

ENAR
SHADOW REPORT
2004
EUROPE

Drafted by: Dr. Andreas Hieronymus, assisted by Frauke Meyer and Meena Moses

iMiR – Institut für Migrations- und Rassismusforschung Hamburg, Germany

Finalised by: Jean o’Connor, ENAR

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Message from the President

ENAR's 2004 European Shadow Reports cover a period of 12 months. They are not a scientific study of the state of racism or discriminatory practices in EU Member States, but a compilation of information and data collected and provided by a vast network of NGOs working with antiracism, protection of human rights and provision of legal help and moral support to victims of discrimination, unequal treatment and marginalisation in the European Union.

This commendable work is done by many dedicated individuals, groups and organisations, who every year put a lot of effort in piecing together vital information in preparing reports from each EU country. Since official reports often paint a rosier picture of the local situation by excluding what NGOs say or experience, ENAR's reports have the added value of providing an overall picture from the ground.

EU institutions can use this information to check the performance of Member States and ask them to live up to the letter and spirit of Directives and Guidelines. In 2003, many international organisations, journalists, institutions of higher learning, European and non-European students and sister NGO networks utilised these reports.

ENAR wishes to highlight the fact that a number of diverse groups who live in the EU do not enjoy the socio-economic rights, equal opportunities and even legal protection they are entitled to. This lack of equality is not only a strong barrier in the process of mutual integration of these communities in society, but is also a tremendous financial loss to local economies.

Situations vary from country to country. Some have a long tradition of living with ethnic minorities, while others have only a few years experience. Some countries have good and functional anti-discrimination legislation in place, while others are still hesitant to comply.

Populist political statements and distorted media coverage has not helped to better the situation. Politicians hide behind “freedom of speech” to get away with the most hateful propaganda against certain groups, while the media holds the microphone. Mainstream media not only indulge in the generalisation of minorities but are also steadfast in denying any responsibility in creating an atmosphere in which racism thrives.

EU institutions have taken many important steps to rectify this situation through directives, information campaigns and even legal steps against some countries have been taken. ENAR is hopeful that by being a bridge between ethnic minorities, NGOs and EU institutions, it can help to create a Europe where all its inhabitants can live in harmony. Our expertise is there as well as our resolve. We are here to help because we believe in truth, justice and even-handedness.

I was pleasantly surprised when I was introduced to a prominent journalist from India at a conference in Brussels recently. When he was told that I was the Chair of ENAR, he smiled and said, “I wish we also had such an organisation in Asia that can bring civil society’s wishes to the decision makers.”

Bashy Quraishy
President – ENAR

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Introductory Summary

This European shadow report 2004 is based on 12 national shadow reports of “old” EU member states and a European shadow report of the EU co-ordination covering the situation of the Romani in the “new” and the “old” member states. No reports have been available from Portugal, Spain and Sweden. This report is not a summary of the 13 other reports, but an heuristical analysis of applicable categories, covering different meanings in each national context. To do this we started with an analysis of the Francophone reports from Belgium, France and Luxembourg and looked for their definitions of victim groups¹ and their understanding of racism and discrimination. Then we successively integrated the U.K., Netherlands, Austria, Denmark, Finland, Italy, Greece, Ireland, Germany and EU coordination reports. Each report confirmed a category or added a new one. At the end we integrated the national categories into a single categorical system, which describes problematic areas in relation to racism and discrimination in a systematic way.

In chapter I we present the reports’ technical information, but from a perspective of data collection. At the moment it is impossible to identify precisely all victim groups in all EU member states because there is a shortage of systematic data collection in most of the EU member states on these phenomena (see I.A). In the absence of these data and referring to a variety of sources, the 13 shadow reports available for analysis have been able to identify the most affected victim groups in their country. The range of categories and the way victim groups have been described were very heterogeneous. We used this variety to cluster all used categories and came up with aspects to describe the victim groups: (1) Residential Status/Access to Citizenship, (2) Regional origin/ethnicity, (3) Generations and (4) Religion.

(1) Reflects the fact that, in the EU, access to the privilege of citizenship is tied to the status of residence in one of the member states. This aspect was especially highlighted in the reports from the continent in combination with aspect (3). In the U.K. and Ireland (2) in combination with (4) was found.

¹ We use the term “victim group” because it has been established in most reports. There has been criticism about the concept of “victim group” because it presents migrants and minorities only as victims who need protection and not as independent groups who take an active role in fighting discrimination.

Aspect (1) covers the victim groups of undocumented persons, asylum seekers and refugees, of non-EU Nationals or third country nationals, of persons from new EU member states and of persons from old EU member states. They all differ in their residential status. Aspect (2) covers regional origins like natives of sub-Saharan African states or from the Antilles, which reflects the French or Portuguese experience; South and Middle America, which represents the former Spanish empires; regional-cultural origins like the Asian and Arab worlds, which reflect the British empire; or the categories of non-western countries and western countries, which reflects a contemporary post-colonial condition and a perspective of smaller countries. Aspect (3) covers the time minority groups already exist in each context. Referring to different generations (first, second, third, etc.) and also refers to “old” established or “new” minorities. Aspect (4) covers the largest religious minorities in Europe. Specific areas in which discrimination is present have been identified as the labour market, housing, education, health, institutional racism, everyday racism in public areas and the Internet.

In chapter II we analyse the situation and formulate trends and new developments concerning racism as well as possible. We see the structural discrimination of minority groups as problematic, especially of black and Romani asylum seekers. We also regard the new developments in the area of what we called “white supremacy” with concern. Anti-Semitism, Romanophobia and Islamophobia are becoming increasingly legitimate in European discourse. The education system, housing and labour market are segregated in some regions of Europe, especially when it comes to Romani migrants who have disabilities or special needs because they suffered from persecution, war or catastrophes. They are considered as additional cost factors and often do not receive appropriate treatment.

Serious cases of racist attacks or attitudes are presented in the same logic. We have acts which are related to institutions, to the workplace or which happened in public spaces, as well as acts which are related to anti-Semitism, Romanophobia, Islamophobia or to “white supremacy”. Analysing ethnic and racial discrimination in migration laws and policies, we had to look into the European asylum system and its discriminating consequences, the discrimination of bi-national marriages of non EU citizens, restrictive immigration policies, the outlawing of dual citizenship and a tendency to forced integration. An area which is extremely important is the influence of national ideologies of identity, especially if they are

oriented towards “white supremacy” in institutions such as the judiciary, work permit system or labour market access.

With this method we hopefully covered all aspects present in each national report. The national shadow reports are publicly available and have a similar structure to this report (for details see Bibliography). The reader should be able therefore to grasp more detailed information about a topic in those reports.

I.A Description of victim groups

I.A.1 Victim groups according to the aspect: “Residential Status/Access to Citizenship”

This aspect mainly deals with the fact that the EU and its member states have a highly differentiated set of permits paving the way to European citizenship, which provides EU citizens with full legal rights and protection and leaves undocumented newcomers with neither rights nor protection. This set of permits can be regarded as a continuum starting with the least protected and most vulnerable group of the “undocumented” or as they are called in France, the “sans papiers”. “Trafficked women”, “asylum seekers” and “refugees” are part of this group. They achieve some legal status and live under humanitarian protection, although this is often undermined by local and national authorities. “Non-EU nationals” or “third country nationals” are protected by special agreements with the EU or bilateral agreements with EU member states and receive more protection than others. Luxembourg introduced the category “bordercrossers”, which describes the situation in border regions, where people from neighbouring countries commute to work and return in the evening. Although being a citizen of one of the EU member states gives the highest possible protection in comparison to people living without EU member state citizenship, there is a new division arising since new members joined the EU in May 2004. Italy identified “Persons from new EU member states” as a victim group and therefore the categorisations have been adjusted and the category of “Persons from old EU member states” was introduced.

Overview 1	Fin	Au	Den	Gr	Ire	Ger	F	Lux	Bel	UK	NL	I
Undocumented				x		x	x	x	x			x
No nationality stated, unknown			2917		48412	1191125						
Trafficked women		x		x								
Asylum seekers/refugees												

Overview 1	Fin	Au	Den	Gr	Ire	Ger	F	Lux	Bel	UK	NL	I
Application		39354		2423	4766	35607	X	X	X	33930	13400	X
Application granted		2084		8	1132	960				3.00%	9760	
Humanitarian protection						1107				9.00%		
Non-EU nationals/third country nationals	X ²	X ³	X ⁴		X ⁵	X ⁶		X ⁷			X ⁸	
Ordercrossers								X				
Persons from new EU member states	X ⁹		X ¹⁰		X ¹¹	X ¹²						X ¹³
Persons from old EU member states	X ¹⁴		X ¹⁵		133436	X ¹⁶				X ¹⁷		

² 30,000 Russians are the biggest minority and 20,000 highly qualified Ingrian Finns (Finns from the former Soviet Union).

³ Former Yugoslavia, Turkey.

⁴ 15,671 Norwegians, 20,875 (Bosnians), 17,528 (from former Yugoslavia), 54,859 Turks.

⁵ 23,105 Ukrainians, Romanians; 133,957 non-EEA nationals required to register in accordance with immigration regulations.

⁶ 23,681 "ethnic Germans" arrived in 2004, mostly Russian speakers mainly from the former Soviet Union, but immigrating with German citizenship.

⁷ Former Yugoslavia.

⁸ 341,400 Turks.

⁹ Estonia, Lithuania, Latvia.

¹⁰ 13,509 Poles.

¹¹ Poland, Estonia, Lithuania, Latvia.

¹² Poland.

¹³ Identified as victim group.

¹⁴ Swedes.

Overview 1	Fin	Au	Den	Gr	Ire	Ger	F	Lux	Bel	UK	NL	I
Multiple nationalities					2340							

IA.2 Victim groups according to the aspect: “Regional origin/ethnicity”

Having looked into the system of unequal distribution of protection for victim groups, which leaves large parts of the EU population outside the EU member states citizenship framework, we want to describe in the next three aspects the situation of victim groups according to their regional origin. This covers their “ethnicity”, their “generational patterns” and the state of their “establishment”. The distinction is made between “new minorities”, which live in the less established and protected transitional space of “non EU citizens”, and the “established” or “old minorities”, which have established networks and are already second, third or even older generation. In the analysed reports, the fact that persons are from different countries of origin is reflected in the description of the (often national) background of “migrants and their descendants”.

Once the immigrated individuals have become a minority, they are referred to as “ethnic minorities”, “foreign-born (allochtone)” in the case of the Netherlands or “minority ethnic groups” (U.K.). Austria refers to them as “visible minorities” to distinguish between the concept of “national minorities”, which refers to minorities which have been established for centuries like the Sinti, Jews or Sorbs in the case of Germany. We included the classification of “Western” and “non-Western” countries as well, which has been introduced by the Danish report. “Western” describes groups migrating from “developed” countries and they are looked at as one of “us”. “Non-western” have the status of a less developed country perceived by westerners as the “other”.

Overview 2	Fin	Den	Ire	Ger	F	Lux	UK	Nl
Blacks from	x ¹⁹	x ²⁰	20981		x	x ²¹	x ²²	x ²³

¹⁵ 96,807 (25,446 Germans; 14,285 Swedes).

¹⁶ 25.20% of all foreigners (biggest: Italy, Greece, Austria).

¹⁷ 691,000 white Irish.

Sub-Saharan African states or from the Antilles ¹⁸								
South and Central America		7968	X ²⁴					
Asia and Asia-Pacific (China, Philippines, Vietnam, India, Bangladesh, Sri Lanka, Surinam)		176506	21779		X		X ²⁵	26
Arab World (Magrebinians - either Arabs or Kabyles/Masires from Tunisia, Algeria and Morocco ²⁷), Iraq, Iran, Lebanon, Pakistan,		82173			X		X ²⁸	392332

¹⁸ This is the French definition of “African”.

¹⁹ Somalis.

²⁰ Total 43,182, 16,952 Somalis.

²¹ Cape Verdean.

²² Black Caribbean.

²³ Antillean 129,312, Ghanaian 17,000, Somali 25,000, 20,000 Cape Verdean.

²⁴ Brazil.

²⁵ Chinese and other Asians, Indian largest.

²⁶ 36,000 Chinese, 320,658 Surinamese.

²⁷ French definition.

²⁸ Pakistan, second largest.

Afghanistan								
Non-western countries		320563						
Western countries (North America / Australia, U.K., South Africa, Ireland, Italy, Greece, Austria)		131532	X ²⁹	X ³⁰		X ³¹	X ³²	

IA.3 Victim groups according to the aspect: “Generations”

IA.3.i First, second and third generation

Once individuals have migrated and are newly settled, they form partnerships and families; migrants and their descendants who are born inside the country form networks over generations. The Denmark, Germany and Netherlands reports contain information about the size of different generations of migrants. In Denmark, the 267,604 persons possessing a foreign passport cannot be identified exactly, but can be considered as first or second generation migrants. The Netherlands has exact data on first generation (1,585,927 total; 1,004,566 non-western), second (1,452,831 total; 618,036 non-western) and third generation (35,000) migrants. In Germany, 35% of all Turkish nationals, 32.3% of all persons with unclear status and 30.8% of all stateless persons are born in Germany and can be considered as second or third generation migrants. Family reunion is another way of establishing family networks. Only Ireland has integrated information about family reunion. There have been 317 applications and 476 completions of family reunions.

²⁹ South Africa.

³⁰ Italy, Greece, Austria.

³¹ 8,441 North Americans.

³² 691,000 Irish.

I.A.3.ii Established minorities

We can consider groups of migrants which have been part of a society for more than one generation as “established minorities”. In the reports they are named “indigenous population” or “national minorities”, which is a more legal definition of the Council of Europe. In Finland for example, Sáms and Tatars are part of the 30,000 persons who form national minority groups. In Ireland, 23,681 persons are considered “Travellers³³”, who see themselves as a national minority and form 0.65% of the population. Another 300,000 Travellers are thought to be living in the U.K. There are long established Roma minorities in all reported countries. They have been established since the 12th century in Germany and call themselves Sinti, while in the U.K. they have lived since the 16th century. Denmark counts 1,000 to 3,000 and Ireland 2,500 Roma. Established minorities of African descent can also be found in most reports. In Austria they call themselves “black of different origin”, in Ireland “black Irish”, in Germany “Afro-Deutsche” and in the U.K. “black African”. There are no numbers available on the size of these groups.

I.A.3.iii New minorities

We consider those groups which are less protected by citizenship and have fewer networks within the society as “new minorities”. This term might be somehow misleading because whether you consider a group as established or new is often a question of perspective. This becomes clear with the “Russian minority” or, more appropriately, the “Russian speaking” minority such as in Finland and Germany. They have come into focus more so since the new member states joined the EU. Finland has a Russian minority and Ingrian Finnish, Finns from the former Soviet Union. In Germany the situation is similar, with “ethnic Germans” from the former Soviet Union who mostly speak Russian as their mother tongue and a new Jewish community, also originating from the former Soviet Union. In both cases the groups can be categorised between “established” and “new”.

Citizenship becomes diverse when migrants are naturalised and therefore citizenship is no longer privileged for “established” ethnicities. Denmark has 184,491 naturalised migrants,

³³ A victim group in Ireland of which some travel. A different group to the continental Sinti and Roma people.

while in Germany 140,700 migrants and 3,700 descendants of racially, politically or religiously persecuted persons were naturalised in 2004.

The majority of the migrant population in Germany and the U.K. live in larger cities. 50% of minority groups in the U.K. live in London and the percentage of those of mixed ethnic background is on the rise. There is a geographical pattern to migrant population settlements. In Germany for instance most of the migrant population lives in the Southwest, while in the U.K. 10% live in the West Midlands, just under 10% in the Southeast, the North West, Yorkshire and Humberside.

IA.4 Victim groups according to the aspect: “Religion”

The reports show a great religious diversity in the EU, but the available data suggests that the biggest group is the one with “no religion”. In the U.K., 13.6 million consider themselves as not belonging to a religious group, in the Netherlands it is about 40% of the population. 52% of the population in the Netherlands consider themselves Christian, without giving an exact denomination. We presume that, depending on the country, Protestants and Roman Catholics can be considered minorities. The third largest Christian denomination is Orthodox Christians. Only data from Germany is available regarding its size, between 885,100 and 905,100, belonging mainly to the Greek and Russian minority. Greece itself is the only EU member country that has an orthodox Christian majority and a Muslim minority, which was established on the Greek territory due to the Ottoman legacy. This Muslim minority is mainly located in Thrace³⁴. The Pomaki, who also live in Northern Thrace and the Macedonian community are distinct Muslim groups.

In most EU countries, Muslims constitute the largest religious minority and can be considered as “new” minorities, although they have been established for quite a long time in some EU countries. In Ireland, the Muslim community quadrupled within 10 years to 19,147 persons. Denmark counts 180,000 to 200,000 Muslims, while the U.K. has 1.6 million on its soil. Germany counts 3,300,000 persons of Muslim faith, 732,000 of which have German passports and is the biggest Muslim community in Europe, if all Turkish

³⁴ "Greeks" are the Christian Orthodox inhabitants of Greece. Greece officially recognises the Muslim minority in Thrace as a religious minority.

migrants are counted as Muslim. The Netherlands estimates 920,000 or 5.7% of the total population as belonging to the Muslim faith. Only Finland reported no Muslim community. With the exception of Greece, there are reports on Jewish minorities in all EU countries, the largest living in the U.K., France and Germany. The largest Sikh minority lives in the U.K, followed by Austria and Denmark. Buddhist minorities are reported from Denmark, but the majority live in Germany and the U.K. There was a strong increase of “German Buddhists” in 2004 (205,000 to 215,000 members) and they seem to constitute the largest Buddhist minority in the EU. A variety of small groups of varying origin can be found in the U.K and in Germany.

Overview 3	Fin	Au ³⁵	Den	Gr	Ire	Ger	F	Lux	Bel	UK ³⁶	NL	I
Muslim minority		X	X	X	X	X	X	X	X	X	X	X
Jewish minority	X	X	6500		1790	189000	X	X	X	267000	40000	X
=Sikh minority		X	X							333600		
Buddhist minority		X	X			205000				150000		
Hindu minority			X			97500				500000	95000	
Other religions						X				179000		
No religion										13.6 m	40.00%	

³⁵ Christianity, Judaism, Islam and Buddhism are officially recognised by the Austrian government and have government supported representative bodies catering to the needs of their followers.

³⁶ Some faith communities are concentrated within one ethnic group. 91% of Sikhs are Indian and 97% of Jews described their ethnicity as White. Other religious groups were ethnically diverse. Muslims were 42% Pakistanis, 17% Bangladeshis. 12% of Muslims in the U.K. described themselves as White U.K. or White other. In addition, 6% of Muslims were of Black African origin. 35% of Buddhists gave their ethnicity as White, 24% Chinese, 24% ‘Other’ and 8% as ‘Other Asian’.

I.B Specific areas in which racism is visible/hidden

We once again identified specific areas through the clustering of information by labelling the findings of each report with a title. The number in front of the labels shows the amount of reports it was mentioned in.

I.B.1 Labour market

- (1) Domestic workers, variation in the levels of self employment among different minority ethnic groups, irregular contracting, exclusion from the consumer market
- (2) Working below qualification, high unemployment rate in comparison to average population
- (3) Exclusion of ethnic/religious minorities regulated through work, access to credit for entrepreneurs, institutional discrimination/work permits
- (4) Treatment on the shop floor/workplace, certain ethnic groups are concentrated in particular industries, unequal payment because of different nationality
- (6) Recruitment and selection

I.B.2 Housing

- (1) Harassment, lack of public housing, unequal geographical distribution, prejudice of neighbours, eviction because of alleged crime, attacks, accommodation through direct provision
- (2) Prejudice of landlords
- (3) Overcrowded living conditions, exclusion from housing because of nationality, homelessness, high rents preventing the settlement of migrants with low income
- (4) Segregation, flats/houses with low comfort/equipment, prevention of migrants buying a house or land
- (6) Housing areas with bad reputation and infrastructure

I.B.3 Education

- (1) Good performance of some groups (e.g. Chinese), over-proportional percentage of migrants in schools of low profile and prestige, racial bias in admissions processes to

degree courses, education of unaccompanied minor asylum seekers, acting without the consent of parents, direct monitoring

(2) Language, direct discrimination on the grounds of race

(3) Restricted access to higher education, differences in the quality of teaching between middle-class schools and schools in migrant areas, religious belief, focusing of teaching content on the inborn middle class, orientation of school and professional education of migrants toward schools and professions with low profile and prestige, over-proportional percentage of migrants in such schools

(4) “School zapping” and “ghettoisation”.

(8) High percentage of migrants with no or poor secondary school qualifications

IB.4 Health

(1) “Ethnic-cultural” interpretation of illnesses, over average representation in public health insurance, no free choice of doctors and medicine, exclusion of migrant medical staff from higher positions, restricted access to general practitioners, presentation of irregular papers, prejudice of migrants misusing the health system, ethnic segregation in hospitals, difficult access for persons with temporary residence, lower life expectancy than the average population, exclusion of undocumented refugees

(2) Language

(3) Difficulties in accessing healthcare provision, encounter of racism and prejudice

IB.5 Institutional racism

(1) Prison service, religious profiling, being stopped and searched on the basis of appearance, restricted freedom of movement, racist attitudes of political parties, police recruitment procedure, security inquiries for naturalisations, unlimited “imprisonment” of asylum seekers, victimisation, subjective decisions about applications, unjustified controls because of physical appearance, deportation of asylum seekers, death in custody, complicated administration procedures which are not explained, aggressive and insulting behaviour, EU border regime.

(2) Crime, discrimination in the army, executive exerting a dictate upon the judiciary, effectiveness of justice system, denial of rights

(4) Police violence

IB.6 Everyday racism in public areas

- (1) Terrorism and Islam, privileging Jewish and Christian culture, offensive verbal abuse, racist inscriptions, racism between neighbours, banning of headscarves, neglecting to build mosques, neglect of Muslim burial cultures
- (2) Refusing services, denied access to pubs, restaurants and discotheques
- (3) Harassment

IB.7 Internet

- (1) Publishing and hosting racist websites

I.C Summary of legislative developments

This section on legislative developments looks at the transposition of the “Race Directives” and connects it with other reported legal developments in the field of migration and human rights. Germany, Greece and Luxembourg are the only countries which have not transposed the directive and infringement procedures began in June 2004. If we look at the legislative developments in these three countries, different reasons why the directive has not been transposed become visible.

Germany is very ambitious, but falls far behind all other EU member states when it comes to the practical law making process. In 2002, just before the last elections to the German Lower House (Bundestag), the red-green government stopped its first draft on anti-discrimination legislation. Since then, the government has been working on a new draft for anti-discrimination legislation which is very ambitious and not only wants to cover the “race directives”, 2000/43/EC and 2000/78/EC, but also 2002/73/EC (Equal Treatment for men and women in the workplace), which has until October 5 2005 to be transposed, as well as 2004/113/EC (Implementation of the above, access to and supply of goods and services), which has to be transposed by December 21 2007. There is a blockage between the German Upper House (Bundesrat), which represents a conservative majority of the “Länder” and the Lower House, which has a majority of Social Democrats and Greens on the Federal level. This is the reason why the German government decided to make a law which does not need the agreement of the Upper House. In the beginning of 2005 it reached a state of discussion in parliamentary committees and had been approved by NGOs, but was widely criticised for its construction of a centralised and not really independent anti-discrimination body. The European Court of Justice (ECJ) ruled in April 2005 that Germany had breached EU law by failing to transpose the “Race Directive” in the public sector (2000/43/EC). The workplace is widely covered through existing legislation.

In Greece, the transposition has at least reached the state of a drafted law. It forbids discrimination on the grounds of racial or national origin, religious or other beliefs, special needs, age and sexual orientation in the sector of employment and work (2000/78/EC). NGOs criticise that they do not have the right to defend victims because they do not have the right to go to court and only have an advisory role.

In Luxembourg, the “Conseil d'etat” (National Council) rejected law no. 5248 and no. 5249 on December 7 2004. Although both laws looked separate, they had a strong tendency to include all reasons for discrimination in one single tool for the labour market. The public sector had been excluded.

To gain an overview about the kinds of legislation which has been produced in the different member states, we entered the legislation mentioned in the reports into a small database and assigned topics to each legislative comment. In the following table the topics and how often they have been mentioned in which countries are shown.

Topics (1x)	Topics (2x)	Topics (3x)	Topics (4x)	Topics (13x)	Topics (14x)	Topics (14x)
Unequal treatment, Framework Decision, Freedom of movement, Trafficking, Incitement to hatred, Crime	Borders, Internet, Residence, Family reunion, Human Rights, Immigration	Practices, Religion, Equality, Race, Labour market	Education	Integration	National identity	Asylum legislation

This systematic overview can help us to better understand the developments in different regions and among different cultures in Europe. No further legislative activities have been reported from Belgium, Finland and Greece. The most active topics like “Integration”, “National Identity” and “Asylum Legislation” appear combined in countries like Ireland, the Netherlands, Denmark, Germany, Austria, France and Luxembourg. We will examine “one topic countries” in the first instance, like Austria and Luxembourg, where legislative activities seem to be centred around the “asylum seeker”.

There is severe criticism from Austrian NGOs regarding restrictions for asylum seekers and current developments, while in Luxembourg asylum law has been changed (Law No. 5437 and No. 5330), toughening up access to accommodation for refugees and asylum procedures. For Italy, no “active” topics are reported, but it is also a “one topic country” (practices). In Italy, the practices of inclusion of non-EU citizens is developed by local

governments. Some Italian municipalities have promoted several initiatives aimed at extending active and passive voting in administrative elections to immigrants legally resident in their territory.

France is a “two topic country”, where legislative activities are centred around access to school and education. We also find direct involvement of young people in the fight against discrimination and in institutions such as the “Conseil de la Jeunesse” and the “Conseil de la vie lycéenne”. The second topic, which is closely related to the topic of “education” deals with the national identity of France, represented through a public controversy on religious discrimination and Islamophobia focused on the law on laicism.

The U.K. is also a “two topic country”. The main focus lies on the equality of different “ethnicities” which appear in the British experience as a combination of religion and race. The Attorney General’s powers to challenge unduly lenient sentences were extended to include racially and religiously aggravated offences. The “Single Equality Bill for Northern Ireland” also ensures religious equality among different religions and increased the sentence for perpetrators of racially aggravated violence. The issue of an increase in controlling and harsh punishment in the fight against crime is the U.K.’s second topic³⁷.

All remaining countries seem to form a cluster, where they share activities around the topic of “national identity”. Denmark and Germany are developing legislation around all “active” topics (asylum legislation³⁸, integration³⁹ and national identity⁴⁰) and around a large variety of other topics⁴¹, while Ireland and the Netherlands only focus on the issue of

³⁷ Clause 119 and schedule 10 of the Serious Organised Crime and Police Bill 2004.

³⁸ Germany: Laws about social assistance for asylum seekers and about asylum procedures; Denmark: Consolidation Act No 1262 of 10.12.2004.

³⁹ Germany: Adjusting Labour court law, law on the workplace constitution (Betriebsverfassungsgesetz), penal code (SGB I, SGB III, SGB IV, SGB IX), law for soldiers; Denmark: Consolidation Acts No 1288 of 14.12.2004, No 1204 of 08.12.2004, No 1203 of 08.012.2004, No 504 of 10.06.2004, No 28 of 21.01.2004, No 391 of 24.02.2004, No 100 of 17.02.2004, No 101 of 17.02.2004; Explanatory Acts No 9499 of 01.06.2004, No 9496 of 01.06.2004, No 9495 of 01.06.2004; Legislative Bill No 212 of 31.03.2004.

⁴⁰ Germany: Law for dispersed Germans (Vertriebenengesetz) and law defining citizenship; Denmark: Laws No 430 of 09.06.2004, No 1385 of 20.12.2004, Consolidation Acts No 422 of 07.06.2004, No 808 of 14.07.2004.

⁴¹ Germany: Freedom of movement of EU Citizens, Immigration law; Denmark: Family reunion, Residence, Trafficking, Unequal treatment, Labour market.

national identity⁴² in combination with human rights issues⁴³. Ireland's government linked the Framework Decision on Racism and Xenophobia with the review of the Prohibition of the Incitement to Hatred Act. The Netherlands started with the implementation of the e-commerce directive⁴⁴ and discontinued the SAMEN Act⁴⁵.

⁴² Ireland: referendum to change the constitutional provisions on citizenship, Irish Nationality and Citizenship Act, Social Welfare (Miscellaneous Provisions) Act 2004, 1. and 2. - report under the International Convention on the Elimination of all Forms of Racial Discrimination; Netherlands: Framework Convention for the Protection of National Minorities.

⁴³ Ireland: International human rights mechanisms; Netherlands: Ratification Protocol 12 of ECHR.

⁴⁴ EC-Directive 2000/31/EC.

⁴⁵ Act on Stimulating the Labour Participation of Ethnic Minorities.

I.D Activities of governments and NGOs carried out under 'national action plans' concerning racism

In France, Italy, Austria, Greece and Germany no national action plans (NAP) are mentioned. While France, Italy and Austria have transposed the “race directive” in one or the other way, Greece and Germany have not. While no other activities in that field have been reported, we can find some activities on the municipal level in Greece. Contrary to the Government, municipalities are working closely with many NGOs by holding seminars and carrying out staff training mostly concerning migrants and Roma. The state of play in Belgium, Luxembourg, the U.K., Finland, the Netherlands, Denmark and Ireland varies. While Belgium is planning a National Action Plan without consulting NGOs, Finland has reached the objectives of their plan, supporting NGOs and studying the topic with the close cooperation of NGOs and ministries.

Country	National Action Plan Activities
Belgium	Council of ministers: Plan fighting Racism, Anti-Semitism and Xenophobia. NGOs have not been consulted.
Denmark	In 2004 a first National Action Plan was drafted. The following main issues were discussed: Copenhagen Marathon; national seminar on diversity in journalism or positive action; national information flyer, campaign ambassadors; national website; journalism award 2004; seminar on freedom of expression and hate speech; seminar on discrimination. A hotline to register complaints and a website with guidelines has been installed. 'The Government's Vision and Strategies for Improved Integration' includes an agenda for integration policy for the coming years. It proclaims a coherent and open democratic society and focuses on education, training and the labour market.
U.K.	In June 2004 the Government launched a consultation on its race equality strategy, in a document entitled Strength in Diversity. It was criticised for not providing a significant period of time in which that consultation could take place. Strength in Diversity identified four broad themes. Firstly, promoting inclusive notions of citizenship, identity and belonging; secondly, eradicating racism and extremism; thirdly, tackling inequality and opening opportunities for all, and finally building cohesive communities. There is a lack of any reference in the consultation paper to the Durban Declaration and the National Action Programme Against Racism (NAPAR). The NAPAR agenda has been usurped by fears about integration, citizenship, immigration and cohesion, which in turn seem based on the events since 9/11 and particularly based on concerns about religious extremism.
Lux	Regular meetings of NGOs with the Aliens Office. Workshop at the national conference on foreigners. Advanced education at “Ecole Supérieure du Travail” with 500

	participants. Sensibilisation for human resource managers and round table. PR on TV and cinema.
Ireland	In 2004 the Irish government finalised its National Action Plan against Racism and was informed by a 12-month public consultation process, overseen by a national steering group established under the aegis of the Department of Justice, Equality and Law Reform which involved a wide range of key stakeholders from Government bodies, social partners and broader civil society, including cultural and ethnic minorities. The Plan will be monitored through a High Level Strategic Monitoring group and will be supported by the Department of Justice, Equality and Law Reform.
NL	At the end of 2003 the National Action Plan was presented and the following issues have been pinpointed: living environment; raising awareness; equal treatment on the labour market. The basic premise for its framework is an integrated approach to discrimination. The LBR considers the National Action Plan not explicit enough regarding measures with which the government wants to fight racial discrimination in important areas like high unemployment amongst ethnic minorities, the low number of migrants within the police force and segregation in the educational system.
Finland	Finland works actively to take into regard the rights of the Roma and disabled people. Finland reached its original objectives relatively well, as the Roma issue, equality, and multi-related discrimination are referred to in the Declaration and the Action Plan. Finland has participated each year in the UN Minority Working Group session and pursued interaction by drafting a commissioned research program on Finnish autonomy and self-direction models for the use of the working group. The objective of the government is a more visible and efficient processing of UN minority issues and the strengthening of the Minority Working Group's status and actions and thus improving the rights of minorities.

I.E Victims' perception of racism and racial violence

Only the Netherlands and the U.K. have survey data available, while Belgium and Italy report on some studies of the topic. Luxembourg reports a lack of infrastructure to make perception researchable. This is also true for Austria, Finland, Greece and Germany. Those reports rely on individual cases and reports from migrant communities. Ireland, France and Denmark did not report on victims' perception.

In the wake of the assassination of film maker Theo Van Gogh in November 2004, a range of incidents directed against Islamic schools, mosques and churches took place in the Netherlands. Already in September 2003, one year before the assassination, a poll⁴⁶ was published where 85% of Muslim respondents said they did not feel welcome in Dutch society and 69% agreed with the proposition that a Muslim will always be considered an outsider even if he or she has integrated into Dutch society. Another opinion poll⁴⁷ among 500 Moroccan migrants, shortly after the murder, showed that 22% of respondents felt threatened and a third of respondents did not feel safe. 73% of respondents had a dim view of the future for Moroccan migrants in Dutch society. Half of the respondents did not feel at home whereas before the murder only a quarter of them did. The majority had a negative view of how politicians reacted to the murder and on their attitude towards the Moroccan community. The results of a survey by ISEO⁴⁸ was presented separately for the four biggest ethnic minority groups in the Netherlands: Turks, Surinamese, Moroccans and Antilleans, and includes figures on how migrants perceive discrimination. 24.5% of Antillean migrants, 14% Surinamese, 13% Turkish and 22% of Moroccan migrants signalled a high level of discrimination. The figures are substantially lower with regard to personally experienced discrimination. Another study deals with the way migrants and native Dutch think about each other⁴⁹. It concludes among other things that many migrants think negatively about the social climate concerning the integration of migrants in the Netherlands. There are no

⁴⁶ TNS NIPO; results broadcast by Dutch television programme 2 Vandaag.

⁴⁷ <http://www.stogodataservice.nl>.

⁴⁸ Institute for sociological and economic research: Dagevos, J., Gijsberts, M. en Praag, C. van (ed.). *Rapportage minderheden 2003: Onderwijs, arbeid en sociaal-culturele integratie*. SCP (www.scp.nl), 2003, Den Haag.

⁴⁹ Gijsberts, M. and Dagevos, J. Concentratie en wederzijdse beeldvorming tussen autochtonen en allochtonen. From: *Migrantenstudies* 20(3), 145-168, 2004.

differences between first generation migrants and second generation migrants and between basic and highly educated migrants in this respect.

In a large-scale survey⁵⁰ in the U.K., 80% of respondents reported experiencing some religious discrimination. 8% experienced such discrimination on an almost daily basis. White British Muslims reported the highest levels of religious discrimination. Muslims also report that they face religious profiling, and that they are being stopped and searched by police on the basis of their appearance. The higher number of stop and searches - and the gap between the number of stop and searches and that of actual arrests, charges and convictions – is leading to a perception among British Muslims of being unfairly policed. Other surveys show that there has been an increase in the proportion of people feeling that there is now more racial prejudice in Britain than there was five years ago and that this is aimed at asylum seekers and refugees⁵¹.

In Belgium, a gap between the use of legal instruments by young victims and the widely documented discrimination of young males with an immigrant background is reported in studies. This is considered a result of the interdependency between the construction of negative images of young male migrants through society and the justice apparatus, and the perception of justice through them. The experience of stigmatisation and discrimination makes them feel they are victims of repression. Girls with immigrant backgrounds see laws much more as a guarantee of individual freedom and as an instrument of protection. There needs to be more research on gendered perception and the use of antiracist legislation.

In Italy, the problems and perceptions of migrant citizens were discussed in a research paper focusing on the allocation of residence permits in the province of Florence⁵². Obtaining decent housing, dealing with authorities and the precarious nature of working relationships are seen as forms of discrimination. A study has revealed that among the

⁵⁰ Weller, P., Fieldman A., and Purdam K., *Religious Discrimination in England and Wales*, Home Office Research Study 220, Home Office, Research, Development and Statistics Directorate, 2001, London, pp. 105-6.

⁵¹ *2003 Home Office Citizenship Survey: People, Families and Communities*, Home Office Research Study 289, Home Office Research, Development and Statistics Directorate, 2004, London, pp. 74-75.

⁵² COSPE, Rete di Indra, Dispo-Università degli Studi di Firenze, *La carta di soggiorno: uno strumento di integrazione (The permanent stay permit: a tool of integration)*, Research paper, June 2004, available on: <http://www.cospe.it>.

prime reasons for leaving Italy is the impossibility of finding employment suited to one's own abilities (5%) and the racism and intolerance displayed towards immigrants (4%). The most difficult thing to accept in Italy is the quality of human relationships (32%).

In Luxembourg, there is a lack of support infrastructure to listen to victims' experience and record them. There is discrimination in the labour market and in housing and there needs to be tests and research to make these experiences visible.

Victims' perception of racism and racial violence in Austria is illustrated on the basis of five examples of racial violence. In four cases, victims have been afflicted with police violence; in one case, the victim was violently attacked by a citizen. In almost all cases, instead of bringing the perpetrators of violence to justice, charges have been filed against the victims.

In Finland, most victims in 2004 were members of the Romani and Somali communities. "Racism" is used there to refer to unequal treatment and categorisation of people based on skin colour and other external features, whereas "new" or "cultural racism" is used to refer to culture-based inequalities. In the concept "everyday racism" structural and institutional practices are combined with people's everyday actions.

Victims of discrimination in Greece continuously report their suffering from the treatment received from State services. The Bangladeshi community states that the system is unfair. People from Pakistan report that, during the last year they have observed cases of racism - certain people were brutally hit by Greeks while in other cases gangs of Greeks caused damage to their shops. Immigrants from Albania are faced with suspicion and scorn. School is also a place where stereotypes and bias are dominant. Another serious subject concerns violence in the household, which is experienced mostly by migrant women, also threatened by deportation.

In the aftermath of the WCAR transatlantic slave trade and German colonialism, many Afro-Germans and migrants of African descent commemorated the 100th anniversary of the Herero genocide in the former German colony of Namibia. In 2003, the chief of the Herero Riruako wanted to take Germany to court in the USA and claimed 4 billion USD as compensation. This was formally rejected in February 2004. There was also a

commemoration at the central memorial “Neue Wache” in Berlin for all victims of the African Diaspora’s crimes. The German Lower House (Bundestag) rejected the proposal for a memorial for victims of African descent. In November 2004, a commemoration was held where the Berlin Conference of 1884/85 occurred, witness to colonial powers dividing up Africa amongst each other.

I.F Description of the situation of the Roma community and discrimination they experience

An estimated 7 to 9 million Roma live in the European Union (including Bulgaria and Romania)⁵³. Since their first arrival in Europe in the 12th century, Roma have faced prejudice and ensuing discrimination. The establishment of Roma Mahalas (quarters) or neighbourhoods in Central and Eastern Europe was the result of a policy which aimed to isolate Roma and prevent them from settling down in areas inhabited by the majority population. Under Communism these policies were reinforced in the East. Following the fall of the Iron Curtain and the establishment of democratic regimes, economic crisis together with a rampant nationalism have contributed to the re-emergence of Roma ghettos in Eastern Europe. This has also influenced the agenda of the “old” EU member states. Discrimination against Roma was practised as a “neutral procedure” by keeping out asylum seekers from countries with a high Roma population.

In the following description of the situation of the Roma in the West, we have classified the available information about the Roma community according to country, the main areas where discrimination is experienced, what kind of definitions are applied to describe the Roma community and the approach policy is taking. Four distinct groups are identified, “Roma” (in all countries), Sinti (Luxembourg, Italy, France, Germany, Netherlands), Travellers (Ireland, U.K.) and Caravan Dwellers (Netherlands).

In the Netherlands, caravan dwellers are considered as ethnically native Dutch people with a native Dutch subculture. Roma and Sinti form a separate ethnic group with a background that has its origins outside the Netherlands. The Traveller community in Ireland⁵⁴ and the U.K. is a distinct group from the Roma community, which in Ireland is a relatively new phenomenon. Roma are not indigenous to Ireland and have come to Ireland only since the mid 1990s. The Roma community there continue to retain the status of “refugee” for the most part, a group not to be confused with the Irish Traveller community. The Sinti reflect that there are long-established Roma communities in Austria, Denmark, Finland, France,

⁵³ European shadow report 2004.

⁵⁴ Pavee Point, *Irish Traveller Shadow Report*, Pavee Point, 2005, Dublin.

Germany and Greece. They are under the protection of international minority agreements as native national minorities⁵⁵. In Belgium and Italy, Roma are solely defined as “nomads”.

The range of policy approaches towards Roma varies from a forced integration of Roma refugees, as is the case in Luxembourg, to racial segregation in Italy. Austria experiences a form of re-ethnification of Roma under European minority protection. Data collection on Roma is an ambivalent issue in a lot of countries. While a country like Belgium is registering the ethnicity of Roma, others such as the U.K. do not ask for it in their census. The Netherlands collect their information from research on monitoring racism and the extreme right wing. Germany does not collect any ethnic data because of its experience with the Roma genocide during World War II.

Areas of discrimination vary from country to country. In Belgium, the U.K., Austria, Ireland⁵⁶ and Finland, the labour market and its access is stressed as an area where Roma are discriminated against most⁵⁷. In Denmark, Germany, the Netherlands, Italy and Greece it is education, especially the question of segregated education. National institutions themselves are active in acts of discrimination⁵⁸. In Greece, Roma are socially excluded while housing is considered as a problem in the Netherlands, Italy and Finland, but forced evictions⁵⁹ and “racial segregation” is only reported from Italy. A substantial part of the Roma population in Italy live under constant threat of forced evictions and people without a regular stay permit can be collectively expelled from the country⁶⁰. Access to goods and services (Netherlands), public welfare (Greece) and health⁶¹ (Austria) are other problematic

⁵⁵ For many belonging to this group however, the official status has had little impact on their lives and the fear and trauma caused by the assassination of four Roma men in the Austrian province of Burgenland in 1995 are still very present among the Roma. Monique Broeshart: „BürgerInnen zweiter Klasse“. Die Bunte Zeitung, June/July 2004, Vienna.

⁵⁶ *Gypsies and Travellers: A Strategy for the CRE*, Commission for Racial Equality, 2004, London, p. 12.

⁵⁷ Racism and Xenophobia in the EU Member States. Trends, developments and good practice. Annual Report 2003/2004 – Part 2, pp. 83, 121.

⁵⁸ Roma are made objects of crime prevention and social policy, but they are not accepted as equal partners. <http://www.gfbv.it/2c-stampa/03-1/030124de.html>, 17.2.05, 17:11.

⁵⁹ ERRC, *Collective Complaint by the European Roma Rights Centre against Italy*, op. cit.

⁶⁰ ERRC, *The situation of Roma in an enlarged European Union*, European Commission Directorate-General for Employment and Social Affairs, 2004.

⁶¹ The Roma population in all of Eastern and Western Europe generally exhibits a higher rate of illness and has

areas. In France and Finland, Roma are targets of stereotyping and discrimination in the public sphere, while Finland has reports of Roma women being victims of trafficking. In Germany, the media coverage of Sinti and Roma and the commemoration policy of the government regarding the Roma genocide is a field of concern.

lower access to health care than other population segments, EUMC: Breaking the Barriers – Romani Women and Access to Public Health Care. European Communities, 2003, *Luxembourg*

II.A Specific problematic areas in relation to racial discrimination

In I.B we identified the labour market, housing, education, health, institutional racism, everyday racism in public areas and the Internet as specific areas where racism is visible/hidden. In this chapter we try to identify specific problematic areas in relation to racial discrimination. We want to make sure that “racial” however is understood as a social power relation and not as a biological fact. This power relation manifests itself in a sort of “structural discrimination”, where institutional racism and everyday racism merge and dominate relations among citizens.

II.A.1 Structural discrimination

The most pressing issue in Austria concerning racism and discrimination is the historical dependence of the judiciary on the executive. It seems that, founded in traditional patterns, the judiciary is unable to perform outside the influence of various political actors, as it is dependent on the executive’s investigations into criminal cases. This had been reported from Greece as well. In France, racism is only recorded if it manifests itself in verbal or physical threats resulting in a charge for the perpetrator(s). This is what we consider as “everyday racism”, representative of just one side of the coin of “racial” discrimination.

The number of violent crimes in France is not in itself representative of racism however, as racism shows itself in the less tangible forms of segregation (exclusion) and discrimination. It is necessary to enter other forms of racism in direct and indirect manifestations – in the labour market, the housing sector, the health sector, education, recreational activities, by public authorities and in the media – into the statistics alongside racially motivated violent crimes.

The work of MRAX (Mouvement contre le racisme, l’Anti-Semitisme et la xénophobie) in Belgium also documents that racism often rears its head in open and hidden forms in these sectors. Another example of structural racism is reported from Greece. Discrimination against migrants by the police, who routinely check a disproportionate number of non-Greeks, raised concerns. The number of arrests among migrants is about twenty times higher than among the Greek population, maintaining a criminalised image of immigrants.

A special police unit, the border guards, exclusively checks the legal status of migrants in inner-city areas.

This structural form of discrimination reaches out to the financial sector. A National Alliance senator in Italy proposed to establish a centre for monitoring the financial flows of immigrants, with the task of checking current accounts and flows of money from and to their countries of origin in order to make sure they did not finance international terrorism or other kinds of crime. He also stressed that the monitoring centre “would be useful to indirectly control the incomes of immigrants and to take action in case they are disproportionate to their work contract.”

II.A.2 Black and Romani asylum seekers

The way Black or Romani migrants who come as asylum seekers are treated and segregated as a group presents the idea of a “fortress Europe”, which constructs itself as White and non-Romani. The Luxembourg report defines the situation of black migrants as an especially problematic area of racist discrimination. Black people are often associated with drug dealers by the majority of Luxembourg’s population. The police systematically check the identity of black people in “pertinent” areas. Undocumented asylum seekers, many of which are from African countries, are arrested.

The Luxembourg experience shows and this is also true for other EU countries - that the category of “asylum seeker” is, as in the case of Roma, a racialised one. Concerning the situation of asylum seekers in Italy, its most pressing problem is still a lack of national legislation on the rights to asylum.

II.A.3 Anti-Semitism

The overall tendency to a rise in Anti-Semitism throughout Europe has manifested itself in Italy in an increase of crimes such as vandalism and verbal abuse/threats. The one distinguishing trait is the political transversality of this development in Anti-Semitism. Germany, Belgium and France have also seen a recent increase in anti-Semitic offences and crimes. The significant rise of 59.52% in indictable anti-Semitic offences in France is

considered to be due to raised awareness within the policeforce, as well as the willingness of victims to report these offences.

The argument that the “old” anti-Semitism of the far right is supplemented by a “new” anti-Semitism of young migrants of Muslim background, which appears in discussions about the criticism of the politics of the state of Israel and whether this criticism in itself constitutes anti-Semitism, is controversially disputed. Some say that this argument is discriminating in itself.

II.A.4 Romanophobia

Romanophobia or “anti-Gypsyism” is rampant both in old and new EU member states. The society for research on Romanophobia in Germany, which is in permanent dialogue with German Roma and Sinti organisations, defines Romanophobia as a hostile posture against “Gypsies”. It ranges from inner scepticism, open rejection, discrimination and expulsion to killing and genocide. It shows itself as a negative stereotype as well as in the positive stereotype of a romanticised “Gypsy life”.

Sinti and Roma are not the object of research as in the German “Zigeunerforschung” (“Gypsy research”) or “Tsiganology” which stand in the tradition of national-socialist research on “Gypsies”. Research focuses on the majority population and their attitudes towards Roma and Sinti⁶². The reports show that a majority of the European population holds strong negative stereotypes of Roma. Even in countries where there is no or hardly any visible Romani presence such as Denmark, Luxembourg and Malta⁶³, Romanophobia forms an integral part of the common cultural heritage according to opinion polls.

Obvious forms of everyday racism such as hate speech or ethnically motivated crimes and more structural forms such as discrimination in access to social services are daily experiences in the life of European Roma. The challenges for the European institutions and national governments are considered to be multiple and complex with regards to Roma.

⁶² <http://www.anti-Ziganismusforschung.de/home.html>, 28/2/05, 16:23.

⁶³ See European Shadow Report of EU Coordination.

Strong, widespread and accepted Romanophobia is an encouragement to de facto societal and often legal discrimination against Roma in all sectors.

Germany also experiences the continuing discrimination of the Roma and Sinti peoples. The focus is on their representation in the printed media. Of most concern is the ongoing use of the word “Zigeuner” (roughly translated as “Gypsies”) and the implications this entails.

II.A.5 Islamophobia

Islamophobia, often fed by negative portrayals of Muslims and Islam in the media, especially since 9/11, is on the rise in Italy, often resulting in the vandalism of mosques. Cause for concern is the institutional racism that accompanies this situation in Italy, where instances of local government discrimination against people of Islamic faith have been recorded. Muslims have been singled out and marginalised based on their faith by politicians, for example by being fined if wearing a headscarf/hijab in public places.

A rise in Islamophobia, as in Italy fed by biased reporting in the media, has also been recorded in Germany. People of Arab origin or descent are particularly discriminated against, based on the belief that all of them are Muslims. The situation in Germany has recently been defined by discussions on the wearing of the headscarf by women, as it seems to confirm people’s preconceptions about what constitutes the essence of Islam. The ongoing discussion about Muslim women wearing a headscarf when working as civil servants or as teachers for instance has led to a discourse between political parties, churches and courts, which is defined by stereotyping and the reinforcement of prejudices. After some of the German Länder prohibited by law the wearing of the headscarf for civil servants, it became clear that the courts saw their foremost duty in protecting the Christian, Western value system, which is predominant. This tendency was repeated in the deportation of the Kalif of Cologne Metin Kaplan in October 2004, even though he faced prosecution in Turkey and was at the time still involved in ongoing court cases in Germany.

Although generally marginalised, the extreme right wing in the Netherlands has been more prominent since the assassination of film maker Theo Van Gogh on November 2 2004. The relationship between migrants and the native Dutch has been under a lot of strain, as a surge

in violence (more than 800 incidents of racial violence were counted), both anti-Islamic and anti-Dutch, followed in the weeks after Theo Van Gogh's assassination.

Evidence is also growing on the extent of Islamophobia experienced by Muslims in the U.K. In one large-scale survey, 80% of respondents reported experiencing some religious discrimination. 8% experienced such discrimination on an almost daily basis. White British Muslims reported the highest levels of religious discrimination. Muslims also report that they face religious profiling, and that they are being stopped and searched by police on the basis of their appearance.

II.A.6 Segregated education, housing and labour market

Segregation in education, housing and the labour market for large minorities such as the "old" settled minority of Roma in the new member states or the "new" minority of Muslims in the old member states, are practices which can be found all over Europe. Segregation; special schools; low quality education; highest dropout rates; lowest rate of secondary and post-secondary education; racism in schools; reduced opportunities to education and very limited access to education in their mother language, are parts of the reality faced by Roma children all over Europe. Dropout rates, substandard education, lack of participation to pre-school education as well illiteracy levels in the new member states of Hungary, Slovakia and the Czech Republic are significantly higher for Roma than the majority population⁶⁴. In Central and Eastern Europe, Romani children are frequently placed in "special schools" for mentally disabled children or in segregated classes where they receive substandard education. It is worrisome that in old member states like Sweden less than half of Roma children entitled to bilingual Romani/Swedish education actually benefit from this entitlement⁶⁵.

With regard to discrimination in the education sector in Greece, many parents associations have expressed concern about supposedly falling standards due to number, or mere presence, of migrant children in classes. This can be observed in other countries as well. Parents take their children out of schools with a high percentage of migrants, which leaves

⁶⁴ Shadow Report 2004 EU Coordination.

⁶⁵ ECRI 2003: Second report on Sweden adopted on 28 June 2002 and made public on 15 April 2003.

those schools behind as segregated schools. In Germany, a high percentage of children with migrant backgrounds end up in special schools with no future perspectives. In this sense, the situation of Roma in the new member states is similar to the situation of migrant children in the old member states.

Many people in Western Europe in particular continue to regard Roma as traditional nomads despite the fact that most of them have settled down for generations. The alleged nomadism of Roma has sometimes been used as an excuse not to address the housing problems faced by Roma and as a justification for segregationist policies. In Western Europe, Roma are confined to those areas which are avoided by the majority. Slum-like settlements can be found in Greece, Portugal and Spain. In Italy and France, it is mainly Roma asylum-seekers who end up in these camps due to authorities' unwillingness to provide proper housing for asylum-seekers⁶⁶.

The squalor of the situation in these camps was revealed in Spring 2004, when two Roma girls from Romania burned to death when the hut they were sleeping in caught fire. Sweden, Finland and Italy share the same characteristics. Practical segregation of Roma in Italy appears to reflect a general approach of the Italian authorities which tend to consider Roma as nomads and wanting to live in camps. Europe has seen a re-emergence of what some wrongfully and stereotypically consider as nomadism among Roma. It is a result of the deterioration of an economic situation, violence and wars. Many Roma have become refugees in Western Europe. The failure or refusal of states to provide appropriate residence conditions for asylum-seekers in general and for Roma asylum-seekers in particular, has resulted in many of them having no other choice than to settle in encampments.

Over the past two years, the Netherlands has also seen unemployment rising among migrants and particularly migrant youths. According to studies, employers discriminate against potential employees based on ethnic background, assessing their skills as less desirable than those of native Dutch applicants. There is a preference for the skills of Eastern European rather than Moroccan or Turkish employees among Dutch employers. Research shows that discrimination in the labour market is higher in the Netherlands compared to neighbouring countries. The Dutch Minister for Immigration and Integration

⁶⁶ Shadow report 2004 of EU coordination.

announced that she plans to address the issue of racial discrimination in the labour market with employers in 2005.

II.A.7 Migrants with disabilities/special needs

Asylum seekers as one of the most vulnerable groups often belong to a group which we named “migrants with disabilities/special needs” to reflect the fact that the living conditions (war, economic decline, catastrophe) in the places they came from did not leave them unhurt and that they need special attention. The situation of these migrants is watched with concern in Germany. Due to language barriers, migrants with psychological problems or traumatic experiences seem to be misdiagnosed more often, which would explain the disproportionate number of migrants in psychiatric wards. Also adding to this problem is the disregard for cultural differences in all areas of care and in the health sector.

II.A.8 “White Supremacy”

A new nationalism, which appeared after the end of the cold war in the old member states, show aspects of the traditional concept of “white supremacy”. The German right-wing party NPD⁶⁷, which encourages discrimination against non-white people and won 9.2% of the vote in Saxony’s local elections in 2004 (Saxony being a quite prosperous area of East Germany), is a cause for concern. In Great Britain, Romani and other travellers have become the target of political campaigns by nationalist forces who pursue their eviction every time they try to establish in a locality. Italian government affiliated right-wing groups of the Northern League are actively promoting “white supremacy”.

⁶⁷National Democratic Party of Germany.

II.B Data collection

No official data collection has been reported from Austria, Denmark, Germany, Greece, Italy and Luxembourg. In Austria, Luxembourg and Italy, general data about migration issues is generated through academic research and the activities of NGOs. In Denmark, some data is collected in general national statistics. In Germany, official data is only differentiated through the categories of “German” and “foreigner”, which means that when a person is naturalised he or she statistically loses all information related to their migrant background. This is also true for “ethnic Germans”, because they are perceived as a distinct Russian speaking group in everyday life. In Greece, several official sources are available which give a picture of problematic situations. For those countries collecting data on ethnicity and discrimination, two different approaches can be described. One approach is focusing on data about discrimination (Belgium, Finland, France and the Netherlands) the other can be described as “ethnic monitoring” (Ireland, U.K.).

For those countries having no explicit procedures to gather data on discrimination and the “ethnic” composition of their population to identify groups, it can be concluded that there is a large variety of sources on the situation of groups affected by discrimination but that they differ in their quality and reliability. Access to existing sources is difficult and time consuming. No databases on everyday experiences for the analysis of discrimination exist. This lack of qualitative data in the official national census hinders the generation of systematic categories, which can then be measured quantitatively. In Germany for example, quantitative statistics are confronted with an inconsistency of databases because of naturalisation and the effect of losing all background information. The European Monitoring Centre (EUMC) in Vienna, which has been transformed into the “Agency for Fundamental Rights⁶⁸” in 2004, is dedicated to the collection of quantitative data.

A European Commission comparative study on the collection of data measured the quantity and effects of the existing discrimination procedures in the USA, Canada, Australia, the U.K. and the Netherlands⁶⁹. ECRI suggested in its second report on Germany that the

⁶⁸ European Commission News KOM(2004) 693 {SEK(2004)1281}, 25/10/2004.

⁶⁹ Europäische Union – Beschäftigung und Soziales (2004): Vergleichende Studie über die Sammlung von Daten mit dem Ziel der Bemessung des Ausmaßes und der Auswirkung von Diskriminierung in den Vereinigten Staaten,

administration should collect data which can give information on the ethnic backgrounds of individuals. This would help to give an overview on the situation of different minority groups. All data collection should respect European norms and regulations on the protection of personal data, the private sphere and the principle of voluntariness⁷⁰. The German administration declared the collection of ethnic data as incompatible with international agreements and with German post-war policies. They argue that members of some minorities, especially national minorities, are against ethnic data collection because of the experience of the Holocaust. Roma organisations in particular are still fighting the aftermath of the “ethnic” data collection of the Third Reich, which rendered Roma open to genocide and is still used unofficially by some administrations.

ECRI accepts the criticism of NGOs that most scientific research is mostly focused on the perpetrator rather than on the victim of discrimination. Indirect and structural forms of discrimination are in particular need of reliable data. All international reports (ECRI, CERD, WCAR document) acknowledge the need for data collection to fight racism. In the WCAR document, a qualitative and quantitative means of democratic data collection is described in general. From a European perspective, data collection remains therefore one of the major problems in both awareness-raising and policy-making⁷¹.

Available ethnic data related to criminality is frequently unmatched by similar statistics needed to evaluate social inclusion. Data on Roma and other minority groups is not available, irrelevant or barely reliable. Confusion about the legal grounds of ethnic data collection, which is often mistaken with collection of personal data, is seriously hindering the process of collecting relevant information. In the past, national governments often provided ethnic data focused on criminality but have failed to produce similar reports in the relevant field of social inclusion (employment, education, health, access to public services, etc.) The lack of data and focused reporting is endemic and repeatedly documented (EUMC, ECRI and European Commission Report “Roma in an Enlarged Europe”). The Commission itself fails to provide such data regarding the composition of its personnel. The

Kanada, Australien, Großbritannien und den Niederlanden (Projet Medis).

⁷⁰ Third ECRI-Report on *Germany*, http://www.coe.int/T/E/human_rights/Ecri/4-Publications, I.88.

⁷¹ James A. Goldston (2004): Ethnic data as a tool in the fight against discrimination, Open Society Justice Initiative.

situation of people with mixed ethnic roots who are under strong societal pressure due to stigma associated to, for example, Roma ethnicity and who often chose to declare themselves as members of the majority population, has not been addressed up to this point. There is the need for a public and scientific debate on methods, dangers and advantages of ethnic data collection.

In the Netherlands, several organisations are active in registering discrimination complaints⁷². The National Expertise Centre (Het Landelijk Expertise Centrum - LECD) registers which and how many complaints are dealt with by the Public Prosecutor's Office⁷³. In several police force districts, systems have improved to the point that it is theoretically possible to say how many discrimination cases were registered. Anti-discrimination agencies (ADA's) use a mutual registration programme. The Centre for Information and Documentation on Israel (CIDI) publishes cases of Anti-Semitism it registers⁷⁴. Persons and commissions, organisations, companies and schools must submit an annual (internal) report. This all provides a lot of data, however it remains impossible to get a good picture of the degree to which complaints concerning discrimination occur. Registered data is not always accessible, as it usually remains for internal use only, or the systems are not compatible, for example in the case of the police system - not all cases reach the Public Prosecutor's Office.

The annual reports of the National Federation of Anti-discrimination Agencies⁷⁵ in the Netherlands show how many complaints the anti-discrimination agencies have dealt with. The registration of discrimination complaints in the Netherlands, although better organised than in many other countries in the European Union, falls short on many points. An effective fight against discrimination requires good registering and processing of data. This means that good registrations only, even if that is a good starting point, is not enough. Registered data also has to be analysed and compared with other research data. The

⁷² Source: Feiten en cijfers, Katem LBR-rapportage Racisme in Nederland, <http://www.lbr.nl/?node=1236>.

⁷³ Cijfers in beeld: discriminatiecijfers 1998-2002, Landelijk Expertise Centrum (LECD), 2003, Amsterdam.

⁷⁴ H. Hirschfeld (red), Antisemitische incidenten in Nederland: Overzicht 2002 en 1 januari – 5 mei 2003, Centrum Informatie en Documentatie Israël, 2003, Den Haag.

⁷⁵ M. Coenders, J. Silversmith, and J. Visser, Kerncijfers 2003, Jaaroverzicht discriminatieklachten bij Antidiscriminatiebureaus en meldpunten, Landelijke Vereniging Anti Discriminatie Bureaus, 2004, Amsterdam.

National Bureau against Racial Discrimination (Landelijk Bureau ter bestrijding van Rassendiscriminatie - LBR), the National Federation of Anti-discrimination Agencies, the Anne Frank House and Leiden University, work together in the Dutch Monitoring Center (DUMC) to improve this situation. The DUMC reports to the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna⁷⁶. The same partners will publish the Dutch Government commissioned monitor on racism (Monitor Racisme) in 2005.

Data collection through ethnic monitoring is an important tool for detecting discrimination in the U.K., particularly institutional or structural discrimination. Identification as an ethnic group in the census is important as the census forms the baseline data for public policy in the U.K. Information about ethnicity was first collected in 1991, which identified nine ethnic categories. The 2001 Census built upon this and included a 16-point structure on ethnic classification⁷⁷. However, significant gaps remain in the collection of ethnic data. The main write-in response to the census' "Other" category was "Arab"⁷⁸. Furthermore, there was no census category for Roma and Irish Traveller communities, even though they are recognised as ethnic groups under the Race Relations Act 1976⁷⁹. The Office of the Deputy Prime Minister (ODMP) collects estimates on the Roma/Traveller communities but these are deeply flawed and do not provide a viable alternative to systematic and comprehensive data collection. The ODMP figures are based on local counts of trailers on official sites or other known unauthorised encampments. The estimate of the population is extrapolated from the estimated occupancy per trailer.

The collection of statistics here is incomplete, not least because it does not take into account the size of the settled or seasonally nomadic Traveller communities. Nor are these figures broken down further by ethnic group to provide a more detailed picture of different Traveller communities⁸⁰. From April 2003, all agencies of the criminal justice system were

⁷⁶ See for reports of DUMC its website, <http://www.dumc.nl>.

⁷⁷ The U.K. 2001 Census contained a 16-point structure: White (British, Irish or Any Other White Background); Mixed (White and Black Caribbean, White and Black African, White and Asian, or Any Other Mixed Background); Asian or Asian British (Indian, Pakistani, Bangladeshi, Any Other Asian Background); Black and Black British (Caribbean, African, Any Other Black Background); Chinese or other ethnic group (Chinese, Any Other).

⁷⁸ See: Oxford Centre for Islamic Studies, *Muslim housing experiences*, Housing Corporation, 2004, p. 7, London.

⁷⁹ See: *CRE v Dutton* 1988.

⁸⁰ See: Power, C., *Room to Roam: England's Irish Travellers*, London, Community Fund, 2004.

to begin collecting data on offenders, suspects, victims, witnesses and employees, based upon self-classification using the 16-point classification system employed in the 2001 Census. The adoption of this practice will make it possible to create a single common system for the collection of race and ethnic data in all agencies⁸¹

However, it is acknowledged that it is not always possible to collect data on ethnicity by self-classification under the 16-point structure. For example, asking a person to classify their ethnic identity may not be practical in a stop and search situation. It is also noted that while data may be collected using the 16-point classification system, reports that are then issued about minority ethnic representation within organisation and ethnicity targets that are set, tend to be presented according to a modified four or five point system (White, Black, Asian, Other and Mixed).

In some instances, targets are set for 'ethnic minorities' as a whole. Given the significant variations between different minority ethnic communities over most socio-economic indicators, for policies to have an impact on the most disadvantaged minority ethnic communities individual targets should be set for specific minority ethnic communities where possible. For example, the government's target of employment rates of ethnic minorities in the market may be achieved without significantly impacting on Black Carribeans, Pakistanis or Bangladeshis, the most disadvantaged minority ethnic communities in the U.K.

The national census is the most comprehensive source of information on diversity in Ireland, however in terms of black and minority ethnic groups its value to date has been limited. The 2002 Census collected data on religious belief, nationality, country of birth and membership of the Traveller community. During 2004, the Central Statistics Office (CSO) piloted an ethnicity question for inclusion in the next census in 2006. The pilot was reported as successful and the Government has decided to include it in the next census. This will prove a significant development in terms of enhancing the picture of diversity in Ireland, however the question itself is limited to four categories: White, Black or Black Irish, Asian

⁸¹ Home Office, *Statistics on Race and the Criminal Justice System – 2003*. A Home Office publication under section 95 of the CJA 1991, Home Office, 2004, London, p. 12.

or Asian Irish and Other. NGOs have expressed the desire that a more comprehensive question be developed in future years.

While racism is experienced regardless of legal status, four main categories of black and minority ethnic groups are particularly vulnerable: the Traveller community; asylum seekers and refugees; migrant workers; and religious minorities. A more informal source of data related to discrimination in employment is through a racist incident reporting system established by the NCCRI⁸². Its last report covered the period from October 2003 to April 2004. 2004 saw two significant benchmarking exercises in the Irish context in the form of the development of a National Action Plan against Racism, and the consideration of Ireland's first report under CERD.

The process of data collection in Finland is based on the fact that the victims of racism can inform local police stations of incidents and the police collect within their normal work their findings related to racially motivated cases. The ministry for police conducts research into racially motivated cases. In Belgium, MRAX (Mouvement contre le racismisme, l'Anti-Semitisme et la xénophobie) and in France the CNCDH (Commission nationale consultative des droits de l'homme), both government independent organisations, collect data on racism and legal decisions related to anti-discrimination legislation. Both organisations publish national reports.

All other reports had to rely on data which they collected or generated themselves. This explains the conceptual differences in how to define and describe the victim groups. While countries like the U.K. and Finland try to operate with the "ethnicity" of the migrants, other continental countries are recording on the basis of legal status and residence. Ireland seems to be somehow inbetween.

Danish NGO's consider data collection as a necessary and unavoidable tool in the work to enhance ethnic equality and the removal of the barriers of discrimination and racism. At the same time, like in other EU countries, data collection is considered as very problematic because of ethical, legal and methodical issues involved when it relates to such a sensitive

⁸² NCCRI, *Racist Incident Report November 2003 - April 2004*, NCCRI, 2004, Dublin, available at: <http://www.nccri.ie> (08.03.05).

area as race and ethnicity. There are no clear guidelines as to when and how data collection is allowed and when it is not. In official data collection institutes, it is not allowed to register people on the basis of colour, ethnicity or religion. The Danish Bureau of Statistics is the only institution which has the possibility of obtaining a CPR⁸³ number from a public office or a private company, compare it with the CPR register, and deduce information about a person's place of birth, background of parents and thus ethnicity. This way, the Bureau is able to keep track of the number of immigrants, refugees, their children and descendents⁸⁴. The Act on Processing of Personal Data⁸⁵ implements Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, clearly says that no processing of personal data may take place revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or data concerning health or sex life.

In the process of collecting data for the national shadow reports, authors from countries without an official system of data collection have had the same problem - comprehensive comparable data on the composition and legal status of migrants, their problems encountered in labour and housing markets and other areas, are not available. The reports are thus based on relevant legislative texts, publications on migration and racism, material provided by NGOs and interviews conducted with representatives of NGOs working in the field of racism and discrimination, as well as local media contributions. This situation makes a comprehensive view of the phenomenon very difficult to attain, not only with regard to the extent of racism and discrimination, but also the typology and characteristics, leading to an underestimation of the phenomenon, as reported from Italy⁸⁶. There, as part of the implementation of the "race directive", the government launched an "office for the promotion of equal treatment and the removal of discrimination based on grounds of race or

⁸³ In Denmark, every resident has a CPR number, which is used for everything from using the library to visiting a doctor and opening a bank account. The health insurance card which carries your CPR number is built on very narrow data: date of birth, place of birth and the citizenship.

⁸⁴ Denmark's personal data law can be accessed on <http://www.datatilsynet.dk>.

⁸⁵ Act No. 429 of 31 May 2000.

⁸⁶ Pirazzi, M., Pozzoli, L., *Osservatori sulla discriminazione sulla base della razza, dell'origine etnica e della religione (Monitoring centres on discrimination based on race, ethnic origin and religion)*, disponibile su: <http://www.immigra.net>.

ethnic origin” (UNAR)⁸⁷ in November 2004. It aims to monitor cases of discrimination and racism. The office has been created without any consultation with NGOs however, and its location within the Presidency of the Council of Ministers makes it unaccessible and raises doubts as to its ability to act independently in assisting victims of discrimination.

In Greece, the Ministry for Justice is responsible for providing information on the definition and monitoring of racist crime and the maintenance and publishing of relevant statistics⁸⁸. The Attorney General’s Office provides information on prosecutions and court decisions regarding racist crime⁸⁹. The Greek Ombudsman has as his mission to mediate between the public administration and private individuals to protect citizens’ rights, to observe the adjustment of law and to combat maladministration. The Human Rights Department of the Ombudsman’s Office accepts complains from anyone, most cases refer to migrants and Roma discrimination by public authorities⁹⁰.

⁸⁷ Legislative Decree of 9th July 2003 no. 215. See also: <http://www.pariopportunita.gov.it/IL-DIPARTI--Ufficio/>

⁸⁸ Ministry of Justice, <http://www.ministryofjustice.gr>.

⁸⁹ Attorney General’s Office, Alexandras Avenue 121, Athens 115 20.

⁹⁰ The Greek Ombudsman, Hadziyanni Mexi 5, Athens 115 28, <http://www.synigoros.gr>.
4. Ministry of Public Order, Asylum Bureau, 9-9-2004.

II.C Media coverage of discrimination

We want to begin this chapter on media coverage with a more detailed look at the Danish report as there are very few systematic monitoring mechanisms for the media's coverage of racism and discrimination experienced by ethnic minorities. The Fair Play NGO in Denmark has developed a monitoring system (MediaWatch), which documents the representation of ethnic minorities in the media. A systematic content analysis of print articles and TV shows reveals that racism is reinforced through the use of negative associations in the media (e.g. by associating crime to foreigners). MediaWatch No. 18, 19 and 20 analysed the Danish media's coverage of ethnic minorities in 2004. Most media coverage can be divided into three categories:

- Ethnic minorities are a problem: This deals with coverage where the media presents ethnic minorities as the root cause of problems in society.
- Ethnic minorities have a problem: In this section, the survey collected data where the media focuses on issues concerning problems faced by ethnic minorities.
- Getting on with it: This section includes solutions, proposals and initiatives from the media to better the living conditions of ethnic minorities.

In 2004 the following themes have been in constant focus:

- The Iraq War and the way Danish soldiers were performing.
- Headscarves.
- The Theo Van Gogh murder and free speech.
- Danish values contra ethnic minorities.
- Criminality among ethnic youth.
- International terrorism and its connection with Islam.

We wish to complete the themes which MediaWatch has analysed in 2004, with a look at developments in media coverage of other EU countries.

II.C.1 Reinforcing prejudice

With regard to the Roma and Sinti images present in British society, the media's use of racist language has been heavily criticised as legitimising the population's prejudices to the extent that the work of local authorities is hindered. There were even journalists who complained to the Press Complaints Commission to help them fight their editor when asked to write articles in discriminatory language.

Austria's most widely sold and popular newspaper, which generally reflects the political atmosphere and the prevalent mood of the population, regards migrants as "the foreigners", thereby reinforcing prejudice. Other papers are more reflected in their reporting but less popular.

The French and Belgian reports highlight the role of the media in the (re)production of racist, anti-Semitic, and xenophobic opinions or discriminations. The French report emphasises forms of discrimination in the media, while the Belgian report reflects on the spreading of and belittlement of racism, anti-Semitism and xenophobia by the media.

II.C.2 International terrorism and its connection with Islam

The Danish media-encouraged fear of terror attacks does not relate to real danger. A survey of media coverage clearly showed that it is the media who sets the agenda of discussion, whatever the topic. Discussion in the media about terrorism, crime, drugs, war or even the environment, indicates that often the relationship between the amount of media coverage and the tendencies in the real world are very limited. In many circumstances, the media reacts to the escalation of political rhetoric and not the problem in itself. The war against terror results in stronger and increased media coverage, which again gives politicians an excuse to justify some of their political initiatives.

In the U.K., the media is criticised for their contribution to an atmosphere of Islamophobia by hyping arrests of alleged terrorists, who in most cases are released from custody after the charges have been dropped. In Italy, coverage of immigration is largely dominated by associations with crime, illegality and religious (Islamic) fundamentalism, shaping public opinion significantly. Immigrant victims of crime are not considered reliable sources of

information as they are generally criminalised, resulting in singular and biased journalism which only presents one point of view.

II.C.3 The Theo Van Gogh murder

Substantial attention has been paid in the Netherlands to the murder of Theo Van Gogh and therefore to Islam. The discussions about Islamic extremism resulted in two opposing aspects, the inclusion of members of the Muslim community in the discussions, but also negative opinions about the workability of a multicultural society.

II.C.4 Connecting ethnicity and crime

The trend of ethnicising crime observed in other countries continues in Greece, with the irrelevant mentioning of people's ethnic origin/background, disregarding the relevance to the news item. In Germany, the Central Committee of German Sinti and Roma reported 52 complaints against newspapers to the German Press Council because they mentioned the ethnicity of the accused although it was not relevant to the reported news.

II.C.5 Discrimination in the internal structure of the media

It also seems that the Italian press law forbids people of non-Italian descent to become directors of newspapers, unless the paper is targeted at an immigrant audience. This constitutes a form of discrimination in itself and affects the plurality of the media landscape negatively.

II.C.6 Nazi Propaganda and "White Supremacy"

The Danish Culture Minister refused to intervene when the Nazi radio Oasen applied to double its programme times. The Minister said however that he had removed the State financial support the radio was getting from his Ministry. He would not consider a ban of the radio station even if it transmitted Nazi propaganda and read from Hitler's "Mein Kampf". This makes the fight against Nazi propaganda in Germany extremely difficult as, although most of the propaganda is illegal in Germany, material can easily be produced and ordered in Denmark and be distributed in Germany. The case of Ernst Zündel, a Canadian-German organising Nazi propaganda from Toronto in Canada, involves the same

problematic. This has been closed just recently through his extradition to Germany after years of fighting in Canadian courts.

II.C.7 Positive developments and self-organised migrant media

While the Luxembourg report judges media coverage on racism/discrimination as good, documented in the chapter about “Serious Cases of Racist Attacks or Attitudes”, Greek NGOs and individuals concerned have managed to improve a previously bad situation and achieve a certain sensitivity in the coverage of issues concerning minorities. Emphasis in reporting is now on the treatment of asylum seekers and refugees by the police. Another positive development is the creation of media (online and print) for and by people who were previously excluded from the media landscape. In Austria, discussions about discrimination largely take place within the migrant community’s own newspapers.

II.D Serious cases of racist attacks or attitudes

In 2003/04 the U.K. saw an increase of 9.7% in racist incidents reported to the police, taking the number up to 52,694. Including attacks on White people in 2003/04, 35,000 racially aggravated offences were recorded by the police, 59% of which were charges of harassment. This huge amount is contrasted by the report from Luxembourg, where grievous racist attacks are rare, the police recording “only” five from January to October 2004 compared to 2003, which constitutes a decline of 50%. Other cases reported in Luxembourg are concerned with everyday racism, some cases of institutional racism as well as an increase in racist opinions in letters to the editors of newspapers. There were also cases of racist verbal abuse towards players of colour during football games.

In Finland, very few cases of racism are brought before the courts, partly due to the fact that victims are not encouraged to report cases of racist crime and that the penalties for committing these crimes are minimal. Although Italy fails to systematically monitor discrimination cases and therefore does not allow to carry out detailed and full analyses on the level and type of racist attitudes and discriminatory behaviour, we found a detailed listing of incidents in the report. More numerous are racist and direct or indirect discrimination episodes, such as the distribution of racist and anti-Semitic propaganda through leaflets, posters and graffiti, demonstrations against Muslim immigrants and the explicitly xenophobic statements of political members. We identified different areas in which violent acts took place.

II.D.1 Violent acts in institutions

Amnesty International's 2004 Annual Report concerning Italy denounces the situation in Temporary Stay Centres (CPT). The report indicates an increase in tension and of truly violent acts within CPTs. In 2004, two inquiries were opened on account of violent episodes which occurred in two CPTs. 11 police officers, a member of the Carabinieri and one Red Cross worker are being investigated for physical attacks against some detainees who had attempted to escape from the Centre. Four of these police officers have been put on trial. In the same centre a few months earlier, three immigrants had denounced that sedating pills had been administered during meals without informing the detainees. Conditions in CPTs almost never meet international standards on treating asylum seekers,

who are often denied the possibility of being legally advised and helped with the procedure of application for asylum.

From December 13 to 15 2004, police officers from Athens, with the excuse that they were seeking fugitives, allegedly attacked Afghan refugees. This happened with the presence, if not the encouragement, of officers of the Greek Police. The police and in particular the Minister of Public Order stressed that the incident was an individual case, while the police officers asserted that they could not find anyone to testify for torture.

II.D.2 Acts related to anti-Semitism

In Antwerp, Belgium, four Jewish teenagers were attacked by a dozen youths who verbally and physically assaulted them. One Jewish teenager was badly injured. In the days following the attack, other Jewish teenagers were victims of anti-Semitic violence.

II.D.3 Acts related to Romanophobia

U.K. immigration authorities were accused of discrimination against Roma as well as acting discriminatively when applying anti-terrorism legislation.

At Lugagnano di Sona (Verona), Italy, two Molotov-cocktail bottles were launched against a caravan inhabited by a Roma family and an 8-year-old girl was injured in the face by the fire. Daily reporting on the news excluded the racist motivation for the act, stressing that the offenders were all from “well-to-do families”.

II.D.4 Acts related to Islamophobia

There were numerous Islamophobic incidents in France in 2004, including the desecration of Muslim graveyards and cases of institutional racism/Islamophobia. One of these cases was the refusal of a police officer to accept the reporting of a crime by a woman wearing a headscarf. He acted referring to French laicism.

A Belgian businessman is still under police protection after he was threatened with murder by right-wing extremists because he allowed his female Muslim employees to wear headscarves. He was accused of “collaboration with Muslims”.

2004 has been a year of growing tensions between Muslims and non-Muslims in Dutch society. Due to the assassination of filmmaker Theo Van Gogh in November 2004, the relationship between Muslims and non-Muslims has been under a lot of strain, resulting in numerous attacks against Muslim schools, mosques and churches. Cases of racial violence and crime in 2004 include racist confrontations between youths, several arson attacks on mosques, as well as vandalism with racist symbols on shops, homes and offices in Bergen op Zoom. Another recorded incident was an arson attack on a Muslim primary school in Eindhoven – the second of that nature on the school in a year.

II.D.5 Acts related to “White Supremacy”

The debate in the Belgian parliament concerning the right to vote for third country nationals, presented a forum for right wing extremist views. The Prime Minister’s VLD party tried to stop the law coming to power. A last minute change tried to exclude people who were refused Belgian citizenship from the right to vote as only people with a criminal record would be refused citizenship according to the VLD. Consequently, discourse on the criminalisation of “foreigners” was reanimated, even though the unchanged law was eventually passed in March 2004. Third country nationals are now allowed to vote in local elections if they swear an oath to respect Belgian laws, suggesting that third country nationals could be dangerous and have to be controlled – a xenophobic condition in itself.

With the racist British National Party (BNP) only just missing the 5% mark of entry to the European Parliament and the London Assembly, there is a rising concern that voters have adopted strong views on immigration, especially in some London areas where the BNP is thought to have the support of up to 20% of voters (opinion polls suggest).

Information from the Danish Secret Service (PET) suggests that right-wing groups have succeeded in recruiting new members. There is also concern that some violent groups cooperate with each other, meeting at concerts, football matches and at the yearly march for Rudolf Hess in Germany, as well as being in contact with Combat-18 from the U.K. The groups are thought to be spreading hate messages and harassing ethnic minorities. There was a total of 24 cases collected by the PET between January and November, including an attack on a Turkish mosque and cultural centre and a grievous physical attack on a bar

owner who tried to stop the “White Pride” group singing racist songs on his premises. Neither incidents were reported to the police, the latter for fear of reprisals.

In September 2004, a football game between the Greek and Albanian national teams in Tirana became a cause of war. The defeat of the Greek team was followed by an escalation of racist violence against Albanian immigrants having as a climax the murder of an Albanian immigrant on the island of Zakynthos. The media played a decisive role before the match in this case. The atmosphere was such before the match because of the fact that nationalistic statements were held and accepted in various talk-shows, meaning that trouble was expected in advance. The word Albanian continues to be for the majority of Greeks synonymous with the word criminal, while Greek society continues to ignore that it is actually multicultural.

There have been various racist manifestations involving fans, managers and footballers in Italian soccer. The most well-known case is that of the Lazio football team that was sentenced to play a match without an audience because of the racist and hooligan attitudes of its fans during a UEFA Cup Competition match against Partizan Belgrade in November 2004.

A senator of the Northern League said to a journalist who asked him what to do with the immigrants left without a home: “Unfortunately, the crematorium oven in the graveyard of Santa Bona is not ready yet.” In April 2004 the deputy Mayor of Treviso (Northern League), proposed to expel an entire family in the case of immigrant adolescents involved in robberies or fights, adding that “we need to carry out an ethnic cleansing of the territory, to eliminate the bad weed that paralyses our serenity, our security and faith in justice.” During a hostage crisis where four Italians were kidnapped in Baghdad, the then coordinator of the national secretariats of the Northern League proposed that for each day the hostages were imprisoned in Iraq, each EU country expel 1,000 Islamic immigrants coming from so-called ‘villain countries’.

II.D.6 Acts related to the workplace

In a village in Sardinia, a Moroccan street seller working in a municipal market was very badly beaten by two young men causing him head, face and chest injuries; the offenders were denounced for fighting and aggravated violence.

In Ostia, near Rome, a Polish immigrant was killed by his employer, the owner of a building company, who refused to pay his salary of 800 Euros.

In Rome, a previous offender insulted and threatened a barman of Algerian origin who had refused to give him more drinks, saying: “Dirty n****r, I’m going to come back with a gun and kill you,” before coming back pointing an armed gun against the bartender. He was stopped by police.

At Udine, a Nigerian street seller was attacked verbally first and then physically by two young men in the city centre. One of the two was later tracked down thanks to some witnesses and investigated for violence on racial grounds, beating and voluntarily causing serious personal injuries.

A hotel refused to allow a trainee of African origin who attended a hotel and catering school to continue an apprenticeship. According to the employer, the girl was not suited to working with the public.

II.D.7 Acts committed in public spaces

In Rome, a Romanian immigrant died while escaping from a group of people who accused him of having annoyed an Italian girl.

In Milan, a man got off a bus shouting “this bus is full of n****s,” pulled out a gun and shot towards the bus windows.

A Somali immigrant was attacked by an Italian at a train station; first he was insulted, then robbed and finally beaten up, then he was rescued by the station-master who gave him shelter. The aggressor told the witnesses: “Why can’t we beat a n****r? We are Italian.”

At Corigliano Calabro, Cosenza, a Ukrainian immigrant aged 51, was attacked with kicks and punches and then beaten to death with a club. The deputy prosecutor who coordinated the investigation spoke of “a brutal aggression that makes one think of a truly racial raid.”

In Rome, a man from Senegal selling *Terre di Mezzo*, the homeless newspaper, was mobbed after a racist row in which the aggressor said: “Dirty n****s, go back home.”

Again in Rome, a refugee from the Congo was attacked without any reason with a punch in the face by a staff member of ATAC (the local bus company), while checking tickets inside the bus. This fact was reported to UNAR by the Italian Council of Refugees.

At Pianiga in the province of Venice, a Moroccan woman was turned away together with her children from a swimming pool because she was from Morocco. The owner, charged with racial discrimination, explained to the Carabinieri that it was a “question of hygiene” and that it was his right to do what he did, adding that “It is discretionary to keep people who can cause trouble away. Here we only want nice people.”

In Prato province, three separate public transport drivers refused to stop and let African immigrants waiting at the regular bus stop get on the bus. The three drivers were identified and denounced for causing trouble to the public service.

At Morbegno in the province of Sondrio on the morning of December 31, the walls of the city were covered with posters that read: “Deliver to your municipality the head of a n****r and receive a voucher for the value of 20 Euros.” At the bottom it was signed “Power to whites” and on the side of the poster was a picture of a man hanging off a beam.

II.E Analysis of possible ethnic and racial discrimination in migration laws and policies

If we follow the same logic as in I.C, we can now gain an overview of the topics and categories which have emerged of discrimination in the legal field. The European asylum system with its legislation and practises at its 'borders' was a highly-discussed topic in the shadow reports, while borders became virtual and described a space of uncertainty and transition inside the nation state and not only at its fringes. This obviously goes hand in hand with topics such as "national identity."

The pattern of refugees being held in state-controlled transition custody for an uncertain period and the refusal of national citizenship for non-Europeans are two sides of the same coin. Forced integration (assimilation) and the reappearance of "white supremacy" disguised as civilised and civilising Christian West, are the dangers Europe's population is facing.

II.E.1 The European asylum system and its discriminating consequences

To understand why we think there is ethnic and racial discrimination in migration laws and policies, we must look at the different levels of access to residence in the EU. Asylum is one of the few possibilities of entering "fortress Europe" and gaining some kind of legal status. How the category "asylum seeker" can turn into a racialised category is shown the U.K.

Bilateral treaties have been signed between Western Europe and EU candidate countries concerning the return of Roma migrants, often in blatant violation of the 1951 Convention on the Status of Refugees. Those treaties were pressured upon national governments in Central and Eastern Europe as they were presented as a prerequisite for much-needed political support towards accession. Visa restrictions as well as classifying countries where blatant abuses against Roma take place as "safe" have often been used by old EU member states as barriers meant to prevent an illogical, improbable and, after May 2004, proved false, massive Roma migration towards the west.

In the U.K., the House of Lords ruled in December 2004 on a case challenging the practice of British immigration officers at Prague airport. The legal challenge was against the practice put in place in July 2001 by which U.K. immigration officers screened all

passengers boarding planes at Prague airport to prevent those that could claim asylum in the U.K. from travelling there. Evidence showed that this policy was used almost exclusively against Roma and that the Roma were 400 times more likely to be refused entry to the U.K. than non-Roma. The House of Lords found that while there may be good reasons for treating Roma more sceptically than non-Roma, this involved acting on racial grounds. Stereotyping on racial grounds was wrong and constituted direct racial discrimination. The activity of the immigration officers at Prague airport highlight that borders not only contain a nation nowadays, but create borders or transitional space inside European societies.

In France and Belgium, asylum seekers and foreigners who enter without a visa or who are rejected at the border can be held in deportation centres in airport transit zones. In Belgium, the average waiting time in the transit zone was 66 days in the first half of 2004. In France, NGOs normally have no access to transit zones. NGOs from France and Belgium, international organisations and some members of parliament regularly try to make public human rights violations in transit. These include the wrongful deprivation of personal liberty (no legal and social advice, refusal of visits, no outside contact, no access to fresh air, lack of space, confiscation of passports) and no right to legal procedure according to article 13 of the human rights convention - in Belgium this regularly leads to shifting people from closed detention centres to the airport's "free" transit zone, where they are forced to stay. Many therefore prefer to stay at the detention centre and have no legal procedure started. In France, asylum law is violated through summary judgements, where applications are rejected as "unfounded". Another area of concern is inhumane and degrading treatment: physical and psychological violence; humiliation; no private sphere (the INAD detention centre at Brussels airport is visible to all passengers from the outside), no blankets and pillows; temporary unsatisfactory food and drinking supply; and minimal hygienic standards.

The French alien law knows two other forms of special imprisonment for foreigners apart from detention centres and transit zones: the centres de rétention administratives (CRA, deportation centre) and the special prison for foreign prisoners (ILE). To harshen living conditions, access to free National Health Service treatment and to most free secondary (hospital) health care for failed asylum seekers has been removed and the implementation of a new Asylum and Immigration Act has introduced new powers enabling electronic tagging for those who are liable for immigration detention in the U.K. NGOs declared that

tagging and tracking are usually penalties for serious crimes and that their use on asylum seekers is unjust and cruelly stigmatising.

The 2004 Equality Act in Ireland allows for ministers, health boards, immigration officials, local and other 'public authorities' to discriminate against non-citizens who have applied for refugee status. This includes a nationality exemption for the provision of third-level education grant assistance.

The Danish government is examining ways of linking development aid to repatriation agreements for those failed asylum seekers who cannot be repatriated from Denmark to their home countries as conflicts are still ongoing, they lack travel documents, or for other reasons. Looking into the possibility of reducing spending in relation to asylum seekers, some Danish government officials have suggested limiting access to psychological treatment for post traumatic stress disorder for asylum seekers. It is not denied that asylum seekers fall ill from waiting for their asylum status decisions, but it is suggested that the asylum seekers and their solicitors should consider this before they prolong the agony by continuously appealing their case.

Since 2001, Denmark's refugee policy has seriously undermined international conventions and this approach has now been given legitimacy. Over the past two years, Denmark has adopted one of the toughest criteria in Europe for qualification for refugee status. It does not accept the claim of any asylum seeker who does not fall strictly within the framework of the Geneva Convention and the concept of humanitarian protection outside the Convention has subsequently been rendered null and void. It is important to emphasise that Denmark does not have any migration laws. This is due to the simple fact that Denmark officially stopped immigration in 1973. There are only two ways a person can settle in Denmark. One is through seeking asylum and the second being 'family reunited' with a spouse.

II.E.2 Family reunion: discrimination of bi-national marriages of non-EU citizens

Since May 1999, there has been a law fighting so called "phony" marriages of foreigners in Belgium. In 2004, several law proposals were introduced that aimed to withdraw citizenship if the marriage showed to be "phony". An increasing mistrust of mixed marriages is noticeable if a partner has third country nationality. Such marriages are

regularly controlled and transferred to the public prosecutor. This has the effect of prolonging the family reunification process. Family reunion is also prolonged and administratively obstructed in Luxembourg. The alien law there has to be changed to integrate the EU directives. The public sector is only partly open to workers of the EU, although there has been a ruling by the ECJ⁹¹. The Danish Institute for Human Rights published a critical report on October 4 2004 on the Reunification of Spouses in Denmark⁹² - those persons whose application to have their spouse join them in Denmark is rejected have no neutral instances to complain, it is the Integration Ministry which takes cases. Organisations working with migrants and refugees have raised serious concerns about the implications of the current family reunification system in Ireland. No domestic law provides specifically for a right to enter and remain in Ireland for the purposes of family reunification for migrant workers. In the case of work permit holders, an application can only be made for a spouse to join them as a dependent after twelve months. There are also problems of family reunification for refugees and there is concern that parents of Irish citizen children will not be entitled to family reunification.

II.E.3 Restrictive immigration policies

This exclusive and discriminatory approach can be found in the immigration policies of member states, but it seems that it is readjusted through the judicial systems. In Italy, there is a growing awareness of the discriminatory potentials of the Bossi-Fini Law on immigration. In 2004, following an expulsion sentence, the court considered unconstitutional two of the most severe and debated norms of immigration law, those that deprived the immigrant of the most fundamental rights.

In Greece, the existing immigration laws help to increase the numbers of undocumented persons rather than act as a real immigration law. The existing immigration law was drafted on a temporary basis. The required procedure is very difficult and time consuming. The preconditions for a migrant to obtain a residence permit is to have a valid passport or other travel document, therefore creating problems for those who have to obtain these documents

⁹¹European Court of Justice.

⁹²<http://www.humanrights.dk>.

from their embassies. The result of this is that the majority of migrants find themselves in a grey area between legality and illegality.

In Ireland, the new Immigration Bill 2004 includes a wide range of provisions that would previously have been contained in the Orders made under the 1935 Aliens Act, including the appointment of immigration officers; the empowering of Ministers to make orders regarding visas and approved ports for landing; the imposing of limits on the duration of a non-national's stay; the imposing of certain obligations on carriers and persons landing in the State; and registration requirements for non-nationals. In addition, for the first time it has been made an offence for an Irish national not to comply with immigration provisions. Section 9 obliges all persons to inform the authorities of a non-national who is in the State illegally and living as part of their household.

Only from Finland can we hear some more optimistic news. There, the increase in work related to immigration has been significant especially during the past economic boom. This increase was not based on changes to immigration policy, but has followed the fluctuations in the demand for foreign labour in the employment market. Finland, like many other Western European countries, is in a situation where there is a need for extra labour from outside due to changes in age distribution. The Finnish Government will prepare an Immigration Policy Programme which includes facilitation for growth in immigration. The proposal for the new Aliens Act should maintain and promote good administration and legal protection on issues regarding foreigners. Additionally, controlled immigration and international protection would promote respect of human and civil rights.

It is important that immigration policies are well planned, justified and open. Reasons for immigration have to be understood and made transparent, which makes it easier to create a more approving atmosphere towards immigrants and facilitates their integration

II.E.4 Outlawing dual citizenship – forced integration

Citizenship, once regarded as the ultimate protection within the EU hierarchy of residency, is crumbling away for naturalised migrants. The possibility of taking the Dutch nationality away from people with dual nationality when they commit terrorist crimes is being examined in the Netherlands. The demand to give up the other nationality as a condition for

receiving Dutch nationality may not always be possible. For instance, in Moroccan law it is not possible to give up your nationality. To make this a condition for Dutch nationality would be in breach of the European Convention on Nationalities.

Germany has solved this problem by making clear that no dual citizenship will be accepted. About 100,000 persons who applied for their former citizenship after receiving their German citizenship, mainly of Turkish background but also “ethnic” Germans, will have their citizenship withdrawn. Before the year 2000 dual citizenship had been a widespread practice, although it had never been formally legalised.

This change in immigration policy is also seen in a changing approach towards forced or obligatory integration. In 2004, new plans for integration were introduced with an obligation to integrate for Dutch people and foreigners born outside the European Union and Dutch nationals who received their nationality before April 1 2003. Integration is obligatory for anyone who wants to live for an indefinite time in the Netherlands (new immigrants) and also for all those who are living in the Netherlands at the time the new integration law starts to operate and did not have residence for at least eight years. This has discriminatory aspects. Because of the new plans, it will be mainly Dutch citizens born outside the Netherlands who will be forced to integrate, leading to discrimination on the basis of their ethnic origin. According to the new plans, Dutch citizens could be obliged to integrate again after having already received Dutch nationality. This is a violation of the principle of legal certainty.

An extra condition in the criteria for granting a residence permit has also been introduced in the Netherlands, prescribing that people integrate before they come to the Netherlands. Applicants for an MVV⁹³ (authorisation for preliminary residence) will be orally tested in

⁹³One of the criteria used by the Dutch Government to decide if someone is allowed to reside in the Netherlands is the ‘mvv’ (‘machtiging tot voorlopig verblijf’ or authorisation for preliminary residence). This is a visa which can be used for a longer period than the usual short-stay visa (up to 6 months). The application for this visa is dealt with by the Dutch embassy in the country of origin. The criteria for the mvv are the same as the criteria for the residence permit. This is to ensure that people do not receive the mvv, travel to the Netherlands, and then when they apply for a permit, are refused. One aspect of the mvv might be discriminatory. The Aliens Act gives the Minister (Article 17 lid 1 sub a Aliens act 2000) the power to designate countries whose citizens do not have to possess an mvv. This selection is not based on international law and there is no good reason why people from these countries are not obliged to have an mvv. There is a possible breach of article 1 of the International Convention on the Elimination of

the Dutch language and in their knowledge of Dutch society. Because integration outside the Netherlands is a prerequisite to obtain the MVV, the same legal problems as with an MVV also exist with regard to integration. Article 1 paragraph 2 of the ICERD (International Convention on the Elimination of all forms of Racism and Discrimination) says that it is permitted to make a distinction between nationals and non-nationals. However, this article is in this case not relevant since the distinction is among non-nationals, which leads to discrimination on the grounds of nationality. Article 26 of the Convention for Civil and Political Rights also forbids discrimination on the grounds of nationality.

The Danish Refugee Council (DRC) has registered an increase in ethnic minorities leaving Denmark because they are tired of the Danish debate concerning foreigners. The DRC believes that it is not the workplace where foreigners experience discrimination but in the media and through political signals. Some ethnic minorities tackle the issue of marginalisation by changing their appearance with the help of plastic surgery, use of contact lenses and changing their names. They think that by looking like the majority they can minimise the risk of discrimination in society.

II.E.5 National ideologies of judicial systems

In the Danish judicial system, as in other EU member states, an individual, alone or through a lawyer, can start proceedings. It is an expensive procedure which requires time, money, contacts and a good lawyer. Although the overall Danish legal system is very neutral and unbiased, there have been reports that ethnic minorities, especially youths who have repeatedly committed crime, get tougher sentences. Some lawyers are also known not to make an effort to get their ethnic clients a fair deal. If a person is not financially sound there is a free process which a lawyer has to ask for. In this context, the interpretation of the law by the courts is fundamental.

From the Greek example we can learn that a diplomatic controversy can be transferred to the Greek courtrooms, which make an ideological use of the term “Turk/Turkish” or “Macedonian”. It is not only a description but has historical meaning of its own.

Judgements give reasons to argue that law is used ideologically. In one case, the use of the term “Turkish minority” was penalised. In one other case the existence of any lesser-used language in Greece, despite the officially institutionalised use of Turkish in Thrace, was denied.

II.E.6 Work permits and access to the labour market

The work permit system regulates access to the labour market and is directly connected to the foreign nationality of the owner. Under the work permit system in Ireland, the permit is held by the employer and not the employee. NGOs have documented many cases where this system has led to particular hardship, for example where an employer neglects to renew a permit, having told the migrant worker they will do so. The worker can therefore, through no fault of their own, become illegal. This situation is not alleviated by the fact that there are less than 20 Labour Inspectors in Ireland. The Equality Act 2004 extended some protection to women working in the private home, however recruitment procedures for domestic workers are still exempt under the equality legislation.

A much debated question in Italy concerned the access of foreign citizens to public employment. The Single Text on immigration 286/98 has established the principle of equal treatment and the full equality of rights between foreign and Italian workers, thus repealing the former norm which declared Italian citizenship an essential prerequisite for taking civil service exams.

II.E.7 Discrimination against foreign citizens

Nationality is still the main grounds for discrimination in the legal arena. In Italy, the Financial Law of 2004 clearly contains a discriminatory norm, which explicitly excludes foreign citizens from the benefits of economic provisions for the support of families. In July 2004, the City Council of Treviso decided to reduce, in the form of a discount, the rates on waste disposal for Italian citizens only. The Council justified the provision by saying that resident foreign citizens had been excluded because funds were insufficient.

The Luxembourg election law excludes non-EU citizens from being elected and majors and vice majors have to be persons of Luxembourgian background.

II.E.8 Ideology of “White Supremacy”

Right-wing conservative governments and their supporters challenge the policy of government being responsible for anti-discrimination legislation for non-citizens. The Courts of Verona in Italy condemned six militants of the Northern League, part of the governing coalition, for instigation to racial hatred. In October 2004, another trial based on the principles of the Mancino Law was concluded. It concerned proceedings started in 1994 against 23 Nazi-skinheads who had used Nazi symbols during a demonstration in Vicenza in 1989. The results of Germany's National Democrats in Saxony shows that they are following a new strategy to achieve cultural hegemony, speaking with Gramsci in former East Germany.

II.F Services available for victims of racism

In Luxembourg, Greece and Germany, no services are available for victims of racism at the national level. In Greece, the Ombudsman investigates individual administrative actions by Government departments or public services that infringe upon personal rights or violate the legal interests of individuals or legal entities, but it is not specialised in discrimination matters. In Germany, organisations such as “Antidiscrimination Bureaus” in North Rhine Westfalia act on a local level with an established infrastructure of NGO-run bureaus where discrimination complaints can be handed in. In Ireland and France, there was no other listing of services than the ones listed in section G. In the U.K. we can find established national governmental services, while in Austria there are only national NGO services available.

In the U.K., the Commission for Racial Equality (CRE), which is the main body with responsibility for enforcing legislation on racial discrimination and promoting good race relations, will be transformed into the Commission for Equality and Human Rights (CEHR). Up to now, the CRE has been able to provide support and assistance to victims of discrimination and to undertake formal investigations into racism. The Race Relations Act limits the CRE’s powers as it does not have direct responsibility to enforce regulations on religious discrimination, this means that minority groups that face discrimination on the grounds of religion or belief do not have any institutional support for bringing discrimination cases forward. They are left to rely on law centres and trade unions. Many of the most marginalised in society often work in sectors where they do not have access to trade unions. Legal aid is not available for representation in discrimination cases and government funding is limited to providing advice and information.

In April 2004, the CRE launched a three-year strategy for addressing racism and discrimination faced by Roma and Travellers. Discrimination against Roma and Travellers appears to be the last ‘respectable’ form of racism. It is still acceptable to put ‘No Travellers’ in pubs and shops for example. The CRE placed securing better site provision as its top priority.

In May 2004, the U.K. Government published “Fairness for All”, a paper setting out its vision of the powers and scope of the new CEHR. Although this was presented as a

consultation paper, many of the key decisions regarding the CEHR had already been made and were not subject to consultation or discussion. The CEHR would replace the existing Commissions, including the Commission for Racial Equality, as well as enforcing the law in relation to the new areas of sexual orientation, religion or belief and age. The remit of the CEHR extends beyond discrimination to include human rights. The CEHR's role in relation to human rights is restricted to promoting a culture of respect for human rights and providing advice and guidance to public bodies. The Government emphasised the benefits of a single Commission, including a coherent approach to enforcing anti-discrimination legislation.

In Austria, numerous NGOs offer counselling and legal services as well as assistance in matters concerning housing, jobs, education, health, etc. The Zara organisation documents racist occurrences in its yearly report and offers counselling for victims of racism. The Klagsverband⁹⁴ (complaints body) cannot act as a representative for a party in a legal case, it can intervene in court cases only from an accompanying position and provide material of evidence. The IMÖ (Initiative of Muslim Austrians) is based on five pillars: participation in civil society; supporting the anti-racism movement; supporting the peace movement; conducting an inter-religious dialogue; and public relations activities. The strategy employed by the IMÖ to counteract Islamophobia and hostility towards Islam is one which seeks to rectify common prejudices on principles and practices of Islam by means of dialogue and presence in mainstream media.

All other countries provide services on a national and regional/local level. In Belgium, MRAX (Mouvement contre le Racisme, l'Anti-Sémitisme et la Xénophobie) is the national office reporting discrimination and the ORBEM (Office régional de l'emploi - regional employment agency) has a "Guichet d'informations discrimination à l'embauche" for victims of discrimination at job interviews. Besides these nationally active bodies, there are regional organisations like the CRIBW (Centre régional d'intégration du Brabant Wallon), providing support and co-ordination for intercultural projects in the region of Brabant and Wallonia, CRVI (Centre régional de Verviers pour l'intégration des personnes étrangères et d'origine étrangère), which is the regional centre of Verviers for the integration of foreigners, the CBAI (Centre bruxellois d'action interculturelle), whose main field of

⁹⁴www.klagsverband.at.

activity is advanced education, information and supporting of social life in the Brussels region and the “Centre pour l'égalité des chances et la lutte contre le racisme” (Centre for Equality and the fight against racism) which has local offices for the victims of racism in 18 cities in Belgium.

In Denmark, the “Complaints Committee for Ethnic Equal Treatment” launched a new campaign through its homepage in 2004. Here you can find information about the Committee’s work and on how you can complain and what about. Along with the website, a pamphlet, poster and a “Go-Card” on the Complaints Committee have been published. Decisions from the Committee will be published on www.klagekomite.dk. The homepage furthermore includes a “click & complain” function to file a complaint directly to the Committee. The pamphlet is published in eight languages: Danish; Turkish; Somali; Farsi; Urdu; French; Serbo-Croat and English. Advisory services are available in some municipalities, helping people who want to file a complaint or obtain information on which office to go to in the case of discrimination. There are also internal complaints offices in municipalities which are mostly used against department injustices such as social help, housing or misuse of rules and regulations.

The “Provincial Advocates” is a new private legal service which takes on discrimination cases and gives advice to minority groups through a free or paying process. The “Committee for Foreigners’ Legal Security” is an NGO located in Århus, the second largest city in Denmark. It publishes four small pamphlets with legal advice, takes cases and gives telephone advice once a week. The Danish Parliamentary Ombudsman (Folketinget) has the authority to investigate any administrative action within the public sector, including public bodies at the local level. The Ombudsman may act on individual complaints or on his or her own initiative. According to the Danish authorities, the Ombudsman has had great influence in practice. The Office of the Ombudsman is not designed in such a manner as to bring to light discrimination based on ethnicity however, and has addressed only a handful of cases where this issue was specifically highlighted by the complainant.

In Finland, various administrative sectors have initiated cooperative actions against discrimination on the national and local level. The “Advisory Board on Romani Affairs” (RONK) has aspired to enhance people's knowledge on Romani affairs by offering training to housing and school authorities and to the police force. Apart from the national Board,

there are four regional committees established as permanent by Parliamentary Decree as of January 1 2004. These committees act as cross-administrative coordination bodies for Roma and various authorities and work in close cooperation with Finnish municipalities and the state. The assertion of the committees and increase of employment prospects enhance service competence with the bettering of living conditions and subsistence, as well as further promotion of studies on Roma language and culture.

In Italy, UNAR, the Office for the Promotion of Equal Treatment and the Fight against Discrimination based on Race or Ethnic Origin, works on a national level and has started a contact centre, that can be reached by a toll-free number (800 90 10 10). It is charged with receiving complaints about cases of discrimination and providing victims with qualified and prompt assistance or legal support in case of court proceedings. Locally, “Regional Monitoring Centres” provide information and legal assistance for victims of discrimination on racial, ethnic, national or religious grounds. Only two such centres were reported to be in operation at the end of 2004 and they were run by the Province of Pistoia and the Autonomous Province of Bolzano – Alto Adige. Another region, Emilia Romagna, was reported to be carrying out a feasibility study aimed at creating a similar centre. As provided for in the legislation, these monitoring centres are required to provide information and legal assistance to victims of discrimination, as well as provide policy-makers with the necessary information to support them in defining equality policies. The “Anti-discrimination Office of Padania” wants to denounce cases of discrimination in favour of non-EU citizens, for example in the assignment of low rent public housing or in relation to the issue of Christmas cribs in schools. The Northern League Group⁹⁵ leader announced that his office had activated a toll-free phone number for complaints about cases of discrimination with a group of volunteer lawyers on call to assist natives of Padania who suffer differential treatment on racial grounds, free of charge.

The “Antidiscrimination Agencies” (Ada's) in the Netherlands built a nationwide network of about forty local and regional anti-discrimination agencies where victims of racism are assisted and where they can file a complaint. Local and regional anti-discrimination agencies are spread across the entire country. The majority of these bureaus are affiliated

⁹⁵ The Northern League (who established the office) is part of the governing coalition at both the regional and national levels and the project has three Ministers of the Republic in its ranks.

with the Landelijke Vereniging van Anti Discriminatie Bureaus en Meldpunten (LVADB or National Federation of Anti-Discrimination Agencies). These bureaus primarily handle complaints and assist victims of discrimination. In addition, they provide advice and information to third parties. Also, dependent on their staff capacity and expertise, the bureaus develop activities focused on influencing government policy making, registration and monitoring of discrimination and right-wing extremism, and small-scale (local) research projects. To follow through on specific discrimination complaints, anti-discrimination agencies cooperate intensively with partner organisations such as the police, the Openbaar Ministerie (Public Prosecutor's Office) and the Commissie Gelijke Behandeling (Equal Treatment Commission). The bureaus maintain regular contact with local and regional special-interest groups to stay abreast of what is happening in different communities. Via their own contacts or through the National Federation of Anti-Discrimination Agencies, local and regional anti-discrimination agencies are also in touch with a number of national partners specialised in various aspects of combating discrimination or organisations that serve special-interest groups.

II.G Good/best practice of NGO work against racism

anti-Semitism	Germany	Hagalil	An online newspaper on Jewish life in Germany, wants to push back the dominance of Nazi propaganda on the internet. Through the principle of “100 pages of truth for each page of hate and lies,” they succeeded to push down pages with anti-Semitic or racist content from the high rankings of search engines. It is in danger at the moment because of lack of funding.	www.hagalil.com
consultation meetings NGOs	U.K.	Strength in Diversity	The “1990 Trust” organised seven consultation meetings across the U.K. in partnership with other black-led organisations and local voluntary sector organisations. 370 mainly organisational representatives attended the meetings.	
	Ireland	NGO Alliance	The NGO Alliance consists of over 40 independent and non-governmental organisations working in Ireland on issues such as anti-racism, community development and human rights. All the groups have a common interest in the prevention of racial discrimination, and in working together on anti-racist principle and action. The Alliance was formed in direct response to the World Conference against Racism in Durban in August 2001 and the need for Irish NGOs and civil society to engage in the process of developing a National Action Plan against Racism.	

domestic workers	Ireland	MRCI Domestic Workers Support Group	Through its support and advocacy work, the MRCI became increasingly aware of the particular problems and challenges facing migrant women working in the private home in Ireland. Recognising the urgent need facing these women, the MRCI established a Domestic Workers Support Group. The DWSG constitutes a significant forum for migrant women employed as domestic workers seeking support and solidarity.	Migrant Rights Centre Ireland, Private Homes: A Public Concern, MRCI, 2004, Dublin, p. 10.
female refugees	Lux	Project multicultural oasis	The projects want to create communication through socio-educative and cultural events. They offer information, advanced education and support, especially for female refugees.	
European citizenship	France	Citoyenneté européenne de résidence	The campaign has as an objective to enlarge European Citizenship, local and European voting rights for all inhabitants without regard for their nationality. It is supported by 286 organisations from 13 EU countries. A petition collected 100,000 signatures in Europe. At the moment, the organisation is collecting signatures for the "Petition of the millions: Equal rights for all. Everybody is a citizen."	

ing discrimination	Nl	Campaign Discriminatie? Bel Gelijk! (Discriminatie? Call at once!)	The aim of the campaign is to make it easier for victims to file discrimination complaints and to quickly find their way to the right anti-discrimination bureau. People can now call one single telephone number and are automatically connected to the bureau in their region. All the anti-discrimination agencies and the National Bureau against Racial Discrimination (LBR) were involved in the campaign.	http://www.belgelijk.nl
migration	Belgium	Audio play and cd-rom "Le destin de Zayneb"	For the 40th anniversary of the Belgian - Moroccan agreement, MRAX produced an audio play with the story of a Moroccan immigrant woman and her three daughters. Problems like living in an unknown environment, discrimination in the workplace and in housing are dealt with.	
titutionalised racism	Austria	Asyl in Not	It is among the most effective NGOs in Austria because of its continuous engagement in the struggle against institutionalised racism by employing socio-political instruments. For the year 2004, one should mention in particular that "Asyl in Not" has indicted former Interior Minister Ernst Strasser for the "contradictions of his policies and the dissemination of lies."	

bour market access	Nl	Towards a Workforce without Discrimination (TWWD)	The TWWD network project is funded by EQUAL and is aimed at establishing contacts among those who devote themselves to creating a discrimination-free shop floor within their own labour organisations. Within this new network, labour organisations can learn from each other's experiences and support each other's positive activities.	http://www.twwd.nl 1 (02.09.2004)
	Finland	The Bridge of Synergy	The objective of the project is to find employment for immigrants and steer them towards becoming full members of society. There are ten immigrant families participating in the project, whose settlement and integration is being assisted comprehensively. A "bridge" between them and ten chosen working communities is being built. A trust and diversity analysis is being implemented in the working community and, based on its results, diversified training is organised for the working community's leaders and employees.	https://equal.cec.eu.int/equal/jsp/index.jsp#round
	France	Discrimination à l'emploi	More and more academics cannot find employment after university. That is why the "Association pour l'insertion des jeunes diplômés" has developed a programme for young academics coming from difficult backgrounds to create a network to achieve labour market access.	

Preventing social exclusion	Finland	Spring	Spring, together with its national and international partners, develops new ways and means to prevent social exclusion and inequality and aims to remove barriers to the labour market. Spring has as its primary objective to facilitate employment of the long-term unemployed, school dropouts, the elderly, immigrants, disabled persons as well as people going through mental or drug abuse rehabilitation.	
	Denmark	Documentary and Advisory Centre Against Racism	It has existed for over ten years and is the leading institution in providing free legal advice, contact to authorities, media discussions, documentation and mapping of discrimination cases, as well as advice and training seminars for police.	www.drcenter.dk

	Italy	Integ.r.a.	Integ.r.a. intends to integrate the former PNA (National Asylum Programme), the first institutional initiative aimed at creating a national system of reception, assistance and protection for asylum seekers and refugees. The project's activities are focused on vocational guidance and assistance aimed at integration in the labour market. Such activities include Italian language courses, vocational training, workplace tutoring and apprenticeships. With regards to housing, the project's activities are aimed at the negotiation of fixed price rentals, the creation of local databases, housing facilities and the management of rental subsidies.	http://www.integra-anci.it/
	U.K.	Working paper on improving the asylum system	The paper aimed to set the agenda and initiate debate on the issue of refugees and asylum outside the context of Government legislation. It aimed to create a 'small space in which to have high quality debate among opinion formers and policy shapers.'	Refugee Council and other, Refugees: Renewing the Vision – An NGO working paper on improving the asylum system, Refugee Council, 2004, London.

fugees and migrants	Greece	Greek Migrants Forum	Special emphasis should be put on the Greek Migrant Forum as it was created by immigrant communities themselves. This organisation developed and incorporated many activities such as solving the practical difficulties migrants encounter and is a reflection of the cultural heritage of all participating communities.	
	Greece	Migrants in Greece	“Migrants in Greece” is an online observatory focusing on migrant and refugee issues. The Observatory provides a wide selection of practical information and background documentation. The website should be of interest not only to migrant communities and refugee groups, but also to anyone with an interest in Greece (NGOs, journalists, researchers, lawyers, students, local administrators, Government employees etc.). In order to make the website’s content accessible to as many people as possible, an English-language version has been developed alongside the Greek version.	

	Italy	10th International Anti-Racist Meeting	This annual event consists of a week of initiatives during which associations, institutions, and individuals meet and discuss issues related to the promotion of migrants and minorities' rights. The meeting, organised by the Arci Association and promoted by the Tuscany Region, the Province of Livorno and many municipalities, offers thematic workshops (painting, dance, theatre and theoretical workshops), conferences, open forums, exhibitions, concerts and cinema.	http://www.arcitoscana.org/meeting/meeting2004.pdf
ma	Norway	Centre for Combating Ethnic Disc. (SMED)	SMED has received several complaints from Roma living in Norway. Many of the complaints related to access to public services. The annulment of unjustified decisions to terminate health insurance policies of travelling Roma families and the establishment of a new set of guidelines for the National Insurance Centre have been some of SMED's successes.	http://www.smed.no/rapporter/Undervis2002_eng.pdf
	Czech Republic	Czech Government	The Ministry for the Interior is coordinating a range of training projects targeted towards the police force, some organised in cooperation with local NGOs, some with international participation.	http://www.poradna-prava.cz/english/documents_comments_report2003.htm

	U.K.	The Monitoring Group	The Monitoring Group (TMG), established in 1979, is a registered charity and a leading anti-racist casework agency supporting and empowering individuals, families and communities who experience racial violence and harassment. TMG Rural Racism Project provides free services to victims of racial violence and harassment, including home and business visits; advice and information surgeries; individual casework and advocacy support; incident investigation work and evidence gathering; organising victim-centred case conferences with statutory agencies; arranging legal assistance for victims; supported contact and advocacy at court hearings; liaison with Members of Parliament and Councillors; and organising emergency accommodation.	http://www.monitoring-group.co.uk/TMG%20services/trp/rp+are_u_victim.pdf
	Czech Republic	People in Need Foundation	In addition to its relief work abroad, PINF implements the largest assistance programme to Roma minorities in the Czech Republic and various related anti-racism campaigns.	http://www.oneworld.cz/ow/en/organizers.html

Czech Republic	Czech Helsinki Committee (CHC)	It ran a series of “Trainings for potential victims of racial discrimination” targeting mainly Roma. It covers legal measures for combating racial discrimination and open racism. The focus is on practical guidelines on how to proceed when discrimination occurs in access to public places, housing, education, etc. and how to report racism. CHC is also providing comprehensive legal assistance to victims of racial discrimination.	http://www.tolerance.cz/courses/texts/racismraren.doc
Greece	Greek Helsinki Committee	The Greek Helsinki Committee has often, together with the European Roma Rights Centre, provided help including legal help in cases of discrimination against Roma in Greece.	http://www.greekhelsinki.gr/
Greece	Youth against Racism in Europe (YRE)	The organisation has launched a series of campaigns targeting the social inclusion of Roma in Greece. A national plan addressing the situation of Roma, as well as fighting evictions, improving housing conditions and public services access for Roma settlements are amongst the objectives of this organisation.	http://www.geocities.com/Paris/5121/evosmos.htm
Czech Republic	Counselling Centre for Citizenship, Civil and Human Rights	According to the Counselling Centre: “[T]he Roma community is particularly affected by the lack of effective legal remedies available in racial discrimination cases as they are often the primary victims in such cases.” A concern of the Centre is also the segregation of Roma in education.	

f-confidence	Belgium	Le 'ring de la paix' (Circle of peace)	MRAX organised an interactive, dynamic and fast game called "Circle of Peace." Two three-person teams battle each other by answering questions. The game allows to get to know each other beyond differences. The principle of communication through confrontation was especially attractive to young adults.	
	Austria	Die Bunten	This group pursues exceptional achievement. In parallel to the theoretic discourse on racism and discrimination, the organisation offers tools to all groups of migrants to defend themselves in social life through education and practices of self-empowerment, such as by writing for its magazine or participating in its football team.	
documented	Germany	Forum-illegalitaet.de	On this website, the catholic commission "Living in illegality" presents itself and offers reports about the experience and work of the "Maltesian Migrant Medical Service" in Berlin.	www.forum-illegalitaet.de

victims of discrimination	Denmark	The Complaints Committee for Ethnic Equal Treatment	In 2004, a new campaign was launched by the Committee through its homepage. Here you can find information about the Committee's work and on how you can complain, and what about. Along with the homepage, a pamphlet, poster and Go-Card on the Complaints Committee have been published. The pamphlet is published in nine languages: Danish; Turkish; Somali; Farsi; Urdu; French; Serbo-Croat and English. Decisions from the Committee will be published on www.klagekomite.dk . The homepage furthermore includes a "click & complain" function to file a complaint directly to the Committee.	www.klagekomite.dk
young refugees	Lux	Project "Passepart- out"	This Caritas project targets young refugees and offers language classes, social support and advanced education for labour market qualifications.	

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