attend to the special educational needs of migrants and minorities in order to improve their employability and foster their integration into the labour market. Sufficient financial resources should be allocated to fulfil the needs for language, preparatory and vocational training courses. Special programmes should target particularly vulnerable groups such as migrant women, second-generation migrant youth and disadvantaged autochthonous minorities, while taking care to avoid marginalisation and segregation through the creation of parallel systems.

Member States should review the regulations restricting access to employment in the public sector for minorities.¹⁹ Public authorities at national, regional and local level should also consider adopting positive action programmes for specific vulnerable minority groups.

¹⁹ Member States could consider adopting the European Communities' anti-racism provisions (*Council Regulation No 781/98 of 7 April 1998 amending the Staff Regulations of Officials and Conditions of Employment of other Servants of the European Communities in respect of equal treatment*) for the recruitment practices and regulations of their own public services.

D. Education

Education is a particularly influential factor in social integration and in mediating entry into the employment market. As such, the EUMC/FRA sought to identify the type of discrimination pervading the educational sector and to highlight the situation of vulnerable groups. In addition to constantly covering this policy area in the *Annual Reports*, the EUMC has also published a comparative report on *Migrants, Minorities and Education. Documenting Discrimination and Integration in 15 Member States of the European Union* in 2004.

D.1. Main findings

Areas where immigrant or minority children are being let down include enrolment assessment, the choice or allocation of schools, drop-out or expulsion rates, academic performance and results, limited careers options, and progression to higher education. The pupils found to be most vulnerable to discrimination are those from migrant-background communities, ethnic or language minorities and religious minorities. Roma and Travellers, as well as children of asylum-seekers and undocumented migrants, are especially at risk.

Findings from EUMC/FRA studies suggest that the relevant authorities must devote more attention to:

- Securing **open and equal access to education for all** and to addressing the special educational needs of immigrant and minority students;
- **Financial and human resources**, by allocating adequate resources and training in order to fulfil the urgent demands of a multicultural environment;
- Preventing **segregation** and to promoting intercultural education when defining public policies;
- **Combating racism** as well as **direct and indirect racial discrimination** in and through education, which also requires collecting comprehensive and comparable data sets on the educational situation of migrants and ethnic minorities nation-wide and at the EU level.

D.2. Recommendations^{20 21}

The EUMC/FRA stresses the fact that equal access to quality education for all is a critical foundation for integration and community cohesion. Moreover, as emphasised also by the ECRI *General Policy Recommendation No. 10 on Combating Racism through Education*,²² education and training measures play a crucial role in combating racism, xenophobia and related intolerance.

D.2.1. Common action at EU, national and regional levels

The European Union and the Member States should take the necessary steps to increase the availability, the scope, quality and comparability of data on the educational situation of migrants and ethnic minorities at the national as well as at the EU level. This pertains to data on enrolment, attendance, completion rates, results achieved and progress made at all educational levels, as well as to the monitoring of acts of discrimination and racism in schools.

Authorities in charge of educational programme development at regional, national, and EU levels should take concerted efforts to develop clear guidelines for the integration of intercultural approaches and comparative perspectives to teaching.

D.2.2. Action at national level

Member States should work to eliminate practical barriers to education and endow all children with the necessary means to participate in education. Particular attention should be paid to children belonging to vulnerable groups such as migrants, minorities, asylum seekers and persons without a legal residence status.

Member States need to ensure that policies and practices do not inadvertently result in segregation or the overrepresentation of migrants or ethnic minorities in schools with lower academic demands or special education. Segregated forms of education should be either completely abolished or limited to short-term preparatory classes, leading to the integration of migrants and minority pupils into mainstream schooling.

20 The following recommendations represent a selection of those made by the EUMC/FRA along the years on the topic of employment. Further information on this subject, as well as detailed conclusions, recommendations and the arguments supporting them can be found in the EUMC/FRA reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

21 These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

22 See the ECRI *General Policy Recommendation No. 10 on Combating Racism through Education*, available at http://www.coe.int/t/e/human_rights/ecri/1%2Decri/3%2Dgeneral_themes/1%2Dpolicy_recommendations/intro.asp#TopOfPage (07.02.2008).

Member States should ensure that national education curricula and textbooks address issues of racism, xenophobia and related intolerance, and also that the history of ethnical and religious minority groups is presented in a balanced way.

Member States should ensure that parents of pupils from minority groups are able to fully participate in the school's decisions and activities.

Member States could consider the possibility of introducing initiatives to increase the number of teachers with migrant or minority background. Acting as intercultural mediators, they would help improve communication between families and education authorities.

Member States should ensure that more free language courses and support is made available to migrants, particularly the youth, to facilitate their integration into the host society and improve their employment opportunities. Where such language lessons do exist, municipalities must disseminate this information to potential students.

Member States should ensure that school authorities offer all migrant children, irrespective of whether EU-nationals or not, the possibility to learn their mother tongue at school.

D.2.3. Education institutions

Education institutions should adopt a code of anti-discrimination and anti-racist principles and behaviour through an open and facilitated consultation process, which involves pupils, their parents and staff. Furthermore, educational institutions of all Member States should be mandated to record, report and seriously address racist incidents by staff, pupils or parents.

E. Housing

Over the years, the EUMC/FRA has devoted attention to the issue of discrimination and segregation in housing in each of its *Annual Reports* and it has also published in 2005 a special thematic report *Migrants, Minorities and Housing: Exclusion, Discrimination and Anti-Discrimination in 15 Member States of the European Union*. Viewed collectively, the reports show a widespread incidence of unfair and discriminatory practices affecting housing markets, social rented housing allocation, or access to finance and other support.

E.1. Main findings

The incidence of negative housing experiences and restricted choice is not random. It frequently results from a combination of low socio-economic status with systematic and persistent racist practices. On the one hand poor housing conditions can often be the most important manifestations of social exclusion, and on the other hand housing practices may become mechanisms for reinforcing or creating such exclusion.

Though the EU intervention via several Directives²³ is having a positive effect, nonetheless much still remains to be done through law, regulation, co-operation, and investment strategies. The main areas identified by the EUMC/FRA to be in need of improvement were:

- **Equality of access to housing**, given the widespread incidence of unfair and discriminatory practices affecting housing markets. This could be tackled for instance by providing counselling and information on the practical and legal housing-related issues, by lowering legal barriers to access to social housing or, in the case of access to private housing, by providing material or financial assistance which increase the renting or purchasing capacities of the target households, as well as by offering direct mediation between private landlords and potential tenants who otherwise might be discriminated against;
- **Housing situation of vulnerable persons**, there being a need to reconsider the financial assistance and range of choice in social housing, as well as to reduce segregation;
- **Regular monitoring and evaluation of housing policies and practices**, to ensure their compliance with anti-discrimination obligations and that they are part of wider packages of measures involving all areas of social and economic life.

²³ At the EU level, two Directives are particularly relevant to the area of housing. Directive 2003/109 grants to long term residents rights to social security, protection and assistance which might improve the material situation of migrants and in consequence their housing conditions. Also, Directive 2003/9 on reception conditions to asylum seekers provides that Member States should ensure a standard of living adequate for the health of applicants and capable of ensuring asylum seekers' subsistence.

E.2. Recommendations^{24 25}

This section offers a selection of the main recommendations on housing made by the EUMC/FRA, which have been also reiterated for instance in the *Housing and Integration of Migrants in Europe* report developed by the European Foundation for the Improvement of Living and Working Conditions in 2008²⁶ or in the *Study on Immigration, Integration and Social Cohesion* commissioned by the DG Employment and Social Affairs in 2005.²⁷

E.2.1. Action at national level

Member States should closely monitor and rapidly address the situation of those people living in sub-standard, overcrowded accommodation, with no facilities and poor health conditions, particularly Roma and Travellers which are continually identified as the main victims of exclusion and prejudice. To tackle the precarious housing conditions found in such neighbourhoods, Member States should aim to install proper amenities and more permanent infrastructure.

Evictions from irregular housing or from areas selected for urban renewal should be conducted only in the context of well-funded and researched relocation programmes that provide the necessary support and information, as well as on the basis of alternative accommodation being made available.

Member States should be aware that counteracting the formation of segregated neighbourhoods requires a broad package of measures involving all areas – employment, education, housing, security etc., and not just changing spatial distribution patterns. Therefore Member States should be cautious in using involuntary spatial mixing or forced distribution as a route towards social integration and should consider people's preferred pathways in terms of housing opportunities and choices.

Member States must ensure that reception centres for asylum-seekers are adequately resourced and that the rights of the lodgers are not neglected.

24 For a detailed account of practices that undermine the right to housing and impact on the access to housing of members of ethnic minority groups, a range of good practice initiatives to be found across the EU, and complete EUMC/FRA recommendations and opinions, see the reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

25 These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

26 European Foundation for the Improvement of Living and Working Conditions (2008) *Housing and Integration of Migrants in Europe*, report developed in the context of the Cities for Local Integration Policy Network (CLIP), available at www.eurofound.europa.eu (12.02.2008).

27 Fermin A. and S. Kjellstrand (2005) *Study on Immigration, Integration and Social Cohesion*, study prepared for the European Commission, DG Employment & Social Affairs, available at http://ec.europa.eu/employment_social/spsi/main_studies_on_ss_en.htm (14.04.2008).

In the case of seasonal migrants and migrants with an insecure legal status, Member States should ensure that alternative housing solutions are envisaged to cope with the vulnerability of these groups.

Member States should consider the implementation of more widespread discrimination-testing in the housing sector. Evidence of blatant xenophobia is particularly pervasive in housing advertisements, where foreigners are often explicitly excluded, and in tenancy evaluations, resulting in the rejection of rental applications made by minorities.

Member States should devise explicit and practical integration policies that are responsive to the diversity of households and their needs. Two possible ways forward would be

- To develop more shared, collaborative or federated housing and neighbourhood enterprises, where collective opportunities to take decisions and develop facilities could bring people together in very practical joint activities as equals; and
- To facilitate voluntary movement by migrant and minority ethnic households into a wider range of housing areas, including those of better quality.

E.2.2. Action at local level

Given that racism in residential environments is most effectively tackled through local action, local authorities should develop city-wide initiatives informing people of the rights shared by all residents and improve the poor conditions characterising migrant and ethnic minorities.

F. Situation of Roma and Travellers

The EUMC/FRA in-depth work on the Roma and Travellers was developed through targeted research, the hosting of round table conferences and close cooperation with international organisations, in particular, the Council of Europe and the OSCE. The findings from the regular monitoring of the situation of Roma and Travellers through the RAXEN network have been included in the *Annual Reports*. Additionally, the EUMC published two thematic reports that focused on the situation of Roma and Travellers in the European Union: *Breaking the Barriers: Romani Women and Access to Public Health Care* (2003) and *Roma and Travellers in Public Education. An Overview of the Situation in the EU Member States* (2006).

F.1. Main findings

The EUMC/FRA has continuously been pointing to the systematic deprivation, exclusion and marginalisation of Roma and Travellers in the European Union and has urged both the Community and its Member States to act without delay to change this situation. Above all, there is an urgent need for conducting evaluations of the impact of EU, national and local projects and programmes targeting Roma and Travellers that have been implemented so far. Three major recommendations are central to the opinions expressed by the EUMC/FRA:

- Ensure **non-discrimination and equal opportunities** in all spheres of life, particularly in education, housing, employment, and access to health and justice, where the Roma and Travellers have been subject to systematic exclusions, for instance by including their interests in mainstream policies, as well as by making use of positive action initiatives;
- Achieve **empowerment** of the Roma and Travelling communities, with the aim of increasing their active participation at all levels of policy-making, including implementation and monitoring;
- **Combat prejudice and promote respect for Roma and Traveller culture and tradition**, because discrimination against these groups is often the result of deeply rooted negative stereotypes resulting from ignorance of their history, culture, values and norms.

F.2. Recommendations^{28 29}

Below are some of the main recommendations made by the EUMC/FRA aimed at improving the situation of Roma and Travellers and which concur with the ECRI *General Policy Recommendation No. 3 on Combating Racism and Intolerance against Roma/Gypsies*, the recommendations made by the Council of Europe's Experts' Committee on Roma, Gypsies and Travellers (MG-S-ROM) and by the EU High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation in the Labour Market (HLG),³⁰ as well as those found in the report on *The Situation of Roma in an Enlarged EU* published by the DG Employment and Social Affairs in 2004.³¹

F.2.1. Common action at EU and national levels

The EU and its Member States should commission evaluations of the impact of EU and national projects and programmes targeting the Roma and Travellers that have been implemented so far.

F.2.2. Action at national level

In order to effectively address the needs of the Roma and Travellers, Member States should adopt an approach whereby the interests of these communities are both targeted with specific initiatives and included in mainstream policies, such as National Action Plans on Social Inclusion, Employment, Lifelong Learning etc.

Member States should adopt proactive and concrete measures to raise awareness among the Roma and Travelling communities about the importance and methods of acquiring documented legal status, in a bid to ensure equal access to citizenship status and rights, as well as to enable better data collection and to target specific initiatives. Additionally, Member States should take specific measures to ensure that Roma and Travellers acquire full knowledge and implementation of their rights and of the functioning of the legal system.

28 The following recommendations represent a selection of those made by the EUMC/FRA along the years on the situation of Roma. Further information on this subject, as well as detailed conclusions, recommendations and the arguments supporting them can be found in the EUMC/FRA reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

29 These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

30 HLG (2007) *Ethnic Minorities in the Labour Market. An Urgent Call for Better Social Inclusion*, Brussels, available at: http://ec.europa.eu/employment_social/fundamental_rights/pdf/hlg/etmin_en.pdf (07.02.2008).

31 European Commission, DG Employment and Social Affairs (2004) *The Situation of Roma in an Enlarged EU*, available at http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/roma04_en.pdf (14.05.2008).

Member States should take steps to guarantee equal and physical access to health care, through the provision of adequate infrastructure and services, and consider introducing client-held records, or similar non-territory based systems, for mobile populations.

Member States are strongly urged to use measures relocating citizens with a Roma background only when there is no possibility of legalisation and re-housing in situ.

Member States should organise training programmes for healthcare authorities and staff about Roma and Travellers' culture, traditions and mobility patterns, in order to provide the best care for these communities. Additionally, Member States could also create a system of incentives that would motivate healthcare personnel to work within Roma and Travelling communities.

Member States should actively encourage Roma and Travellers to enrol in mainstream education by removing any administrative requirements that could either prevent or discourage this.

Member States should urgently implement special measures to reduce adult illiteracy and to improve employability of Roma and Travellers, for instance by implementing vocational training programmes that develop marketable skills. Such programmes should target in particular the women, which suffer from double discrimination.

Member States should ensure that Roma and Travellers' history and culture are given visibility in mainstream school textbooks. Particular consideration must also be given to disseminating the Roma experience of the Holocaust.

Member States should consult the Roma community regarding the use of Romani language in school, seeing as opinions on this matter are sometimes divided. Romani language classes could be made available for instance as an optional course for all pupils in regions with a particularly high concentration of Roma.

F.2.3. Local authorities

Local authorities need to be sensitised to the needs of travelling communities and provide them with the necessary facilities that will improve their standard of living. Schools also need to develop special pedagogical measures in order to integrate them in the school population by openly acknowledging nomadism as a legitimate and respected choice and lifestyle.

F.2.4. Education authorities and institutions

Schools should systematically monitor truancy of Roma and Travelling pupils and seek to actively involve parents in school-related activities and decisions, including ensuring that their children attend school regularly.

In order to replace any current discriminatory practices that result in the placement of a disproportionately high number of Roma and Travelling pupils in special education, education authorities should guarantee that the assessment procedures and psycho-pedagogical testing are developed involving Roma and Travellers' representatives and that they take into account language issues and different socio-cultural norms and models of behaviour. The main aim of such special education programmes should be to transfer and integrate Roma and Travelling pupils to regular education.

F.2.5. Roma and Travellers' organisations and communities

Roma and Travellers' organisations and communities must also contribute to the removal of prejudices and stereotypes through active participation and civil rights work in the societies in which they live. To this end, they might for instance participate in lobby groups that point out the discriminatory treatment experienced by the Roma and Travellers in some aspects of economic, social or political life.

G. Anti-Semitism

Based on the data collected through the RAXEN Information Network, the EUMC prepared in 2004 a report on *Manifestations of Anti-Semitism in the EU 2002-2003*. A brief but regular overview of this topic was also provided in the *Annual Reports*. Having identified the need for more comparable indicators at the EU level, the EUMC cooperated with OSCE/ODIHR to improve the instruments available for data collection.³²

G.1. Main Findings

The detailed analysis of the data in the EUMC/FRA studies point to a number of areas where further initiatives could be taken including:

- **Legislation**, in order to introduce effective, proportionate and dissuasive criminal penalties;
- **Monitoring and data collection**, because the actual prevalence of anti-Semitic incidents is still very difficult to gauge in some countries;
- **Education**, given the crucial importance of education and training measures in combating racism and anti-Semitism, and also because of the need to properly convey the message of the Holocaust;
- **Media and wider civil society**, due to the necessity to promote interfaith and intercultural dialogue through joint initiatives at local, national and European level.

G.2. Recommendations^{33 34}

On the basis of the findings in its studies, the EUMC/FRA made a series of recommendations and proposals for action. These should be seen within a general framework of measures against racism, xenophobia, anti-Semitism, Islamophobia and related intolerance.

³² One of the outcomes of this collaboration was a guide to data collection available at http://www.fra.europa.eu/eumc/index.php?fuseaction=content.dsp_cat_content&catid=41efd2eb5263f (08.02.2008).

³³ The following recommendations represent a selection of those made by the EUMC/FRA over the years on the topic of anti-Semitism. Further information on this subject, as well as detailed conclusions, recommendations and the arguments supporting them can be found in the EUMC/FRA reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

³⁴ These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

G.2.1. Common action at EU and national levels

The European Commission and Member States should consider adopting measures for police cooperation, under Article 34 of the EU Treaty. These would work towards enhancing the collection and dissemination of data on anti-Semitic offences, with the close cooperation of EUROPOL and EUROJUST.

G.2.2. Action at national level

Member States should prioritise the objectives outlined in the *Resolution on Remembrance of the Holocaust, Anti-Semitism and Racism*, adopted by the European Parliament on 27 January 2005. These included the reinforcement of measures against anti-Semitism and the standardising of Holocaust education in school curricula across the EU.

Those Member States that have not yet done so, should improve their mechanisms to collect data on racist crime, so as to record and properly identify incidents of anti-Semitism. This would allow determining the actual prevalence of anti-Semitic incidents, as well as obtaining more detailed information on the perpetrators of anti-Semitic acts, and ultimately it would enable the development of effective knowledge-based crime prevention policies.

Member States should mainstream Holocaust education into all national curricula.³⁵ Moreover, Member States should commission an in-depth review of school textbooks in order to purge any anti-Semitic content, thus helping to ensure that the past is presented free of bias and that the history and message of the Holocaust is properly conveyed.

G.2.3. Media

Given their key role in shaping social attitudes and behaviour, media and Internet service providers in the EU should develop clear codes of conduct and training programmes for journalists and other media professionals to promote diversity and combat all forms of racism, xenophobia and related intolerance, including anti-Semitism.

35 ODIHR, in association with the Anne Frank House, has developed a 3-module teaching materials pack addressing a variety of aspects of anti-Semitism. Further details at: http://www.osce.org/odihr/item_11_23875.html (07.02.2008)

H. Islamophobia

The EUMC/FRA addressed the situation of Muslim communities and Islamophobia in its Annual Reports as well as in several special reports: *Community Cohesion at Local Level: Addressing the Needs of Muslim Communities. Examples of Local Initiatives* (2008), *Muslims in the European Union: Discrimination and Islamophobia* (2006), *Situation of Islamic Communities in Five European Cities. Examples of Local Initiatives* (2001), *The Impact of 7 July 2005 London Bomb Attacks on Muslim Communities in the EU* (2005), and *Summary Report on Islamophobia in the EU after 11 September 2001* (2002).

H.1. Main findings

While welcoming the growing awareness across Member States of the phenomenon of Islamophobia, the EUMC/FRA also pointed to a number of areas where further progress could be made, including:

- **Empowerment**, by promoting the active involvement of Muslim communities in institutionalised procedures of policy making at all levels and by supporting their self-organisation through capacity-building;
- **Employment**, by advancing positive action and support measures for Muslims, particularly the youth, and by implementing diversity management measures;
- **Education**, by promoting an education free of bias and by including an anti-racism and diversity component in the training of teachers, police staff and other public servants;
- **Civil society** – on the one hand by insuring its support in the fight against racism, xenophobia and related intolerance, including Islamophobia, and on the other hand by encouraging Muslim communities' involvement in all spheres of public life.

The EUMC/FRA has pointed out that it is crucial that the efforts taken to engage with the Muslim community and to prevent anti-Muslim incidents be part of or complemented by comprehensive social inclusion and anti-discrimination policies, so that they achieve sustainable results and address core issues with benefits for the entire society. It is also important to communicate that such policies have stand-alone objectives, which go beyond the prevention of extremism.³⁶

³⁶ In a Communication adopted on 21 September 2005, the European Commission presented actions and recommendations to complement current national efforts to prevent 'violent radicalisation' and the 'potential for terrorist recruitment'. The Commission has noted the 'ancillary effects' that integration policies can have on preventing radicalisation while stressing that these are also stand-alone policies. Further details at: <http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/329&format=HTML&aged=0&language=EN&guiLanguage=en> (07.02.2008).

H.2. Recommendations^{37 38}

Building on the findings in its reports and reaffirming the position of the ECRI *General Policy Recommendation No. 5 on Combating Intolerance and Discrimination against Muslims*, the EUMC/FRA put forward several recommendations with an aim to support policy making towards Muslim communities. The opinions expressed by the EUMC/FRA have to be seen within a general framework of measures against racism, xenophobia, anti-Semitism, Islamophobia and related intolerance.

H.2.1. Action at EU level

Members of government, staff of European institutions, politicians, police officials and other high profile opinion makers must show decisive and responsible political leadership, though positive public gestures regarding Islam and the engagement in dialogue with Muslim community representatives must not be seen to occur only at times of heightened tension.

Member States and European institutions should continue encouraging and promoting the active involvement of Muslim communities in institutionalised procedures of policy making and also include them in more informal channels of dialogue at European, national and local levels. To this end, Member States and the European institutions should also examine ways to support Muslim communities' self-organisation through capacity building and leadership development.

H.2.2. Action at national level

Member States should seriously address the employment situation of Muslims, particularly the youth. Research shows that the implementation of diversity management measures, whereby cultural and religious allowances are made in the workplace, stands to bring many benefits for both public and private sector employers. Moreover, national and local public authorities should lead the way in the promotion of equal access to employment.

Member States and local authorities should examine ways to harness the active involvement of Muslim communities in political, economic, social and cultural life and institutions, particularly by supporting their self-organisation through capacity-building.

37 The following recommendations represent a selection of those made by the EUMC/FRA along the years on the topic of Islamophobia. Further information on this subject, as well as detailed conclusions, recommendations and the arguments supporting them can be found in the EUMC/FRA reports mentioned above, as well as in the most recent *Racism and Xenophobia in the Member States of the EU* (2007). All documents are available on the website of FRA, www.fra.europa.eu.

38 These recommendations must be read in parallel with the cross-sectoral recommendations made in the first chapter, which complement them and provide a general framework of measures against racism, xenophobia.

Member States should organise in-service training of teachers, police officers and civil servants that should address prejudice and negative stereotypes, increase awareness of direct and indirect discrimination, and provide them with the necessary tools to respond to and effectively deal with an ethnically mixed population. The discussion of racism, xenophobia and religious intolerance should be part of official school curricula.

Member States should incorporate anti-racism and diversity training in their police training programmes, including a focus on issues related to Islamophobia.

It is necessary that Member States examine their policies on religious symbols with a view to ensuring that these are consistent with non-discrimination and equality legislation and principles. Where doubts arise, Member States should be prepared to clearly explain the reasons for their policy on religious symbols and its wider benefits for society.

H.2.3. Civil Society

Muslim communities should strengthen or develop representative organisations that reflect the diversity of the communities while empowering women and youth in particular.

Conclusions

The EUMC/FRA findings show that in the period from 1997 to 2007 progress has been made across the EU in the fight against racism, xenophobia and related intolerance. However, the EUMC/FRA identified throughout its reports shortcomings across Member States with regards to combating and preventing racist violence and discrimination in all fields of life and particularly in employment, education and housing, as well as with regards to strengthening inclusion, community cohesion and participation. The EUMC/FRA argued that the interdependence between these fields requires the adoption of a more integrated approach to policy development. All government departments should be engaged in this process, from the initial design of policy to its eventual implementation and assessing its impact.

Highlighting social inclusion and integration as one of the main challenges facing Member States in the European Union, the EUMC/FRA calls for policy-makers at all levels to recognise the interplay between migrant integration, social inclusion, community cohesion and the combating of racial inequalities in employment, education and housing, and as a consequence to adopt a more integrated approach to policy development.

However, in order to develop good policies, there is a need for quality data collection, monitoring and research. The EUMC/FRA has been of the long-standing opinion that there is a need for a more in-depth analysis of the impact of national, regional and local policy, in the fields just mentioned, on the rights of those belonging to migrant and minority groups. The regular review and assessment of the influence of such policies should be actively pursued with the support of civil society organisations, social partners and the minority communities themselves.