



COMMISSION OF THE EUROPEAN COMMUNITIES

**Brussels, 13.12.1995
COM(95) 653 final**

95/0355 (CNS)

COMMUNICATION FROM THE COMMISSION

on racism, xenophobia and anti-semitism

and

**Proposal for a
COUNCIL DECISION**

designating 1997 as European Year against Racism

Poor legibility of one or more pages of this document is due to the condition of the original document and the microfiche from which this copy was made.

(presented by the Commission)

CONTENTS

1. INTRODUCTION

- 1.1 The problem
- 1.2 The need for a European response
- 1.3 The European institutions and the fight against racism
- 1.4 The purpose of this Communication

2. THE COMMISSION'S ACTION AGAINST RACISM

- 2.1 Guiding principles
- 2.2 The means available
- 2.3 Key areas for action
 - 2.3.1 Promoting integration and opening pathways to inclusion
 - 2.3.2 Promoting equal opportunities and reducing discrimination
 - 2.3.3 Raising public awareness and combating prejudice
 - 2.3.4 Preventing racist behaviour and violence
 - 2.3.5 Monitoring and sanctioning racist crime
 - 2.3.6 International cooperation
 - 2.3.7 The question of European-level legislation

3. 1997: EUROPEAN YEAR AGAINST RACISM

Explanatory Memorandum

Proposal for a Council Decision designating 1997 as European Year against Racism

Annex

Financial Statement

I. INTRODUCTION

The purpose of this Communication is to develop the contribution of the European Commission in the fight against racism, xenophobia and anti-semitism. It has been prepared in the light of the report of the Consultative Commission on Racism and Xenophobia, presented to the Cannes European Council in June 1995, and is designed to be complementary to the ongoing work of the Council and the European Parliament in this area. In addition to outlining the action that the Commission proposes to take over the next few years, the Communication also presents a draft Council Decision to designate 1997 as European Year against Racism.

1.1 The Problem

The continuing presence of racism, xenophobia and anti-semitism across the European Community presents a major challenge for our societies. Although the exact scale of the problem is hard to quantify, it is impossible to ignore. Violent, racist, crimes are reported throughout the Community with sickening regularity. What is more, an undercurrent of prejudice and discrimination can be seen in many walks of life, and the language of racism has become increasingly common in public, political manifestations in all the Member States of the Community. There has been a growth in public awareness that racism represents a fundamental challenge to democratic society, and there is a corresponding growth in public expectations for action to be taken at all levels - local, regional, national and European - to overcome the problem.

The causes of the continuing presence of racism, xenophobia and anti-semitism in our societies are complex, and are not analysed in detail in this Communication. What is clear is that the root causes of racism go well beyond blatant, irrational prejudice. A range of other factors - such as poor education, incomplete integration, unemployment, poverty, exclusion and urban decay - also contribute to creating a climate that is conducive to racism. At the same time, there is evidence to show that broader cultural factors such as the growth of individualism and uncertainty about the future also play a role in making people more susceptible to racist prejudice⁽¹⁾. It follows that action against racism will only be effective where it is embedded in a wider range of policies which aim to improve social and economic conditions which are seen as potentially aggravating factors. Indeed, such indirect action is the key ingredient for success, inasmuch as it prevents the rise of conditions on which racism and xenophobia thrive.

1.2 The need for a European response

The prime responsibility for combatting racism, xenophobia and anti-semitism lies with Member States, or even regional or local authorities. The ways in which racism, xenophobia and anti-semitism are expressed, their virulence and intensity vary widely, and so do the measures taken by Member States to reduce prejudice, eliminate discrimination and sanction racist offences. Some have developed clear legal provisions as well as considerable experience in implementing strategies to promote mutual respect and understanding between the members of society. Others have hitherto seen less reason in their circumstances to develop such provisions, and are now considering both the need for more vigorous action and the options available.

At the same time, while the problem is essentially local or national in kind, it clearly has transnational features and is European in scope. No Member State is spared, and there are persistent calls from many quarters for a clear European-level response to complement and support national action, and in particular to ensure that Community-level legislation is applied in a non-discriminatory fashion. While there has long been, and continues to be, a legal and institutional debate about the exact role which the European Community institutions ought to play, there is a generally accepted commitment to action of an appropriate kind.

⁽¹⁾ "European Values Surveys", conducted in 1981 and 1990-91.

The need to build the foundations of a wider and deeper community between peoples who had too often opposed each other in violent conflict was central to the ideals that inspired the founders of the Community. The defence of human rights and fundamental freedoms, core values of the European integration project, cannot be separated from the rejection of racism. Indeed, the struggle against racism is a constituent element of the European identity.

At the political level, the European Institutions have on many occasions declared their commitment to the defence of human rights and fundamental freedoms, and condemned intolerance, racism, xenophobia and anti-semitism. Moreover, the Community's commitment to the respect of fundamental rights is now established in the Treaty itself. The right to equal treatment and freedom from discrimination is one of the core principles underlying all Community policies, and the rise of racist and xenophobic attitudes clearly runs counter to this.

The Commission clearly has a role to play in areas such as ensuring freedom of movement of persons and economic and social cohesion, promoting quality education etc, which means that it already intervenes in policy areas which indirectly contribute to combating racism, xenophobia and anti-semitism. In this respect, and in accordance with the principle of subsidiarity, the Commission considers that European-level action is justified where there is clear added value to what can be achieved at national level alone, or where action is required to help ensure respect for basic rights and attainment of Treaty objectives throughout the Community.

1.3 The European institutions and the fight against racism

In January 1986, the European Parliament adopted the first report of its Committee of Inquiry into the Rise of Fascism and Racism in Europe (the Evrigenis report)⁽²⁾. In June 1986, the Council, the European Parliament and the Commission adopted a Joint Declaration against Racism and Xenophobia⁽³⁾ which, *inter alia*, stressed "the importance of adequate and objective information and of making all citizens aware of the dangers of racism and xenophobia, and the need to ensure that all acts or forms of discrimination are prevented or curbed". The 1989 Community Charter of the Fundamental Social Rights of Workers mentioned the importance of combating every form of discrimination, including discrimination on the ground of sex, colour, race, opinion and beliefs⁽⁴⁾, and in May 1990, the Council and the Representatives of Member States meeting within the Council adopted a Resolution on the Struggle against Racism and Xenophobia⁽⁵⁾.

⁽²⁾ European Parliament, Committee of Inquiry into the Rise of Fascism and Racism in Europe, Report on the findings of the inquiry, Strasbourg, December 1986.

⁽³⁾ OJ No C 158, 25.6.1986, p. 1.

⁽⁴⁾ Community Charter of the Fundamental Social Rights of Workers, adopted by 11 Heads of State or Government, Luxembourg (OOPEC) 1992.

⁽⁵⁾ OJ No C 157, 27.6.1990, p. 1.

In December 1990, the European Parliament adopted the second report of its Committee of Inquiry on Racism and Xenophobia (the Ford report)⁽⁶⁾. It has also adopted a wide range of further resolutions on racism, xenophobia and anti-semitism, partly in response to specific racist crimes, partly in the form of medium-term policy input⁽⁷⁾. These were designed both to remind the other European institutions of Parliament's consistently held view that action at European level should be stepped up significantly, and to suggest a range of specific actions which Parliament saw as a priority.

In 1992, the Economic and Social Committee adopted a resolution on racism, xenophobia and religious intolerance⁽⁸⁾. In its opinion on the Commission's White Paper on Social Policy, it stressed its view that there is a "need to enshrine citizens' rights in the Treaty by including a Treaty provision banning discrimination on grounds of sex, colour, race, opinions and beliefs"⁽⁹⁾.

The Committee of the Regions, in its Opinion on the same Commission White Paper, stressed the crucial role of local and regional authorities in the fight against racism and xenophobia, and supported "the European Commission's intention to debate the question of explicit reference in the Treaties to combating discrimination on the grounds of sex, race, religion and disability"⁽¹⁰⁾.

The European Council has adopted four declarations, condemning racism and xenophobia⁽¹¹⁾, and calling for "vigorous and effective measures (to) be taken, throughout Europe, to combat this phenomenon, both through education and legislation"⁽¹²⁾. In Copenhagen, in 1993, the European Council "recalled its previous declarations against racism and xenophobia and decided to intensify the efforts to identify and root out the causes", pledging "that Member States will do the utmost to protect immigrants, refugees and others against expressions and manifestations of racism and intolerance"⁽¹³⁾.

⁽⁶⁾ European Parliament, Report drawn up on behalf of the Committee of Inquiry into Racism and Xenophobia on the findings of the Committee of Inquiry, Luxembourg (OOPEC) 1991.

⁽⁷⁾ European Parliament: Resolution on the Rise of Racism and Xenophobia in Europe and the Danger of Far Right Violence, 21.4.1993, OJ No C 150 of 31.5.1993; Resolution on the Rise of Racism in Europe and the Criminal Attacks Against Turkish Citizens in Germany, 24.6.1993, OJ No C 194 of 19.7.1993; Resolution on racism and Xenophobia, 2.12.1993, OJ No C 342 of 20.12.1993; Resolution on the Situation of Gypsies in the European Community, 21.4.1994, OJ No C 128 of 9.5.1994; Resolution on Racism and Xenophobia, 27.10.1994, OJ No C 323 of 21.11.1994; Resolution on the Racist Murders in Austria, 16.2.1995, OJ No C 56 of 3.6.1995; Resolution on the Acts of Racist Violence in France and Italy, 16.3.1995, OJ No C 89 of 10.4.1995; Resolution on Racism, Xenophobia and Anti-semitism, 27.4.1995, OJ No C 126 of 22.5.1995. Resolution on Racism, Xenophobia and Anti-semitism of 27.10.1995 (not yet published)

⁽⁸⁾ Economic and Social Committee, Resolution on Racism, Xenophobia and Religious Intolerance, ESC 1387/92.

⁽⁹⁾ Economic and Social Committee, Opinion on the White Paper on European Social Policy, OJ No C 397/33 of 31.12.1994.

⁽¹⁰⁾ Committee of the Regions, Opinion on the White Paper on European Social Policy, reprinted in: European Commission, Medium-term Social Action Programme, Social Europe 1/95, Luxembourg (OOPEC) 1995.

⁽¹¹⁾ Dublin, May 1990; Maastricht, December 1991; Edinburgh, December 1992; Copenhagen, June 1993.

⁽¹²⁾ European Council in Edinburgh, 11 - 12 December 1992, Presidency Conclusions.

⁽¹³⁾ European Council in Copenhagen 21 - 22 June 1993, Presidency Conclusions.

In June 1994, at its Corfu meeting, the European Council went a step further and agreed to the Franco-German initiative against racism and xenophobia. It decided to set up a Consultative Commission "charged with making recommendations on cooperation between governments and the various social bodies in favour of encouraging tolerance and understanding". It also decided to develop "a global strategy at the Union level aimed at combating acts of racist and xenophobic violence"⁽¹⁴⁾

In December 1994, at its Essen meeting, the European Council took note of the Consultative Commission's interim report, approved the guidelines contained in it and called upon the Commission "to step up its discussions, in particular in the various areas of education and training, information and media, and in the areas of police and justice". It referred also to the work undertaken by the Justice and Home Affairs, Education and Youth Councils, which it saw as "a good basis for further progress with a view to elaborating an overall Union strategy against racism and xenophobia"⁽¹⁵⁾

In June 1995, the Consultative Commission and the Justice and Home Affairs Council presented their reports to the Cannes European Council, which invited the Consultative Commission "to extend its work in order to study, in close cooperation with the Council of Europe, the feasibility of a European Monitoring Centre on Racism and Xenophobia"⁽¹⁶⁾

The European Commission, for its part, has continued to promote the debate at European level. Responses to the 1993 Green Paper on Social Policy demonstrated a widespread demand for further action, and this was referred to in both the Communication on Immigration and Asylum policies, the last chapter of which was devoted to combating racial discrimination and to the tackling of racism and xenophobia⁽¹⁷⁾, and in the 1994 White Paper on Social Policy⁽¹⁸⁾

At the start of the present Commission's mandate, President Santer responded to frequently reiterated requests of the European Parliament by asking the Commissioner for Employment, Industrial Relations and Social Affairs to take on the responsibility for coordinating the Commission's contribution to the fight against racism, xenophobia and anti-semitism, in cooperation with the Commissioners with responsibility for Justice and Home Affairs and for Education, Training and Youth.

1.4 The purpose of this Communication

In order to develop further its contribution in this field, and in the light of reactions to the White Paper - most notably from the European Parliament - the Commission announced in its Medium-term Social Action Programme 1995-1997⁽¹⁹⁾ its intention to present this Communication. Its purpose is twofold. First, it draws together the Commission's activities in this area, and sets out how they will be developed in the coming period. Second, it presents a specific proposal for a Council Decision to designate 1997 as European Year against racism.

⁽¹⁴⁾ European Council at Corfu, 24 - 25 June 1994, Presidency Conclusions

⁽¹⁵⁾ European Council in Essen, 9 - 10 December 1994, Presidency Conclusions

⁽¹⁶⁾ European Council in Cannes, 26 - 27 June 1995, Presidency Conclusions.

⁽¹⁷⁾ European Commission, Communication to the Council and the European Parliament on Immigration and Asylum Policies, COM (94) 23 final, of 23 February 1994, Chapter III 4.4.

⁽¹⁸⁾ European Commission, European Social Policy - A Way Forward for the Union, COM(94) 333, 27 July 1994.

⁽¹⁹⁾ European Commission, Medium-term Social Action Programme 1995 - 1997, Social Europe 1/95, Luxembourg (OOPEC) 1995, 6.5.1.

It takes account, so far as possible, of the key resolutions adopted by the European Parliament during the last two years, of the Consultative Commission's recommendations, of the work that is currently under way in the Justice and Home Affairs Council at the initiative of the Spanish Presidency, and of the resolutions adopted by the Social Affairs and Education Councils⁽²⁰⁾, both of which noted the Commission's intention to present this Communication.

2. THE COMMISSION'S ACTION AGAINST RACISM

Ever since the 1986 Joint Declaration against Racism and Xenophobia, the Commission has taken an active part in the development of a European response to the problem of racism. This Communication gives an overview of what the Commission is doing, and what it proposes to do in the future. It is designed to contribute to the European debate on how best to tackle racism, and to highlight the specific role which the Commission can play in complementing Member States' action in this field.

2.1 Guiding principles

The struggle against racism requires the cooperation of all concerned. While measures designed specifically to combat racism are necessary, such specific action should help to provide momentum for the development and evaluation of innovative strategies, and later to promote their wider implementation where they can be shown to be effective. In this context, the Commission will ensure closer cooperation and co-ordination between its policies from the point of view of their actual or potential contribution to combating racism. Also, it will promote synergies between the various instruments described below, by enabling cross-programme exchanges of experience and information.

Prevention must be the key aim of any strategy against racism. While prosecution and coercion have an indispensable role to play, long-term strategies must as far as possible be built on the voluntary involvement of all partners, and on the creation of conditions where all members of society realize that the ethnic and cultural diversity of contemporary Europe is ultimately a source of measurable benefit.

Priorities must be established on the basis of cooperation. To ensure the relevance and coherence of its action, the Commission will establish regular contacts with all relevant partners, to develop its activities and ensure their monitoring. This will create new opportunities for transnational exchange of experience and information, as well as for the monitoring and evaluation of pilot projects and the dissemination of the results of such cooperation.

In developing its activities in this area, the Commission will scrupulously respect the principle of subsidiarity. It will take action within the limits of its powers, and will ensure that only such action is taken which by reason of its envisaged effects can be better achieved at Community level. In doing so, it will put a premium on ensuring that maximum added value is generated through Community level cooperation. To this end, the Commission will be careful to evaluate the quality of any action it promotes, with a view particularly to identifying and disseminating successful practice, facilitating its transfer as appropriate and making the results of such action available to all partners, helping them to sharpen their analyses and improve their own practice at national, regional or local level. For the sake of transparency and visibility, it will regularly publish reports on its action in this field.

⁽²⁰⁾ 5.10.1995 (PRES/95/274) and 23.10.1995 (PRES/95/288) respectively

2.2 The means available

In developing its contribution to the fight against racism, xenophobia and anti-semitism, the Commission will put a premium on ensuring that appropriate action is built into existing policy instruments in related areas.

Key amongst these is the European Social Fund, which is designed to contribute to the raising of the standard of living and quality of life, and to strengthen economic and social cohesion in the Community, and which as such is making a significant, though indirect, contribution to overcoming social conditions which favour the spread of racist prejudice and resentment. Thus, 19% of the funds allocated to the Social Fund's Objectives 1 and 3 (i.e. a total of ECU 3.7 billion, over the period 1994 to 1999) are specifically earmarked to help combat social exclusion.

More specifically, facilities for supporting actions to promote integration and combat racism have for some time existed in the framework of the Social Fund Community Initiatives, most notably the Employment-Horizon Community Initiative with ECU 730 million. Those facilities have been considerably reinforced by the proposal, made in October 1995, to create - in the context of the allocation of the remaining Community Initiative budgetary reserve - a new strand of the Employment Initiative, Employment-Inclusion. The aim of Employment-Inclusion is to promote measures to improve the access to the labour market and the employability of the economically and socially vulnerable groups who are excluded from it, or are at risk of becoming so. The Initiative proposes a broad range of measures to promote the social integration of disadvantaged groups, aiming ultimately to facilitate their reintegration into the labour market.

It will put a particular emphasis on actions that focus on the special needs of immigrants, ethnic minorities, refugees and Gypsies⁽²¹⁾, who are facing greater discrimination on the labour market, as a consequence of the continuing presence of racism and xenophobia in Europe. Particular emphasis will be given in this context to actions targeted at disadvantaged areas, where community-based approaches to the revitalisation of neighbourhoods can be combined with job creation initiatives. All actions under this strand of the Employment Initiative will be based on the principle of empowerment of the target groups concerned, promoting their active participation in the decision-making process and offering structured pathways to inclusion. Emphasis will be given to bottom-up methods of implementation and on approaches that encourage cooperation and partnership in the pursuit of shared aims. The Employment-Inclusion Initiative also takes account of the report of the Consultative Commission on Racism and Xenophobia, which recommended a measure of this kind. Planned initially to cover the period 1997-1999, the overall additional budgetary allocation for this strand is ECU 100 million and the funding currently available for disadvantaged groups under Employment-Horizon will also be transferred to this new measure.

These actions are further complemented and supported by others carried out in the framework of the Structural Funds, most notably the Urban Community Initiative, but also the Urban Pilot Projects, and projects set up under Article 10 of the relevant Council Regulation, and finally the Social Fund's Adapt Community Initiative and projects set up under Article 6 of the Social Fund Regulation.

⁽²¹⁾ For the sake of brevity, this Communication will use the term "immigrants and ethnic minorities" to designate those groups who are at present being targeted by racist prejudice, resentment and discrimination in Europe. For more accuracy, religious minorities, refugees and Gypsies should also be included. Many are nationals of Member States, and hence citizens of the Union. It is important to appreciate that no social or cultural group can be certain never to become the victim of racism. Which groups are being targeted depends on the specific circumstances that prevail at a particular time and in a particular place.

Mention must also be made here of other Community action programmes in fields such as information and culture (e.g. Media II) and equal opportunities (e.g. the proposed Fourth Action Programme on Equal Opportunities for Women and Men). In a similar vein, Area III of the Targeted Socio-Economic Research Programme gives priority to the understanding of the causes of negative attitudes to migrants and to the comparative analysis of successful experiments in integration in a multi-cultural society.

The second main contribution comes from instruments which already - directly or indirectly - contribute to the combat of racism and will continue to play an important role in the future. The most significant among these are undoubtedly those in the fields of education, training and youth (e.g. Socrates, Leonardo da Vinci and Youth for Europe III). In particular, the Comenius Chapter of the Socrates programme, placing the emphasis on transnational partnerships of schools working on common goals to raise the quality of education, plays a significant role in this respect. Even more specifically, Action II of the Comenius Chapter puts the spotlight on intercultural education and the education of migrants' children and Gypsy children, thus making the prevention of racism in all its forms one of the top priorities of this part of the programme. The Action's budget for 1996 will be approximately ECU 7 million.

Finally, and in addition to these broader policy instruments, the Commission also provides support to a limited number of pilot projects, run mainly by non-governmental organizations and immigrants' associations, which aim to promote the integration of immigrants and ethnic minorities and combat racism and xenophobia. At the initiative of the European Parliament, ECU 3.4 million were allocated in the 1995 Community budget specifically to promote actions to combat racism.

One of the objectives of providing support to such projects is to promote exchange of experience between the organizations concerned, as well as the transfer and dissemination of good practice. In this context, the Commission launched in the summer of 1995 the Cities' Anti-Racism Project, an important new pilot project designed to support a small series of local initiatives, aiming to promote local partnerships to tackle a few closely defined priority issues. These are the prevention of racist violence and youth delinquency, the development of multi-agency approaches to the monitoring of racist incidents, and the promotion of responsible citizenship and local democracy in multi-cultural societies.

The project will establish transnational cooperation between these local initiatives, to help them broaden their perception of the issues, sharpen their analysis and ultimately improve their own local practice. The experience of these local initiatives will be evaluated to form the basis for the drawing up and dissemination of European state-of-the-art reports on the specific issues addressed, to enable the transfer of experience and good practice. The amount set aside for this project is ECU 2 million for the year 1995, and a similar amount is foreseen in 1996.

This Communication draws together these possibilities to contribute to the fight against racism, xenophobia and anti-semitism. Given that its objective is to present a more coherent and integrated view of the Commission's activities, the following presentation is based on a thematic rather than a sectoral approach, thus highlighting the complementarity of the different actions.

2.3 Key areas for action

2.3.1 Promoting integration and opening pathways to inclusion

The Consultative Commission on racism and xenophobia noted that in all Member States, immigrants and ethnic minorities continue to suffer from discrimination in virtually all areas of social life, ranging from employment and housing to education, training and access to services. This contributes to their exclusion and marginalisation, and constitutes an obstacle to their integration. While integration policies as such go beyond the scope of this Communication, it is clear that they also play an important role in countering racism and

xenophobia. In its 1994 Communication on Immigration and Asylum policies, the Commission has already placed an important emphasis on the need to promote the integration of ethnic minorities and legal immigrants in our societies, and focused specifically in this context on the linkages between integration policies and combating racism and xenophobia.

The development and promotion of mutual respect between the various groups that make up society is a challenge both for immigrants and ethnic minorities and for society as a whole. While there must be no doubt that equality of rights entails equality of obligations, there must be no doubt either that there is space in our societies for the expression of a wide varieties of cultures. This is the context in which the concept of 'mutual respect' must be put to the test.

At the same time, exclusion and poverty constitute a fertile breeding ground for racist resentment, and combating them makes an indirect but substantial contribution to the struggle against racism. Where immigrants and ethnic minorities are not accepted as full and legitimate members of society, and where this is reflected in the fact that they suffer disproportionately from economic and social disadvantage, they can easily be designated as scapegoats and described as the cause of social problems rather than as their victims, and ultimately become the target of resentment and aggression.

Building on previous experience in combating social and economic exclusion, the Commission has recently proposed the Employment-Inclusion initiative which is designed in such a way that it will contribute to put the spotlight on the ways in which racism and exclusion mutually reinforce each other, and help devise strategies to break this link. It will give priority to promoting integrated approaches across the full range of issues that affect vulnerable groups, and to promoting projects involving a wide range of actors, such as public authorities and their agencies, non-governmental organizations, semi-public bodies, the Social Partners, small and medium-sized enterprises etc. It will also aim to enable the participation of immigrants and ethnic minorities in the planning and implementation of projects supported in this framework. More specifically, it aims to:

- develop models to improve the accessibility and quality of public services for vulnerable groups;
- develop grass-root capacities and community-based approaches to promoting the empowerment and inclusion of these groups;
- improve the delivery of training, including the training of trainers, advisers, local development agents, social workers etc.;
- enable job creation and support for the start-up of enterprises, cooperatives and public-private partnerships.

Bearing in mind the particular circumstances and legal systems of Member States, the Employment-Inclusion Initiative will, in pursuit of these aims, support NGOs to help them promote a broad range of actions designed to improve the participation of immigrants and ethnic minorities in public life, in particular by:

- supporting initiatives aimed at empowering local immigrant and ethnic minority groups to play an active part in the local decision making process, and in elected decision-making or consultative bodies to which they have access by virtue of existing statutory provisions;
- supporting legal advice centres, including in cases where these aim to inform about the conditions and procedures for access to the nationality of Member States;
- supporting NGOs conducting information campaigns on the legal rights of immigrants and ethnic minorities.

The Cities' Anti-Racism Project is another key activity in this context, one of its priorities being to support local partnerships aiming to promote local democracy and a culture of responsible citizenship in multicultural urban contexts.

A similar approach is followed by the Cities' Intercultural Education Network, which focuses on the educational challenges in the 'difficult districts' of multicultural cities and aims to address a range of issues of quality improvement in their schools, not least by stimulating the development of a culture of achievement for all pupils.

With a view to providing a platform at Community level for immigrants and ethnic minorities, the Commission will continue to support the Migrants' Forum, established in 1991 at the initiative of the European Parliament, with funding from the Community budget. The Forum is a politically independent grouping which was initially created with a view to giving immigrants from third countries a voice vis-à-vis the European institutions. One of its foremost aims is to contribute to combating racism and to the promotion of tolerance and understanding among the different ethnic, cultural and religious communities of Europe. It is currently in the process of consolidating the basis of its democratic representativeness by strengthening its national support groups.

The Commission will also continue its support to ELAINE (the European Local Authorities Interactive Network for Ethnic Minorities Policies), a network of cities exchanging experience and information on effective approaches to the integration of immigrants and ethnic minorities, which has organized seminars about local policy approaches to combating racism and on policies to reduce discrimination and improve the access of ethnic minorities to public services at local level.

It often happens that everyday social life is marred by tensions between groups that arise out of misunderstandings about forms of behaviour which are rooted in the culture of one group (and hence important to its members), but which are not easily understood by other groups. In the face of such tensions, the recourse to mediators has often been sought with success, to prevent such tensions or resolve them where they have arisen. The Commission has supported a successful project for the training of Gypsy mediators which could serve as a model for similar action in other areas. It will, across a range of actions and programmes:

- promote and support the training of mediators, especially where these are from the immigrant and ethnic minority communities;
- promote training courses for public officials and employees whose professional duties put them in regular contact with immigrants and ethnic minorities, especially where such officials or employees are working in social services, housing agencies or health services.

2.3.2 Promoting equal opportunities and reducing discrimination

Racism and xenophobia constitute a serious threat not only to the stability of European society, but also to the smooth functioning of the economy. Businesses and other organizations are today operating in an increasingly multicultural environment with customers, suppliers and employees from diverse national ethnic and cultural backgrounds. Success in the market place is more and more dependent on the ability to maximise the potential of these diverse backgrounds.

In October 1995 in Florence, the Social Partners solemnly adopted a Joint Declaration on the Prevention of Racial Discrimination and Xenophobia and the Promotion of Equal Treatment at the Workplace. Its aim is to promote awareness of the problem as it arises at the work place, including the disguised or unintentional forms of racism. It provides guidance on the prevention and elimination of racism at work, and encourages the active involvement of all parties concerned. Covering a wide range of employment-related circumstances, ranging from recruitment to training, promotion and dismissal, it proposes concrete and practical measures

which can be taken by businesses and other organizations with a view to promoting equality irrespective of race, religion, ethnic or national origin and colour.

The Commission attaches great importance to this pioneering instrument, and will therefore:

- support projects implemented by the Social Partners, jointly or separately, to ensure its optimum dissemination and evaluation;
- widely disseminate it to projects and networks of projects supported in the framework of its programmes in the fields of employment and training, inviting them to ensure that this declaration is taken into account in the development and evaluation of these programmes;
- support and disseminate studies to look into the possibility of adapting the principles underlying the Joint Declaration to other sectors of social and public life, particularly as regards standards of non-discriminatory practice in areas such as access to public services (in particular housing, health, education and social services).

The Commission will also invite European networks aiming to overcome social exclusion to bring their contribution to the combat of racism more sharply into focus, in particular the Platform of European Social NGOs, the European network to overcome social exclusion, launched by the European Trade Union Confederation, and the European Business Network for Social Integration which has been set up to extend the scope, and to promote the implementation, of the European Declaration of Businesses against Social Exclusion.

The Commission has already sought to ensure equal opportunities for legally resident students and young people from third countries in terms of their participation in Community education, training and youth programmes, thus opening up new opportunities for young people to participate in cultural exchanges and acquire a deeper understanding of cultures other than their own.

The Comenius Chapter of the Socrates Programme contains a targeted action to:

- promote the intercultural dimension in education and help equip pupils with the necessary skills for life in a society which is increasingly characterised by cultural and linguistic diversity;
- promote improvement of the quality of the education of children of migrant workers, as well as the children of Gypsies and occupational travellers

The Commission will also seek, in the implementation of the Leonardo programme, and in respect of the principle of subsidiarity, to promote and encourage measures designed to ensure equality of opportunity as regards access to training for young people from immigrant families across the European Community.

Finally, the Commission itself is an equal opportunities employer who welcomes applications from ethnic minorities. The Staff regulations of the Community institutions stipulate that "officials shall be selected without reference to race, creed or sex". The Commission will examine how its recruitment policy and publicity could be further improved in this respect.

2.3.3 Raising public awareness and combating prejudice

While it is widely recognised that racism, xenophobia and anti-semitism continue to damage our societies, no comprehensive and accurate information on the extent of the problem is available, particularly at European level. To help raise awareness and contribute to a more informed debate, the Commission will, both in preparation of the European Year Against Racism and during its course:

- launch a new Eurobarometer survey on racism, xenophobia and anti-semitism, to update the information first obtained by way of a survey carried out in 1988;
- facilitate the production and dissemination by NGOs (including organizations of media professionals) of reports on racism in the Community;
- publish, early in 1996, an updated version of its 1992 report on legal instruments implemented in the Member States to combat racism and xenophobia, and continue to update it in the future;
- in the 1996 edition of its annual report on immigration from third countries (RIMET), put a special emphasis on racism and measures taken in Member States to combat it.

For the sake of completeness, it is appropriate here to mention a separate Commission awareness-raising initiative. In its proposal for the Fourth Action Programme on Equal Opportunities for Women and Men (1996-2000) the Commission invites Member States to exchange information and experience on a regular basis on the promotion of the dignity of all women and men living in the Member States of the Community. Priority areas which have an impact on the Commission's action against racism might be those where the dignity of women and men is undermined by abuses connected with illegal employment, cross-border trafficking in human beings or other forms of exploitation and abuse.

Throughout Europe, NGOs are often at the forefront of the struggle against racism. To encourage closer cooperation between such organizations, - as recommended by the Consultative Commission - the Commission will:

- during the European Social Policy Forum (March 1996), ensure that relevant NGOs have an opportunity for debate, notably on the theme of equal opportunities in the widest sense, to share examples of good practice and discuss possibilities to deepen their cooperation;
- building on this, it will examine the opportunity to develop closer cooperation with relevant European level NGOs on priority areas for future Community action, and of enhancing the promotion of exchange of information and experience among local pilot projects.

In the present situation, immigrants and ethnic minorities are often the main target of racism and discrimination. To promote a better understanding of the positive contribution these groups can make to society, the Commission will launch and disseminate a study on the contribution which immigrants and ethnic minorities have been making and are continuing to make to European society. It will also make this study available to organizations wishing to use it in the framework of the European Year Against Racism, to inform campaigns on this issue.

The role of the media in preventing and combating racism is crucial, as regards the need both for information that helps to counter prejudice, and for information that is itself free of stereotypes. This touches on highly sensitive issues to do with the balance between the freedom of the press on the one hand, and the respect of human dignity on the other. While the Commission takes the view that this is essentially a matter for the media professionals, it will continue to support their efforts to raise standards in this field. Therefore, the Commission will, in line with suggestions made by the Consultative Commission:

- continue to support efforts made by training establishments for journalists in giving proper attention to the professional issues in this field;
- explore, in cooperation with the European Centre for Journalism in Maastricht, the opportunity to draw up and disseminate a vademecum for journalists to provide a source of accurate information;

- examine the possibility, in the framework of the Media II programme, to earmark funds specifically for the production of programmes on the multicultural dimension of contemporary European society;
- continue to support, in cooperation with the Council of Europe, the International Federation of Journalists' Media Award to Promote Media Awareness of Racism and Xenophobia Issues (first to be awarded on 21 March 1996);
- support efforts made by NGOs to facilitate access to the media professions for young people from immigrant and ethnic minority backgrounds.

Education has a key role to play in combating racist prejudice. As the Consultative Commission observed, many people are quite simply unaware of their prejudice. Building on its long standing track record with regard to the promotion of the education of immigrant and ethnic minority children, and to the promotion of intercultural education for all pupils, the Commission will, through the newly launched Socrates programme and other instruments:

- promote intercultural education by supporting the development, implementation and exchange of teaching strategies and education materials designed to foster mutual respect and understanding;
- in this context, it will explore the possibility, as recommended by the Consultative Commission, of developing networks to facilitate the generation and exchange of such material, particularly in fields which present the greatest potential in this respect, i.e. history and geography, literature, the humanities and philosophy;
- support the creation of possibilities for the development of multi-media educational material incorporating the intercultural dimension;
- provide support for the initial and in-service training of teachers, to equip them with know-how and experience in counteracting racism and discrimination;
- promote policies to improve the access of young people from immigrant and ethnic minority backgrounds to the teaching profession;
- provide support for the teaching of languages spoken by the immigrant communities;
- support projects aiming to develop education materials to strengthen the contribution of education to the struggle against racism.

In the area of Justice and Home Affairs cooperation, consideration is currently being given to racism and law enforcement authorities. Within the limits of its competence, and in accordance with the work under way, the Commission would support a dual approach, which addresses both potential racism in law enforcement authorities, and the way in which racist activities are dealt with by the police. These issues are closely related, as an effective law enforcement approach to racist behaviour can only be taken when the law enforcement organization itself is, and is seen to be, non-discriminatory. In the Commission's view, a differentiated approach would however be useful.

The first element of such an approach could involve the development of a European police training strategy for tackling discrimination. The basis for such a training strategy - which would clearly be for those responsible in Member States to implement - might particularly focus on:

- the improvement of public confidence in the police by demonstrating fairness, tolerance and understanding, and policing with justice and respect for human rights;
- non-discrimination policies within police organizations themselves, thus enhancing their capacity to address the problem of racism and xenophobia more effectively

A second and complementary approach could focus on training for police in preventive and reactive policing to deal with racist crime. Training might include:

- understanding of racism, its violent and aggressive dimensions, and the effect on victims' civil rights;
- modus operandi of violent, racist groups and the danger which they represent;
- courses on relevant legislation;
- training in relating to victims of racial violence and discrimination.

2.3.4 Preventing racist behaviour and violence

It has often been observed with concern that young people, and especially young people from disadvantaged backgrounds, are targeted specifically by racist propaganda. Through the Youth for Europe III programme, the Commission aims to support the development of a long-term educational process of awareness raising. This is best achieved by projects in which young people are directly involved. The kinds of projects supported are intra-Community youth exchanges, exchanges with young people from third countries, Youth Initiatives and Voluntary Service periods. In such projects, young people gain experience of cultural diversity and learn about intercultural communication. Many take the opportunity to focus their projects to combat racism, xenophobia and social exclusion.

Through this and other instruments, such as the Youth Information Action Plan, the Commission has helped to complement Member States' efforts to identify new ways of how best to counter such propaganda and prevent racist behaviour. Building on this experience, it will, through these programmes and the Cities' Anti-Racism Project, continue to

- provide opportunities for young people to take initiatives of their own, develop a sense of civic awareness and responsibility, to enjoy cultural diversity and sharpen their understanding of the intellectual absurdity of racism;
- promote youth information and awareness campaigns about racism, in cooperation particularly with the Council of Europe;
- provide opportunities for young people, especially for those from disadvantaged backgrounds, to participate in transeuropean exchanges and familiarise themselves with the facts of Europe's cultural diversity;
- promote the development and implementation of strategies to combat racism among young people, and reduce their inclination to resort to violence (and racist violence in particular);
- promote the use of sports-related activities to combat racist behaviour among young people, especially where such behaviour is itself related to sports events (e.g. football hooliganism);
- support the development and evaluation of strategies designed to counter racist prejudice and behaviour among young people.

2.3.5 Monitoring and sanctioning racist crime

The decision of the Cannes European Council to ask the Consultative Commission on Racism and Xenophobia to examine, in cooperation with the Council of Europe, the feasibility of a European Monitoring Centre on Racism and Xenophobia reflects a recognition of the need for more accurate information. The Commission has for some time supported projects conducted by NGOs to develop criteria and procedures for the monitoring of racist incidents. The results of these projects will be further tested and evaluated in the framework of a specific strand of the Cities' Anti-Racism Project, which will aim to develop local partnerships (some of which will involve local police forces) to monitor racist behaviour and violence. The results of this project may form a useful contribution to the Monitoring Centre's future work.

Detering and sanctioning racist crimes falls within the competence of the Member States, the Community intervening only in support of Member States' action, and within the limits of its competence. The Justice and Home Affairs Council's report to the Cannes European Council reflects the work and discussions in the fields of police and judicial cooperation, supplemented by conclusions on the links between illegal immigration and racism and xenophobia. The report emphasises the need for training and continuing education within the police, for statistical surveys to ensure that the nature and extent of racism and xenophobia, both actual and incipient, are immediately recognisable, as well as the need for exchange of information at operational level. A survey of the legal provisions on racism and xenophobia in the Member States established that incitement to racial hatred constituted some form of offence in most Member States, and that most States sanction, in various ways, the circulation and distribution of racist and xenophobic material. There were however considerable differences in the ways in which Member States legislated against racist organizations.

The existence of racist incidents in all Member States makes it a European problem that requires, as was recognized by the Corfu Summit, a global strategy to combat acts of racist and xenophobic violence at Union level going beyond improvements in cooperation which would allow each Member State to fully implement its own strategy. The harmonization of legislation so as to apply everywhere effective sanctions to racist behaviour seems to be the appropriate answer and would be the most effective way of improving judicial cooperation.

A step in this direction was made by the Spanish Presidency proposal for a joint action in the field of Justice and Home Affairs cooperation which would provide that all 15 Member States treat certain types of racist and xenophobic behaviour as criminal. The types of conduct envisaged include incitement to hatred, denial of or condoning crimes against humanity with a racist or xenophobic aim, distribution of racist and xenophobic material and participation in the activities of racist or xenophobic organizations. The joint action also envisages improvements in cooperation in the area of seizure and confiscation of racist and xenophobic material and the establishment of contact points.

On the specific question of the distribution of racist material through the Internet, the Commission will follow closely and participate actively in the discussion on the legal problems connected with information technology, in particular with regard to the responsibility involved when "bulletin board" systems distribute prohibited materials.

2.3.6 International cooperation

The Commission cooperates on the fight against racism and xenophobia with the Council of Europe, and proposes to intensify this cooperation. It will make an extra effort to ensure that results of previous work done by the Council of Europe will be taken into account and built on as appropriate. In particular, the Commission's proposal for a European Year Against Racism is designed to build on the experience of the Council of Europe in running the European Youth Campaign Against Racism, Xenophobia, Anti-semitism and Intolerance, and to further stimulate the momentum created by this campaign. Furthermore, the Commission will:

- seize opportunities to exchange experience and improve information flows, especially at officer level;
- explore the possibility of running joint projects and programmes, increase the number of joint publication projects, etc.;
- deepen its cooperation with the Council of Europe's European Commission against Racism and Intolerance (ECRI) and its Committee on Migration (CDMG), building among others on this Committee's work on the prevention and combat of racism.

The Commission will make every effort to ensure that common problems are raised, where appropriate, in dialogue with third countries. The respect and promotion of democratic principles and human rights, one of the objectives of Community foreign policy and development cooperation policy, has been introduced as an essential element in the agreements the Community concludes with third countries. This means that the possibility is foreseen to suspend an agreement in case of serious violations of essential elements, such as the non-respect of minority rights. The agreements provide for dialogue on these issues and for consultation prior to suspension in cases of serious violations.

In the framework of the PHARE and TACIS technical assistance to countries of Central and Eastern Europe and the former Soviet Union, the Commission undertakes various initiatives to enhance the respect of human rights and democratic principles. The Commission has e.g. supported the development of systems of police accountability in Hungary, in cooperation with the International Law Enforcement Agency (ILEA) in Budapest.

International cooperation to prevent circulation of racist propaganda on the Internet may be an area where the transatlantic dialogue could play a useful role. International fora such as the Organization for Security and Cooperation in Europe (OSCE) will also be called upon to foster the respect of fundamental rights.

The Commission will undertake a special effort to develop its work to improve the situation of Gypsies, both inside and outside the Community, in cooperation with the Council of Europe and the OSCE. Across the whole of Europe Gypsy communities are targeted by prejudice and violence. The Commission recognises that measures to help the Gypsy communities need to be considered across a range of policy areas, and the issues must be examined as a whole in this spirit. Initiatives have already been taken to address the human rights dimension of this situation, and to develop cooperation with partners in the Community and outside. Further concepts to assist Gypsies are being considered, among them the possibility of establishing cooperation regarding the education of their children.

2.3.7 The question of European-level legislation

There have been increasing calls in recent years from many quarters for the European Commission to propose European-level legislation to combat racial and other forms of discrimination. These calls have come first and foremost - but by no means exclusively - from the European Parliament. For example, the Parliament's Resolution on the White Paper on European Social Policy called on the Commission to "submit a proposal for a directive containing measures to strengthen legal instruments applicable in the Member States concerning racism and xenophobia", and also urged the Commission to put forward proposals to safeguard people's equal employment opportunities, irrespective of their age, sex, race, disability or beliefs"⁽²²⁾. Similarly, the Parliament's Resolution on the Commission's Communication on Immigration and Asylum Policies notes "that there are grounds for arguing that the combatting of racism and xenophobia falls within the first pillar of the Community Treaty", and "calls on the Commission to submit an anti-discrimination directive"⁽²³⁾.

⁽²²⁾ 19.1.1995, OJ C No 43.

⁽²³⁾ 21.9.1995, not yet published

This is a question which has aroused considerable debate. While the Treaties do not contain a specific reference to action in this area, in the face of the continuing presence of racism, xenophobia and anti-semitism throughout Europe and its transnational dimension, it is hard to deny the need for appropriate European-level action. The Commission has already focused on the need to build up knowledge of the similarities and differences between legislative provisions in the Member States and to develop and deepen cooperative exchanges at Community level. An important step in this process is being made with the proposal for a European Year against Racism, presented in section 3 below.

The tasks of the European Community include "the raising of the standard of living and quality of life" (Article 2 ECT), and the objectives of the European Union include the promotion of economic and social progress through the strengthening of economic and social cohesion (Article B TEU). Moreover, the Treaties already impose a general obligation on the Union to respect fundamental human rights (Article F (2) TEU), and a general obligation on the Community to establish the right of freedom of movement of persons, and freedom from discrimination on grounds of nationality (Article 6 ECT). Combating racism and xenophobia is an integral part of all policies which, whilst fully respecting human rights and fundamental freedoms, aim to ensure the free movement of people inside the Community. This covers Community migrant workers (who may become victims of racist prejudice and behaviour) and the members of their families (who may be nationals of third countries), but also the nationals of certain third countries who under certain association agreements enjoy the right to be integrated into their host country, after a certain period of regular employment. The Joint Declaration by the European Parliament, the Council, the representatives of the Member States, meeting within the Council, and the Commission against racism and xenophobia, of 11 June 1986⁽²⁴⁾ clearly reflects the existence of such shared Community/Member States competence to combat racism and xenophobia.

Moreover, pursuant to the Court of Justice of the European Communities, the respect of human rights forms part of the general principles of Community law. In view of these considerations, the Commission stated in its 1994 White Paper on European Social Policy that the Community "must act to provide a guarantee for all people against the fear of discrimination if it is to make a reality of free movement in the single market"⁽²⁵⁾, and this conclusion was explicitly endorsed by the Consultative Commission on Racism and Xenophobia.

There are therefore two separate, but linked issues: the need to ensure the non-discriminatory application of Community legislation, and the question of a wider non-discrimination legislative instrument, either within the body of the Treaty itself or via secondary legislation

With regard to the first question - the non-discriminatory application of Community legislation - there are three main options. The first is to include a general non-discrimination clause in the Treaty, which would then apply automatically to all Community acts, as envisaged in the White Paper on Social Policy and mentioned in the final report of the Reflection Group on the 1996 IGC. The second is to propose a horizontal instrument which sets for Member States a general objective of applying Community legislation in a non-discriminatory manner. And the third is to include in adopted instruments in areas of Community competence, where appropriate, a clause inspired by Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, prohibiting any discrimination in the application of the instrument. The first option is the simplest solution, and the one which the Commission would prefer. However, it is clearly a matter for the IGC. Given the relations between the first and second options, the Commission will, for the time being, and pending the outcome of the IGC, apply the third option and propose, where appropriate, non-discrimination clauses in Community instruments, to be decided on a case by case basis. Similarly, the Commission

⁽²⁴⁾ See above, note No 3.

⁽²⁵⁾ European Commission, European Social Policy - A Way Forward for the Union, COM(94) 333 of 27 July 1994, Ch. VI, para 27.

will, where appropriate, propose the insertion of such a clause when revising and updating existing Community legislation⁽²⁶⁾.

With regard to the second question - that of a wider non-discrimination legislative instrument - the Commission has repeatedly emphasized the need to strengthen the Treaty provisions, and announced its intention to "press for specific powers to combat racial discrimination to be included in the Treaty"⁽²⁷⁾. This aim was supported by the Consultative Commission on Racism and Xenophobia, and the idea is also discussed in the final report of the Reflection Group on the 1996 IGC. The Commission believes that Community legislation designed to guarantee minimum levels of protection against discrimination throughout the Community would constitute a highly significant step towards full achievement of the Treaty objectives.

The Commission will return to both of these questions in the light of progress made at the IGC.

⁽²⁶⁾ There are already some examples of such provisions in adopted Community texts. In the so-called "Television without Frontiers" Directive (89/522/EEC), for example, Member States are obliged to "ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality" (Article 22).

⁽²⁷⁾ European Commission, European Social Policy - A Way Forward for the Union, COM(94) 333 of 27 July 1994, Ch. IV, para 25.

1997: EUROPEAN YEAR AGAINST RACISM

EXPLANATORY MEMORANDUM

A. Introduction

In its Medium-term Social Action Programme 1995-1997, the Commission announced its intention to present a proposal for a Council Decision to designate 1997 as European Year against Racism⁽¹⁾.

The origin of this idea is a desire to provide a specific focal point for action at European level to help combat the problem of racism, xenophobia and anti-semitism in our societies. As has already been detailed in the first part of this Communication, each of the European Institutions is committed to making a contribution to the fight against racism. However, while these different initiatives should not be underestimated, it is perhaps debatable whether they have yet served to give a sufficiently clear signal of the depth of the European-level commitment to fight racism.

The specific purpose of this proposal is therefore to provide a vehicle for the European Institutions, acting together, to demonstrate that Europe is far from silent on this issue, and to make a practical and positive contribution to the fight against racism, to complement action taken at local, regional and national level.

The aim of the Year is twofold. First, to raise awareness of the problem, and particularly the continuing presence of racism, xenophobia and anti-semitism in our societies. Second, to promote and develop a specific European-level contribution to efforts to overcome this problem, in particular by encouraging exchanges of experience and closer cooperation, between Member States and particularly between organizations in Member States involved in the day-to-day realities of the fight against racism.

Within the framework of the Year, it is intended, where possible, to draw from and build on the conclusions of the final report of the Consultative Commission on Racism and Xenophobia, set up by the Corfu European Council in June 1994 and welcomed by the Cannes European Council in June 1995⁽²⁾. Among the proposals contained in those conclusions, further consideration might for example be given, within the framework of the European Year, to the following:

- holding round table discussions and expert consultations with a view to exchanging information between NGOs and government representatives across the Union;
- launching the award of a European Media Prize for Tolerance and Understanding;
- staging a travelling exhibition to provide information about initiatives aimed at reducing intolerance;
- supporting the establishment of a "travelling school against discrimination and racism", details of which are set out in the final report of the Consultative Commission.

⁽¹⁾ COM(95) 134 of 12 April 1995, paragraph 6.5.1.

⁽²⁾ European Council at Corfu, 24-25 June 1994. Presidency Conclusions.

As mentioned in the preamble to the proposal, the tasks of the European Community include "the raising of the standard of living and quality of life" (Article 2 ECT) and the objectives of the European Union include the promotion of economic and social progress through the strengthening of economic and social cohesion (Article B TEU). The objectives of the Union are to be achieved in the respect for the principle of subsidiarity described in Article 3b of the EC Treaty, in accordance with which, action will be taken at Community level in areas not falling within its exclusive competence, "only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community" (paragraph 2 Article 3b ECT).

The prime responsibility for tackling racism, xenophobia and anti-semitism rests at local, regional and national level. Nonetheless, there is also a fundamentally European dimension to the problem, and appropriate complementary European activities can therefore have an added value. There are persistent calls from many quarters for a clear European-level response to complement and support national action. As the Consultative Commission put it: "In order to be effective, cooperative action needs to be complemented, supported, underlined and reinforced by firm action at Community level. The fight against racism and xenophobia is both a national and a Community responsibility, requiring a combination of education and cooperative measures, reinforced by a clear understanding of what constitutes unacceptable behaviour and a firm message that such behaviour will not be tolerated". The European Year against racism will be an instrument by which to focus awareness and promote understanding of the way in which Community action and cooperation can complement the action taken by Member States and contribute towards the elimination of prejudice and discrimination. It will thereby bring the European institutions closer to the citizen.

B. Legal Basis

The appropriate legal basis for the proposed decision is Article 235 of the EC Treaty, in accordance with which the Community may act where it is necessary to attain one of the objectives of the Community in the operation of the common market and the Treaty has not provided the necessary powers.

Pursuant to the rulings of the Court of Justice of the European Community, the respect for fundamental rights is a general principle of Community law, and combating racism, xenophobia and anti-semitism is an element of this. Article F (2) TEU constitutes an explicit recognition of these principles. Further, raising awareness of both the fact that racism, xenophobia and anti-semitism threaten economic and social cohesion and of the benefits of inclusion policies, and promoting the exchange of information in these areas, contribute towards the objectives of the European Community, as set out in Article 2 ECT.

As stated above, the continuing presence throughout Europe and the transnational dimension of racism, xenophobia and anti-semitism call for action at European level to build on and complement that taken at other levels.

Moreover, there are existing Community initiatives in this field, which are set out in detail in this Communication. There have also been frequent calls by various Community institutions for more concerted Community action and these are set out in full in the Communication and the preamble to the proposal.

The EC Treaty does not provide the necessary specific powers upon which to base measures against racism. Accordingly, in so far as the provisions of the proposal contribute towards Member States' initiatives designed to promote integration and suppress racism in the Union, the Community has legal competence and the appropriate legal base is Article 235 of the EC Treaty. This article lays down the limits within which racism and xenophobia can be tackled at Community level.

C. Commentary on Articles

Article 1 designates 1997 as "European Year Against Racism".

Article 2 sets out the objectives of the European Year, namely to raise awareness of and disseminate information on racism, xenophobia and anti-semitism throughout the Union by highlighting the threat posed by expressions of such prejudice to the economic and social cohesion of the Union and the benefits of inclusion policies, and by undertaking a wide dissemination of information relating to measures and actions taken at national and European level in the fight against racism. It is intended to promote the principle of solidarity between all members of society and involve the victims of racism, xenophobia and anti-semitism in the process of European integration.

Article 3 lists examples of measures designed to put into effect the objectives set out in Article 2. These follow the format of other European Years organized in the past, and include the use of a common logo, information campaigns and competitions.

Article 4 provides for a committee of an advisory nature composed of the representatives of the Member States and chaired by the Commission.

Article 5 provides for National Coordinating Committees or an equivalent administrative body to be set up by all Member States, with a view to organize the European Year and ensure the representation of all relevant interests.

Article 6 provides for a procedure as regards the putting into effect the Decision, especially its managerial aspects.

Article 7 provides that the Commission and Member States ensure the coherence and complementary nature of actions taken within the framework of the European Year, with other activities in this field, whether undertaken by the Union or the Council of Europe.

Article 8 provides for a procedure whereby the Commission will provide to the European Parliament, the European Council, the Economic and Social Committee, and the Committee for the Regions a report evaluating the work carried out during the Year.

Proposal for a
COUNCIL DECISION

designating 1997 as European Year against Racism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 235 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Having regard to the opinion of the Committee of the Regions⁽⁴⁾,

Whereas the Member States, in the preamble to the Single European Act, stressed the need to "promote democracy on the basis of fundamental rights recognized in the Constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, notably freedom, equality and social justice";

Whereas Article F(2) of the Treaty on European Union provides that the Union "shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law";

Whereas the promotion throughout the Community of a high level of employment and of social protection, the raising of the standard of living and quality of life among Member States are aims of the European Community;

Whereas the promotion of economic and social progress through the strengthening of economic and social cohesion are objectives of the European Union;

Whereas the continued existence of racism and xenophobic attitudes prejudices economic and social cohesion in the European Union;

Whereas racist and xenophobic attitudes can constitute an obstacle to the effective exercise of the rights of free movement,

Whereas the increase in economic difficulties excludes many in the European Union from all economic, social and political participation and represents fertile ground for racist and xenophobic attitudes;

Whereas racism, xenophobia and anti-semitism must be tackled mainly at local, regional and national level;

(1) OJ No

(2) OJ No

(3)

(4)

Whereas there is nevertheless a fundamentally European dimension to the problem; whereas exchanges of information and experience as well as cooperation and consultation on measures taken against racism and xenophobia between the Commission, the Member States and representatives of bodies engaged in combating racism are important for the development of solidarity within the Community;

Whereas the measures to be carried out at European level are intended to coordinate and complement measures carried out in Member States at various levels;

Whereas on 5 April 1977 a Joint Declaration by the European Parliament, the Council and the Commission on fundamental rights provided that "fundamental rights, as derived in particular from the constitutions of the Member States and the European Convention for the Protection of Human Rights and Fundamental Freedoms" would be respected by the institutions⁽⁵⁾;

Whereas on 11 June 1986 the European Parliament, the European Council, the representatives of the Member States meeting within the Council, and the Commission adopted a Joint Declaration against Racism and Xenophobia which stressed "the importance of adequate and objective information and of making all citizens aware of the dangers of racism and xenophobia, and the need to ensure that all acts or forms of discrimination are prevented or curbed"⁽⁶⁾;

Whereas on 29 May 1990 the Council and the representatives of the Member States meeting within the Council passed a Resolution on the fight against racism and xenophobia⁽⁷⁾;

Whereas the European Council has on several occasions condemned racism and xenophobia, demanding that effective measures be taken by the Member States⁽⁸⁾;

Whereas in June 1994 the Corfu European Council agreed to step up its efforts to develop a global strategy at Union level aimed at combating racism and xenophobia;

Whereas in June 1995 the Cannes European Council welcomed the conclusions of the final report of the Consultative Commission on Racism and Xenophobia, dated 30 May 1995, and the report of the Justice and Home Affairs Council;

Whereas in its Report on 23 July 1990, the European Parliament's Committee of Inquiry into Racism and Xenophobia recommended that a European Year of Racial Harmony be designated;

Whereas the Resolutions of the European Parliament against racism and xenophobia, particularly those of 21 April 1993, 3 December 1993, 27 October 1994, 27 April 1995 and 27 October 1995 condemned racism and xenophobia in strong terms⁽⁹⁾;

Whereas on 19 January 1995, in its Resolution in response to the Commission's White Paper on European Social Policy, the European Parliament invited the Commission to present proposals with a view to guaranteeing equal opportunity in the work place, irrespective of age, race, sex, disability or beliefs⁽¹⁰⁾.

⁽⁵⁾ OJ No C 103, 27.4.1977, p. 1.

⁽⁶⁾ OJ No C 158, 25.6.1986, p. 1.

⁽⁷⁾ OJ No C 157, 27.6.1990, p. 1.

⁽⁸⁾ Dublin, June 1990; Maastricht, December 1991; Edinburgh, December 1992; Copenhagen, June 1993.

⁽⁹⁾ OJ No C 150, 31.5.1993, p. 127; OJ No C 342, 20.12.1993, p. 19; OJ No C 323, 21.11.1994, p. 154; OJ No C 126, 22.6.1995, p. 75. (The Resolution of 27.10.1995 is as yet unpublished).

⁽¹⁰⁾ OJ No C 43, 20.2.1995, p. 63, point 24.

Whereas on 25 November 1992 the Economic and Social Committee, in its Resolution on Racism, Xenophobia and Religious Intolerance, urged Member States to take urgent and effective action and called on the European Council to provide guidelines for proposing the adoption of practical measures to combat racist prejudice and violence;

Whereas in their Resolutions on Racism and Xenophobia of 5 and 23 October 1995, the Labour and Social Affairs and Education Councils respectively, noted the Commission's intention to present future action for the purposes of combating racism and xenophobia⁽¹⁾;

Whereas the United Nations proclaimed 1995 "International Year of Tolerance" and the Council of Europe has carried out, on the basis of the Vienna Declaration of 9 October 1993, a European Youth Campaign against Racism, Xenophobia, Anti-semitism and Intolerance as part of its activities in this area;

Whereas it is important to build on this experience at European Union level, in particular to avoid duplication of work, as was stressed in the Quadripartite meeting between the European Union and the Council of Europe held in Madrid on 6 November 1995;

Whereas on 21 October 1995, at the summit of the social partners in Florence, a Joint Declaration on the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the work place was adopted;

Whereas the Commission has addressed a Communication to the European Parliament and the Council setting out its action against racism;

Whereas the Treaty provides no powers other than those in Article 235 for the adoption of this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

1997 shall be designated as "European Year Against Racism".

Article 2

The objectives of the European Year against Racism shall be to:

- (a) raise awareness of, and disseminate information on, racism, xenophobia and anti-semitism in the Community;
- (b) highlight the threat posed by discrimination on the grounds of race, colour, religion and national or ethnic origin to the economic and social cohesion of the Community;
- (c) bring to public notice the benefits of integration policies, in particular in the fields of education, training, accommodation and employment;
- (d) encourage reflection and discussion on the action required in order to combat racism, xenophobia and anti-semitism in the Community;
- (e) undertake a wide dissemination of information relating to measures and actions taken at national and European level in the fight against racism, xenophobia and anti-semitism;
- (f) promote the principle of solidarity between all members of society;

⁽¹⁾ OJ No C 296, 10.11.1995, p. 13; OJ No C 312, 23.11.1995, p. 1.

- (g) involve those who suffer from racism, xenophobia and anti-semitism in the process of European integration.

Article 3

1. The measures designed to meet the objectives set out in Article 2 above shall include, in particular:
 - the use of a common logo and slogan;
 - the organizing of competitions and prizes at Community level;
 - the organizing of local and travelling information events to highlight and promote the achievements of projects concerned with social integration and campaigns against racism, xenophobia and anti-semitism at national and Community level by public and private bodies as well as by the social partners;
 - cooperation with the media in relation to information campaigns, notably on the contribution of immigrants and ethnic minorities to the prosperity of the Community;
 - the publication of information at national and Community level, *inter alia*, on events for the Year.
2. Details of the measures referred to in paragraph 1 are set out in the Annex.

Article 4

1. The Commission shall be responsible for the implementation of this Decision.
2. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

3. At the initiative of its chairman or upon the request of one of its members, the committee shall examine any matter connected with the implementation of this Decision and the national measures undertaken as part of the European Year.

Article 5

1. Each Member State shall ensure that a National Coordinating Committee or an equivalent administrative body is set up to organize the participation of the Member States - and, where appropriate, of local and regional authorities - in the European Year.
2. The Committee or body referred to in paragraph 1 shall ensure that it is representative of the whole range of bodies and organizations involved in the struggle against racism, xenophobia and anti-semitism.

Article 6

1. Applications for financial support for programmes provided in accordance with Section B of the Annex shall be submitted to the Commission by the Member States concerned, after consulting the National Coordinating Committee or equivalent administrative body set up under Article 5.
2. Decisions on programmes under Sections A and B of the Annex shall be taken by the Commission in accordance with the procedure set out in Article 4. The Commission shall ensure a balanced distribution among Member States and among the different organizations involved in combatting racism, xenophobia and anti-semitism.

Article 7

The Commission shall ensure that the programmes envisaged by this Decision shall be consistent with, and complementary to, other Community action, in particular education and training programmes, action to combat social exclusion, as well as activities undertaken by the Council of Europe.

Article 8

The Commission shall inform the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions of the progress of the work and shall submit to them a final report on the implementation of the programme no later than 31 December 1998.

Done at Brussels,

For the Council
The President

Action related to measures referred to in Article 3

A. Projects to be funded solely from the Community budget.

1. Organization of seminars at European level to increase transnational cooperation including opening and closing events of the Year.

Estimated cost: 17%

2. Information and publicity campaign at Community level, including the:

- design and promotion of common logo and slogan for the European Year;
- preparation and distribution of written and audiovisual material in order to stimulate public interest;
- cooperation with the media;

Estimated cost: 25%

3. Prizes and competitions, including the:

- organization of competitions at European level, highlighting achievements in the fight against racism.
- the awarding of prizes to the media at European level to reward tolerance and comprehension.

Estimated cost: 25%.

4. Other actions

Surveys and studies, for the purpose of raising awareness on the themes of the European Year; evaluation study concerning the impact of the European Year.

Estimated cost: 5%.

5. Administrative cost of the European Year

Technical assistance for putting into effect the activities referred to in Article 3 of the Decision.

B. Measures co-financed by the Community budget.

Projects and events at regional or national level revolving around the themes of the European Year.

Financial support of up to 50% of the cost of these measures may be granted. Applications for reimbursements shall be submitted to the Commission by the Member States, which shall make an initial selection of the projects on the basis of the contribution they could make to meeting the objectives of this Decision.

Estimated cost: 28%

C. *Measures with no financial implications for the Community budget.*

Voluntary actions to be undertaken by public and private operators:

- the use of the common logo and the slogan of the European Year in awareness raising campaigns and for events;
- dissemination of information on the European Year in the media.

FINANCIAL STATEMENT

1. Title of the operation

European Year against Racism : 1997

2. Budget headings concerned

B3 - 4114 Action against racism

Part A (administrative expenditure) : see § 10

3. Legal basis

Article 235 of EEC Treaty.

4. Description

4.1. Objectives

The objectives of the European Year against Racism shall be to :

- raise awareness of and disseminate information on racism, xenophobia and anti-semitism in the European Union.
- highlight the threat posed by discrimination on the grounds of race, colour, religion and national or ethnic origin to the economic and social cohesion of the Union;
- bring to public notice the benefits of inclusion policies, in particular in the fields of education, training, housing and employment;
- encourage reflection and discussion on the actions required in order to combat racism, xenophobia and anti-semitism in the Union;
- undertake a wide dissemination of information relating to measures and action taken at national and European level in the fight against racism;
- promote the principle of solidarity between all members of society;
- involve those who suffer from racism, xenophobia and anti-semitism in the process of European integration.

4.2. Duration

The duration of the action shall be 24 months. This includes 9 months preparation and three months evaluation.

5. Classification of expenditure

5.1. Non-compulsory expenditure

5.2. Non-differentiated appropriations

Differentiated appropriations

B3-4114

5.3. Types of revenue

none

6. Nature of expenditure

6.1. *100% expenditure*: For activities connected with contracts for the provision of services (expenditure relative to studies, conferences and seminars, information and publications coordination; advice and support directly linked to the achievement of the objectives of the action of which they are an integral part).

6.2. *Grants for activities*: up to 50% of expenditure of measures co-financed by Community budget (point B of annex)

6.3. *Interest subsidies*: none

6.4. *Other types of expenditure*: none

6.5. *Reimbursement*: Payment recovery will be demanded should any action fail to meet the contract's objectives. No "economic" success in the strict sense is envisaged.

7. Financial impact

7.1. The cost has been calculated taking as example other European Years and the experience of the Unit with actions against racism

7.2 Ventilation

	1996 ECU million	1997 ECU million	Total ECU million
Prizes and competitions	0.3	1.2	1.5
Publicity campaigns	0.5	1.0	1.5
Events at European Level	0.2	0.8	1.0
Studies	0.3	-	0.3
Manifestations at regional and local level	-	1.7	1.7
Total	1.3	4.7	6.0

Indicative ventilation only, does not prefigure the amounts which will be attributed by the budgetary authority. The ventilation by field of action is given as an orientation. The amount for 1996 will be drawn from internal transfer within Budget chapter B3-41. The 1997 expenditure has to be defined within the framework of the preliminary draft budget.

7.3 Time table

	ECU million	ECU million	ECU million
	1996	1997	1998
Commitment funds	1.3	4.7	
Payment funds	0.5	3.5	2.0

8. Anti-Fraud

Supervision by financial services of the Commission and audit on the spot when necessary.

9. Cost effectiveness

9.1. Specific aims

The aims are as outlined at 4, above. Ultimate beneficiaries are society as a whole and particularly those suffering from racism and xenophobia, the immediate beneficiaries are the partnership groups taking part in the activities receiving Community funding while the population as a whole will be targeted as well.

9.2. Justification

The continuing presence of racism, xenophobia and anti-semitism across the European Community presents a major challenge for our societies. Although the exact scale of the problem is hard to quantify, it is impossible to ignore. Violent racist crimes are reported throughout the Community with sickening regularity. What is more, an undercurrent of prejudice and discrimination can be seen in many walks of life, and the language of racism has become increasingly common in public, political manifestations in all the Member States of the Community. There has been a growth in public awareness that racism represents a fundamental challenge to democratic society, and there is a corresponding growth in public expectations for action to be taken at all levels - local, regional, national and European - to overcome the problem.

Moreover, the Union's commitment to the respect of fundamental rights is now established in the Treaty itself. The right to equal treatment and freedom from discrimination is one of its core principles, and the rise of racist and xenophobic attitudes clearly runs counter to this objective.

Any of these issues on its own is large enough to merit a major investment in order to try to help find solutions. By disseminating information and raising awareness of the benefits of integration policies to economic and social stability, the threat to that economic and social stability posed by race discrimination, as well as evidence of racist violence throughout the Union, it is intended to contribute towards the fight against racism.

9.3 Monitoring and evaluation

As this action promotes dissemination of information relating to measures and actions taken at national and European level to fight racism, the evaluation is part of the objectives.

External evaluation, by independent experts appointed by the Commission, will put the outcome of the action in a comparative context and will draw out any implications for regional, national or European policy development.

The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a final report on the execution of the programme no later than 31 December 1998.

9.4 Coherence with financial planning

The action will be included in the financial programming of the relevant chapter.

10. Administrative expenditure

Actual mobilisation of the necessary administrative resources will depend on the Commission's annual decision on the allocation of resources, taking into account the number of staff and additional amounts authorised by the budget authority. The allocation of supplementary resources is to be considered in the context of priorities to be decided by the Commission within the limits of the budgetary means available in the annual budget.

10.1 Effect on the number of posts

Type of posts	Staff to be assigned to managing the operation		Source		Duration
	Permanent posts	Temporary posts	Existing resources in the DG or department concerned	Additional resources	2 years (Duration of programme)
Officials or temporary staff	A	1		1	
	B				
	C	1		1	
Other resources		4	4		
TOTAL		2	4	6	

10.2 Overall financial impact of additional human resources

Budget Heading	Amounts	Method of calculation

Expenditure for the staff assigned to managing the operation, through internal redeployment of existing resources, is estimated at:

Officials: (Titles A 1, A 2, A 5)	ECU 400 000
Technical Assistance (Post A 1178) :	ECU 435 000
TOTAL	ECU 835 000

10.3 Increase in other expenditure as a result of the operation

Budget Heading	Amounts	Method of calculation
A-2510	198 000	8 meetings of ad-hoc Committee
TOTAL	198 000	

Expenditure for technical assistance equipment (A 238) and expenditure for missions (A130), through allocation of internal resources, is estimated at ECU 100 000 (A238) and ECU 20 000 (A130).