



EUMC Annual Report 2005 Media Summary

The Annual Report 2005 covers developments for the year 2004 concerning the occurrence of, and responses to, racism, xenophobia, anti-semitism and anti-Muslim manifestations in the 25 EU Member States.

This year's Annual Report presents an overview in the five research areas - legislation, employment, housing, education, and racist violence and crimes. Selected examples of 'good practice' initiatives, from both the EU15 and the new Member States, are inserted throughout the report.

It is apparent that some Member States are relatively active in initiatives against racism and discrimination, while others lag behind.

The enlargement of the EU poses new challenges in the area of data collection, including with respect to groups such as the Roma that are particularly vulnerable to racism. The EU's anti-discrimination Directives should help to break the vicious circle of deprivation, prejudice and discrimination that they experience.

A number of incidents took place in 2004 that had repercussions on inter-community relations across Europe, most notably, the Madrid train bombings (March 2004) and the murder of Theo van Gogh in the Netherlands (November 2004).

One theme running through this EUMC report is the problem of the absence of adequate data on which to evaluate problems and base policies. The true extent and nature of the problem of racist violence and crime remains difficult to gauge given the continued absence or ineffectiveness of both official and unofficial data collection in many Member States.¹

Legislation

Most of the 25 Member States have transposed the Directives - Council Directive 2000/43/EC (the 'Race' Directive) and Council Directive 2000/78/EC (the Employment Directive) - in their entirety. Four Member States - Germany, Luxembourg, Austria and Finland - were referred to the European Court of Justice (ECJ) for their failure to satisfy the requirements of the Racial Equality Directive, and later in the year the same four were referred to the ECJ for their failures regarding the Employment Equality Directive. Several Member States failed to establish a specialised body with responsibility for promoting equal treatment and providing assistance to victims of discrimination.

Although Member States have introduced legislation affording improved protection to racial/ethnic minorities and populations of migrant origin under the terms of the

¹ <http://eumc.eu.int> - Comparative Report on 'Racist Violence in the EU15', Chapter 2.

EU Directives, some have also chosen to introduce other legislative measures which serve to restrict various rights of migrants and minorities, covering issues such as rights to entry and citizenship, or rights to wear clothing signifying religious faith. In some Member States there have been moves to re-define national minorities, advantaging some minority groups over others.

At the same time, there is encouraging evidence that some Member States are introducing legislation that focuses on racist offenders. There have been various moves among Member States to make it easier to prosecute racist crimes, and to increase sanctions against them.

During 2004 non-discrimination and equality issues became even more prominent at EU level. The new President of the European Commission stated that he would adopt a package to consolidate respect for human rights and non-discrimination in Europe, and the new Commission committed itself to a greater integration of anti-discrimination policy in other policy areas. There were moves to examine whether the scope of the anti-discrimination Employment Directive should be extended to areas outside employment, such as discrimination in access to goods and services.

Following the adoption of the Hague Programme, the Council adopted on 19 November 2004 a set of common basic principles for immigrant integration.

Employment

There are mixed messages emerging from the labour market. There appears to be a conflict between the need for immigrant labour, working without discrimination, and the desire by Member States to be seen to be doing something to limit and control immigration.

In most Member States migrant or minority ethnic workers are disproportionately grouped in the lowest occupational categories within the least prestigious employment sectors.

Evidence of discrimination in employment is considerable: for example, researchers from the University of Paris submitted curricula vitae in response to 258 job advertisements, and found that job applicants with a disability, followed by those of African and North African backgrounds, were the main victims of discriminatory treatment. Other similar tests were carried out in Denmark, Germany, Hungary, Netherlands, Sweden, and the UK.

Whilst the anti-discrimination Directives confer the right to labour without discrimination there are legal restrictions in some countries which restrict the access of non-nationals to certain (often public sector) occupations, or the use of permits which restrict their ability to change jobs.

On the other side, there is encouraging evidence of a variety of initiatives to prevent discrimination in employment. Many of these are linked to European funding and/or are related to national programmes which set out to implement European Directives.

Housing

For the EU25, available information indicates that in the housing sector, minority groups, migrants, refugees and asylum seekers are regularly affected by discrimination and racism. There is also ample evidence to indicate that the Roma are the most vulnerable.

Restricting access to housing on the basis of ethnicity or nationality was reported by a number of NFPs (National Focal Points). Examples include discriminatory advertisements, discrimination in the administration of accommodation, waiting lists, and outright refusal to let by landlords, real estate agents and housing associations.

Migrants and minorities often suffer inappropriate housing conditions - small and overcrowded flats with unhygienic conditions.

There is also evidence from a number of Member States that foreign nationals are asked to pay higher rents than nationals. They may also be subject to excessive demands for advance payment, refusal to accept guarantors, and requests for excessive and unnecessary documentation. Home ownership is less widespread among minority ethnic and foreign populations.

Reported initiatives of 'good practice' in housing included programmes which construct housing or buy and restore empty flats and make them available to previously excluded minorities.

Education

Where data is available, it is evident that the educational achievements of a number of migrant and minority groups lag behind those of majority populations.

In particular, it is the migrants from non-EU countries, as well as some national minority groups, who suffer from high rates of educational under-achievement.

In reports on educational inequality, two of the main concerns are those of segregation, and the over-representation of certain groups in 'special education'.

The issue of religious symbols in schools, in particular the wearing of headscarves, became controversial in some Member States (although not in others) during 2004.

Some Member States are introducing a new inter-cultural education syllabus, and new parts of the curriculum designed to address racism and anti-semitism.

EU-sponsored projects in the area of minority education are likely to have a positive impact in the 'new' Member States by stimulating debate and opening doors for more open dialogue on minorities.

Racist violence and crime

Among the EU15 there is no publicly available official data on incidents of racist violence and crime for Greece, Spain, Italy and Portugal. In comparison, the UK² has the most comprehensive official data on racist violence and crime among the EU15. Among the new Member States the Czech Republic, Hungary, Poland and Slovakia collect official data on racist violence and crime.

As a result, the UK, with 52,694 racist incidents reported to the police in the period 2003-2004, has the highest number of reported racist incidents among the EU25. Germany has the next highest number with 6,474 crimes registered as “politically motivated criminality – right wing” in the first ten months of 2004. In comparison, France officially recorded 1,565 racist, xenophobic and antisemitic threats and acts in 2004. These disparities tell us as much about the inadequacy and inconsistency of data collection as they do about the actual extent of racist violence and crimes in the EU.

According to both official and unofficial reports on racist violence and crime, the most vulnerable victim groups in the EU are ethnic minorities within the national population, Jews, Muslims, North Africans, people from the former USSR and the former Yugoslavia, refugees/asylum seekers, and Roma/Sinti/Gypsies/Travellers.

Violent and aggressive acts against ethnic minority and foreign groups by public officials – namely the police and immigration officers – are an issue. Against this, the NFPs refer to a range of positive police initiatives that set out to combat racism within the police, build community relations, and/or assist victims of racist violence and crime.

Conclusions

Integration is one of the main challenges facing Member States in the European Union. Policy should therefore take into account the interdependency between employment, education and housing to ensure that integration goes hand in hand with equality and social inclusion. Regular review and assessment of the impact of national policies therefore needs to be built in and actively pursued.

Although it is too early to assess fully the impact of the Racial Equality and Employment Equality Directives, the EUMC’s opinion is that implementing measures need to be supported by training and by greater awareness within public institutions and key sectors of the economy. Transposition of the directives should be the first step to developing a more comprehensive approach to tackling racial discrimination and establishing visible indicators of progress.

The EUMC is of the opinion that more action is required at the policy development and monitoring stage to ensure that economic and social aspects of equality and non-discrimination policies are better integrated. Member States should set up

² Where reference is made to official ‘UK’ data this refers to criminal justice data for England and Wales.

inter-departmental working groups within government to integrate the economic and social aspects of policy to combat discrimination.

The EUMC welcomes the progress made in incorporating the situation of migrants/minorities into the European Employment Strategy. Within National Action Plans on Employment, Member States should:

- set clear, quantitative targets and indicators within the employment guidelines that enable them to measure progress in the situation of migrants/ minorities;
- include specific operational measures against discrimination and exclusion;
- report regularly on the impact of their measures to promote equality and combat racial discrimination.

The EUMC's opinion is that by drawing on these developments the framework for action to combat racism will be practical, consistent and coherent.

Tackling racial discrimination in the housing sector³

The EUMC is of the opinion that Member States, through their relevant authorities, should undertake systematic and regular review of their legislation, policies and practices and remove all provisions or administrative practices that result in direct or indirect discrimination against members of ethnic minority groups. In addition, Member States should establish adequate and independent mechanisms or task existing equality and anti-discrimination bodies to report on compliance with anti-discrimination measures in the housing sector.

Tackling racial discrimination in the education sector

The EUMC is of the opinion that Member States need to ensure that policies and practices do not inadvertently result in segregation or the over-representation of ethnic minorities in schools with lower academic demands or special education.

Member States should provide a regular audit and monitoring of the situation of ethnic minority pupils in the education sector.

Tackling racist violence and crime

The EUMC is of the opinion that legislative measures combined with improved data collection and criminal justice initiatives can contribute to monitoring, assessing and providing protection to victims. It therefore calls on Member States

- to adopt a workable and sufficiently broad legal definition of crime as 'racist', and to recognise 'racist motive' as an aggravating factor that increases sentencing;

³ The term housing includes different modes of accommodation.

- to collect and make publicly available detailed statistics on racist crime;
- to develop crime/victim surveys that allow quantitative and comparable data collection on victims of racist crime;
- to promote comprehensive and regular police training on effective responses to racist crime, based on ‘good practice’.

Note

The findings in this Annual Report are the product of an on-going data collection exercise involving the EUMC’s 25 RAXEN National Focal Points (NFPs). NFPs consist of consortia which are typically constituted by bodies such as anti-racist NGOs, university research centres, institutes for human rights, or national specialised bodies for equal treatment. The NFPs are requested to collect information from a range of sources, in accordance with specific and common guidelines. Each NFP produces a ‘National Report’, and from the information in these National Reports the thematic chapters are produced. The accuracy of the information is checked by government liaison officers from each Member State. The first full draft is produced by the EUMC for comment by the members of the Management Board around June each year, and the final draft is produced for approval by its Management Board in October of the year of publication.