

# **European Coalition of Cities against Racism**

**Study on measures taken by municipalities and  
Recommendations for further action to achieve  
Greater Vigilance against Racism**

**Commitment 1 of the Ten-Point Plan of Action**



**United Nations Educational,  
Scientific and Cultural Organization.**

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The  
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was commissioned by  
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carried out by  
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The opinion expressed by the authors does not necessarily reflect UNESCO's position.

## Executive Summary

Commitment 1 of the Ten-Point Plan of Action of the European Coalition of Cities against Racism requires 'Greater Vigilance against Racism'. This point aims at setting up a monitoring, vigilance and solidarity network against racism at the municipal level. To reach this goal, the members of the coalition are called to undertake activities, elaborate strategies and establish relevant institutions to monitor the local situation concerning structures in society, attitudes within the population and racist incidents. They are called to find out causes for racist tendencies among their population and establish solidarity networks involving all stakeholders, particularly civil society organisations.

As an external expert, the European Training and Research Centre for Human Rights and Democracy in Graz, Austria, (ETC Graz) was commissioned by UNESCO to carry out a study on the measures already taken against racism at the local level that serve as good illustration of '*Commitment 1*'. Major information resource was the written material provided by the selected cities. Through direct exchange and/or interviews with responsible officers of the municipalities and some NGOs, additional or missing information could be obtained. The material is not to be considered as complete.

On the basis of the contribution sent in by the participating cities, the ETC made an assessment whether these actions/activities meet the objective of the Commitment 1. The authors used the following criteria to make this assessment: does the action undertaken contribute to a) creating and promoting vigilance directly; b) creating and promoting vigilance indirectly through awareness raising; c) creating and promoting vigilance through a monitoring measure or d) the establishment and maintenance of a solidarity network. The authors presumed that c) and d) will lead directly to greater vigilance.

The following recommendations are derived from the eight selected measures documented in Chapter II, and the analysis on their replicability in Chapter III. The 10 recommendations explicitly or implicitly refer to the replicable documented measures. Where the replicability requires specific conditions, these are stated or it is recommended to fulfil these conditions firstly, i.e. structural and institutional conditions.

The 10 recommendations are addressed to municipalities in Europe irrespective of their current membership in the European Coalition of Cities against Racism. As already mentioned the recommendations focus on meeting the requirement of *Commitment 1*, creating greater vigilance against racism.

Klaus Starl  
Graz, October 2005

## Table of Contents

Executive Summary .....	3
I Introduction .....	6
1 Goals.....	6
2 Research Methods .....	7
3 Selection of Data and Selection of Cities.....	10
4 Structure of the Study.....	12
II Collection and Documentation of Examples .....	14
1 Single Actions and Campaigns .....	14
1.1 Rise Festival and Black History Month, London .....	14
1.1.1 Description.....	14
1.1.1.1 Rise Festival.....	14
1.1.1.2 Black History Month.....	15
1.1.2 Background Information.....	16
1.1.2.1 Historical and Social Background .....	16
1.1.2.2 International, Regional and National Legal Background .....	19
1.1.3 Results, Assessment and Classification .....	21
1.2 Actions in the Context of the International Week Against Racism, Erlangen .....	22
1.2.1 Description.....	22
1.2.2 Background Information.....	23
1.2.2.1 Historical and Social Background .....	23
1.2.2.2 International, Regional and National Legal Background .....	24
1.2.3 Results, Assessment and Classification .....	24
1.3 Monitoraggio degli Incidenti di Razzismo, Bologna.....	25
1.3.1 Description.....	25
1.3.2 Background Information.....	26
1.3.2.1 Historical and Social Background .....	26
1.3.2.2 International, Regional and National Legal Background .....	27
1.3.3 Results, Assessment and Classification .....	29
2 Policy Strategies.....	31
2.2 Towards a City of Equals – Galway City Anti-Racism Strategy .....	31
2.2.1 Description of the Anti-Racism Strategy.....	31
2.2.1.1 Reasons for the Development of a Anti-Racism Strategy.....	31
2.2.1.2 Development of the Anti-Racism Strategy.....	34
2.2.1.3 Galway City Anti-Racism Strategy .....	35
2.2.2 Background Information.....	38
2.2.2.1 Historical and Social Background .....	38
2.2.2.2 International, Regional and National Legal Background .....	39
2.2.3 Results, Assessment and Classification .....	42
2.3 Pact for Integration, Stuttgart .....	44
2.3.1 Description.....	44
2.3.2 Background Information.....	48
2.3.2.1 Historical and Social Background .....	49
2.3.2.2 International, Regional and National Legal Background .....	50
2.3.3 Results, Assessment and Classification .....	52
3 Institutions.....	55
3.1 State-Program against Right Wing-Extremism, Xenophobia and Anti-Semitism, Berlin55	
3.1.1 Description.....	55
3.1.2 Background Information.....	60
3.1.2.1 Historical and Social Background .....	60

3.1.2.2	International, Regional and National Legal Background .....	63
3.1.3	Results, Assessment and Classification .....	63
3.2	Metropolitan Police Service, London .....	64
3.2.1	Description .....	64
3.2.2	Background Information .....	70
3.2.3	Results, Assessment and Classification .....	70
3.3	Anti-Discrimination Clause in Public Contracts, Stockholm .....	72
3.3.1	Description .....	72
3.3.2	Background Information .....	73
3.3.2.1	Historical and Social Background .....	74
3.3.2.2	International, Regional and National Legal Background .....	75
3.3.3	Results, Assessment and Classification .....	76
4	Summaries of Conducted Interviews .....	78
4.1	Interview with Mr. Günter Piening on the State-Programme against Right Wing-Extremism, Xenophobia and Anti-Semitism of the City of Berlin .....	78
4.2	Interview with Mr. Ernest Bishop on the Galway City Anti-Racism Strategy .....	80
III	Synthetic Analysis and Replicability .....	84
1	Synthetic Analysis Framework .....	84
1.1	Functional Parameters .....	84
1.2	Systematic Parameters .....	85
1.3	Structural Parameters .....	87
1.3.1	Geographical Parameters .....	88
1.3.2	Historical Parameters .....	88
1.3.3	Social Parameters .....	89
1.3.4	Economic Parameters .....	91
1.3.5	Political Parameters .....	92
1.3.6	Legal Parameters .....	93
1.4	Table of Parameters .....	95
2	Analysis of Documented Measures .....	98
2.1	Single Actions and Campaigns .....	99
2.2	Policy Strategies .....	100
2.3	Institutions .....	101
IV	Recommendations .....	103
V	Underlying Legal Framework and Considered Literature .....	111
1	Legal Framework .....	111
2	Scientific Studies, Reports and Recommendations .....	112
3	Material Used for the Concerned Cities .....	114
3.1	London, United Kingdom: Rise Festival, Black History Month and Metropolitan Police Service .....	114
3.2	Erlangen, Germany: International Week Against Racism .....	115
3.3	Bologna, Italy: Monitoraggio degli Incidenti di Razzismo .....	115
3.4	Galway, Ireland: Galway City Anti-Racism Strategy .....	116
3.5	Stuttgart, Germany: Pact for Integration .....	118
3.6	Berlin, Germany: State-Program against Right Wing-Extremism, Xenophobia and Anti-Semitism .....	119
3.7	Stockholm, Sweden: Anti-Discrimination Clause in Public Contracts .....	121

# I Introduction

## 1 Goals

The ultimate goal of this research is to provide recommendations for policy makers on how to achieve greater vigilance against racism in any municipality. This can be derived from the goals of the Coalition of Cities, which are to learn from each other and apply successful policies in the fight against racism, to save resources for drafting new strategies and to avoid misleading strategies.

In pursuit of this goal the study attempts to offer selected representative examples of good practices, initiated or run by city governments. This may be specific measures, procedures, projects or campaigns as well as specific institutions, specialised bodies or authorities in various European cities.

To formulate recommendations it will be necessary to analyse the collected examples as regards their institutionalisation, their mission, focus and task, and also their scope and range. It will be necessary to categorise their applicability concerning the size of the respective cities, the composition or diversity of population and the degree of geographical concentration of cultural minorities. This will be part of the synthetic analysis.

Under the given limitations an impact evaluation will focus primarily on assessing whether the measures carried out are appropriate to have the intended effect, and secondly, whether they show an societal impact. Due to the very limited timeframe within which the study is carried out, and to the fact that statistical data concerning the impact is rarely available, the impact evaluation has its clear limits. Therefore the section “Results, Assessment and Classification” firstly describes for each example the evaluation measures taken by the cities or by those in charge of the projects. The authors then present their assessment of the measures and the circumstances they are facing, all with regard to finding the necessary level of abstraction to make an analysis for applicability.

Whenever the terms “race” and “racism” are used in this study they are used either as quotations of material and literature or with regard to the definitions of:

- a) the UNESCO Declaration on Race and Racial Prejudice, 1978

- b) the UN Covenant on the Elimination of Racial Discrimination, 1965 and
- c) the ECRI General Recommendation 7 on National Legislation against Racism and Racial Discrimination, Council of Europe, 2002.<sup>1</sup>

It is presumed that the considered literature shares the same understanding of these terms and interpret therefore the statements accordingly.

## **2 Research Methods**

The study is conducted in five steps. These research steps are defined as selection, documentation, assessment, analysis and formulation of recommendations.

Firstly a framework for the selection of examples and cities is defined. The parameters of this framework concern the membership in the coalition of cities, representativity, demographic diversity, geographical area, legal framework, and a few other specific parameters concerning the substantial scope of the policies and measures to ensure a diverse selection showing different approaches and meeting different requirements. These parameters should ensure that the cities and measures selected as well as the selection as a whole are representative of Europe's diversity.

The next step is the documentation and observation of the collected examples. The collection is made by direct contact with the municipal authorities, by researching the cities' websites and by research on literature and previously conducted studies. The documentation is narrative and is intended to be free of any comments or interpretations of the available information. The documented measures were categorised according to their potential impact or sustainability in "campaigns" or short-term/one-time projects, "policies and strategies" and "institutions".

Projects are one-time events which are not explicitly embedded in a policy strategy. They have a duration of up to twelve months and are not expected to have a follow-up and a long-term impact. The authors define policies or strategies as plans which are considered or declared to be overall concepts to tackle racism through various measures. They need a well defined goal and a concrete plan to achieve this. However, they do not need to be implemented yet. They are considered as a way towards a less discriminating society. Strategies are seen as the basic structure of a successful policy against racism.

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<sup>1</sup> The authors and the ETC Graz reject any theories on the existence of races.

The third category summarises institutions. Institutions are structures and capacities of a municipality, which are installed according to an agreed strategy. Institutions are visible implementations of the strategy and ensure (under certain circumstances) the effectiveness of a strategy against racism, and are an expression of its sustainability. They have the best chance of a long-term impact on society.

A catalogue of crucial questions is defined. This catalogue has different functions. Firstly, it serves to make the data accessible for comparison. Secondly, it gives the starting point for the synthetic analysis. Thirdly, it should be the basis for the assessment and classification.

In step four the measures and initiatives taken by the municipalities are analysed. The questions raised are:

**1. Content and policy-related questions:**

- Does a properly formulated and publicly accessible strategy or policy against racism at the local level exist in the respective city?
- What are the goals of the anti-racism policy?
- Who is it aimed at? Is it targeted at multipliers in society, potential victims, the public in general? Is the policy comprehensive in terms of scope and range? Are there foreseen feedback mechanisms?

**2. Institutionalisation:**

- Who is responsible for monitoring and documentation? Is a special body or an authority institutionalised? Do these institutions have the right to report the observations to the city parliaments and do they have the right to petition?
- Who is coordinating solidarity networks?
- Who is funding the measures or institutions and are the resources and the budget adequate to fulfil the tasks?

**3. Implementation:**

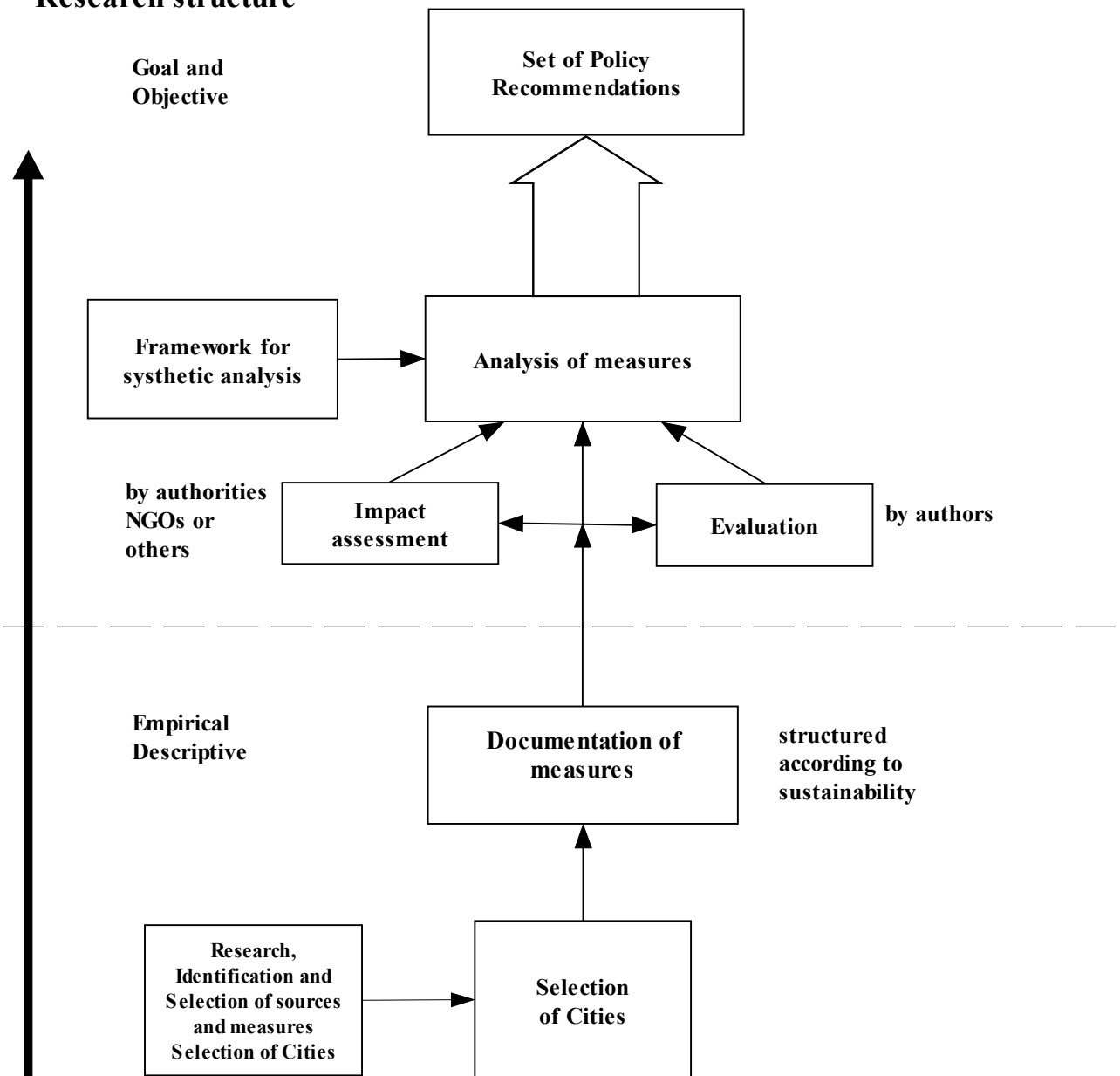
- What are the methods for monitoring and documentation?
- Are all areas of public and private spheres subject to monitoring or is there specific focus (police work, behaviour of authorities, etc.)?
- How are the results disseminated?
- Are there monitoring and evaluation procedures to measure the impact on both the measures themselves and society?

The impact assessment intends to include interviews with authority officials and representatives of NGOs, and also available statistical data and reports. To prove the applicability the study will focus on the specific conditions under which the measures are taken and are focused on.

The suggested recommendations will be a derivation of the synthetic analysis. Suggestions will be made considering institutions, responsibilities, feedback mechanisms, funding and impact evaluation. It is intended to follow approved concepts of the Council of Europe policy recommendations (ECRI).

The study focuses on governmental institutions and measures. The in-depth dimension is clearly limited by time and resource restrictions of the project in hand. The availability of data is especially a limitation which can not be influenced by the authors.

## Coalition of Cities against Racism Research structure



### 3 Selection of Data and Selection of Cities

The European Coalition of Cities against Racism was founded in December 2004. The study was conducted between March and October 2005. The collection and documentation of examples was completed by August 2005. As the conference in Nuremberg in September 2005 showed, certain cities have introduced very dynamic processes to implement the Ten-Point Action Plan. It was, however, not possible for this study to consider all these developments and new or changed strategies. A follow up will be urgently needed to evaluate the impact of the Ten-Point Action Plan and the related actions of the coalition's steering committee.

Therefore the study essentially concentrates on what had been done or initiated before joining the coalition. It reflects the initial condition of European cities' fight against racism regarding the coalition.

As described under Point 2 the collection of data is realised firstly by direct contact with city officials to request the provision of material and data. Based on the pre-selection of cities additional research was carried out on measures and activities taken by NGOs initiated or funded by the municipalities. Research on good practices of any European cities in and outside the coalition was carried out, in order to get a comprehensive overview and broader comparison.

In order to ensure the representativeness of the selection a framework was defined. The parameters for the selection are population, geographical area, composition and size of the cities' population, historical and social background as regards immigration, economic situation, political structure and the legal context (concerning the legislative powers a city has). The membership in the "Coalition" and the applicability of EC law are considered important parameters as well as the state of ratification of regional or international human rights documents by the respective national government. These parameters will also be used in the synthetic analysis to make the measures comparable.

Examples of metropolises (more than 2 million inhabitants), big cities (1 to 2 million), medium size cities and smaller cities (up to 150.000) were examined. Therefore each city may be representative for cities showing similar attributes, what is to prove in depth, and the selection as a whole may be a representative sample. A second approach was used to select measures implemented in certain cities. Both research results were combined to the current selection.

The selection of cities proved to be difficult. A catalogue of parameters for the selection was defined and material from all members or associates of the coalition was requested. The feedback was rather scarce. Stockholm, London and the Berlin representatives were very cooperative.

After researching concrete measures taken by cities the catalogue of measures was defined and the selection was made by combining the pre-selection of cities with the selection of measures. The study documents measures in the following cities (in alphabetical order):

Berlin (Germany), Bologna (Italy), Erlangen (Germany), Galway (Ireland), London (UK), Stockholm (Sweden) and Stuttgart (Germany). London is a definitive member of the coalition, all the others except Stuttgart expressed their intention to join the coalition. Even though the selection appears not to be representative in terms of geography and nationality, the described measures are considered to meet the requirements of this study. The lack of provision of material, the availability of only national language documents, the sometimes unclear responsibilities, and the absence of information on the internet all made it difficult to have a wide-ranging selection from East to West and from North to South.

However, the selection gives examples of cities with a wide range of inhabitants (Erlangen – London) and with an opposing system of legislative and administrative competences (Stockholm, London – Erlangen, Bologna). The examples vary in their use of instruments and means to achieve the goal of greater vigilance and in their intended impact perspectives.

#### **4     *Structure of the Study***

After the introduction follows Chapter II with the documentation of the measures taken by the selected cities with respect to Commitment 1 of the Ten-Point Plan of Action edited by UNESCO. The Chapter is divided into the sections “Single Actions and Campaigns”, “Policy Strategies” and “Institutions”. This structure provides the first categorisation as a parameter for the assessment and analysis. Within these sections the selected measures are described. Again, there are three subsections “Description”, “Background Information” and “Results, Assessment and Classification”. The section “Description” contains documentation referring to the material in hand without any interpretations by the authors. The “Background” information provides general information and the particular conditions in the cities as an input for the synthetic analysis. This includes information about the cities’ history, the legal status and system in which it is embedded, the socio-economic situation and the specific circumstances leading to the described measures. The section “Results, Assessment and Classification” mentions firstly, the available evaluation carried out by the responsible authorities, NGOs or others, and secondly, an evaluation and first assessment made by the authors of the study. This is seen as a preparation for the synthetic analysis. The fourth section contains the summaries of the conducted interviews with city officials.

Chapter III can be seen as the core part of the research dealing with the analysis of the measures. In the first section the analytical framework is presented by discussing the

parameters for the assessment of the ‘replicability’ of the actions taken (or planned). In the second section the measures will be analysed regarding their applicability in any other city.

The outcome is further processed in Chapter IV which elaborates on the Policy Recommendations with respect to “Commitment 1” and by stating the limits of this proposal.

Chapter V contains the underlying legal framework, considered literature and material used for the documentation.

## **II Collection and Documentation of Examples**

According to the sustainability of undertaken measures the documented examples are structured as

1. Projects, single actions or campaigns
2. Strategic policy concepts and
3. Institutions including capacity building.

### **1 Single Actions and Campaigns**

#### **1.1 Rise Festival and Black History Month, London**

London is the capital of the United Kingdom situated in the South-East of England with a population of 7.421.209 inhabitants, of which almost 29% are of “black” and minority “ethnic” groups.

##### ***1.1.1 Description***

###### ***1.1.1.1 Rise Festival***

“Rise”, formerly the “Respect Festival”, is London’s annual top free music and dance festival, celebrating the capital’s diversity and promoting anti-racism in a day-long event. The preceding “Rise Week” contains exhibitions, a photography competition, theatre, film presentations and special events and culminates in the Rise Festival on the last day of the week. During the week the “Rise Poetry Slam” takes place. It is considered to be an anti-racist and pro-multicultural initiative that is open to 12-18 year olds and it encourages young Londoners to use slam to address the issue of racism. Entry for the competition is open to schools, youth groups and individuals.

The festival was established in 1996 by the Trades Union Congress (TUC) as the “Respect Festival”. After a period of inactivity in 1999 and the election of Ken Livingstone as mayor it was reborn in 2001 as an anti-racist festival. Rise is organised by the Mayor of London in

association with the National Assembly Against Racism (NAAR) and the South East Region of the TUC (SERTUC).<sup>2</sup>

The main aims of the festival are to celebrate and promote cultural diversity by bringing together different groups in public spaces and to “*make a stand against racism*”. The festival aims to raise awareness towards anti-racist issues in the community.

Beyond this, the new name “Rise” for 2005 was considered to be an appropriate name to respond to the need to “rise” for the combat racism, xenophobia and prejudice. After the London bombings in July 2005, the festival was renamed in “London United” to defend London’s multi-cultural unity.

The festival week is open to the general public and satisfies a broad range of cultural interests. Through exhibitions, people learn about various issues such as “Black History”, “Black Arts” and immigration history.<sup>3</sup>

#### ***1.1.1.2 Black History Month***

The “Black History Month” is a London-based and nation-wide annual cultural programme which promotes awareness of Black History and Black Culture in Britain. It includes various events, e.g. exhibitions, concerts of black artists and musicians, as well as symposia about black literature and black history. The origins of the Black History Month go back to African Caribbean celebrations in America that have existed since 1926. In Britain, it has now grown so much that it includes over 1400 events.<sup>4</sup>

The idea of the Black History Month in Britain goes back to the initiator Mr. Akyaaba Addai-Sebo, who worked at the Greater London Council (GLC), which was the local government administrative body from 1965 until 1986 in London. As a man of African origin, he criticized the lack of a debate about Black History and decided to start a project to deal with the problem. After working out a strategy paper he got financial support from the GLC and held lectures given by Afro-American historians and cultural events in 1986.

After the abolition of the GLC, the newly-formed “London Strategic Policy Unit”, the “Inner London Education Authority” and a number of politicians institutionalised the “Black History Month” in October 1987 as an all-party-affair.

<sup>2</sup> For detailed background information on the Rise Festival see: **Rise Festival:** <http://www.risefestival.org/> / **National Assembly against Racism (NAAR):** <http://www.naar.org.uk/events/rise.asp> / **South East Region of the TUC (SERTUC):** <http://www.tuc.org.uk/equality/tuc-10081-f0.cfm> (27 October 2005)

<sup>3</sup> See: **Rise Festival:** <http://www.london.gov.uk/rise/week/exhibitions.jsp> (21 October 2005)

<sup>4</sup> See: **Black-History Month:** <http://www.black-history-month.co.uk/home.html> (21 October 2005)

Today, as the BLM is adopted by boroughs all over the UK, various official bodies and the national government stand behind it. Many co-operating institutions such as NGO's, museums, galleries and schools are involved in its realization.

The Greater London Authority (GLA), local authorities, and the Home Office have also established a "Black Minority and Ethnic Communities Network" which organises seminars every year for staff.<sup>5</sup>

Before 1986, Black History was not a public topic. After its introduction, an "African Jubilee Year Declaration" was launched that recognised the contributions of Africans to the cultural, economic and political life of London and the UK. In addition to this, it called upon the boroughs to recognise this fact and take their duties, as stipulated by the Race Relations Act 1976, very seriously<sup>6</sup>. They had to intensify their work against apartheid, continue the process of naming monuments, parks and buildings after illustrious African leaders, and to make black children more aware of their roots.

The main goals are to promote knowledge about the presence of "black history" in the public as well as to provide information on positive black contributions to the British society. An important goal is to increase the confidence and awareness of young people of African origin in their cultural heritage. Target groups of the events are all interested Britons, especially young people with or without African background. All events are open to the public.

### ***1.1.2 Background Information***

In order to grasp the "Rise Festival" and the "Black History Month", the historical, social and legal background of Great Britain, and specifically London, has to be considered.

#### ***1.1.2.1 Historical and Social Background***

##### **History of Immigration**

London has a long history of immigration. The roots of the City of London reach back to 43 AD when the Romans invaded Britain and began to build up infrastructure which led to the establishment of a flourishing trade market and the growth of the city known as "Londinium". During the following centuries the city was characterized by a steady increase in prosperity which led to recurrent immigration of people from all over Europe. The 18<sup>th</sup> century was

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<sup>5</sup> See: **Black-History Month**: <http://www.black-history-month.co.uk/home.html> (21 October 2005)

<sup>6</sup> **Race Relations Act 1976**. 1976. Available online at: <http://www.homeoffice.gov.uk/docs/racere11.html> (27 October 2005)

characterised by further economical, cultural and spatial growth. During the 19<sup>th</sup> century London became the capital of Great Britain. Through industrialisation many Irish people, Germans, Italians and Eastern European Jews came to Great Britain to find work.<sup>7</sup>

During the First World War, many British Caribbean people were recruited in the British West Indies regiment. Others found employment in munitions and chemical factories. After the war many “black” people lost their jobs. This led to racial riots in 1919 and caused discriminatory legal and social practices for “black” people in the employment market.

The Second World War also brought a large number of Caribbean to Great Britain. Due to labour shortages after the war the government recruited even more. Nevertheless Caribbean workers faced open “racial” discrimination throughout the 1950s and 60s.

In the 60s, anti-discrimination legislation accompanying the restrictive immigration legislation opened previously restricted working areas, such as motor car manufacturing, to immigrants. Local authorities began to employ “black” workers in white collar occupations, e.g. as social workers.

During the 70s racial harassment declined further due to the anti-discrimination legislation, which in turn led to a wider recruitment of migrants. In the 1980s the children of migrant workers were strongly affected by unemployment<sup>8</sup>. Even today, inequality is rife in the job market, with white people taking the better jobs.

## Population

According to the 2001 Census, 4.6 million people from ethnic minorities live in the UK, which makes up 7,9 % of the total population. Half of the total ethnic minority population were Asians of Indian, Pakistani, Bangladeshi or other Asian origin. A quarter of ethnic minorities described themselves as Black, which includes Black Caribbean, Black African or Other Black.<sup>9</sup>

In 2001/02, unemployment rates for people of non-White ethnic groups were higher than those of White people. The Bangladeshis have the highest unemployment rate with 20%. Unemployment rates for non-White men are two or three times higher than for White (5%), Indian men being the only exception (7%). The picture concerning women is similar to that of men, although the levels of unemployment are generally lower. Bangladeshi women have the highest unemployment rate of all (24%), six times greater than that for White British or White

<sup>7</sup> See **Moving Here**: [http:// www.movinghere.org.uk/galleries/histories/intro/intro2.htm](http://www.movinghere.org.uk/galleries/histories/intro/intro2.htm) (21 October 2005)

<sup>8</sup> See **Moving Here**: <http://www.movinghere.org.uk> (21 October 2005)

<sup>9</sup> **RAXEN National Focal Point United Kingdom (ed)**. United Kingdom: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna. 2004. at p. 11.

Irish women (4% each). The rate for Indian women is slightly higher than for White women at 7%. For all ethnic groups unemployment is highest among young people aged under 25.<sup>10</sup>

In 2001, nearly 45% of UK's total population of foreign origin lived in London. There are now more than two million people from black and minority ethnic groups in London, nearly 29% of the total population. The census in 2001 introduced mixed classifications for the first time. Altogether, more than 226.000 people in London identified themselves as one of these mixed categories, of whom the largest group, nearly a third, were white and black Caribbean. 46% of England's black and minority ethnic population live in London.

1.4 million black and minority ethnic Londoners are of working age. It is estimated that almost 80% of the increase in the working age population during the next decade will consist of people from black and minority groups. The following table shows the proportion of the population of Greater London by ethnic group (by self-categorization during the population census 2001).

**Population of Greater London, by ethnic group, and percentage born in the UK, 2001:**

	Total Greater London residents	Percentage of total	Percentage born in UK
	Number	%	%
<b>Asian or Asian British</b>			
Indian	436.993	6.1	41.5
Pakistani	142.749	2.0	49.0
Bangladeshi	153.890	2.2	45.7
Other Asian	133.056	1.9	27.5
<b>Black or black British</b>			
Black Caribbean	343.561	4.8	58.8
Black African	378.931	5.3	35.6
Other black	60.350	0.8	80.8
<b>Chinese or other ethnic group</b>			
Chinese	80.203	1.1	29.0
Other ethnic group	113.033	1.6	17.2
<b>Mixed</b>			
White and black Caribbean	70.929	1.0	90.2
White and black African	34.181	0.5	58.1
White and Asian	59.945	0.8	66.9
Other mixed	61.057	0.9	59.2
<b>White</b>			
British	4.287.861	59.8	95.9
Irish	220.488	3.1	31.2
Other white	594.854	8.3	17.4
<b>All ethnic groups</b>	<b>7.172.081</b>	<b>100.0</b>	<b>72.9</b>

Source: 2001 Census<sup>11</sup>

<sup>10</sup> Office for National Statistics: <http://www.statistics.gov.uk> (21 October 2005)

<sup>11</sup> Source: Census 2001 in: **Mayor of London (ed)**. Black People Pushing back the Boundaries II. Key Facts on Public Services and Black and Minority Ethnic People in London. Greater London Authority, London, 2003. at p. 5. Available online at: [http://www.london.gov.uk/mayor/bppbb/docs/booklet\\_two.pdf](http://www.london.gov.uk/mayor/bppbb/docs/booklet_two.pdf) (21 October 2005)

The table includes the percentages of people in each ethnic group who were born in the UK. The group of “white and black Caribbean” among the “mixed group” is the largest with 90,2% likely to be born in the UK. Apart from the mixed groups, the percentage is highest for people classifying themselves as “other black” with 80,8%, followed by White and Asian with 66,9%.<sup>12</sup>

Although London is a city with enormous economic growth, there is an increasing gap between rich and poor. Due to the population’s “ethnic” diversity, poverty is characterized through an “ethnic” dimension.

28% of London’s working age population are from „black“ or „ethnic origin“ whereas 45% of unemployed are from this group. The unemployment rate in London in 2000/01 was 24% amongst Bangladeshis, 19% for Black Africans, nearly 16 per cent for Black Caribbean and 14% for Pakistanis. The rate for Indians was under 6%, whereas the White rate was just over 5%.<sup>13</sup>

### *1.1.2.2 International, Regional and National Legal Background*<sup>14</sup>

Great Britain has fully implemented the EU-Antidiscrimination-Directives. The Government transposed the EU Directives by introducing regulations to amend existing anti-discrimination legislation.

The Employment Equality (Religion or Belief) Regulations 2003 are part of the transposition of the Council Directive on equal treatment in employment and occupation into national law. The 2003 Regulations make it unlawful to discriminate on grounds of religion or belief in

<sup>12</sup> **Mayor of London (ed)**. Black People Pushing back the Boundaries II. Key Facts on Public Services and Black and Minority Ethnic People in London. at p. 5.

<sup>13</sup> **Mayor of London (ed)**. London Divided. Income Inequality and Poverty in the Capital. Greater London Authority, London. 2002. at p. xii. Available online at: [http://www.london.gov.uk/mayor/economy/docs/london\\_divided\\_all.pdf](http://www.london.gov.uk/mayor/economy/docs/london_divided_all.pdf) (21 October 2005)

<sup>14</sup> Detailed background information concerning legal, administrative or other measures in relevance to racism and discrimination can be found in the reports on the United Kingdom of the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EUMC), as well as in the UK’s reports to the Committee for the Elimination of Racial Discrimination (CERD). Among others see: **European Commission against Racism and Intolerance (ECRI) (ed)**. Third Report on the United Kingdom. ECRI, Strasbourg. June 2005. / **European Commission against Racism and Intolerance (ECRI) (ed)**. Second Report on the United Kingdom. ECRI, Strasbourg. 2001. / **RAXEN National Focal Point United Kingdom (ed)**. United Kingdom: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna. 2004. / **Committee on the Elimination of Racial Discrimination (CERD) (ed)**. United Kingdom of Great Britain and Northern Ireland. Reports Submitted by State Parties under Article 9 of the Convention (CERD/C/430/Add.3). 2003. Available online at: [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0637f0871eae9c77c1256d5500573ded/\\$FILE/G0340687.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0637f0871eae9c77c1256d5500573ded/$FILE/G0340687.pdf) (20 September 2005) / **Committee on the Elimination of Racial Discrimination (CERD) (ed)**. Concluding Observations of the Committee of the Elimination on Racial Discrimination: United

employment and vocational training. They prohibit direct discrimination, indirect discrimination, victimization and harassment.

The table below gives a brief overview about relevant anti-discrimination mechanisms in Great Britain on the international and regional level:

	<i>Year of Joining/Signature/Ratification</i>
<i>European Union</i>	1973
<i>Council of Europe</i>	1949 (one of the ten founding members)
<i>United Nations</i>	1945
<i>Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</i>	ratified 1951
<i>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</i>	ratified 1969
<i>International Covenant on Economic, Social and Cultural Rights (CESCR)</i>	ratified 1976
<i>Convention Against Discrimination in Education</i>	signed 1962
<i>International Convention on the Protection of the Rights of all Migrant Workers and Members of their Family</i>	not signed
<i>European Social Charter (Revised)</i>	Signed 1997
<i>European Convention on the Legal Status of Migrant Workers</i>	not signed
<i>European Convention on Nationality</i>	not signed
<i>European Convention for the Participation of Foreigners in Public Life at Local Level</i>	signed 1992
<i>Framework Convention for the Protection of National Minorities</i>	ratified 1998
<i>ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation</i>	ratified 1999

Immigration Laws: Great Britain has a history of significant immigration especially from former colonial territories and sees itself nowadays as a “multi-ethnic” or “multi-cultural” society.<sup>15</sup>

Before the Second World War, immigration legislation had mainly been restrictive in Great Britain. By the end of the Second World War, Britain was motivated by the need for labour. Recruitment of “European Volunteer Workers” from refugee camps in Europe was undertaken. In the 1960s Britain saw the rise of racial conflict which led the government to introduce the Commonwealth Immigrants Act 1962 restricting immigration. Immigration Acts followed in the 1960s and 70s that led to a harsher restriction of immigration.

An increase in claims for asylum in Britain, and an increasing public hysteria in relation to asylum seekers was characteristic during the 1990s. Although Britain is a signatory to the 1951 Refugee Convention, asylum was only mentioned as an afterthought in the Immigration Rules. The Asylum and Immigration Appeals Act 1993 incorporated the 1951 Refugee

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Kingdom of Great Britain and Northern Ireland (CERD/C/63/CO/11). 2003. Available online at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.63.CO.11.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.63.CO.11.En?Opendocument) (20 September 2005)

<sup>15</sup> **RAXEN National Focal Point United Kingdom (ed)**. United Kingdom: Analytical Report on Legislation. at p. 11.

Convention into the immigration rules and allowed asylum seekers to appeal decisions. This Act was extended in 1996. When elected in 1997, the Labour Government changed the legislation into the Immigration and Asylum Act 1999. In 2002 the Nationality, Immigration and Asylum Act, which intends to simplify the system for those coming to work through authorized channels, followed. The disadvantage was that the Immigration and Asylum Act 2002 enforced harsh conditions on asylum seekers and their children.<sup>16</sup>

Human Rights Laws: In 1998, the UK ratified the European Convention of Human Rights in their national legislation through the Human Rights Act which makes it unlawful for public authorities to violate convention rights.<sup>17</sup>

Anti-Racism Laws: In Great Britain, since 1976 discrimination and racial harassments against “racial groups” are illegal through the Race Relations Act. The new Race Relations (Amendment) Act 2000 strengthened the Race Relations Act 1976.<sup>18</sup> It required specified public authorities to work towards the elimination of unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The general requirement is supported by specific duties, which are enforceable by the Commission for Racial Equality.

### *1.1.3 Results, Assessment and Classification*

In 2004, over 100.000 people joined the “Rise Festival”, which is considered to be a great success for the initiators. An evaluation or assessment concerning the impact of the project, as regards raising awareness, has not been found.

In general, the Festival and Festival week are considered to be good examples of networking between the municipality, artists and representatives of civic society. In addition to this, international bands supporting the festival are considered as role models for young people. Although the positive impact on people with “racist” attitudes would not be significant, the festival can be regarded as an successful important public statement. Through such events the city officially commits itself to promote equality and to tackle racism and discrimination. The

<sup>16</sup> **Legal500.com:** [http://www.legal500.com/devs/uk/im/ukim\\_005.htm](http://www.legal500.com/devs/uk/im/ukim_005.htm) (21 October 2005)

<sup>17</sup> **Department for Constitutional Affairs (ed).** Human Rights Act 1998. Frequently Asked Questions. Available online at: <http://www.dca.gov.uk/hract/hrafaqs.htm> (21 October 2005)

<sup>18</sup> See: **Race Relations (Amendment) Act 2000.** 2000. Available online at: [http://www.scottish.parliament.uk/business/research/pdf\\_res\\_notes/rn01-82.pdf](http://www.scottish.parliament.uk/business/research/pdf_res_notes/rn01-82.pdf) and **Race Relations Act 1976.** 1976. Available online at: <http://www.homeoffice.gov.uk/docs/racere11.html> (20 September 2005)

organisation of such festivals does not depend on the specific nature of cities. It lies in the political willingness and the financial support available to conduct an anti-racist festival week.

The Black History Month is an interesting example because it was enlarged from a local event to a nation-wide annual month of celebration. Not only does it affect Britons with African background, it also shows what is possible with years of continuous networking. For the black communities, and mainly for the black youth, it still plays an essential role in remembering African culture heritage and reaffirming “black” identity.

One can not underestimate the contribution that it has made to the fight against racism. As it promotes a positive picture of black people it can be assumed that it has an awareness-raising impact on Britain’s society. The event is characterized by a network between schools, non-governmental organisations and museums.

However, as it is related to the historical background of black people in Great Britain, it could not be replicated as successfully in other cities. In cities that also show a long history of “Black immigration” or are connected to a history of imperialism, the event can be recommended. In other cities, it could be adapted for other “ethnic” groups or immigrants, for example, as a cultural month for Turkish people.

## **1.2 Actions in the Context of the International Week Against Racism, Erlangen**

Erlangen is the smallest city of the federal state Bavaria situated in South Germany, with a population of approximately 102.000. More than 130 different nations are represented in the city, making the foreign population 14,8%.

### **1.2.1 Description**

An information package has been developed according to the “International Week against Racism” from 15<sup>th</sup> to 21<sup>st</sup> of March 2004. This project was initiated by the city’s AusländerInnenbeirat (Foreigners’ Council).<sup>19</sup>

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<sup>19</sup> “International Week against Racism”: On the 21st of March 1966 the General Assembly of the United Nations officially declared the “International Day for the Elimination of All Forms of Racial Discrimination” to remind of the “massacre of Sharpeville” in South-Africa, where anti-apartheid demonstrators have been murdered. So around the 21st of March, the annual “International Action Week Against Racism” takes place, where people engage themselves for equal rights and tolerance. See: **Interkultureller Rat**: [http://www.interkultureller-rat.de/Aktionen/21\\_Maerz/Aktionen\\_21\\_Maerz\\_Dokumentation.shtml#1](http://www.interkultureller-rat.de/Aktionen/21_Maerz/Aktionen_21_Maerz_Dokumentation.shtml#1) (28 October 2005)

The package included texts and a media list, group plays, a computer quiz, as well as further information on racism and has been made available to interested institutions. It has been requested by 15 schools, kindergartens and other youth organisations. Further actions have been developed from this. Some kindergartens had a project week with stories, narrations and painting activities relative to the topic. Another school ran a project called “children of the world”, with the emphasis on Africa and a charity drive for a child from Burundi.<sup>20</sup>

A detailed description is not possible due to the lack of an official report on the project.

### ***1.2.2 Background Information***

In order to grasp the actions conducted in Erlangen, the historical, social and legal background of Germany, specifically Erlangen, must be considered.

#### ***1.2.2.1 Historical and Social Background***

##### **History**

In 1002 Erlangen was officially mentioned for the first time as “villa erlangon” and became a city in 1398. In 1686, nearly seven centuries after it was first mentioned, when the first French Huguenot refugees arrived and modern industry settled, the “new town” was built. In 1810, after the French occupation, the city finally became part of the Kingdom of Bavaria.

In 1974 Erlangen exceeded 100.000 inhabitants and today, with approximately 102.000 inhabitants, it is the smallest city of the federal state Bavaria situated in southern Germany. The city is known for its university (Friedrich-Alexander-University), founded in 1742, the location of Siemens AG, a large Institute of the Fraunhofer Society and other global players and is considered as one of the most seminal economic locations in Germany.<sup>21</sup>

Since the 1996 election, the city has been governed by the CSU (Christian Social Union) and FDP /FWG (German Freedom Party/“Freie Wählergemeinschaft”).<sup>22</sup>

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<sup>20</sup> **City of Erlangen:** City Hall Report of 12.03.2004 under:

[http://www.erlangen.de/news.asp?Folder\\_id=1595&MainFolder\\_id=1581&News\\_id=58014](http://www.erlangen.de/news.asp?Folder_id=1595&MainFolder_id=1581&News_id=58014) (13 June 2005)

<sup>21</sup> **City of Erlangen:** <http://www.erlangen.de> (under: Tourismus/Stadtporträt/Geschichte) (29 August 2005)

<sup>22</sup> **City of Erlangen:** <http://www.erlangen.de> (under: Stadtverwaltung/Politik/Stadtrat und Gremien) (29 August 2005)

## **Population**

Approximately 15.210 people from over 130 different nations live in Erlangen, making up 14,8% of the total population (31/12/2004).<sup>23</sup> Turkish nationals form the largest group of the foreign population, followed by nationals of the former Yugoslavia, Italians and Austrians.<sup>24</sup> The unemployment rate was 5,9% in August 2005.

### ***1.2.2.2 International, Regional and National Legal Background***

See 2.3.2.2.

### ***1.2.3 Results, Assessment and Classification***

As no report about the project is available, there is also a lack of an impact assessment by the city itself. Upon request for further material and reports, the city's public relations department and the mayor regret that further information is not available. Thus it can only be referred to an article in the city hall report from 13 December 2004, which states that further actions in the context of the "International Week against Racism" are planned by the Foreigners Council in 2005 due to the positive feedback.<sup>25</sup>

The basic idea composing a general information package concerning racism seems to be a good way of drawing the public's attention to the issue of racism.

As a small city with approximately 102.000 inhabitants, Erlangen exhibits a very heterogeneous population structure with more than 130 different nations living in the city and a foreigner proportion of 14,8%. Due to this variety the interpersonal relationship between the foreign and the German population must be promoted to ensure a peaceful living together in a multicultural city.

It seems a good approach to promote greater vigilance against racism by providing informative material on racism.

The interest of several institutions and their further actions can be considered as successes for the project. Sustainability, however, has in this case not been confirmed.

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<sup>23</sup> **City of Erlangen:** <http://www.erlangen.de> (under: Leben in Erlangen/Statistik/Menschen in Erlangen) (24 September 2005)

<sup>24</sup> **City of Erlangen:** <http://www.erlangen.de> (under: Leben in Erlangen/Gesellschaft und Soziales/Ausländische Mitbürger) (29 August 2005)

<sup>25</sup> **City Hall Report.** 2004. Available online at: [http://www.erlangen.de/news.asp?Folder\\_id=1595&MainFolder\\_id=1581&News\\_id=58014](http://www.erlangen.de/news.asp?Folder_id=1595&MainFolder_id=1581&News_id=58014) (13 June 2005)

### 1.3 Monitoraggio degli Incidenti di Razzismo, Bologna

Bologna is the capital of the region Emilia Romagna, which lies on the southern edge of the Po river. The population is approximately 375.670, 5,1% of which are resident foreigners.<sup>26</sup>

#### 1.3.1 Description

The original idea of the project was to set up a permanent multi-agency monitor of incidents of racism and discrimination in the city of Bologna. Through the project a service of collecting reports of acts of racism or discrimination against citizens of an ethnic minority was established. The cases were reviewed and only those which seemed to have the best chances of success received legal counselling.

Coordinator of the project was the Office for Migration Matters of the Municipality of Bologna (Comune di Bologna – Istituzione dei Servizi per l’Immigrazione). Alongside the coordinator 14 partner organisations took part in the project. The organisations consisted of associations of citizens belonging to ethnic minorities, as well as non-governmental organisations active in the fight against racism and discrimination. The project was financed by the European Commission Directorate General V (Employment and Social Affairs) and co-sponsored by the municipality of Bologna for the years 1996 and 1997. When the European Commission sponsoring came to an end, the project ran for a further year using only the contribution of the city of Bologna.

The overall aim of the project was to set up a permanent multi-agency observatory of incidents of racism and discrimination in the city. The collection of allegations of racism and discrimination was intended to aid the identification of the meaning of “racism” in different contexts. Mapping the incidents of racism and discrimination has also helped to identify areas and contexts at risk and to plan effective strategies to counter racism and discrimination.

The project established a service of collecting reports of acts of racism or discrimination against citizens of an ethnic minority. A free hotline was made available and, on certain days and during certain hours, volunteers recorded allegations of racism and discrimination in offices set up by some of the non governmental organisations. The volunteers, who received a small amount of money for their involvement in the project, were trained on how to identify

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<sup>26</sup> **Osservatorio delle Immigrazioni della Provincia di Bologna (ed)**. Immigrati in Provincia di Bologna: i Numeri e le Tendenze (2004) – Parte Prima: le Presenze. Centro Stampa della Provincia di Bologna, Bologna. Novembre 2004. at p. 2.

cases of racism or discrimination and how to fill the questionnaires. Moreover, the project offered legal assistance for those cases which were likely to have a positive outcome.

### ***1.3.2 Background Information***

In order to grasp the “Monitoraggio degli Incidenti di Razzismo” the historical, social and legal background of Italy, specifically Bologna, has to be considered.

#### ***1.3.2.1 Historical and Social Background***

##### **History**

Italy, as well as the city of Bologna, recently has had to deal with a stronger migration phenomenon. As regards the history and background information on Bologna, two characteristics of the city can be highlighted which show it is a, generally speaking, “open-minded” city.

The first is the fact that Bologna has a strong university tradition: in the XI century Irnerio funded the university. Students from all over Europe moved into the city to learn the *Corpus Iuris Iustinianus*, which accumulated the old Roman law knowledge.<sup>27</sup> The city still has a strong student population and a very active cultural life.

The second characteristic of Bologna, and more generally of the region Emilia Romagna, is its long tradition as a “red” governed city. With the only exception of Giorgio Guazzaloca (who served from 1999 to 2004), since the end of the second world war Bologna has been governed by left wing parties. This tradition is important since it reflects a more accentuated attitude toward weaker parts of the population.

##### **Population**

Bologna has about 21.500 resident migrants. In the ten years when data was collected by the Observatory of Migration Matters of the province of Bologna, a constant increase of the migrant population was observed (from 1,6% in 1993 to 5,7% in 2003). In particular from 2002 to 2003 the number of resident migrants in the city of Bologna increased by 20,3%. This

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<sup>27</sup> **Bellomo, Manlio.** L'Europa del Diritto Comune. Il Cigno Galileo Galilei Edizioni di arte e Scienza, Roma. 1994. at pp. 125-129.

is mainly due to the law 189/2002 which provided, among others, the regularisation of illegal migrants.<sup>28</sup>

Following the annual report of the Observatory of Migration Matters, the Philippines, Morocco, China, Albania and Bangladesh were shown to be the countries of origin of most of the migrant population of the city.<sup>29</sup> The increasing number of female migrants is also interesting, as it now constitutes 51,3% of the migrant population. Many of them came to Italy to reunite with their family, but there is also a strong presence of migrant women, in particular from the former Soviet Union.<sup>30</sup>

### 1.3.2.2 *International, Regional and National Legal Background*<sup>31</sup>

The table below gives a brief overview about relevant anti-discrimination mechanisms in Italy on the international and regional level:

	<i>Year of Joining/Signature/Ratification</i>
<i>European Union</i>	1957
<i>Council of Europe</i>	1949 (one of the ten founding members)
<i>United Nations</i>	1955
<i>Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</i>	ratified 1955
<i>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</i>	ratified 1976
<i>International Covenant on Economic, Social and Cultural Rights (CESCR)</i>	ratified 1978
<i>Convention against Discrimination in Education</i>	ratified 1966
<i>International Convention on the Protection of the Rights of all Migrant Workers and Members of their Family</i>	not signed
<i>European Social Charter</i>	ratified 1965
<i>European Convention on the Legal Status of Migrant Workers</i>	ratified 1995
<i>European Convention on Nationality</i>	signed, but not yet ratified 1997
<i>European Convention for the Participation of Foreigners in Public Life at Local Level</i>	ratified 1994 (the application of the Convention does not cover Chapter C, which attributes eligibility and voting rights to foreign residents)
<i>Framework Convention for the Protection of National Minorities</i>	ratified 1997
<i>ILO Convention No. 111 concerning Discrimination in Respect of Employment</i>	ratified 1963

<sup>28</sup> **Osservatorio delle Immigrazioni della Provincia di Bologna (ed).** Immigrati in Provincia di Bologna: i Numeri e le Tendenze (2004) – Parte Prima: le Presenze. at p. 3.

<sup>29</sup> **Osservatorio delle Immigrazioni della Provincia di Bologna (ed).** Immigrati in Provincia di Bologna: i Numeri e le Tendenze (2004) – Parte Prima: le Presenze. at p. 4.

<sup>30</sup> **Osservatorio delle Immigrazioni della Provincia di Bologna (ed).** Immigrati in Provincia di Bologna: i Numeri e le Tendenze (2004) – Parte Prima: le Presenze. at pp. 6-7.

<sup>31</sup> Detailed background information concerning legal, administrative or other measures in relevance to racism and discrimination can be found in the reports on Italy of the European Commission against Racism and Intolerance (ECRI): **European Commission against Racism and Intolerance (ECRI) (ed).** Second Report on Italy. ECRI, Strasbourg. 2001. Further, an analytical report on the legislation was published by the RAXEN National Focal Point Italy by Fulvio Vassallo Paleologo: **RAXEN National Focal Point Italy (ed).** Italy: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna. 2004.

### **National and Regional Legal Background**

The principle of non discrimination in the Italian Constitution: Art. 3 of the Italian Constitution states that “all citizens have equal social status and are equal before the law without distinction as to sex, race, language, religion, political opinions, and personal or social conditions”. This article, which apparently refers just to Italian citizens, must however be read in conjunction with Art. 2 of the Constitution, which guarantees the inviolable rights of the individual, and with Art. 10 of the Constitution, which affirms that the Italian legal system shall conform with the generally recognized principle of international law and that the legal status of foreigners shall be regulated by law in conformity with international rules and treaties. Art. 3 applies not only to Italian citizens, but also to non-citizens, as stated also in numerous rulings of the Constitutional Court.

Law 205/1993: Urgent measures as regards racial, ethnic and religious discrimination: Criminal Law 205/1993, which amended Law 654/1975 that implemented the Convention on the Elimination of All Forms of Racial Discrimination, prohibits the dissemination of ideas based on superiority or racial and ethnic discrimination, as well as the incitement to commit or the commission of discriminatory or violent acts or the provocation on racial, ethnic, national or religious grounds.

It also punishes the establishment of, the participation in or assistance to organisations, associations, movements or groups aiming to incite racial discrimination or hatred, as well as the display or manifestation of emblems or symbols of organisations which may incite discrimination or violence, especially when it takes place in public places or sport events. The law also introduces a general aggravating circumstance for all offences committed with a view to discriminate on racial, ethnic, national or religious grounds, or in order to help organisations with such purposes. In this cases the offence can be prosecuted ex officio.

Law 40/1998: Discipline regulating Immigration and Rules on the Status for Foreigners: Art. 41 of law 40/1998 covers direct and indirect discrimination on the basis of race, colour, national or ethnic origin or descent and religious conviction or practices. It prohibits direct discrimination in the field of access to employment, housing, education, training and social services and direct discrimination by public officials or persons providing public services, or by whoever offers goods and services accessible to the public. It also prohibits direct and indirect discrimination by employers.

Art. 42 establishes that on the demand of the plaintiff, the judge can order the cessation of the discriminatory behaviour and the removal of all effects of discrimination. The judge can also demand payment for material and moral damage.

Law 40/1998 foresees also the establishment of regional observatories tasked with monitoring and information functions as well as legal assistance to victims of discrimination. However, in the ECRI report of 2001, it is noted that no such observatories have been established.

Legislative Decree 215/2003 and 216/2003: Legislative decree 215/2003 transposes the EU directive 2000/43/EC - Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, while legislative decree 216/2003 transposes the EU directive 2000/78/EC - Implementing the principle of equal treatment in employment and working conditions. Both decrees confirm the civil character of the protection measures against acts of discrimination on grounds of racial or ethnic origin.

Commission for the Integration of Immigrants (Commissione per le Politiche d'Integrazione degli Immigrati): The Commission for Immigrants' Integration was established under Art. 44 of law 40/1998. The Commission is an advisory body to the government dealing with policies concerning the integration of immigrants, inter-cultural policies and the fight against racism.

### ***1.3.3 Results, Assessment and Classification***<sup>32</sup>

The project was a very interesting and innovative experiment in Italy. It aims to monitor racial and discriminatory motivated activities, and could surely be replicated in other cities, both in and outside of Italy.

However, attention should be drawn to the following critical points:

- If the original idea of the project was to set up a permanent observatory of incidents of racism and discrimination, which continued to run after the EU sponsored project period ceased, the lack of the main donor funding was proved to be irreplaceable. This problem is typical of many EU funded projects, which are not able to survive long after the cessation of EU funding.

<sup>32</sup> The author would like to thank Marina Pirazzi from the Cooperazione per lo Sviluppo dei Paesi Emergenti. (Cospe) – Bologna, which was coordinating the project for the municipality of Bologna and shared with me important information on this. See also: **Pirazzi, Marina and Pozzoli, Laura**. Osservatori sulla Discriminazione sulla base della "Razza", dell'Origine Etnica e della Religione. September 2001. at pp. 16-18. Available online at: [http://www.immigra.org/documenti/pirazzi\\_osservatori.pdf](http://www.immigra.org/documenti/pirazzi_osservatori.pdf) (15 September 2005)

- A further problem faced by the participant organisation was the fact that even in those cases when legal action was undertaken, the cases were dropped by the judge.

Moreover, when the first report on incidents of racism and discrimination came to light showing that 40% of the reported cases were attributed to police officers, the project came to a public confrontation with the police inspector (Italian: Questore).

## 2 Policy Strategies

### 2.2 Towards a City of Equals – Galway City Anti-Racism Strategy

Galway City is a city on the west coast of Ireland with a population of approximately 66,000. About 9% of the population classify their nationality as non-Irish.<sup>33</sup>

#### 2.2.1 Description of the Anti-Racism Strategy

##### Vision

Galway City – An Intercultural City Free of Racism – Let’s do it!

##### Mission

To eliminate racism from Galway City

##### Aim

To welcome diversity, eliminate racism, and promote interculturalism

#### 2.2.1.1 Reasons for the Development of a Anti-Racism Strategy

The development of an anti-racism strategy for Galway City has to be regarded in connection with a number of developments on the international and regional, national and local levels:

#### International and Regional Reasons for the Galway Anti-Racism Strategy

In 2001 the government of Ireland agreed to the Programme of Action of the World Conference against Racism which took place in Durban, South Africa. Through the Declaration and Programme of Action of the World Conference the international community recognised the multidimensional nature of racism and the range for a united and committed response at the international, regional and national levels. Among the key commitments of the Plan of Action were to “...*establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations.* ...”<sup>34</sup>

Also, in 2004, the International Coalition of Cities against Racism initiative was launched by the UNESCO. In order to take into consideration the specificities of the different areas of the

<sup>33</sup> Galway City Partnership (ed). Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. 2005. at p. 8. Available online at: [http://www.gcp.ie/wordFilesEmails/Toward\\_a\\_City\\_of\\_Equals.pdf](http://www.gcp.ie/wordFilesEmails/Toward_a_City_of_Equals.pdf) (19 September 2005)

<sup>34</sup> Declaration and Action Plan of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. 2001. at p. 32. Available online at: <http://www.un.org/WCAR/durban.pdf> (19 September 2005)

world a European Regional Coalition of Cities against Racism has been set up. Cities that become members of the Coalition – which Galway City is planning to do - are asked to adopt the Ten-Point Plan of Action “*in order to fight in a concrete manner against racism and discrimination at the municipal level*”.<sup>35</sup>

### **National Reasons for the Galway Anti-Racism Strategy**

Ireland published its National Action Plan: Planning for Diversity - The National Plan against Racism (NPAR) in January 2005. The National Action Plan provides the framework for anti-racism in Ireland and fulfils Ireland’s commitment from the World Conference against Racism. It’s overall aim is “... *to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland based on a commitment to inclusion by design, not as an add-on or afterthought and based on policies that promote interaction, equality of opportunity, understanding and respect.*”<sup>36</sup>

One of the expected outcomes in the NPAR are Anti-Racism and Diversity Plans (ARD) at city and council level: “*The potential impact of the NPAR at city/council level will be in large part dependent on the development of a clear local action plan and an effective implementation strategy. ...Anti Racism and Diversity Plans (ARD) will be coordinated through broad based steering groups supported/coordinated by city and county development boards/social inclusion. The role of the broadly based steering group will be to advise on the development and implementation of the Plan. ARD plans will be resourced through a partnership of national and local funding sources.*”<sup>37</sup>

In this context the Incitement to Hatred Act, 1989, the Employment Equality Act, 1998, the Equal Status Act, 2000, and the Equality Act, 2004, which prohibit discrimination on grounds, such as race, religion, gender, and membership of the Travelling Community, have to be mentioned.<sup>38</sup> Furthermore, the 2001 launched national anti-racism awareness programme KNOW RACISM has to be emphasised. This three year programme encompassed

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<sup>35</sup> **United Nations Educational, Scientific and Cultural Organization (UNESCO) (ed).** The International Coalition of Cities against Racism. 2004. at p. 5. Available online at: [http://portal.unesco.org/shs/en/file\\_download.php/69e6c74f3ccf95cddb885d8c4a9a79f0unesco-angl-525x150.pdf](http://portal.unesco.org/shs/en/file_download.php/69e6c74f3ccf95cddb885d8c4a9a79f0unesco-angl-525x150.pdf) (19 September 2005)

<sup>36</sup> **Department of Justice, Equality and Law Reform (ed).** Planning for Diversity. The National Action Plan against Racism. 2005 – 2008. 2005. at p. 27. Available online at: [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ696JJX-en/\\$File/NPAREn.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ696JJX-en/$File/NPAREn.pdf) (19 September 2005)

<sup>37</sup> **Department of Justice, Equality and Law Reform (ed).** Planning for Diversity. The National Action Plan against Racism. 2005 – 2008. at p. 80+81.

<sup>38</sup> **Galway City Partnership (ed).** Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at p. 9. The four Acts are available online at: <http://www.irishstatutebook.ie> and/or <http://www.equality.ie> (19 September 2005)

public awareness campaigns, the development of anti-racism resource packs, and provided funding for local anti-racism initiatives.<sup>39</sup>

### **Local Reasons for the Galway Anti-Racism Strategy**

As the report Towards a City of Equals notes there is hardly any information available concerning racism in Galway City. This is due to the fact that research on this issue is usually confined to the national level. Research studies on racism in Ireland - as a whole - show that racism and racist acts are on the rise. Especially black and ethnic minority groups are confronted with racism.

The following different forms of racism - specifically - in Ireland have been identified:<sup>40</sup>

- Racism experienced by Travellers on the basis of their distinct and nomadic identity.<sup>41</sup>
- Racism experienced by recent migrants, which includes labour migrants, refugees, asylum-seekers and overseas students studying in Ireland.
- Racism experienced by “people of colour” and minority ethnic groups, including black people, on the basis of their skin colour and ethnic and/or national identity, irrespective of their legal status.
- Racism experienced by Jews and Muslims in the form of Anti-Semitism and Islamophobia.

Racist incident logs kept by organisations working with ethnic minority groups, local newspaper files and racist incidents recorded by the National Consultative Committee on Racism and Interculturalism (NCCRI) show “...*that racism and incidents motivated by racism seem to be on the increase in Galway City...*”.<sup>42</sup>

Members of ethnic minorities report that racism and discrimination in Galway City is expressed among others in connection with: accommodation and the accessing of services; hate mail and racist graffiti; Islamophobia; being followed around and getting dirty looks; difficulty to gain employment; name-calling in schools and in the public; etc.<sup>43</sup>

<sup>39</sup> **KNOW RACISM. The National Anti-Racism Awareness Programme:** <http://www.knowracism.ie> (19 September 2005)

<sup>40</sup> **Department of Justice, Equality and Law Reform (ed).** Planning for Diversity. The National Action Plan against Racism. at pp. 56-60.

<sup>41</sup> The Equal Status Act, 2000 defines the Traveller community as “*the community of people commonly so called who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland*”. See: **Equal Status Act, 2000.** 2000. at p. 36. Available online at: <http://www.irishstatutebook.ie/ZZA8Y2000.html> (19 September 2005)

<sup>42</sup> **Galway City Partnership (ed).** Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at p. 22. Or: **National Consultative Committee on Racism and Interculturalism (NCCRI):** <http://www.nccri.com> (19 September 2005)

<sup>43</sup> **Galway City Partnership (ed).** Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at pp. 22-25. See also: **NCCRI:** <http://www.nccri.com> (19 September 2005)

### *2.2.1.2 Development of the Anti-Racism Strategy*

In Galway City local organizations, such as the Galway City Partnership, Galway Traveller Support Group, Galway Refugee Support Group, Galway One World Centre, Galway Peoples' Resource Centre, have been actively challenging racism for many years.

As there has been a consistent growth in racism and the number of racist incidents in recent years, these organisations decided that it was time to address and challenge the matter. They initiated the development of an anti-racism strategy for Galway City.

With funding from the National Anti-Racism Awareness Programme KNOW RACISM, the anti-discrimination umbrella group Action for Equality – Galway, the Galway City Partnership and the Galway City Development Board developed during the period of January 2003 to July 2004 an anti-racism strategy for Galway City: Towards a City of Equals – Galway City Anti-Racism Strategy. Thus being the first Irish city with a local anti-racism strategy.<sup>44</sup>

To ensure the participation and consultation of all the stakeholders a Project Advisory Group was set up, consisting of broad representation from local development organisations, ethnic minority communities and their representative organisations. A smaller Working Group, responsible for the overall implementation of the research, consultations, draft strategy documents etc., was also set up.<sup>45</sup>

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<sup>44</sup> The development of the Anti-Racism Strategy was based on the following principles:

- The need to combat racism – to ensure that racism is challenged and ultimately eliminated.
- Racism and human rights – that racism is understood as an abuse of the human rights of the person experiencing racism.
- Protection – to ensure that racism is recognised as a crime both in Irish and international law, and to ensure that those experiencing racism are afforded the full protection of law.
- Interculturalism – to ensure that Galway City becomes an intercultural society by promoting equality, respect, and understanding between all communities.
- Community Development – to ensure that the principles of the community development are central in any approach to combat racism.

**Galway City Partnership (ed).** Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at p. 3.

<sup>45</sup> **Galway City Partnership (ed).** Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at p. 6.

### 2.2.1.3 Galway City Anti-Racism Strategy

In order to make the vision of Galway City as an intercultural city free of racism a reality, the Galway City Anti-Racism Strategy has adopted the five strategic objectives of the Irish National Plan against Racism (NPAR).<sup>46</sup>

The Anti Racism Strategy defines these five objectives and sets strategic actions, partners and the goals for the respective objectives.

These five themes are:<sup>47</sup>

Theme 1: PROTECTION – Enhancing protection against racism

Theme 2: INCLUSION – Ensuring economic inclusion and equality

Theme 3: PROVISION – Accommodating cultural diversity in service provisions

Theme 4: RECOGNITION – Recognition and awareness of cultural diversity and racism

Theme 5: PARTICIPATION – Enhancing the participation of cultural and ethnic minorities in the Irish society

In relevance to Commitment 1 of the European Coalition of Cities against Racism the following (yet to be set up) Strategic Actions of the Galway City Anti-Racism Strategy need to be highlighted:

STRATEGIC ACTION	PARTNERS	GOAL
<b>Racism Log (1.1.3)</b> Develop effective monitoring and analysis of data on racist incidents	<b>Galway Peoples' Resource Centre</b> Galway Traveller Support Group Galway Refugee Support Group Galway One World Centre An Garda Síochána Ethnic Liaison Office Refugee Information Service	To establish a monitoring mechanism locally To increase the reporting of racist incidents and crimes To compile data on the number of racist incidents in Galway City
<b>Monitoring Mechanism against Racism (1.2.1)</b> To establish a monitoring and rapid response system to identify racist acts, other than those against the person, and bring them to attention of the relevant authorities	<b>Galway City Partnership</b> Galway City Council Irish Centre for Human Rights Garda Ethnic Liaison Officer	To have a recording, rapid response and monitoring system in a place to combat incidents of racism and incitement to racism in such forms as graffiti, publications, hate speeches, etc.

<sup>46</sup> **Department of Justice, Equality and Law Reform (ed)**. Planning for Diversity. The National Action Plan against Racism. at pp. 45, 72-150.

<sup>47</sup> **Galway City Partnership (ed)**. Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at pp. 29-38.

<p><b>Anti-Racism Visibility Initiative (2.1.3)</b>  a) Design and implement equality and diversity training that includes a focus on racism and interculturalism  b) Develop an Intercultural Toolkit as an anti-racism resource for local organisations  c) Develop an Anti-Racism / Intercultural Mark to be displayed publicly by organisations that implement anti-racism and intercultural measures in their organisations</p>	<p><b>Galway City Partnership</b>  Galway One World Centre  Galway Traveller Support Group  Galway Refugee Support Group  Galway Peoples' Resource Centre  Galway Chamber of Commerce and Industry  Trade Unions  Irish Business &amp; Employers Confederation  Galway City Development Board  FÁS</p>	<p>To design and promote the implementation of anti-racism training  To produce the Intercultural Toolkit  To develop an Anti-Racism Mark for local organisations  To increase the number of organisations promoting interculturalism locally</p>
<p><b>Intercultural Education Initiative (3.1.1)</b>  Work with all local education providers to implement Anti-Racism guidelines</p>	<p><b>Galway City Partnership</b>  Strategic Learning Network  Local education providers  Galway Traveller Support Group  Galway Refugee Support Group  Galway One World Centre  Local Minority Support Organisations  Galway Teachers Centre  Department of Education and Science, regional office  FÁS  Youth groups  City of Galway VEC</p>	<p>To support the introduction of a clear anti-racist and intercultural ethos in all local educational institutions and youth groups  To introduce and disseminate an anti-racism/intercultural code of practice in every school in Galway</p>
<p><b>UNESCO Associated Schools Initiative (3.1.2)</b>  To promote the participation of local primary and secondary schools in the UNESCO Associated Schools Network</p>	<p><b>Galway Education Centre</b>  Galway City Partnership  Galway One World Centre  Local Schools  Strategic Learning Network  Department of Education and Science, regional office  City of Galway VEC</p>	<p>To facilitate local school children to gain an increased understanding and appreciation of cultural differences  To facilitate local schools to establish the best practice in developing anti-racism and intercultural projects</p>
<p><b>Youth Work Initiative (3.1.3)</b>  Develop a programme of anti-racism and intercultural projects with local youth groups.</p>	<p><b>City of Galway VEC</b>  Galway Youth Federation  Foróige  Strategic Learning Network  Refugee Volunteer Project  SPARK  Galway Traveller Support Group  Galway Refugee Support Group  Galway One World Centre  Heath Executive Authority, WR</p>	<p>To ensure that young people are actively engaged in innovative intercultural learning activities  To increase interaction between local youth and educators from different cultural backgrounds  To increase participation of ethnic minority youth</p>
<p><b>Intercultural Resource Centre (3.3.1)</b>  Establish an Intercultural Resource Centre in Galway City</p>	<p><b>Galway City Partnership</b>  Galway City Council  Intercultural Community Forum  Libraries  Community Development Projects  Local Minority Support Organisations</p>	<p>To acquire a physical space  To establish an Intercultural Resource Centre  To achieve better co-ordination and networking amongst local minority groups  To improve the capacity to promote anti-racism and interculturalism through the activities of the resource centre</p>

<p><b>Intercultural Public Awareness Campaign (4.1.1)</b> Implement an annual intercultural public awareness campaign to focus on diversity and anti-racism</p>	<p><b>Galway City Partnership</b> Amnesty International Galway One World Centre Educational Institutions Local Minority Support Organisations Galway City Community Forum RAPID Area Implementation Team</p>	<p>To increase awareness and appreciation of cultural diversity amongst the general public To achieve the widespread promotion of interculturalism</p>
<p><b>Media Initiative (4.1.2)</b> To work with the media to combat racism, promote interaction and to raise awareness of cultural diversity, including: Training with local journalists to promote fair and accurate representation of ethnic minorities Develop an anti-racist code of practice with the media as outlined in Planning for Diversity</p>	<p><b>NUI, Galway School of Journalism</b> Local print and broadcast media Broadcasting Commission of Ireland National Union of Journalists Galway Mayo Institute of Technology Galway City Partnership Galway One World Centre Local Minority Support Organisations</p>	<p>To produce a glossary of terminology with journalists To improve representation of ethnic minorities and immigrants in local media To develop a Galway Media Code of Practice To increase visibility of ethnic minority groups and issues on the local media</p>
<p><b>Political Leadership (5.1.1)</b> Agree on an anti-racism protocol with all local candidates / elected representatives Work with all elected representative to develop an anti-racist protocol/charter for the conduct of business in the Galway City Council</p>	<p><b>Galway City Partnership</b> Political parties Local elected representatives Election candidates Amnesty International Local Minority Support Organisations</p>	<p>To encourage local elected representatives and election candidates to show leadership in the area of anti-racism and interculturalism To develop and support implementation of the protocol</p>

Source: Galway City Anti-City Racism Strategy<sup>48</sup>

### Implementation Structures

The Galway City Anti-Racism Strategy will be implemented by the Galway City Partnership. It will be managed by a Steering Committee within the Community Development section, named the Anti-Racism Steering Committee.

The Anti-Racism Steering Committee includes representatives of the Galway City Partnership Community Development Subcommittee, representatives of the organisations participating in the implementation of the strategy, an official representative of the Social Inclusion Group. At least 50% of the members in the Anti-Racism Steering Committee will be representatives of ethnic minority groups, nominated by the Intercultural Community Forum. The Steering Committee will be answerable to the Board of Galway City Partnership (Action 5.1.2). When the implementation phase of the strategy begins, a separate implementation plan will be drawn up for each year.

<sup>48</sup> Galway City Partnership (ed). Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at pp. 29-38.

The Towards a City of Equals – Galway City Anti-Racism Strategy was launched on the 21<sup>st</sup> of March 2005 – the International Day against Racism.

## **2.2.2 Background Information**

In order to grasp the Towards a City of Equals – Galway Anti-Racism Strategy the historical, social and legal background of Ireland, in particular Galway City, has to be considered.

### **2.2.2.1 Historical and Social Background**

#### **History**

Irish history has been marked by successive movements of people from continental Europe, including the Celts, English, Normans and Vikings. Galway City was founded by Anglo-Norman settlers in the 12th century and became a city in 1484. The city is often referred to as the “Capital of the West”.

In addition to its status as a centre of language, art and culture, Galway is home to nearly 13.000 students during the academic year, many of which attend the National University of Ireland, the Galway Mayo Institute of Technology or one of the many language schools in the area.

#### **Population**

The EUMC’s 2004 Analytical Report on Legislation in Ireland estimates that there are about 160 different nationalities (5,5% of the overall population) living in Ireland.<sup>49</sup> In the past, the Irish society has been made up of the white settled community, the Traveller community, a small Jewish community, black Irish people, a Chinese community and a South American community. In recent years this existing diversity in the Irish population has grown through returning Irish immigrants as well as asylum seekers, refugees and migrant workers.

Religious diversity in Ireland is also on the rise: The 2002 census lists 23 religions, the five largest being: Roman Catholic, Church of Ireland (Protestant), Christians (unspecified), Presbyterian (Protestant) and Muslim (Islamic). The number of Muslims has changed most significantly – an increase of 394% since the 1991 census.<sup>50</sup>

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<sup>49</sup> **National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC) (ed).** Ireland: Analytical Report on Legislation. 2004. EUMC, Vienna. at p. 10.

<sup>50</sup> **National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC) (ed).** Ireland: Analytical Report on Legislation. at pp. 11+46.

The same applies for Galway City. In the 2002 census approximately 5.972 of the 66.000 people living in Galway City classed their nationality as non-Irish; about 9% belonging to 38 different nationalities.<sup>51</sup>

### 2.2.2.2 *International, Regional and National Legal Background*<sup>52</sup>

The table below gives a brief overview about relevant anti-discrimination mechanisms in Ireland on the international and regional level:

	<i>Year of Joining/Signature/Ratification</i>
<i>Council of Europe</i>	1949 (one of the ten founding members)
<i>Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</i>	<i>ratified 1953</i>
<i>United Nations</i>	1955
<i>European Union</i>	1973
<i>International Covenant on Economic, Social and Cultural Rights (CESCR)</i>	ratified 1990
<i>Framework Convention for the Protection of National Minorities</i>	ratified 1999 (here the Traveller community is recognised by Ireland as an indigenous community)
<i>ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation</i>	ratified 1999
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	ratified 2000 + allowed individual communications to be accepted by CERD
<i>European Social Charter (revised)</i>	ratified 2000
<i>Convention against Discrimination in Education / European Convention on the Legal Status of Migrant Workers / European Convention on Nationality / European Convention for the Participation of Foreigners in Public Life at Local Level / International Convention on the Protection of the Rights of all Migrant Workers and Members of their Family</i>	not signed

On the national level the following anti-discrimination (anti-racism) mechanisms, encompassing legislation against discrimination (racism) as well as specialised bodies, have to be highlighted:<sup>53</sup>

<sup>51</sup> It is estimated that these 9% are made up of approximately 887 asylum seekers and refugees with 622 children, 1058 members of the Travelling community, a number of black Irish people and other minority communities of the population).

**Galway City Partnership (ed).** Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at p. 8.

<sup>52</sup> Detailed background information concerning legal, administrative or other measures regarding racism and discrimination can be found in the reports on Ireland by the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EUMC), as well as Ireland's first report to the Committee for the Elimination of Racial Discrimination (CERD).

Among others see: **European Commission against Racism and Intolerance (ECRI) (ed).** Second Report on Ireland. ECRI, Strasbourg, 2002. / **RAXEN National Focal Point Ireland (ed).** Ireland: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna, 2004. / **Government of Ireland (ed).** First National Report by Ireland as Required under Article 9 of the Convention on the Legislative, Judicial, Administrative or other Measures Adopted to Give Effect to the Provisions of the Convention. Stationary Office, Dublin, 2004.

<sup>53</sup> It must be noted that the following anti-discrimination (anti-racism) mechanisms are limited to those that are regarded as important within the Galway City Anti-Racism Strategy.

Prohibition of Incitement to Hatred Act, 1989: The use of words, behaviour or the publication or distribution of material which is threatening, abusive or insulting and are intended, or are likely, to stir up hatred are prohibited under the Prohibition of Incitement to Hatred Act, 1989.

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Employment Equality Act, 1998: The Employment Equality Act 1998 prohibits discrimination in relation to employment on nine distinct grounds – gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. The Act covers employees in the public and private sectors as well as applicants for employment and training.

The scope of the Act is comprehensive and deals with discrimination in work related areas, from vocational training to access to employment and employment conditions generally, including training, work experience and advancement within employment.<sup>55</sup>

Equal Status Act, 2000: The Equal Status Act prohibits discrimination (with some exceptions) in the distribution of goods to the public, the provision of services or of accommodation to the public, in certain distribution of property, education, and advertising, on the same grounds as those included in the Employment Equality Act. The Act contains a number of exceptions, among others the ability of primary and post-primary educational establishments, which promote certain religious values, to maintain the ethos of the school.<sup>56</sup>

Equality Act, 2004: The Equality Act 2004 amends the Employment Equality Act 1998 and the Equal Status Act 2000. The definitions of “employee” and “contract of employment” are extended in order to apply the Act to self-employed persons. The Act also applies now to Partners and Partnerships. Furthermore, the 1998 definition of discrimination is amended: “*discrimination shall be taken to occur where a person is treated less favourably than another person is, has been or would be treated in the comparable situation on any of the grounds specified in subsection (2)...*”<sup>57</sup>

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<sup>54</sup> **Prohibition of Incitement to Hatred Act, 1989**. 1989. Available online at: <http://www.irishstatutebook.ie/ZZA19Y1989.html> (19 September 2005)

<sup>55</sup> **Employment Equality Act, 1998**. 1998. Available online at: <http://www.irishstatutebook.ie/ZZA21Y1998.html> (19 September 2005)

<sup>56</sup> **Equal Status Act, 2000**. 2000. Available online at: <http://www.irishstatutebook.ie/ZZA8Y2000.html> (19 September 2005)

<sup>57</sup> **Equality Act, 2004**. 2004. at p. 8. Available online at: <http://www.equality.ie/index.asp?docID=206> (19 September 2005)

Equality Authority: The Equality Authority was set up in 1999 and is an independent body. Its mandate, given in the Employment Equality Act 1998 and the Equal Status Act 2000, is to combat discrimination and to promote equality of opportunity. Its tasks include:

- to work towards the elimination of discrimination and prohibited conduct under equality legislation;
- to promote equality of opportunity in relation to the matters to which equality legislation applies;
- to provide free confidential information and advisory service to employers, service providers, individuals, trade unions and the legal profession;
- to provide information to the public on the working of equality legislation, to keep this legislation under review and to make proposals for necessary change in the legislation;
- to provide information to the public on the Parental Leave Act, 1998, the Maternity Protection Act, 1994 and the Adoptive Leave Act, 1995.<sup>58</sup>

Office of the Director of Equality Investigations (ODEI) – The Equality Tribunal: The Equality Tribunal is an independent, quasi-judicial body. Under the Irish equality legislation it is primarily responsible for making decisions regarding complaints of discrimination in employment or in the provision of goods, services and facilities, referred to in the Employment Equality Act 1998 and the Equal Status Act 2000.

The office consists of the Director of Equality Investigations and twelve Equality Officers. The decisions of the Tribunal are legally binding and redress may include compensation; equal pay; arrears of equal pay; equal treatment or an order for a specified person or persons to take a specified course of action.<sup>59</sup>

Irish Commission on Human Rights: In May 2000 the Human Rights Commission Act was signed, which established an independent Human Rights Commission (the Commission was established in 2001). The Commission has been set up as an independent body, and its mandate includes: examining governmental legislative proposals, promoting awareness of human rights, making recommendation to the government and acting as a “friend to the court”. It is within its power to commission surveys on discrimination. Its task is to ensure

<sup>58</sup> **Equality Authority:** <http://www.equality.ie> (19 September 2005)

<sup>59</sup> **Office of the Director of Equality Investigations (ODEI) – The Equality Tribunal:** <http://www.equalitytribunal.ie> (19 September 2005)

that human rights in Ireland are fully implemented in law, policy and practice. The Commission has set up a sub-committee on racism.<sup>60</sup>

Garda Racial and Intercultural Office: As the national police service (An Garda Síochána) is “committed to the protection of human rights and the dignity of all persons”, a Garda Racial and Intercultural Office has been set up. The office is responsible for coordinating, monitoring and advising on “all aspects of policing in the area of ethnic and cultural diversity”.

In 2002, 145 Garda Ethnic Liaison Officers were appointed. Their tasks are to link with community leaders of ethnic minority groups, to act as contact persons for people from ethnic communities and to raise awareness of diversity issues.<sup>61</sup>

National Consultative Committee on Racism and Discrimination (NCCRI): The National Consultative Committee on Racism and Discrimination (NCCRI) was established in 1998 as independent expert body. Its tasks are to:<sup>62</sup>

- act as an expert body to develop an integrated and strategic approach to racism, and its prevention, and to foster interculturalism within Ireland;
- inform on policy development and seek to build consensus through dialogue in relation to the issues of racism and interculturalism, thereby promoting the understanding and celebration of cultural diversity in Ireland;
- to establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at the European Union and international levels.

### ***2.2.3 Results, Assessment and Classification***

The Galway City Anti-Racism Strategy 2005 – 2005 is, as its name already reveals, a strategy which has just been recently developed (during the last two years) and whose implementation phase started in May 2005. Thus it is yet too early for a comprehensive impact assessment.

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<sup>60</sup> **Irish Commission on Human Rights:** <http://www.ihrc.ie> (19 September 2005)

<sup>61</sup> **Garda Racial and Intercultural Office:** <http://www.garda.ie/angarda/racial.html> (19 September 2005)

<sup>62</sup> **National Consultative Committee on Racism and Interculturalism (NCCRI):** <http://www.nccri.com> (19 September 2005)

The Galway City Anti-Racism Strategy foresees that the implementation of the overall strategy and its strategic actions “*will be monitored on an ongoing basis*”. An evaluation strategy will be designed as “*part of the implementation phase*”.<sup>63</sup>

More detailed information concerning the monitoring and evaluation of the strategy is currently not online available. This applies for the side of the implementation team as well as for NGO and newspaper feedback.

At present, positively highlighted has to be the “top-down” approach of the Anti-Racism Strategy. The elaboration and implementation of the strategy clearly shows that it is possible and, actually, how it is possible to fulfil the commitments of a state, which were given at the international level, at the national and local levels. Ireland committed itself at the World Conference against Racism to “*...establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and relate intolerance, including their gender-based manifestations ...*”. This commitment has been fulfilled on the national level by the National Action Plan and at the local level by the Galway City Anti-Racism Strategy – being the first local anti-racism strategy in Ireland.

Also the broad participation, cooperation and coordination of non-governmental organisations (generally) and representatives of the local minority ethnic groups (in specific) as well as the local trade unions, semi state agencies, the executive (Garda), employers etc. during the development and the implementation phase of the Strategy should be noted. This clearly shows that a “successful” anti-racism strategy has to be developed with and implemented by the “people” themselves. Furthermore, the many different strategic actions, which approach the issue of anti-racism from diverse directions and angles and which at the same time intend to encompass the whole population of Galway City, need to be highlighted.

Concluding it has to be stated the Galway City Anti-Racism Strategy is a very impressive and interesting example for “Greater Vigilance against Racism”.

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<sup>63</sup> **Galway City Partnership (ed)**. Towards a City of Equals. Galway City Anti-Racism Strategy 2005 – 2008. at p. 28.

## 2.3 Pact for Integration, Stuttgart

Stuttgart is the capital of the federal state Baden Württemberg. Situated in south-west Germany, it has a population of approximately 590.000. People from more than 170 different nations live in the city, with a foreign population of 22,6% (2003).

### 2.3.1 Description

In 2001, Stuttgart developed the “Pact for Integration”, a concept for the integration and participation of immigrants. The strategy concept consists of 28 pages which define main goals, basic conditions and control instruments for the integration work. In particular the fields of action and the steps for implementation, which are necessary for the achievement of objectives, are highlighted. The pact can be described as solidarity network of engaged citizens and institutions in the range of politics, administration and public authorities, economy and civil society. As basis of the municipal integration policies the Pact for Integration should enable a peaceful living together of all the different groups of population living in Stuttgart. An intercultural society is provided through integration measures, promoting participation and equal opportunities for all human beings.<sup>64</sup>

The strategy paper “A Pact for Integration” has been achieved through discussions and cooperation of all important bodies of the integration work in Stuttgart. It was determined by the Municipal Council in autumn 2001 and consequently arranged as a political task.<sup>65</sup>

The projects embedded into the concept are funded through different levels. Subsidies are acquired on state-, federation- and EU-level. Furthermore, the capital city Stuttgart, contributes to the implementation. Public relations activities are carried out to attract more participants.<sup>66</sup>

In the year 2004 Stuttgart had 590.371 inhabitants, of whom more than 130.000 were foreign nationals (foreign population of 22,1%).<sup>67</sup> People from more than 170 nations live in the city,

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<sup>64</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. August 2004. at p. 3. Available online at: <http://www.stuttgart.de> (under Politik und Verwaltung/Publikationen/E/Ein Bündnis für Integration) (14 June 2005) / **City of Stuttgart**: <http://www.stuttgart.de> (under Politik und Verwaltung/Politik und Gremien/Politik und Verwaltung/Integrationspolitik) (14 June 2005)

<sup>65</sup> **City of Stuttgart**: <http://www.stuttgart.de> (under Politik und Verwaltung/Politik und Gremien/Politik und Verwaltung/Integrationspolitik/Aufgaben der Stabsabteilung für Integrationspolitik) (14 June 2005)

<sup>66</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at pp. 19-27.

<sup>67</sup> **City of Stuttgart**: <http://www.stuttgart.de> (under Politik und Verwaltung/Statistik und Wahlen/Statistik Gesamtstadt/Einwohnerstruktur) (20 August 2005)

which results in a very heterogeneous population structure. About every fourth citizen of Stuttgart is immigrated or has at least a parent born outside of Germany.<sup>68</sup> According to the report, these multi-cultural, multi-ethnic and multi-religious characteristics are a large enrichment for the city, which plays an important role in the international competition of cities with an export quota over 50%.

In the former Integration and Migration Policy, immigrants were regarded as disadvantaged minorities or as a burden to the German society. Positive aspects such as profitable resources and additional skills have not been considered for a long time. These tendencies are counteracted in Stuttgart with an intercultural approach, whereby the emphasis is put on the social and cultural integration. Social exclusion is tackled by a variety of measures where equal participation in political as well as social life is promoted. Equal participation includes equal opportunities in education, job-related training, occupation, living conditions, communication, access to the municipal services, self-organised activities in associations and religious communities.<sup>69</sup> Subsequently, the goals of the “new” integration policy, written down in the strategy paper A Pact for Integration, are derived as follows:<sup>70</sup>

- The promotion of the participation and of equal opportunities for humans of different origin.
- The promotion of the peaceful living together of different population groups.
- The use of the cultural diversity for the improvement of personal and vocational skills.

According to the paper, the implementation of the aforementioned goals provides social peace in a heterogeneous city. With this policy the municipality promotes cultural diversity and equal rights that are designed to have an awareness-raising impact on the society in Stuttgart. Furthermore, this promoting equality approach is able to sharpen the perception of citizens towards discriminatory and racist incidents and therefore enlarges vigilance in an indirect way.

In general, integration work is seen as a cross-sectional task and is carried out in cooperation with all involved parties: municipal offices and NGOs, schools and other educational institutions, labour offices, enterprises, trade unions, sports and culture associations, migrants’ self-organisations and honorary citizens’ initiatives, religious communities, media and

<sup>68</sup> **City of Stuttgart:** <http://www.stuttgart.de> (under Politik und Verwaltung/ Politik und Gremien/ Politik und Verwaltung/Integrationspolitik/Ausländer, Integration und Migration) (20 August 2005)

<sup>69</sup> **Stabsabteilung für Integrationspolitik (ed).** Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at pp. 3-5.

<sup>70</sup> **Stabsabteilung für Integrationspolitik (ed).** Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at p. 18.

political committees as well as individual citizens. Through the close cooperation of all partners, the quality of the implementation is assured. As political decision making body the council of the city controls the implementation of the integration goals. Committees of experts, in particular the International Committee, offices and the department of integration politics, act as the council's advisers. Within the scope of municipal control, the administration department determines and evaluates the goals and the measures for implementation. The department of integration policy operates as a coordination centre for intercultural concerns in the city and is responsible for the monitoring of the implementation and the further development of the "Pact". This falls under the responsibility of the Lord Mayor. The establishment of interdisciplinary working groups enables the exchange of experience. The individual projects, which are carried out through the cooperation partners, are analysed by the department of integration policy, documented and published regularly in an integration report.<sup>71</sup>

The goals mentioned above are encouraged by projects in the respective fields of action. The strategy paper defines and documents eight specific fields of action:<sup>72</sup>

1. The promotion of equal opportunities through language and integration courses
2. The promotion of equal opportunities in school and education
3. The promotion of integration in the districts
4. The encouragement of intercultural initiatives and of new forms of intercultural cooperation
5. The coexistence with Muslims and the inter-religious dialogue
6. The intercultural orientation of the city council
7. Political participation
8. Media and information in the international society

In relevance to Commitment 1 of the European Coalition of Cities against Racism some awareness-raising measures in the respective action fields are described briefly:

- In the context of action field number 3, numerous districts have initiated a local-agenda-process to improve the living conditions and to promote harmony between all population groups:<sup>73</sup>

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<sup>71</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at pp. 27-28.

<sup>72</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at pp. 18-27.

<sup>73</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at pp.20-21.

- Local “key persons” with bicultural competences act as contact persons and help to build bridges between various cultures.
- A conflict solution mechanism for individual cases, which involves mediation of intercultural experience and trained social workers, has been established. This was coordinated by the representative for integration.
- Solidarity networks, in form of interdisciplinary working groups and “round tables” have to be highlighted. The meetings are held regularly, at which specific problems are discussed and particularly the participation of both, Germans and non Germans and an intensive intercultural dialogue are emphasised. E.g. The “Round Table against Discrimination and for a Peaceful Living Together” is a non public forum between the Stuttgart police department and the city Stuttgart (International Committee and Department of Integration Policy), in order to take stock of the situation with regard to discrimination and xenophobia and to initiate and implement comprehensive structures and measures against right-wing extremism, xenophobia and discrimination.<sup>74</sup>
- “House 49”, situated in the Stuttgart North district is a community centre with an intercultural approach, funded by the city. It is a place for people of different age groups, religions, nationalities and social classes to meet for various free time activities and programmes. These include sports, music, art, doing homework, praying, inter-religious dialogue, language courses, job application work, shops, preventive programmes targeting violence or drug abuse and solutions to conflict through mediation.<sup>75</sup>
- Initiation of a symposium “World Religions in the City Hall” and establishment of a discussion forum “Religions” by the city (action field number 5).<sup>76</sup>
- Promotion of diversity in the arts (intercultural activities and festivals, organised by the Forum of Cultures, funded by the Department of Culture of the city Stuttgart) aims

<sup>74</sup> **Polizeipräsidium Stuttgart/Landeshauptstadt Stuttgart (eds)**. Präventionsbericht 2004. 2004. at p. 53. Available online at: <http://www.stuttgart.de> (under Politik und Verwaltung/Publikationen/P/Präventionsbericht 2004. (28 August 2005)

<sup>75</sup> **Haus 49**: <http://www.haus49.de> (28 August 2005)

<sup>76</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at p. 24.

at bringing cultures closer together and improves the sensitivity of the society as regards the cultural diversity in the city and their acceptance (action field number 4).<sup>77</sup>

The new approach for the orientation of the target groups assumes that integration is a duty of the entire communal society. Both the immigrant and domestic population must contribute to the reduction of xenophobia, discrimination and to a peaceful coexistence. Despite the existing variety of “enlightening” lectures and information sessions, xenophobia and right-wing extremism does exist in Stuttgart. Therefore the report underlines the inclusion of the German majority population as a central element of the new integration policy. The target group of the new integration policy further includes all immigrants of the city.

The basic principle for the specific integration measures is the social standing of the migrants, not the nationality of the persons. Furthermore in the strategy paper, emphasis is put on the basic rights of all humans; independent of their residence permit status e.g. refugees are excluded from many incentive measures at federal and state level, which complicates their social integration. In the strategy paper, however, previously used categories, such as: employees originating from former countries of immigrant recruitment; emigrant families and refugees, are consciously avoided. It is highlighted, that integration policy should not be limited to immigrants with permanent residence.

Subsequently, apart from the country of origin and the legal status, three main target groups are identified:

- new immigrants;
- persons with migration experience, who have already lived in the area for a long period of time;
- the German majority population.

Due to the heterogeneity within the aforementioned groups, specific integration measures have to be developed.<sup>78</sup>

### ***2.3.2 Background Information***

In order to grasp the Pact for Integration the historical, social and legal background of Germany, in specific Stuttgart, has to be considered.

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<sup>77</sup> **Forum of Cultures:** <http://www.forum-der-kulturen.de> (28 August 2005). **Stabsabteilung für Integrationspolitik (ed).** Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at p. 23.

<sup>78</sup> **Stabsabteilung für Integrationspolitik (ed).** Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at pp. 15-18.

### ***2.3.2.1 Historical and Social Background***

#### **History**

In the 10<sup>th</sup> Century Stuttgart was originally founded by Duke Luidolf of Swabia (a son of the Holy Roman Emperor Otto I the Great) and incorporated as a city in the 13<sup>th</sup> Century.

Stuttgart, located in south-west Germany, has officially been the capital city of the federal state of Baden Württemberg since 1977. Today, with approximately 600.000 inhabitants, Stuttgart is the largest city in Baden Württemberg and the 6<sup>th</sup> largest in Germany. The city is known for its high-tech industry (e.g. Daimler-Chrysler, Porsche, Bosch, IBM) and is one of the most powerful industrial towns of the Federal Republic of Germany employing around 440.000 people.<sup>79</sup> The office of the mayor has been held by the Christian Democratic Union (CDU) since 1997.

#### **Population**

The EUMC's 2004 Analytical Report on Legislation in Germany shows a total of 7.3 million foreign nationals living in Germany at the end of 2002 (this makes up approximately 8,9% of the overall population which amounts to more than 82.5 million inhabitants). 59% of the foreign population have been living there for more than ten years. Turkish nationals form the largest group of non-German inhabitants (26%), followed by Italians and nationals of the former Yugoslavia. The large number of naturalized persons should be mentioned. This is not considered in the statistical data and therefore causes a distorted picture. Between 1995 and 2002, the number of migrants who naturalized has more than doubled. This can be attributed to the new Nationality Law, which came into force on January 1<sup>st</sup> 2000 and enables migrants to acquire German citizenship more easily (see 2.3.2.2).

In general migration in Germany has been influenced by several factors, such as the fall of the "Iron Curtain", the civil wars in the former Yugoslavia and labour migration. Consequently, different types of migrants can be found in Germany, depending on their legal status and residence title: EU-international migrants, labour migrants, asylum seekers and quota refugees, ethnic German immigrants ("Aussiedler").<sup>80</sup>

The same applies for Stuttgart. Its population structure shows a declining populace. Thus since the 60's foreign workers were recruited to compensate the existing manpower shortage,

<sup>79</sup> **City of Stuttgart:** [http://www.stuttgart.de/sde/menu/frame/top\\_11089\\_11101.htm](http://www.stuttgart.de/sde/menu/frame/top_11089_11101.htm) (under Stadtgeschichte) (5 September 2005)

<sup>80</sup> **National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC) (ed).** Germany: Analytical Report on Legislation. 2004. EUMC, Vienna. at pp. 11+49.

resulting from declining birth rates, as well as from the move of inhabitants to the surroundings of the city.<sup>81</sup> The recruitment of foreign workers was stopped in November 1973. Nevertheless the foreigner proportion increased because of the family reunification.<sup>82</sup> In the year 2003 the foreign population in Stuttgart reached 22,6%. Turkish citizens form the largest group of the foreign population, followed by Greeks, Italians and Croatians.<sup>83</sup> Today people from more than 170 nations live in the city, which results in a very heterogeneous population structure.

With regard to the religious diversity, apart from Protestants (200.000) and Catholics (160.000), there exist, according to Stuttgart's multicultural society, many other religious communities, of which the Islamic persuasion represents the largest group.<sup>84</sup>

In June 2005 the unemployment rate was 9,9% (6,8% Region Stuttgart, 6,9% Baden-Württemberg), which is by no means the highest in comparison with other cities/regions in Germany.<sup>85</sup> Foreign nationals are above averagely affected by unemployment (19,9% in 2003).<sup>86</sup>

### ***2.3.2.2 International, Regional and National Legal Background<sup>87</sup>***

The table below gives a brief overview of relevant anti-discrimination mechanisms in Germany on the international and regional level:

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<sup>81</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at p. 9.

<sup>82</sup> **Bundesministerium des Inneren, Referat Öffentlichkeitsarbeit (ed)**. Zuwanderung - das neue Gesetz. 2005. at p. 6. Available online at: [http://www.bmi.bund.de/cln\\_028/nn\\_122688/Internet/Content/Broschueren/2005/Zuwanderung\\_\\_-das\\_neue\\_Gesetz\\_Id\\_95217\\_\\_de.html](http://www.bmi.bund.de/cln_028/nn_122688/Internet/Content/Broschueren/2005/Zuwanderung__-das_neue_Gesetz_Id_95217__de.html) (6 September 2005)

<sup>83</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at p. 9.

<sup>84</sup> **City of Stuttgart**: <http://www.stuttgart.de> (under Stadtporträt/Kirchen) (6 September 2005)

<sup>85</sup> **City of Stuttgart**: <http://www.stuttgart.de> (under Politik und Verwaltung/ Statistik und Wahlen/ Statistik Gesamtstadt/Arbeitsmarkt/Arbeitslose im Großstadtvergleich) (26 October 2005)

<sup>86</sup> **Stabsabteilung für Integrationspolitik (ed)**. Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart. at p. 12.

<sup>87</sup> Detailed background information concerning legal, administrative or other measures in relevance to racism and discrimination can be found in the European Commission against Racism and Intolerance (ECRI) and European Monitoring Centre on Racism and Xenophobia (EUMC) reports on Germany. Among others see: **European Commission against Racism and Intolerance (ECRI) (ed)**. Third Report on Germany. ECRI, Strasbourg. 2004. / **RAXEN National Focal Point Germany (ed)**. Germany: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna. 2004. / **European Union**: <http://www.eu.int> / **Council of Europe**: <http://www.coe.int> / **United Nations**: <http://www.un.org> (28 August 2005)

	<i>Year of Joining/Signature/Ratification</i>
<i>European Union</i>	Founding Member
<i>Council of Europe</i>	1950
<i>United Nations</i>	1973
<i>Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)</i>	ratified 1952
<i>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</i>	ratified 1969
<i>International Covenant on Economic, Social and Cultural Rights (CESCR)</i>	ratified 1973
<i>Convention Against Discrimination in Education</i>	ratified 1968
<i>International Convention on the Protection of the Rights of all Migrant Workers and Members of their Family</i>	not yet signed
<i>European Social Charter</i>	ratified 1965
<i>European Convention on the Legal Status of Migrant Workers</i>	signed, not yet ratified 1977
<i>European Convention on Nationality</i>	ratified 2005
<i>European Convention for the Participation of Foreigners in Public Life at Local Level</i>	not yet signed
<i>Framework Convention for the Protection of National Minorities</i>	ratified 1997
<i>ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation</i>	ratified 1961

### **National and Regional Legal Background**

On the national level, as recently as with the new governmental coalition in 1998, “*the traditional defensive self-definition according to which Germany was not a country of immigration was abandoned*”.<sup>88</sup> Subsequently several amendments and reforms in migration and foreign resident policy and legislation followed:

In 1999, the first step was the reform of German Nationality Law, which came into force on January 1<sup>st</sup> 2000. The amendments reduce the length of residence, which is necessary to apply for naturalisation (8 years instead of 15). In addition a birthright was supplemented, which states that children of foreign nationals, born in Germany, automatically become German citizens under certain conditions. (§ 2 Absatz 3 StAG).<sup>89</sup>

In the year 2000 an Independent Commission on Migration was appointed and furthermore the so called Green Card Regulation passed, which broadened the labour market access for non-Germans.<sup>90</sup> Finally, on January 1<sup>st</sup> 2005, after long and difficult legislative process and negotiations, a new Immigration Act entered into force. The legislation provides a framework in order to control and restrict immigration and additionally it aims at fostering integration of legal immigrants.<sup>91</sup> This Law introduces an integration programme for newcomers, funded by

<sup>88</sup> **RAXEN National Focal Point Germany (ed)**. Germany: Analytical Report on Legislation. at. p. 3.

<sup>89</sup> **Bundesministerium des Inneren:**

[http://www.bmi.bund.de/cln\\_028/nn\\_122688/Internet/Content/Themen/Staatsangehoerigkeit/DatenundFakten/Das\\_Gesetz\\_zur\\_Reform\\_des\\_StAG\\_vom15071999.html](http://www.bmi.bund.de/cln_028/nn_122688/Internet/Content/Themen/Staatsangehoerigkeit/DatenundFakten/Das_Gesetz_zur_Reform_des_StAG_vom15071999.html) (11 August 2005)

<sup>90</sup> **RAXEN National Focal Point Germany (ed)**. Germany: Analytical Report on Legislation. at. p. 3.

<sup>91</sup> **Federal Ministry of the Interior:** [http://www.zuwanderung.de/english/2\\_zuwanderungsgesetz.html](http://www.zuwanderung.de/english/2_zuwanderungsgesetz.html) (11 August 2005)

the federation (EURO 200 millions/year).<sup>92</sup> Newly arrived people, with the intention of gaining permanent residence, and those who have been in Germany longer and who receive unemployment pay or are in need of integration will have a right to participate in a course which intends to facilitate their integration into German society. The course focuses on the acquisition of the German Language but also on other aspects such as history and culture. If they cannot provide a basic knowledge of the German language, they are obliged to participate in an integration course. The violation of the obliged participation may have negative consequences in the context of the extension of the residence permit or can shorten the social security contributions by up to 10%.<sup>93</sup>

In this regard EUMC notes in its Analytical Report on Legislation in Germany: “*Whereas migration and integration are now generally recognised as relevant and significant issues by politicians and social scientists, discrimination matters have so far not always received the attention they would deserve.*”<sup>94</sup>

In particular it refers to the lack of comprehensive anti-discrimination legislation and the failure to transfer EU anti-discrimination directives (2000/43/EC and 2000/78/EC) into national law by the federal parliament. In addition there is a lack of a national registration system or advice centre for cases of discrimination.<sup>95</sup>

Several specific laws banning discrimination in certain areas exist: In the public sector explicit discrimination bans exist in the Basic Law in Art. 3 Section 3, which regulates the relationship of state and citizens, and further for the employment in public service. Indeed, in the private sector extensive protection does not exist. In the Civil Code (Bürgerliches Gesetzbuch BGB) gender-based discrimination is prohibited, whereas explicit anti-discrimination regulations can be found only in some individual laws (e.g. the Act on the Transportation of Persons).<sup>96</sup>

### **2.3.3 Results, Assessment and Classification**

As mentioned in the description of the Pact for Integration, results of integration measures are published regularly in an integration report and presented to the public by the department of

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<sup>92</sup> **Federal Ministry of the Interior:** [http://www.zuwanderung.de/3\\_prognosen.html](http://www.zuwanderung.de/3_prognosen.html) (11.August 2005)

<sup>93</sup> **Bundesministerium des Inneren, Referat Öffentlichkeitsarbeit (ed).** *Zuwanderung - das neue Gesetz.* 2005. at p. 6. Available online at:

[http://www.bmi.bund.de/cln\\_028/nn\\_122688/Internet/Content/Broschueren/2005/Zuwanderung\\_\\_ - das\\_neue\\_Gesetz\\_Id\\_95217\\_\\_de.html](http://www.bmi.bund.de/cln_028/nn_122688/Internet/Content/Broschueren/2005/Zuwanderung__ - das_neue_Gesetz_Id_95217__de.html) (06 September 2005)

<sup>94</sup> **RAXEN National Focal Point Germany (ed).** *Germany: Analytical Report on Legislation.* at p. 4.

<sup>95</sup> **RAXEN National Focal Point Germany (ed).** *Germany: Analytical Report on Legislation.* at p. 39.

<sup>96</sup> **RAXEN National Focal Point Germany (ed).** *Germany: Analytical Report on Legislation.* at p. 25-26.

integration policy (organizational assignment to the responsibility of the lord mayor), which operates as coordination centre for intercultural concerns in the city. This integration report, however, was not online available. Upon request for an example and/or further evaluated information, the city has not responded.

A criterion for the success and consequently the suitability of Stuttgart's integration concept is the international official acceptance. In 2004 the Council of Europe accepted the Pact for Integration as official policy. Thus, it serves as model for the development of integration strategies in other cities. In the framework of UNESCO Cities for Peace-award in 2002/2003 Stuttgart reached the second place.<sup>97</sup> In June 2005 Stuttgart was priced in the contest "Successful Integration Does not Happen by Chance. Strategies of Municipal Integration Policies" by the Federal Ministry and the Bertelsmann Stiftung.<sup>98</sup>

As further success can be considered that, according to the mayor, the integration work within the city is working and now Stuttgart, as one of the first cities, develops the project "One World" - a network on the international level.<sup>99</sup>

As the basis of the municipal integration policy of Stuttgart, the "Pact for Integration" seems to be an excellent strategy paper to promote the integration of non-German nationalities. The goals and action fields are described properly in the paper, which is publicly available on the city's homepage. The paper successfully highlights the mutual process of integration and addresses both German and non-German members of the communal society. As a duty of the entire communal society, interaction is promoted as well as mutual understanding, respect and tolerance. What should also be positively highlighted is that integration work in Stuttgart is not orientated on specific groups of nationalities but rather on social circumstances.

In general, integration work is an important component in the framework of combating racism. Racism is omnipresent; right-wing extremism and antidemocratic attitudes are not only present in Germany. Intolerance and a general suspicion of fundamentalism and terrorism, especially towards Muslims, is increasing. Islamophobia as well as anti-semitism is on the rise. Thus integration is affected negatively, which means social exclusion and discrimination arise. The integration work promotes a democratic society, contributes to the

<sup>97</sup> **Stabsabteilung für Integrationspolitik (ed).** Ein Bündnis für Integration: Grundlagen einer Integrationspolitik in der Landeshauptstadt Stuttgart.

<sup>98</sup> **City of Stuttgart:** <http://www.stuttgart.de> (under Politik und Verwaltung/Internationales Stuttgart/Preis für Integration) (15 September 2005)

<sup>99</sup> **City of Stuttgart:** <http://www.stuttgart.de> (under: Politik und Verwaltung/Internationales Stuttgart/Kommunale Entwicklungszusammenarbeit - die Stuttgarter Partnerschaft „Eine Welt“) (05 September 2005)

decrease of discrimination and racist acts because of mutual understanding and awareness-raising and consequentially indirectly enlarges vigilance.

So, one can say, that the integration concept of Stuttgart is not very specific and does not address problems which are unique to Stuttgart.<sup>100</sup>

The strategy paper of Stuttgart is picked up as a good practice in an exemplary way because it forms a rather large solidarity network between the public sector (politics and administration), the private sector (special interest groups and businesses) and the civil society (associations, sport clubs, community groups and NGOs), which is coordinated by the department for integration policy.

The awareness of the society is sensitised with regard to the existence of cultural diversity and its acceptance concerning promoting equality which is supposed to lead to a decline of discriminatory and racial motivated activities.

Although the Pact basically aims at promoting integration, the importance of integration work is brought to the public's attention, not least because of the involvement of all participants in the city, which implicates greater vigilance against racism. In addition to this, integration prevents segregation, that enhances the distance between minorities and the "majority population" and provides the basis for prejudices and racism.

A cooperation of the public and the private sector, as well as the civil society, coordinated by the city itself can not be categorised as city-specific. Therefore, we think that this could be adopted by other cities.

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<sup>100</sup> Stuttgart exhibits, of course, compared with other cities with 22,1% (more than 170 different nations) a rather high foreign population, which is ascribed to several factors (among others: the important economic area and the resulting jobs lead to an increased attractiveness of the location not only to Germans but also to immigrants). The unemployment rate amounts to 9,9% and foreign nationals are affected by above-average unemployment. But these problems occur in a more or less strong extent in every city.

### **3 Institutions**

#### **3.1 State-Program against Right Wing-Extremism, Xenophobia and Anti-Semitism, Berlin**

Berlin is the Capital of the German Federal Republic with more than 4 million inhabitants and so it is one of the biggest European cities. More than 200 nations are represented; the foreign population (Non-Germans) is about 13%, which is by far not the highest proportion of Non-German inhabitants in German Cities.

##### **3.1.1 Description**

Measures to combat racism in Berlin are embedded in a broad overall strategy concerning integration and migration on the one hand and prevention of violence on the other. Both of these concepts and strategies are conceived and implemented as mainstreaming subjects. This fact is reflected by the institutionalisation and also the agenda. In 1981 the office of the “Foreigners Representative” was founded, which was changed into the “Representative of the Senate for Integration and Migration” in 2002. The Senate for Health, Social Affairs and Consumers is responsible for this. The representative in charge is Mr. Günter Piening with whom an interview was conducted on June 23, 2005. The office comprises about 30 employees. The office’s work is based on the strategy paper “Focuses of the Integration policy 2003 – 2005”.

The three year agenda encompasses nine goals:

- Improving the chances of the young generation by measures on the education sector including adequate legislation;
- increasing employment through reduction of access barriers to the labour market;
- development of conflict-solution models on neighbourhood-level;
- installation of an obligatory integration system for new immigrants;
- promoting opportunities for integration of refugees and asylum seekers;
- opening administration and authorities interculturally;
- combating discrimination and implementing measures against right wing-extremism, racism and anti-Semitism;
- improving opportunities of social and political participation of migrants and intensification of the societal dialogue regarding the perspectives of the “Immigration City Berlin” with all stakeholders.

Within an overall strategy of social integration, one can see that Berlin deals with racism in the context of right wing attitudes, in particular political engagement. Racism is targeted within a balanced system of the social development in a culturally diverse city. The tasks of the “Representative” are defined as accompanying administrative measures (intercultural mainstreaming); the development of model projects; promoting the debate and dialogue of the immigration policy in the entire society; moderating the existing conflicts to find acceptable and peaceful solutions; legal and social counselling for victims of violence and discrimination and funding projects of the civil society to strengthen a sustainable infrastructure.

Combating discrimination and racism is seen as a necessary part of a sustainable integration policy.<sup>101</sup> Therefore, in 2000 the Senate of Berlin adopted a resolution within a 10 Points Programme with a comprehensive package of measures against right wing extremism, xenophobia and anti-Semitism.<sup>102</sup> The representative for integration and migration is responsible for the state programme against right wing-extremism, xenophobia and anti-Semitism. His office develops the main concepts and observes its implementation. Within the state programme the tasks of documentation and research, help, law-enforcement and empowerment for menaced people, promotion of communal, local networks and the participation of migrants’ associations to prevent violence and danger to democratic structures and behaviour are formulated. A municipal equal treatment body and a migrant’s council as a opportunity for political participation have been installed.

Additionally the public debate “Immigration City Berlin – Under Construction” was opened with two public forums concerning the dialogue with Islam and the cooperation with science and local economy.

Tackling racism within the societal confrontation with political right wing attitudes, behaviour and activities is very consistent as well as comprehensive. The state programme defines that right wing-extremism is the complex accumulation of denying the principle of equality, the overestimation of ethnic origin, anti-pluralism and authoritarianism.<sup>103</sup> When conceived in this overall context of democratic pluralism, the most effective strategies against “right” (and

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<sup>101</sup> **Beauftragte für Integration und Migration des Senats von Berlin (ed)**, Integrationspolitische Schwerpunkte 2003-2005. Berlin. 2004. at p. 11. Available online under: [http://www2.hu-berlin.de/osteuropa/Integrationspolitische\\_Eckpunkte.pdf](http://www2.hu-berlin.de/osteuropa/Integrationspolitische_Eckpunkte.pdf) (20 June 2005)

<sup>102</sup> Senatsbeschluss Nr. 537/00

<sup>103</sup> **Landeskommission Berlin gegen Gewalt (ed)**, Berliner Forum Gewaltprävention Nr. 18. Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus. Programme, Maßnahmen, Projekte. 2004. at p. 9. Available online at:

racism) are those who develop, promote, strengthen and protect well-functioning democratic structures at all levels and in all areas of public life.<sup>104</sup> Keeping this underlying principle in mind there are formulated bundles of goals which can be summarized as: Measures

- must be adequate to the specific target groups;
- should be implemented in a communal context and at a very local level;
- need as a mainstreaming policy always a strong interdependency of measures and levels to attain the greatest effectiveness; and
- are always based on a “two-pillars-system” of cooperation and division of labour and tasks between public authorities and the civil society as NGOs, local networks, associations or individuals.

The complementary set of measures comprehends accordingly:

- mobile counselling;
- building up networks between different levels and institutions;
- enforcement of democratic youth culture and a promotion of a democratic and cultural diverse civil society; and
- communal integration and supporting neighbourhoods;
- documentation and research.

Under the state programme against right wing-extremism, xenophobia and anti-Semitism about 30 projects and initiatives are funded and promoted every year. The budget for the programme was donated 1.5 Million Euros in 2003 and 2004 and 1.25 Million Euros in 2005.

Among these projects some are described briefly with respect to their connections to Commitment 1 of the UNESCO Ten-Point Action Programme against Racism, set up for monitoring, vigilance and documentation. The following projects and initiatives are described in more detail in Berliner Forum für Gewaltprävention Nr. 18, 2004 and on the referenced websites.<sup>105</sup>

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[http://www.senbjs.berlin.de/jugend/landeskommission\\_berlin\\_gegen\\_gewalt/veroeffentlichungen/berliner\\_forum\\_gewaltpraevention\\_18/thema\\_bfg\\_18\\_2005.asp](http://www.senbjs.berlin.de/jugend/landeskommission_berlin_gegen_gewalt/veroeffentlichungen/berliner_forum_gewaltpraevention_18/thema_bfg_18_2005.asp) (20 June 2005)

<sup>104</sup> **Landesprogramm gegen Rechtsextremismus:** <http://www.berlin.de/sengsv/auslb/rex.html> (20 June 2005)

<sup>105</sup> **Landeskommission Berlin gegen Gewalt (ed).** Berliner Forum Gewaltprävention Nr. 18. Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus. Programme, Maßnahmen, Projekte. /

**Landeskommission Berlin gegen Gewalt:**

[http://www.senbjs.berlin.de/jugend/landeskommission\\_berlin\\_gegen\\_gewalt/thema\\_landeskommission\\_berlin\\_gegen\\_gewalt.asp](http://www.senbjs.berlin.de/jugend/landeskommission_berlin_gegen_gewalt/thema_landeskommission_berlin_gegen_gewalt.asp) (20 June 2005)

## **Monitoring and Vigilance**

The Department for Youth, Education, Sport and family Affairs of the district Charlottenburg initiated a girls' meeting centre where visitors will be informed about racism, xenophobia and social exclusion. The group publishes a newsletter "Witch Watch". Girls are invited to observe acts of racism in their neighbourhood and report it in the newsletter.

Mobile Counselling against Right Wing Extremism in Berlin (MBR) is a registered association supporting citizens confronted with racism in their neighbourhood, working and social environment. MBR supports democratic forces on a local level to attain a fear free society with a foundation in human rights. Together with schools, youth organisations, shopkeepers, the local administrative authorities and politicians, MBR develops and implements local strategies of action.<sup>106</sup>

The Society for a Democratic Culture (ZDK) analyses tendencies of right wing extremism, racism and anti-Semitism at local level and integrates scientific findings into the development agendas of districts and schools. ZDK equips interested citizens to deal with dangerous tendencies for democracy and promotes the transfer of good practises. ZDK consults local authorities in the implementation of mainstreaming action plans for democracy. It sees itself as a rapid response institution which promotes dialogue on: Islam; integration; anti-Semitism; migration and the question of democratic principles in the fight against right wing extremism.<sup>107</sup>

The initiative Intercultural Mediation qualifies people of different cultural and ethnic origin and background in the neighbourhood to mediate in conflicts and conflict prevention. Unpaid professional mediators support them in finding solutions for complex situations.<sup>108</sup>

## **Solidarity Networks**

The Anti-Discrimination Network Berlin (ADNB) is an initiative of the Turkish Congregation Berlin-Brandenburg. It networks with different counselling institutions at district level and maintains its own counselling office for victims of discrimination and racism.

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<sup>106</sup> **Mobile Beratung gegen Rechtsextremismus (Mobile Counselling against Right Wing Extremism):** <http://www.mbr-berlin.de> (20 June 2005)

<sup>107</sup> **Society for a Democratic Culture:** <http://www.zentrum-demokratische-kultur.de> (20 June 2005)

<sup>108</sup> **MediationsBüro Mitte:** <http://www.mediationsbuero-mitte.de> (20 June 2005)

ADNB empowers potential victims and sensitizes the public through events, seminars and public relations.

The Kreuzberg Talks against right wing extremism, xenophobia and anti-Semitism – for Tolerance and Diversity is a networking platform for social multipliers and participants of associations, political parties and public authorities at local level.<sup>109</sup>

### **Documentation**

The Antifascist Press Archive and Education Centre Berlin (Apabiz) is a registered association offering all kinds of information about right wing extremism, racism and anti-Semitism. Within a network of experts Apabiz collects information and offers it through a public database and through training for different target groups.<sup>110</sup>

The Anti-Racist and Intercultural Information Centre ARIC Berlin maintains a huge database with information, addresses and media material on the topics racism, discrimination, migration, religions, intercultural pedagogies and others.<sup>111</sup>

Another counselling initiative for victims is the Reach Out Project. Reach Out is co-funded by the CIVITAS programme of the German Federal Republic. Reach Out primarily supports and advises victims of racist or right wing motivated violence. They are involved in public relations and contribute to prevention through training. In this context, it is important to notice that Reach Out document all individual cases.<sup>112</sup>

The Representative for Integration and Migration distinguishes between three different types of documentation. The first kind is individual case documentation, carried out mainly by the counselling centres; the ombudsperson against discrimination of the city, the ombudspersons in the districts and the various NGOs. Due to the fact of different levels of resources and economic opportunities, the lack of unified data specifications and the differences in organisational structures it is very difficult to centralise these databases, some of them being electronic some of them not.

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<sup>109</sup> **HDB-Berlin:** <http://www.hdb-berlin.de> (20 June 2005)

<sup>110</sup> **Antifasistisches Pressearchiv und Bildungszentrum Berlin e.v.:** <http://www.apabiz.de> (20 June 2005)

<sup>111</sup> **Antirassistisch-Interkulturelles Informationszentrum Berlin e.v.:** <http://www.aric.de> (20 June 2005)

<sup>112</sup> **ReachOut:** <http://www.reachoutberlin.de> (20 June 2005)

The second type of documentation is the collection of all kinds of material concerning the specific topics. ARIC and Apabiz are good examples. They offer databases, library services, media resources and “good practises”.

The third kind is structural documentation for example, mapping regions, districts, etc according to the occurrence of specific characteristics which may be described by methods of the social or human geography. Berlin promotes and implements projects and activities in all three fields.

The state programme against right wing-extremism, xenophobia and anti-Semitism was evaluated in 2003 by a commission of experts with a mandate by the authorised representative.<sup>113</sup> The evaluation was made on the programme level one year after the start of the programme. The goals were: a qualified reporting; the precision of the principles; rules of funding and the optimisation of the future programme. The commission welcomes the programme and underlines the positive potential of such a diverse programme. The commission recommends to retain the diversity while promoting a stronger interdependence and networking between different projects, levels and participants. Furthermore the commission recommends the strong involvement of migrants’ associations.

The assessments made by the authorities are more a kind of monitoring. The counselling institutions, the district representatives and the mobile counsellors inform the authorised representative for integration and migration frequently.

### ***3.1.2 Background Information***

In order to grasp the “State-Program against Right wing-Extremism, Xenophobia and Anti-Semitism” the historical, social, demographical and legal background of Berlin has to be considered.

#### ***3.1.2.1 Historical and Social Background***

##### **History**

Some remarks on Berlin’s history are necessary to assess the particularity of the current situation there. It has to be proved whether these historical conditions have a relevant influence on the relevance of the programme against right-wing-extremism to other cities.

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<sup>113</sup> **Senatsverwaltung für Gesundheit, Soziales und Verbraucherschutz Berlin (ed)**. Evaluationsbericht 2003. Available online at: [http://www.berlin.de/imperia/md/content/sengsv/intmig/doku/rex/evaluationsbericht\\_03.pdf](http://www.berlin.de/imperia/md/content/sengsv/intmig/doku/rex/evaluationsbericht_03.pdf) (28 Oct 2005)

In 1871, Berlin became the capital of the German Empire. After World War I, Berlin was the capital of the Weimar Republic from 1919 to 1933. From 1933 to 1945 during the totalitarian dictatorship of the Nazis, Berlin was the capital of the Third Reich.

After the Second World War the Allies (France, Britain, USA, Soviet Union) divided Berlin into four sections. East Berlin was controlled by the Soviets and became the capital of communist East Germany in 1949. East Germany or the “German Democratic Republic” (GDR) became a sovereign state in 1954 (without recognition of the Federal Republic of Germany). In 1961, the East-German government started to build the “Berlin Wall” to avoid a mass emigration of East Germans to the West.

In 1968 and during the following years West Berlin was the centre of left-wing student revolts. The 1970s in West Berlin were characterized by terrorism of the “Red Army Fraction”.

The governments of West-Germany and West-Berlin made many efforts to keep the population stable. Berlin’s inhabitants and employers enjoyed a number of privileges, including special subsidies and income tax reductions among others. The standard of living was artificially augmented; life was rich and highly subsidised. Due to economic growth and the subsidised economy in West-Berlin a large number of migrant workers from Former Yugoslavia and Turkey were recruited.

A relatively small number of immigrants were living in East Berlin; most of them stayed temporarily within exchange training programmes. There were people from Cuba, Vietnam (about 10.000 still living in Berlin) and the Warsaw Pact countries. Most of them left the country and the city after the reunion, but there is still a mentionable population from all these states living in Berlin.

East and West Germany were reunited on October 3, 1990 and the wall between East- and West-Berlin was removed. In 1991, the seat of government was moved from Bonn to Berlin. Berlin along with Hamburg and Bremen, is one of the three city states in Germany. Since the 2001 elections, the city has been governed by a coalition of the Social Democrats and the Left Party PDS, the former East-German SED.

## Population

The population of Berlin is 3.426.000 (January 2005). About 13% have a non-German citizenship. The largest group with “foreign” origin are the Turkish with a proportion of 3,6% of Berlin’s population.

The following table shows the distribution of foreigners in Berlin.<sup>114</sup>

Citizenship	Total number	% of all foreigners	% of population
Foreigners total	444027	100	13,3
Turkey	120 684	27,2	3,6
Poland	32 291	7,3	1,0
Serbia/Montenegro*	26 226	5,9	0,8
Russian Federation	12 928	2,9	0,4
Italy	12 836	2,9	0,4
Croatia	11 849	2,7	0,4
USA	11 699	2,6	0,4
Vietnam	10 425	2,3	0,3
Bosnia	10 305	2,3	0,3
Greece	10 209	2,3	0,3
France	10 066	2,3	0,3
Great Britain and Northern. Ireland	8 599	1,9	0,3
Ukraine	8 325	1,9	0,2
Austria	7 991	1,8	0,2
Lebanon	7 877	1,8	0,2

\* including Ex-Yugoslavia

The very different history of immigration in East- and West-Berlin over time created a very inhomogeneous demography. The inner districts count a proportion of residents with an immigration background of more than 25%, while the suburbs of former East-Berlin have a proportion of 2–5%.

High unemployment quotas, particularly in the former eastern parts of the city, generated dramatic social tensions between young and old, and between social classes. This environment, together with an absence of popular democracy, was a fertile soil for right-wing extremist groups which appeared as an expression of social frustration. Anti-democratic ideas brought up “easy solutions” of “racial” superiority, (doubtful) national identification and the denial of democracy as a political successful model.

The economic parameters of Berlin are not encouraging these days. Unemployment reached 19,8% in June 2005, the unemployment quota among foreigners is about 46%.<sup>115</sup>

<sup>114</sup> **Pfaffhausen, Jürgen.** Ausländer in Berlin 2004 – eine kleinräumliche Betrachtung (Monatsschrift der Statistik Berlin 7/05). Statistik Berlin, Berlin. 2005. at p. 226.

<sup>115</sup> **Der Beauftragte für Integration und Migration des Senats von Berlin (ed).** Berliner Beiträge zur Integration und Migration. Vielfalt fördern – Zusammenhalt stärken. Das Integrationskonzept für Berlin. 2005. at p. 5. Available online at: <http://imperia7.berlinonline.de/imperia/md/content/sengsv/intmig/doku/integrationskonzept.pdf> (28 Oct 2005)

### 3.1.2.2 *International, Regional and National Legal Background*

Germany is a member to a number of important international treaties and conventions against racism. See section 2.3.2.2 for details.<sup>116</sup>

Although Germany has not implemented the EU anti-discrimination directives yet (Oct 2005), Berlin has made important efforts to fight discrimination and racism. There is an anti-discrimination body in the city and a representative for integration at state-level as well as at district level to name but a few. The documented state-programme is an inter-authority approach to implement democracy at all levels of society.

### 3.1.3 *Results, Assessment and Classification*

The Representative for Integration of the Senate, regularly publishes an activity report. In his account on the period 2003-2005, the duty for “self-evaluation” is mentioned under the section *Quality Assurance*.<sup>117</sup> It is highlighted that right-wing extremism can not be reduced to a tendency towards violence of youth perpetrators but right-wing orientation, refusal of pluralism and ethnic and cultural diversity can be observed in all social milieus.<sup>118</sup> The office of the representative has developed a standardised matrix for documentation at district level. The district mayors are requested to collect data on social developments within this framework for rapid response and accurate reaction purpose. Migrants were very involved in this district development system.<sup>119</sup>

Concerning its goals and the scope of the state-program against right-wing-extremism, xenophobia and anti-Semitism, it is classified as an institutionalised strategic policy for greater vigilance. The reasoning behind this is that democratisation and strengthening of civil society have a direct reciprocal relation to racism and xenophobia. As pluralist democratic

<sup>116</sup> A detailed compilation of anti-racism legislation in Germany is provided by the German Institute for Human Rights in: **Addy, Nii.** *Rassistische Diskriminierung – Internationale Verpflichtungen und nationale Herausforderungen für die Menschenrechtsarbeit in Deutschland.* Deutsches Institut für Menschenrechte, Berlin. 2005. The publication is also online available at: [http://files.institut-fuer-menschenrechte.de/488/d42\\_v1\\_file\\_4318385f31b3d\\_Rassism\\_II\\_050830\\_Einzel.pdf](http://files.institut-fuer-menschenrechte.de/488/d42_v1_file_4318385f31b3d_Rassism_II_050830_Einzel.pdf) (28 Oct 2005)

<sup>117</sup> **Der Beauftragte für Integration und Migration des Senats von Berlin (ed).** *Berliner Beiträge zur Integration und Migration. Tätigkeitsbericht des Integrationsbeauftragten 2003 – 2005.* Der Beauftragte des Berliner Senats für Integration und Migration, Berlin. at p. 31. Available online at: [http://www.via-bund.de/integrations-konzepte-landesebene/berlin/taetigkeitsbericht\\_intmig\\_03\\_\\_05.pdf](http://www.via-bund.de/integrations-konzepte-landesebene/berlin/taetigkeitsbericht_intmig_03__05.pdf) (20 June 2005)

<sup>118</sup> **Der Beauftragte für Integration und Migration des Senats von Berlin (ed).** *Berliner Beiträge zur Integration und Migration. Tätigkeitsbericht des Integrationsbeauftragten 2003 – 2005.* at p. 31.

<sup>119</sup> **Der Beauftragte für Integration und Migration des Senats von Berlin (ed).** *Berliner Beiträge zur Integration und Migration. Tätigkeitsbericht des Integrationsbeauftragten 2003 – 2005.* at p. 32.

attitudes rise and lead to an open social atmosphere at neighbourhood level, vigilance increases, racist acts are no longer tolerated and racism disappears as morally inferior attitude. Certainly, the situation of Berlin is not comparable with that of most other European cities concerning its history, social development, political and legal structure and other parameters. Some of the aforementioned problems will indeed require very specific measures. But, it is the overall approach which is convincing and worth imitating.

The issues of human rights policy, integration and migration policy, social development and human rights were combined at the policy level in Berlin. Consequently an adequate infrastructure of institutions has been built up and is further developed and adopted from state level via district to neighbourhood level. This makes the concept flexible enough to react to specific problems and social developments.<sup>120</sup>

## **3.2 Metropolitan Police Service, London**

London is the capital city of the United Kingdom situated in the South-East of England and has 7.421.209 inhabitants, of which almost 29% are from black and ethnic minority groups.

### **3.2.1 Description**

The City of London has set up a broad equality and diversity framework that is institutionalised in all public areas as a mainstreaming approach to meet the statutory duty of the Race Relations Amendment Act 2000. That means all public authorities have the duty to promote equal opportunities, good race relations and tackling racial discrimination. This has to be proved by the annual publication of a “Race Equality Scheme” in which every institution has to declare its achievements and shall state policies which are relevant to fulfill the statutory duty of the Race Relation Act. It should include assessments and consultation on

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<sup>120</sup> For further details see: **Der Beauftragte für Integration und Migration des Senats von Berlin (ed)**. Berliner Beiträge zur Integration und Migration. Vielfalt fördern – Zusammenhalt stärken. Das Integrationskonzept für Berlin. / **Ohlinger, Rainer und Raiser, Ulrich**. Integration und Migration in Berlin. Zahlen-Daten-Fakten. Berlin. 2005. Available online at: [http://www.berlin.de/imperia/md/content/sengsv/intmig/doku/zahlen\\_daten\\_fakten.pdf](http://www.berlin.de/imperia/md/content/sengsv/intmig/doku/zahlen_daten_fakten.pdf) (20 June 2005) / **Bauder, Harald und Foertsch, Carsten**. Integration und Ausgrenzung von Zuwanderern auf dem Berliner Arbeitsmarkt: Ergebnisse einer Umfrage. 2004. Available online at: <http://www.uoguelph.ca/geography/faculty/bauder/bauder1.pdf> (20 June 2005)

the likely impact of the policies promoting racial equality, monitoring of the policies and training activities related to the issue of race equality and diversity.<sup>121</sup>

The Metropolitan Police Service (MPS) has implemented the Equality and Diversity Strategy as adopted by the Greater London Authority. The strategy is designed to promote equal opportunities of age, faith, disability, sexual orientation and gender.

The Metropolitan Police Authority has assumed the duty of overseeing effectiveness and performance of the MPS by the Home Office. It is set up by members of the Metropolitan Police Service, representatives of local authorities and the community. Several committees and units within the Metropolitan Police Authority are responsible for the implementation of race equality and monitoring of performance in all structural levels of the MPS. They will provide a continuous service to racial equality and racial discrimination and should put forward adequate policies to promote racial equality and anti-racism.

The Diversity Directorate, that was established in 2001, publishes the annual review of the Diversity Strategy.

Among others, the MPA has set up the following internal policies:

- to set clear and practical performance measures and targets for monitoring race equality and equal opportunities performance;
- to develop processes and decision-making structures to monitor the mainstreaming of race equality, equal opportunities and diversity principles in all aspects of the business of the Authority;
- to work in partnership with the Mayor's office, Greater London Authority (GLA), Home Office and other partners to achieve the elimination of discrimination, the promotion of equal opportunities and good relations between different groups.<sup>122</sup>

In addition to this, the selected policies of the MPS should be mentioned, which the MPA has set as prior among a long list of others:

- improving the representation of minority ethnic staff at all grades and ranks within the service;
- monitoring the effectiveness of the MPS Diversity Training Programme;
- tackling institutional racism;

<sup>121</sup> **Commission for Racial Equality(ed)**. Commission for Racial Equality Assessment Template for Race Equality Schemes and the Employment Duty. 2005. at p. 3. Available online at: [http://www.cre.gov.uk/res\\_3yr\\_review\\_assess\\_tmpl.doc](http://www.cre.gov.uk/res_3yr_review_assess_tmpl.doc) (24 October 2005)

<sup>122</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. Metropolitan Police Authority. at p. 45. Available online at: <http://www.mpa.gov.uk/downloads/reports/race-equality05-08.pdf> (24 October 2005)

- supporting schools in tackling racial harassment, social exclusion and bullying between pupils.<sup>123</sup>

The Diversity Strategy contains three main strands that are regarded as essential by the MPS:

- Investigation of racist crimes: the MPS wants to identify and achieve an acknowledged standard for the investigation of racial crime;
- Prevention of racist crime: it wants to identify and apply best practice for prevention;
- Anti-Racism: The MPS wants to demonstrate fairness of its work and policies by provide equal opportunities for all ethnic communities in its organisation.

The MPS itself is funded by the Home Office, its various committees and units working for race equality are also funded by the Home Office and local authorities. The budgets for the MPS and MPA are set by the Mayor of London. The budgets for the MPS and MPA are disseminated by the Mayor of London, whereas the minimum budget is set by the Home Office. The London Assembly approves the budget.<sup>124</sup>

### **Networking**

The MPS views the consultation with external organisations and experts as relevant for the implementation of race equality policies. The Diversity Directorate engages directly with over 350 Independent Advisors; members of the community, who operate as independent observers giving concise criticism or advice. In this way they assist the MPS in making more informed decisions about incidents, investigations, strategies or plans and the possible outcomes. Their advice is independent of the police and equally, the police is not obliged to follow the advice given. Institutions such as the Commission for Racial Equality, local Race Equality Councils or the London-wide Race Hate Crime Forum and ethnic community groups, such as the Muslim Safety Forum and the Black Londoner Forum are consulted when needed. Reasons for Consultation are the assessment of policies or policy-related questions.

### **Ethnic Monitoring**

Under the Race Relations Act 1976 (Statutory Duties) Order 2001 it is a requirement to have arrangements in place for monitoring the policy and for these results to be published annually, with reference to ethnic groups, concerning staff in post and applicants for employment,

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<sup>123</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. at p. 45f.

<sup>124</sup> **Mayor of London, the London Assembly and the Greater London Authority**: <http://www.london.gov.uk/gla/policing.jsp> (24 October 2005)

training and promotion. Also the number of each “racial” group who receives training and is involved in grievance procedures has to be monitored. The Diversity Directorate of the MPA also carries out monthly dip sampling.

## **Monitoring and Assessing Policy Performance**

### **Monitoring**

The MPS sees the practice of monitoring all policies within the organisation as essential to prohibit adverse impact on ethnic groups. Monitoring of policy performance is seen as an important instrument in the delivery of consequences regarding the discriminatory policy. It is seen as continual process of scrutinizing the impact of a policy and as an appropriate way to examine the disproportions concerning ethnic communities. Through monitoring, policies are supposed to be tested concerning inequalities, the affection of racial groups, compliance to the aims, and how effective the service of the MPS is delivered to all communities.

Monitoring is conducted by policyholders, internal and external partners and various commissions.

The Metropolitan Police Authority also plays an important role as a higher power in controlling and monitoring the activities and achievements of the MPS, e.g. it oversees the compliance of the MPS Race Equality Scheme with its recommendations. The MPA also monitors the impact and fairness of services delivered by the MPS to different ethnic groups. For example, the “Professional Standards and Performance Monitoring Committee” interrogates the MPS about its performance and management data, which includes equality and diversity performance measures.

### **Assessment**

The Commission for Racial Equality has set out a “Race Equality Impact Assessment” (REIA) which has been adopted by the MPS and the MPA. It is based around questions regarding the impact of the policy on racial groups, if there is a different or even adverse impact on a specific group or if good race relations are damaged by the policy.<sup>125</sup> The Commission underlines that the Race Equality Impact Assessment has to be carried out on proposals for new policies or if existing policies are going to be changed.<sup>126</sup>

The main purpose of the REIA is to prevent policy-makers implementing policies with adverse or rather discriminatory impact on “racial” groups.<sup>127</sup>

<sup>125</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. at p. 15.

<sup>126</sup> **Commission for Racial Equality**: <http://www.cre.gov.uk/duty/reia/when.html> (24 October 2005)

<sup>127</sup> **Commission for Racial Equality**: <http://www.cre.gov.uk/duty/reia/what.html> (24 October 2005)

The MPS seeks to give high priority to the impact assessment of all policies implemented or proposed for relevance to the general duty of the Race Relations (Amendment) Act 2000.

According to this, data should be analysed by reflecting the following issues:

- the impact of a policy on a particular “racial” group;
- potential evidence of the practice being discriminatory or being perceived as discriminatory by specific “racial” groups;
- the impact of the policy on the relationship between the police and certain “ethnic” communities;
- potential justification of an adverse impact on certain “racial” groups because of the policy’s overall objectives.<sup>128</sup>

The MPS has determined reviews of policies three years after the first assessment.<sup>129</sup>

Following sources are declared to be used by the MPS for assessment:

- relevant historical data;
- relevant research, such as inspection/audit reports;
- consultations, survey findings;
- public enquiries and complaints;
- examination of similar service policies;
- examination of similar policies in other authorities;
- population data.<sup>130</sup>

As the MPA has the duty to monitor the activities and performance of the MPS, it has implemented a “Stop and Search Scrutiny Board”, that conducts research and analyzes data to find out whether bias in racial attitude among police staff is the reason for imbalances in “Stop and Search” activities.<sup>131</sup>

### **Monitoring Racist Incidents**

The MPS has the duty to report racist incidents annually. Nearly 10,000 racially aggravated offences were reported to the Metropolitan Police Service in 2002/03. More than 3,000 of these were crimes of violence, more than 1,400 were racially aggravated criminal damage and

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<sup>128</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. at p. 15.

<sup>129</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. at p. 17.

<sup>130</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. at p. 15.

<sup>131</sup> Stop and Search has a long tradition in the Metropolitan Police Service. It is a means to detect and find perpetrators by stopping and interrogating pedestrians in public areas. See: **Metropolitan Police Authority**: <http://www.mpa.gov.uk> (24 October 2005)

the rest were racial harassment incidents.<sup>132</sup> The monitoring data is analysed and used to inform current and future policies and processes that will contribute to improved race equality. For example, general levels of hate crime concerning Gypsies and Travellers and levels of community tension are monitored by borough Gypsy Traveller Liaison Officers, the Diversity Directorate and the Strategic Intelligence Unit.

Since Mayor Ken Livingstone took office in the year 2000, racial attacks have decreased by 35%. Generally a hierarchy can be identified concerning the target groups of racial attacks. While Chinese people are 5 times more likely to be attacked than Caucasian people, Asian, Arab and Black people are attacked ten times more often.

### **Vigilance**

The homepage of the MPS contains a call for citizens of London to report racist incidents.

The MPS encourages victims to report by offering a full support service.

The MPS has also delivered the leaflet “Tackling Hate Together” which is available in 11 different languages and deals with hate crimes such as psychological or physical violence for grounds of religious belief, sexual orientation or race. It wants to deliver support for victims and provide information to the public.

### **Vigilance/Networking - London-Wide Race Hate Crime Forum**

The Forum was developed in 2001 by a working group of the Metropolitan Police Authority. It is a MPA-led, multi-agency initiative. Currently, it comprises members of the Metropolitan Police Service and Metropolitan Police Authority, the Greater London Authority, the Crown Prosecution Service, as well as local authority and central government representatives.

members of organisations are involved with victims, the criminal justice system, housing services, relevant research, and black and ethnic minority communities are also represented.

The London-wide Race Hate Crime Forum aims to improve the co-ordination between the key agencies responsible for dealing with victims of racial hate crime and to improve the effectiveness with which perpetrators of racist hate crimes are brought to justice. It has been established to reduce and prevent crimes of this nature. An important aim is to improve the confidence of victims in reporting crimes and to promote consistent service across London.

The Forum is funded by the MPA and the Government Office for London. Its monthly meetings are open to the public.

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<sup>132</sup> **Mayor of London (ed).** Black People Pushing Back the Boundaries II. Key facts on Public Services and Black and Minority Ethnic People in London. London. 2003. at p. 40. Available online at: [http://www.london.gov.uk/mayor/bppbb/docs/booklet\\_two.pdf](http://www.london.gov.uk/mayor/bppbb/docs/booklet_two.pdf) (24 October 2005)

The Forum has established three subgroups:<sup>133</sup>

- The Criminal Side Subgroup: This group deals with the processes through which information on racial incidents is gathered across London and analyses data collected with a view to identifying common problems and establishing best practice.
- The Good Practice Subgroup: This subgroup considers how racial hate crime is being tackled. It intends to identify best practise and share this information with all interested partners across London. It sees its goals as developing tools and frameworks for dealing with racial hate crime. Another responsibility is to ensure a broad range of presentations of best practise through a combination of meetings, training, conferences and the invitation of guest speakers.
- Civil Side Subgroup: Its responsibility is to analyse whether the information collected by bodies outside the criminal justice system, such as Crime and Disorder Reduction Partnerships, housing associations, health partnerships, local education authorities etc., is useful to reduce racial hate crime. It also has to explore the effectiveness of these organisations policies and systems and their procedures to evaluate these systems. The Civil Side Subgroup also examines the quality of training received by these organisations on race and diversity issues.

### ***3.2.2 Background Information***

See 1.1.2.

### ***3.2.3 Results, Assessment and Classification***

The Metropolitan Police Service and the Metropolitan Police Authority both have implemented systems of monitoring their policies. These are conducted through reporting strategies and the implementation of policies through the annual Race Equality Scheme. In addition to this, a racial equality impact assessment, adopted from the Commission of Racial Equality (CRE), has been implemented.

As before mentioned, the background of the Race Equality Impact Assessment is to preview the possible adverse impact of future policies and to review the impact of already established

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<sup>133</sup> **London-Wide Race Hate Crime Forum:** <http://www.mpa.gov.uk/issues/race-hate/default.htm> (24 October 2005)

policies on “ethnic” or “racial” groups. Even policies that are aimed at the promotion of equality are reviewed according to their classification of “high” or “low” priority. To give an example of the REIA results, the traditional policy of “stop & search practice” has been shown to have an adverse impact. Consequently, the MPA has established a “Scrutiny Panel” whose duty it is to overview and scrutinize the practice of the MPS Stop & Search Practice. Terms of reference are the assessment of racial impact, the assessment of the application of stop and search data and the identification of good practice. The Scrutiny Panel held public evidence hearing sessions between June 2003 and January 2004.<sup>134</sup> In each session, either groups or individuals gave evidence to the Panel, which included representatives from all levels of the MPS and witnesses from the Mayor’s office, the Home Office, NACRO (National Association for the Care and Resettlement of Offenders), the CRE, and from academia. Most importantly, witnesses included a range of representatives from a variety of community and voluntary organisations and community groups.<sup>135</sup> In Addition to the sessions, desk searches were undertaken by the Panel to review relevant data results.

In this report, the Panel highlights that “stop and search data” gathered by the MPS show gross ethnic inequality concerning the increasing frequency of people being stopped by the Metropolitan Police. Between the years 2000/01 and 2001/02, stop and search rates of Black people increased by 30%, for Asian people by 41% and for Caucasian people only by 8%. Stop & search practice has increased by 18% in this time, this increase affected “racial” groups at most.<sup>136</sup>

According to this, the Panel does not see any valid reasons for arguing the imbalance of this. Arguments that crimes are committed more often by “black” people are not valid because no proof for that can be found in crime statistics.

In the following the results of Ethnic Monitoring are presented.

In this field, the MPS regards its monitoring arrangements as complete. The monitoring concerns the employment of police officers as well as other police staff. All police officers are recruited centrally via the National Recruitment Assessment Centre process. Both application data of officers and staff are put on the MetHR system which allows a full monitoring through

<sup>134</sup> **Metropolitan Polic Authority (ed)**. Report of the MPA Scrutiny on MPS Stop and Search Practice. 2004. at p. 6. Available online at: <http://www.mpa.gov.uk/downloads/issues/stop-search/stop-search-report-2004.pdf> (24 October 2005)

<sup>135</sup> **Metropolitan Polic Authority (ed)**. Report of the MPA Scrutiny on MPS Stop and Search Practice.

<sup>136</sup> **Metropolitan Polic Authority (ed)**. Report of the MPA Scrutiny on MPS Stop and Search Practice. at p. 21.

the “Recruitment Programmes, Planning and Information Office”. Application forms include the registration of ethnic origin. The MPS states that the target of 7% police officers being from Black and ethnic minority groups (BEM) was achieved by March 2005. 14% of the new MPS police officers and 22% of the police staff have been from BEM groups in 2004/05.<sup>137</sup> Although the MPS considers ethnic monitoring as an important strategy to increase the proportion of “racial” groups in staff, it is not an undisputed issue. Detractors of ethnic monitoring argue that it has an impact on cementing racial stereotypes and prejudices by prioritizing the classification of individuals as ethnic categories.

As the monitoring of policies and the institutional implementation of race equality in general is related to the Race Relations Amendment Act, relevance to other cities is quite limited. In cities where no national legislation addresses such duties, it might be difficult to install such systems. Nevertheless the self-monitoring of policies regarding racial equality and tackling racism within institutions is considered to be a successful way to promote equality in society. Networking through consulting NGOs and ethnic communities drives such progresses forward. The special situation of London as a city with almost 1/3 of the population being of ethnic origin makes equality policies urgent.

In cities where imbalances in police practices towards ethnic minorities or migrants occur, a monitoring system would be useful to scrutinize racial discrimination within the police service.

### **3.3 Anti-Discrimination Clause in Public Contracts, Stockholm**

Stockholm, the capital of Sweden, has a population of approximately 800.000 residents. About 20% have a foreign background. Stockholm is a founding member of the European Coalition of Cities against Racism and a member of the steering committee. Concerning the implementation of the Ten-Point Action Plan, the city council started to develop an overall strategy with regard to all points of the plan.

#### **3.3.1 Description**

The strategy to combat racism in Stockholm is elaborated by the city government and concentrates on governmental action.<sup>138</sup> The programme is called plan for equality,

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<sup>137</sup> **Metropolitan Police Authority (ed)**. Race Equality Scheme, 2005-2008. at p. 32.

<sup>138</sup> The following description is based on information provided by Karin Steffenson from the City Council of Stockholm in September 2005

integration and diversity. It states that all residents should have equal opportunities in their life and that it is the responsibility of the city to provide the respective infrastructure. The main reason is the willingness to break segregation. The goals for integration are to

- create conditions for increased sustainability and economic growth,
- reduce inequalities between districts in terms of income and welfare and to
- highlight the elimination of prejudices, racism and discriminatory structures.

To achieve greater vigilance against racism Stockholm puts emphasis on the labour market intervention. An executive committee has been installed to elaborate and monitor the adequate policy measures.

One of these measures is the introduction of a new legal instrument which is recommended by ECRI since 2002 at national level.<sup>139</sup> All public contracts concluded by any contractors with the city for the delivery of goods or services shall have an anti-discrimination clause.

The clause is made up of four paragraphs. § 1 obliges supplying contractors to follow all applicable Swedish anti-discrimination laws during the agreement period in Sweden. These are the laws referring to the EU treaty, the Swedish penal code, the gender equality act, the act on measures against ethnic discrimination in working life, the act banning discrimination in working life against persons with disabilities and due to sexual orientation, the act on equal treatment of university students as well as the act prohibiting discrimination.

According to § 2 the supplier has to provide a written report upon request detailing the equality measures taken. § 3 obliges the supplier to ensure that his or her suppliers or subcontractors also meet the requirements.

§ 4 states that non-compliance is regarded as a breach of the contract, leading to cancellation. However, if the supplier immediately amends and eliminates all discrimination the contract will remain in force.

### ***3.3.2 Background Information***

In order to grasp the “Anti-Discrimination Clause in Public Contracts” the historical, social, demographical and legal background of Stockholm has to be considered.

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<sup>139</sup> **European Commission against Racism and Intolerance (ECRI) (ed).** ECRI General Policy Recommendation N<sup>o</sup>7 on National Legislation to Combat Racism and Racial Discrimination. ECRI, Strasbourg. 2002. at p. 6 (Paragraph 9).

### ***3.3.2.1 Historical and Social Background***

According to the EU classification in the EUMC Comparative Report on Migrants, Minorities and Employment, Sweden is a second generation immigrant country, which means that Sweden, from the 1960s, was extensively recruiting migrant workers (as with Germany, Austria, Belgium and others).<sup>140</sup>

Sweden has been ruled by Social Democrats for decades and is very well known for its strong and comprehensive public economy sector; its redistributive welfare policy and for its relatively equal income distribution. This picture is somewhat distorted when the foreign residents are taken into consideration. Approximately half of Stockholm's population are not Swedish by origin (30% with foreign background) and the Stockholm City Council criticises itself for being a segregated city as it feels there is too much inequality to claim cultural, social and economic harmony.<sup>141</sup>

However, Sweden has always been above the EU average concerning the standards against discrimination. Eurobarometer states for Sweden, the average level of racially discriminating experiences have a high percentage of witnessing and with 85% opposition against racial discrimination Sweden ranks on place 4 of the EU 15.<sup>142</sup> The EU study on attitudes of the majority populations towards minorities shows better results for Sweden in almost all categories than for the rest of EU-15.<sup>143</sup>

ECRI identifies the communities of Roma, Muslim and Jewish people, Sámi, immigrant women and victims of trafficking as the most vulnerable groups in its 3<sup>rd</sup> report on Sweden 2004. This differs from other ECRI country reports for two reasons: there is one autochthonous and legally recognised minority identified as threatened and people of African origin are absent from the list.

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<sup>140</sup> **European Monitoring Centre on Racism and Xenophobia (EUMC) (ed)**. Comparative Report: Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-discrimination in 15 Member States of the European Union. 2003.

<sup>141</sup> **Stad Stockholm and Lindberg, Teres (ed)**. Equal Opportunities, Everybody's Responsibility – A Plan for Equality, Integration and Diversity. Stockholm. 2005. at p. 2+10. Available online at: [http://stockholm.se/files/93000-93099/file\\_93079.pdf](http://stockholm.se/files/93000-93099/file_93079.pdf) (24 October 2005)

<sup>142</sup> **The European Commission Directorate General Employment and Social Affairs (ed)**. Discrimination in Europe. Executive Summary. London. 2003. at p. 9 (“awareness-rate” or a great vigilance specially by the youth). Available online at: [http://europa.eu.int/comm/public\\_opinion/archives/eb/eb\\_168\\_exec.sum\\_en.pdf](http://europa.eu.int/comm/public_opinion/archives/eb/eb_168_exec.sum_en.pdf) (24 October 2005)

<sup>143</sup> **European Monitoring Centre on Racism and Xenophobia (EUMC) (ed)**. Majorities' Attitudes towards Minorities: Key Findings from the Eurobarometer and the European Social Survey. EUMC, Vienna. 2005.

ECRI is pleased that Sweden followed recommendation for an increased monitoring of hate crimes in its 2<sup>nd</sup> report. Sweden now has a very comprehensive police monitoring and documentation system, which shows a slight decrease of racist incidents between 2002 and 2004. However, an ECRI concern is that right-wing parties won a number of seats in municipal councils.

Even though the labour market works quite well and the employment situation is not as bad as in other European countries, access to the labour market for people with a migration background has its barriers, particularly with regard to qualifications. An ECRI statement gives some insight into the situation.<sup>144</sup> Trade unions play a fundamental role in labour market policies, although are not always sensitive to racial discrimination and the need for positive action for equality irrespective of ethnic origin and an ethnic diversity on the workplace. The unemployment quota is not dramatically higher for people with a migration background. As unemployed, these people are not affiliated with any trade union which affects the chance of these issues being given an adequate importance in the labour market policy.<sup>145</sup>

### ***3.3.2.2 International, Regional and National Legal Background***

The table below gives a brief overview of relevant anti-discrimination mechanisms in Sweden on the international and regional level:<sup>146</sup>

	<i>Year of Joining/Signature/ Ratification</i>
<i>European Union</i>	1995
<i>Council of Europe</i>	1949
<i>UN</i>	1946
<i>ECHR</i>	1950 / 1952
<i>ICERD</i>	1966 / 1971

<sup>144</sup> The statement would apply perfectly for Austria, Germany and a couple of other countries too, remark of the author.

<sup>145</sup> **European Commission against Racism and Intolerance (ECRI) (ed)**. Third Report on Sweden. ECRI, Strasbourg. 2005. at p. 31.

<sup>146</sup> Detailed background information concerning legal, administrative or other measures in relevance to racism and discrimination can be found in the European Commission against Racism and Intolerance (ECRI) and European Monitoring Centre on Racism and Xenophobia (EUMC) reports on Sweden. Among others see: **European Commission against Racism and Intolerance (ECRI) (ed)**. Third Report on Sweden. ECRI, Strasbourg. 2005. / **RAXEN National Focal Point Sweden (ed)**. Sweden: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna. 2004. / **European Monitoring Centre on Racism and Xenophobia (EUMC)**: <http://eumc.eu.int/eumc/index.php> (24 October 2005) / **European Commission against Racism and Intolerance (ECRI)**: <http://www.coe.int/ecri> (24 October 2005) / **Committee on the Elimination of Racial Discrimination**: <http://www.unhchr.ch/html/menu2/6/cerd.htm> (24 October 2005)

<i>International Convention on the Protection of the Rights of all Migrant Workers and Members of their Family</i>	not signed
<i>European Social Charter</i>	1961 / 1962
<i>European Convention on the Legal Status of Migrant Workers</i>	1977 / 1978
<i>European Convention on Nationality</i>	1997 / 2001
<i>European Convention for the Participation of Foreigners in Public Life at Local Level</i>	1992 / 1993

Sweden has been introducing and amending national anti-discrimination legislation since the 1970s. It started with criminal code provisions; in the 1980s the Ombudsman for ethnic discrimination was introduced. In the 1990s, the first civil laws against ethnic discrimination in the workplace were introduced. Since 1999 there seems to have been an increasing focus on ethnic discrimination as a key issue. Sweden amended its anti-discrimination legislation in 2003 in order to comply fully with the EU anti-discrimination legislation.

*“There are indications that Swedish society is moving in the right direction. The new changes in the law will lead to a greater focus on changing behaviour, rather than just attitudes. Other tools like contract compliance are under development that will also lead to a focus on behaviour. Putting these tools into place is becoming even more important given the disconcerting increase in support for extremist parties at the local level.”<sup>147</sup>*

### **3.3.3 Results, Assessment and Classification**

The clause was introduced in 2004 and has been in force since January 2005. Until now, the expected long-term impact could not be evaluated.

The measure is deemed to have a great impact on vigilance and on the reality of working life. It uses firms and employers on interests as incentives. This encourages the suppliers, trade-unions, syndicates and employees to be vigilant against discrimination. In reality discrimination will have to be reduced to avoid the risk of economic loss.<sup>148</sup> If the costs of discrimination are high enough, even a racist employer can employ minorities at fair conditions, assuming he is aware of her or his racist ideas. The measure directly affects the competitiveness of a firm.

Lappalainen states in his report on the Swedish anti-discrimination legislation for the RAXEN Focal Point:<sup>149</sup> *“The combined value of public contracts (both national and local) in Sweden*

<sup>147</sup> **RAXEN National Focal Point Sweden (ed)**. Sweden: Analytical Report on Legislation. European Monitoring Centre on Racism and Xenophobia (EUMC), Vienna. 2004. at p. 43.

<sup>148</sup> **RAXEN National Focal Point Sweden (ed)**. Sweden: Analytical Report on Legislation. at p. 4.

<sup>149</sup> **RAXEN National Focal Point Sweden (ed)**. Sweden: Analytical Report on Legislation. at p. 4.

*is about SEK 400.000.000.000 per year. It is assumed that the introduction of such clauses will presumably affect the behaviour of at least some of the companies that are involved in such contracts. This is especially true since the laws against discrimination have been improved substantially. While many businesses may not necessarily reflect over the moral force behind various laws and policies, they should be sensitive to the risk of increased costs or lost profits if they discriminate.“*

## 4 Summaries of Conducted Interviews

### 4.1 Interview with Mr. Günter Piening on the State-Programme against Right Wing-Extremism, Xenophobia and Anti-Semitism of the City of Berlin

The interview with Mr. Piening, who is the Representative for Integration and Migration for the city of Berlin and responsible for the State-Programme against Right wing Extremism, Xenophobia and Anti-Semitism, was conducted by Klaus Starl, ETC Graz, on June 23, 2005 at the office of the representative.

#### 1. Institutions, tasks and budget

*Since 1981 Berlin has had a Representative of the Senate for Foreigners. In 2002 the name and some of the tasks were changed into the Representative of the Senate for Integration and Migration and is located at the Senate for Health, Social Affairs and Protection of Consumers Interests. The office is designing, coordinating, implementing and monitoring the integration and migration policy of Berlin. Combating racism was an important issue from the beginning. In 2000 the Senate initiated the State Programme against Right Wing-Extremism, Xenophobia and Anti-Semitism with an official act. This made the communal efforts against racism more visible.*

*Compared to other German cities the budget available is quite high with 1,25 million euro for 2005 h, one could call it appropriate. The office itself employs about 30 people. The financial resources are used mostly to finance various projects of local authorities, schools and civil society institutions fitting into the state programme. Annually about 35 projects are carefully selected with regard to their contribution to a community with a well-functioning democratic structure.*

#### 2. Who is coordinating the programme, carrying out monitoring, documentation and who is coordinating the networks and who is responsible for attaining the overall goals?

*The overall responsibility for the policy lies with the authorised representative. The implementation of the programme is a multi-level task. We count on a two-pillar-system between civil society and the state authorities due to a pragmatic and functional division of labour to reach the goals most efficiently. The responsibilities are therefore allocated horizontally as well as vertically. An important reason for this way of cooperation is the necessary mutual control.*

*The state programme is thus the conceptual level of networking, on the concrete level there is networking between the representative and other institutions, for example in model projects and there are various networks between projects, institutions and different regional levels. It is important that the state programme has strong cooperation between measures and institutions from the state-level, the civil society institutions and individuals and the district or neighbourhood level.*

*Documentation and monitoring of racist activities – mostly in the context of political right-wing activities – is also done on different methodological levels. On the structural level the representative commissions studies and analyses concerning the social space on the district level, so called communal analyses. On the other side there are documentation centres providing material, literature, know-how and other material concerning the topic. On the individual level the counselling offices are carrying out case documentation, for example Reach-Out, the ombuds institutions of the city, the districts and others.*

3. Are the facts and results politically and publicly perceived and discussed?

*There is no fixed date obligation for reporting, but the representative reports frequently and on demand to the Senate and the parliament. The representative has a right to consult, but no right to petition.*

*Public relations are an inherent part of the representative's work and tasks. However, public relations have their limits. The satisfactory level is to reach at least those who are concerned.*

4. Is the programme successful concerning its impact on society? Is there a formal impact assessment or evaluation?

*We do not carry out formal impact assessment. It is always problematic with regard to the measurements, often the selection of operational dimensions is a political statement in itself. We evaluate on the programme level and we carefully select the projects and accompany them by providing guidance and workshops and we require self-evaluation also concerning the goal-efficiency.*

*Concerning the impact assessment, there are a couple of implicit mechanisms. One is the feedback from the different project coordinators. The mobile counselling centre reports frequently about the situation. An important indicator of the impact is the individual and social well-being of the concerned people, their subjective perception of security. We always try to find this out.*

5. What are the positive and negative lessons learnt in your work?

*I think, we are on the right track with the “Programme”, the experience shows. The programme strengthens and empowers the civil society actors, promotes the networking and cooperation between official and private initiatives and leads to changes in the attitudes and behaviour in society as a whole. One effect is that society does not tolerate racism anymore and this is what counts. The programme as a political statement is a very important initial symbol to show that the official policy is ambitious to promote and protect democratic structures.*

*One lesson learnt is that is absolutely wrong to limit the fight against racism to certain areas, such as violence or youth. Racism is a multi-faceted phenomenon and can be found in all areas of society. Measures to overcome racism need a holistic approach, a mainstreaming concept.*

#### **4.2 Interview with Mr. Ernest Bishop on the Galway City Anti-Racism Strategy**

The interview questions were drafted by Ursula Prinzl from the ETC. Prof. Jaichand from the Irish Centre for Human Rights of the National University of Ireland conducted on behalf of the ETC the interview with Mr. Ernest Bishop, who is the Anti-Racism Strategy Co-ordinator for the Galway City Anti-Racism Strategy. The interview was submitted to the ETC on 27 October 2005.

1. As the *Towards a City of Equals – Galway City Anti-Racism Strategy* was launched on the 21<sup>st</sup> of March 2005, I would like to know, what has happened since then concerning the implementation of the Strategy? What is the current state of affairs and what are the next concrete steps?

**June 2005** - Ernest Bishop was appointed the Strategy Co-ordinator

**August 2005** – An Anti-Racism Steering Committee was established as a working group. Three-quarters of its membership of fourteen are representatives from Ethnic Minority Organisations, with an equal gender balance.

#### **Current State of Affairs**

*Implementation is in progress and certain actions have been prioritised.*

#### **Actions Prioritised for 2005:**

- *1.1.2, 1.1.3, 1.2.1 – Policing. Racism, Logging Racism and Monitoring Mechanisms against racism*
- *2.1.1, 2.1.3, 2.1.4, - Plan by design, Visibility Initiative and Workplace Week*
- *3.1.1, 3.1.2 – Intercultural Education Initiative and UNESCO Associated Schools Initiative*

*Two sub-committees have been set up, a schools initiatives and a reporting, policing and monitoring of racist incidents sub committees. These are currently working towards achieving the aims of their separate remits.*

2. The Galway City Anti-Racism Strategy has been elaborated with funding from the National Anti-Racism Awareness Programme KNOW RACISM. In connection with the implementation of the strategy, do you value the budget for the implementation as adequate? *Part funding from the National Anti-Racism Awareness Programme KNOW RACISM was for the development of the strategy and the remainder put into the implementation. Additional funding came from Galway City Partnership. Implementation funds are still being sourced from various quarters.*

3. Concerning monitoring and evaluation, I was wondering if an evaluation strategy (as mentioned on page 28 of the *Towards a City of Equals – Galway City Anti-Racism Strategy*) has been designed? If yes, does the evaluation strategy refer to the *Towards a City of Equals – Galway City Anti-Racism Strategy* as a whole or to the separate action points? Is the evaluation strategy a qualitative and/or quantitative evaluation strategy? *Monitoring will be ongoing to ensure the progress of the implementation is on the right path and the results evaluated. The evaluation refers to the strategy as a whole and will be carried out periodically. A combination of quantitative and qualitative methods will be used. An evaluation strategy has not been designed but prioritised for 2006.*

4. In relevance to *Commitment Nr. 1: Greater Vigilance against Racism* I would like to know if more detailed background information concerning the implementation of following strategic actions is available:

- a. *Racism Log (1.1.3): This will involve the collection and the collation of data at specific locations for analysis and publication.*

- b. Monitoring Mechanism against Racism (1.2.1): *This will involve taking prompt appropriate actions when racist incidents are reported either by mediation or seeking redress.*
- c. Anti-Racism Visibility Initiative (2.1.3): *The strategy will promote training in the workplace, produce a user-friendly toolkit and have an emblem that organisations can display on their shop doors and windows. A workshop is organised for the November 2005 diversity in the workplace week to finalise the toolkit. Presentations on diversity in the workplace are also organised for some organisations during the week.*
- d. Intercultural Resource Centre (3.3.1): *A space when developed will provide a networking point for the promotion of anti-racism and intercultural activities by those who are mostly affected.*
- e. Political Leadership (5.1.1): *This action will develop and implement a protocol for local politicians as a practical commitment to the aims and objectives of the strategy.*

5. Furthermore what are positive/negative “learned” lessons that have occurred since the beginning of the implementation of the strategy? Also, will information on the implementation of the diverse strategic actions be made online available?

***Positive Lessons***

*Partners have shown great commitment by providing input towards the implementation of the strategy.*

*Ethnic Minority groups are approaching the strategy with confidence and optimism by their involvement in the Steering Committee and support when asked to do so.*

***Negative Lessons***

*Consultations with such a diverse working group can sometimes result in delays.*

*Funds are not easy to come by. This poses a challenge to the strategy, as there was no major funding towards the implementation. Funds are therefore being sourced as actions are prioritised.*

*Periodic progress report would be posted online commencing end December 2005.*

6. Just to be sure: On page 30 of the *Towards a City of Equals – Galway City Anti-Racism Strategy* one of the mentioned strategic actions (Strategic Action 1.2.4) speaks of the “EU

*Cities Against Racism Initiative”, I presume this means the “European Coalition of Cities against Racism” of the UNESCO?*

*This is the European Coalition of Cities against Racism of the UNESCO. Galway City Council will be signing up for Galway City and is discussing the actions in their next council meeting.*

*The strategy has also drawn partnership from Centre d’Education et de Formation Interculturel Rencontre, Dunkerque, France and Instituzione Centro Nord Sud, Pisa, Italy in the INTI (Integration of Third Country Nationals) and Culture 2000 respectively.*

*We are hoping the European Commission would approve these partnerships.*

### III Synthetic Analysis and Replicability

#### 1 Synthetic Analysis Framework

Commitment Nr. 1 of the Ten-Point Action Plan requires promotion of “Greater vigilance against racism”. This can be achieved by setting up a monitoring, vigilance and solidarity network against racism at city level. The goal of this study is to formulate recommendations as to how cities can approach “Commitment 1”.

The next step of this research is to analyse the previously documented measures of municipalities at a higher level of abstraction. The following section aims at providing a basis for the assessment of the replicability of measures under different circumstances.

The analysis classifies measures by distinguishing between

- purpose and target groups (functional),
- reactive or preventive approaches and the substantial issues (systematic) and
- the overall condition and situation the respective city faces (structural).

The first classification is based on the sections “*Description*” and “*Results, Assessment and Classification*” of Chapter II. The information for the second type of classification is readily available through analysis of in “*Campaigns*”, “*Strategies*” and “*Institutions*”. The third approach derives mainly from the section “*Background Description*”.

#### 1.1 Functional Parameters

The first question concerning monitoring measures arises by asking what is the purpose and what are the targets of monitoring racism.

One function of monitoring is to provide information for policy-makers, the government and the administration as a means to:

- a. design specific and efficient measures to reduce racism,
- b. providing data for the evaluation of measures and
- c. increase vigilance based on reliable data.

Unfortunately there is a lack of municipal monitoring measures and institutions in Europe. International, regional, national and local (run by NGOs) monitoring institutions exist. As the

documentation shows, no specific information on monitoring of racism could be found. Monitoring is done within specific projects, mainly for the purpose of evaluating the projects themselves, which is important but not sufficient. For what reason ever, it seems that the cities do not place enough emphasis on the importance of monitoring racism. Monitoring, if carried out at all, is mostly limited to qualitative description, excluding the quantitative aspect. Not too much information on the investigation of the roots and motivation for open or latent racism could be found. London and Berlin are the exceptions. London also carries out quantitative monitoring within the documented measures. Berlin places emphasis on improving prevention of racism through further research.

One of the recommendations will therefore be the establishment and maintenance of independent municipal monitoring bodies for racism as recommended by the ECRI Recommendation N° 2<sup>150</sup> and by Art. 13 of the “EC Race-Directive” for the national level.<sup>151</sup> The European Coalition of Cities against Racism tries to work on this lack by encouraging municipalities to adopt Commitment N°2 of the Ten Point Plan of Action. This concerns the evaluation of the local situation and communal measures, data collection and development of indicators for the impact assessment of taken measures.

The second function of monitoring racism is to create a direct impact on attitudes and behaviour towards and relationships between individuals and groups. The target groups are all city inhabitants. The purpose is

- a) raising awareness and strengthen vigilance and
- b) initiating changes in the attitude and behaviour of individuals and groups.

## 1.2 Systematic Parameters

The second line of distinction is made between **reactive and preventive** measures to combat racism including their substantial scope. This seems to be important for the assessment of replicability.

The first type is called the **reactive approach** because a direct or singular connection between specific problems and the taken measures are presumed. This approach often requires accurate reaction to actual events, situations or developments. However, this approach has obvious

<sup>150</sup> **European Commission against Racism and Intolerance (ECRI) (ed)**. General Policy Recommendation N°2: Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance at National Level. ECRI, Strasbourg. 2003.

<sup>151</sup> **Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin**. 2000. Available online at: [http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l\\_180/l\\_18020000719en00220026.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_180/l_18020000719en00220026.pdf) (24 October 2005)

limitations due to its short-term perspective and limited range. Direct reactive measures should be included in a strategic overall concept.

The analysis has to prove whether these measures are suitable under various conditions and which conditions these are.

The second type may be called the **strategic and preventive** approach. This begins with the achievement of a variety of identified objectives. This approach has a clear strategic aspect, is designed for long-term impact and is targeted at a wide range. These measures tend to be more appropriate in relation to the situations in other cities than the reactive-ones. However, they will only be successful and effective if they are adequately utilised. Racism is a multi-dimensional issue that affects various levels within society. The reasons behind it are complex and its consequences cannot be predicted. Racism cannot be tackled without considering carefully the accompanying factors such as socialisation of individuals and groups, cultural characteristics, (in-)equality of chances and opportunities, economic conditions and more.

However, the preventive approach does not necessarily contradict the reactive approach. In the daily struggle against racism, the most successful policy will be probably the one applying a mix of the two instruments, ensuring that the reactive measures do not undermine the goals of the preventive strategy. Particularly the proportionality of reactive measures should be considered and adhered to. The – sometimes intended – restriction of human rights is often counterproductive for the elimination of racism and discrimination.<sup>152</sup>

Also strategic and preventive approaches to fight racism have to consider specific conditions of a community. Even though the authors recommend that these approaches could be replicated concerning sustainability and long-term efficiency, they must focus on the specific problems and short-term conditions of a given city. Strategic concepts must be open and flexible to dynamic social development and be available for immediate action (to all circumstances which may arise).

This leads to the next method of analysis, which is relevant to the city's own structural characteristics.

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<sup>152</sup> Compare the discussion on dealing with right-wing extremism and the freedom of speech. ECRI recommends the necessary restriction of freedom of speech in its Recommendation 7 on national legislation. See: **European Commission against Racism and Intolerance (ECRI) (ed)**. ECRI General Policy Recommendation N<sup>o</sup>7 on National Legislation to Combat Racism and Racial Discrimination. ECRI, Strasbourg. 2002. at p. 6 (Paragraph 3).

### 1.3 Structural Parameters

This analysis focuses on the specific situation of the cities in which measures are taken or implemented rather than at the measures themselves.

For the purpose of classification of similarities and differences the following parameters are important to describe the various cities' situations:

- Geographical
- Historical
- Social
- Economic
- Political
- Legal

These parameters are described for the selected cities in the “Background” sections which are already structured accordingly. On the one hand, a couple of similarities were found concerning these parameters. Surprisingly, across Europe, studies showed a clear pattern concerning attitudes towards racism. All nations involved in this study, with the exception of Swedish people, agreed to repatriation strategies for legal migrants. The level agreement for this strategy fell at a proportion between 20 and 30%. Between 25% (Italy) and 52% (West Germany) were opposed to concede full civil rights for legal migrants. The resistance to a multicultural society fell between 20% (UK) and 36% (Germany East) of the population, again Sweden is the exception with 12,5% “resistance”.<sup>153</sup>

On the other hand, the impact of different intensities and consequences of racist behaviour on vulnerable groups or individual victims can be observed. Also the victims differ very much in the various states and cities. This may be related to different historical experiences and the composition of the respective cities' population.

Unfortunately, it must be stated that the proportion of people with racist or xenophobic attitudes is

- a) high in all European countries and
- b) quite similar in all EU member states.

However, the victims of racism and the expressions of racist attitudes differ.

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<sup>153</sup> **European Monitoring Centre on Racism and Xenophobia (EUMC) (ed).** Majorities' Attitudes towards Minorities: Key Findings from the Eurobarometer and the European Social Survey. EUMC, Vienna. 2005. at p. 29 to 33 (Statistics in the Annex).

These findings suggest, that while it is necessary to admit that racism is a common phenomenon across Europe, it is also vital to develop efficient strategies and measures to combat racism according to specific parameters of success. Future recommendations will have to consider both factors.

### ***1.3.1 Geographical Parameters***

Both the size and location of a city will have an influence on the choice and applicability of measures and programmes against racism. Measures taken in a city with five million inhabitants might be different from those which are suitable for a small city.

The geographical location may cause different demographic situation, for example: it may be the reason for giving shelter to refugees or migrant workers. The geographical location also is important regarding which state the city lies in. This influence will be considered in relation to the political and legal parameters.

However, the geographical aspect is not seen as an independent parameter. It plays a role only in connection with historical, social and economic factors.

The considered parameter will be

- “Size” of population.

### ***1.3.2 Historical Parameters***

History, historical development and events influence the demographic composition of a city’s population as a result of previous political facts including former political systems, war, colonialism and industrialisation.

Historical parameters have an impact on the culture and a “collective memory” which is an expression as well as a root for a culturally shared value system, as tradition it is part of the local moral habits. Good and bad historical experiences became a part of this collective memory over time and lead to unconscious and unjustified sympathy and antipathy.

Also, the historical tradition of immigration has to be considered. Countries, which show a long experience of immigration over centuries (such as Great Britain), may have other legal and social conditions for nowadays immigration policies than countries where the second or third generation of guest-workers makes a high proportion of pupils.

Historical parameters may explain partly why in different cities different groups are victims of racism and why expressions of racism vary. Also, they may be a reason for using different instruments to counteract racism.

### *1.3.3 Social Parameters*

Social parameters are probably the most important factors explaining the causes for racist attitudes and their expression and consequences. They also play a crucial role in designing anti-racism strategies. It is beyond the limits of this research to consider all or even many of the important social factors. Therefore some factors were selected which seem to be of particular relevance.

These are:

- The demography of the city, concerning the proportion of majority and minority populations
- Which groups and individuals are perceived as the “others”
- Local and social in- or exclusion and segregation
- Social reputation, class and economic situation

The proportion of majority and minority population has no clear statistically proven impact on attitudes. As the EUMC report shows public opinion is floating over time without a clear trend.<sup>154</sup> Countries with a low proportion of minorities sometimes are more reluctant to multicultural societies than others (for example Greece).

Countries with a relatively high proportion of refugees can have a quite high rate of approval as in Sweden or indifference as observed in Austria or a strong rejection - almost 50%- in the UK.<sup>155</sup> The use of minorities by political populism may have a stronger influence than the proportion of population groups.<sup>156</sup>

Significant events seem to have a high potential for the impact on the public opinion. The terrorist attacks of “9-11” or “7-7” corroborate this thesis.

<sup>154</sup> **European Monitoring Centre on Racism and Xenophobia (EUMC) (ed)**. Majorities’ Attitudes towards Minorities: Key Findings from the Eurobarometer and the European Social Survey. at p. 13.

<sup>155</sup> **European Monitoring Centre on Racism and Xenophobia (EUMC) (ed)**. Majorities’ Attitudes towards Minorities: Key Findings from the Eurobarometer and the European Social Survey. at p. 34.

<sup>156</sup> ECRI’s 2<sup>nd</sup> report round stated this opinion proved by its observations. See **European Commission against Racism and Intolerance (ECRI) (ed)**. Compilation of Second Round Reports. ECRI, Strasbourg. 2002.

Despite the scattered influence on people's attitudes, the proportion and make-up of a city's population are in fact parameters to consider when planning integration and equality policy and measures against racism. It is important to note, that in some countries, like France or Sweden, it is difficult or impossible to collect the information on habitants' "ethnic" background. Their constitution prohibits "racial profiling". For cities, in such countries, without knowing ethnic and national origin of the targets of discrimination, it is, in fact, not always easy to define their actions against racial/ethnic discrimination. One important recommendation to overcome this problem is to cooperate with NGOs representing vulnerable groups and/or to install independent anti-discrimination bodies who are working confidentially and report only aggregated data on ethnic, religious or linguistic groups and their experiences.<sup>157</sup>

Most of the cities and measures documented in this study have comparable proportions of majority and minority groups. The latter consist of migrants, refugees and autochthonous minorities. In most cases more than a hundred nationalities are represented. However, proportion, origin and duration of residence are important factors, particularly concerning their various legal consequences. Political participation and legal protection are really effective only after naturalization in most of the countries.<sup>158</sup>

Ethnic and national origin of immigrants affects racist attitudes and expression as well as vulnerability and victimisation. It is therefore considered a key factor for anti-racist strategies. Additionally, due to the cultural diversity, measures have to be adapted because of involvement of vulnerable groups and recognition by these groups.

Segregation is one of the biggest problems and can be observed in all selected cities. Social exclusion – local, economic and cultural – is often practised by both sides, even though the responsibility for inclusion lies primarily with the majority. Segregation is a cause as well as a result for the (non-) acceptance of diversity. Segregation and exclusion are the main challenges for municipal policy. It is seen as the crucial factor of a successful strategy against a racist atmosphere with all the possible consequences.

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<sup>157</sup> Compare also the ECRI Policy Recommendation 4 on National Collection of Data on the Experience and Perception of Discrimination and Racism for the Perspective of Victims, Strasbourg, 1998, where this problem is addressed. See: **European Commission against Racism and Intolerance (ECRI) (ed)**. ECRI General Policy Recommendation N°4: National Surveys on the Experience and Perception of Discrimination and Racism from the Point of View of Potential Victims. ECRI, Strasbourg. 1998.

<sup>158</sup> See: **Citron, Laura and Gowan, Richard (eds)**. European Civic Citizenship and Inclusion Index. British Council Brussels, Brussels. 2005. Available online at: <http://www.britishcouncil.fi/pdf/brussels-european-civic-citizenship-and-inclusion-index.pdf> (24 October 2005)

Another factor is the perception of groups and their members. The social standing is considered as a relevant parameter in the debate on effective anti-racism policies. There is, of course, a difference between the anti-Semitic action of right-wing groups denying pluralism and the contempt of migrant workers by their colleagues or neighbours. However, these feelings, perceptions and interpretations are mostly motivated by indefinite fears, social competition and psychological patterns of defining self-esteem by devaluating others.<sup>159</sup> Some groups seem to be victims of racism quite independently from specific justifications over time. These are black Africans, members of the Jewish communities and members of travelling communities. Members of these groups are confronted with racist attitudes and discrimination throughout Europe. Without any further justification they are accused of being of inferior human dignity. This is clearly racism and unfortunately can be heard in the streets of London, on public transport in Berlin, in bars in Bologna and in football stadiums all over Europe. This leads to the important question of who the offenders are and which social groups do they belong to. Involvement of the offenders is as important as the involvement of the potential victims.

The used parameters will be:

- Proportion of majority and minority population (percentage of minority population)
- Inclusion<sup>160</sup>
- Segregation (estimated as high, modest and low)
- Cultural and ethnic diversity of minorities, indicated by the number of different nationalities and their proportion

#### ***1.3.4 Economic Parameters***

The economic parameters are strongly related to the social parameters determining the corner stones for an anti-racist strategy. We can distinguish between factors of the economic structure, the given infrastructure and the effects of economic cycles for example unemployment. Economic factors affect the vital interests of people. Access to the labour market, housing, education, health-services and access to goods and services in general must be inherent parts of any policy pursuing equal opportunities as a precondition for the fight

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<sup>159</sup> **Perchtold.** What is Discrimination? ETC, Graz. 2005.

<sup>160</sup> Indicated by the European Inclusion Index at National Level. See: **Citron, Laura and Gowan, Richard (eds).** European Civic Citizenship and Inclusion Index. at p. 19-37.

against racism. Welfare is a key factor in the access to justice and consequently to legal protection. Welfare is often unequally distributed among different groups. The chances of vulnerable groups earning a sustainable income have to be considered.

The economic sectors play a role in this connexion. Industrial cities usually have a high proportion of migrant workers – an effect of the prosperity between the 50s to 70s – and a high rate of segregation because workers colonies were built near the factories at that time (besides other reasons for segregation as preferences for class-distance, immigration flows and others).<sup>161</sup>

An important factor is the organisation of and access to public welfare, the subsidy-system or the rights to and conditions for unemployment benefit.

Access to the labour market and the levels of unemployment among the majority and minority population is an important parameter, regardless of whether it is considered as a short-term or a structural issue. It is likely to create an atmosphere of envy, mistrust, fear and personal insecurity.

As most of the welfare services are directly or indirectly bound to the labour market access and to the access to residence permissions, the related Inclusion Indices<sup>162</sup> will be used as indicators:

- Labour market inclusion index
- Long-term residence index

### ***1.3.5 Political Parameters***

The political dimension must be considered at various levels. Firstly the political system in which the city is embedded is highly relevant because it determines the principal opportunity of independent legal action (see below).

Secondly, political pluralism plays a role concerning the ideological approaches to social policy. Traditions and political culture influence the selection of political, social and legal instruments. Whether political parties pursue the goal of an “integrated society” and social

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<sup>161</sup> **Peach, Ceri.** Ethnic Diversity and the City. in: Martiniello, Marco and Piquard, Brigitte (eds). Diversity in the City. Humanitarian Net, Bilbao. 2002.

<sup>162</sup> Indicated by the European Inclusion Index at National Level. See: **Citron, Laura and Gowan, Richard (eds).** European Civic Citizenship and Inclusion Index.

diversity or promote an atmosphere of “us and the others” directly or indirectly, for what ever reason, is crucial.<sup>163</sup>

Political enthusiasm is a crucial precondition for the effectiveness and success of any anti-racism strategy. This enthusiasm must give an adequate priority on the political agenda to these efforts and look after infrastructural and financial resources by counting up the (pecuniary and non-pecuniary) benefits of prevention and reparation with the social and economic loss and damages caused by the consequences of racist motivated exclusion, violence and discrimination.

Further more the democratic participation of vulnerable groups is important. When people are allowed to vote, their opinions and claims must be considered by policy-makers. ECRI’s and EUMC’s recent country reports stated their concern on “democratic” political parties and individual politicians using the media as an instrument for discriminatory populism. Until recently they were still a minority. The majority should clearly condemn this misuse and publicly show that this kind of inciting will not be tolerated.<sup>164</sup>

This field is very complex. It includes many factors of integration policy, media policy and the active development of democratic citizenship. The parameters indicating the political willingness to fight racism are thought to be:

- Right to vote for residents at community level
- Formal commitments made by the city government (resolutions, adherence to the “Coalition” signing the Charter for the Safeguarding of Human Rights in the City, and others)
- Financial resources committed to the fight against racism (according to the statements of responsables)
- Existence of official institutions (foreigners’ council, integration authorities, and other)

### ***1.3.6 Legal Parameters***

Laws and jurisprudence are strong, recognised instruments in the fight against racism. Even though law alone does not change a society or necessarily amend the situation of individuals

<sup>163</sup> **Delanty, Jones and Wodak, Ruth (eds)**. Migrant Voices. University of Liverpool Press, Liverpool. 2005.

<sup>164</sup> An example is the campaign for the state parliament elections in Vienna 2005. The right-wing party FPÖ started a “battle on Vienna”, comparing itself with Prince Eugen, Marshall in the Turkish Wars of 1683 and discrediting other political parties for not further restricting migration. (Observation and remark by the author).

affected by racism, it is an indispensable precondition for a successful and sustainable struggle against racism and discrimination. However, the opportunity of cities to use legal instruments and the competence for legislation is limited to the national or regional law. The study describes the respective legal system in a top-down description starting with responsibilities followed by respective international human rights law. As municipalities are part of the public administration they are bound by international and national laws. The study therefore considers which international human rights law are ratified and how these instruments are implemented at national level. The next step was to distinguish between federal and central structures of legislation in the areas of concern. In some cases there exists the competence by constitution for legislation at municipal level.

Deterring eventual offenders is also deemed to be a suitable solution in the protection of individuals.

The analysis uses the following parameters for the assessment of replicability:

- Ratification of relevant human rights law by the respective state (Number of ratifications as listed in Chapter II)
- Legislative competence
- Existence of municipal equal treatment bodies

## 1.4 Table of Parameters

In respect of the replicability of strategies it should be possible to characterise the selected cities by attributing the elaborated parameters. Any strategic planner can assess her or his own city according to this scheme and use it as the space for action. Of course, this scheme is limited by the available information and by the presumptions made by the authors. It does not necessarily say that chosen strategies will be successful under the same conditions or unsuccessful under different ones. It is not suggested as a method; but it can be used as a tool for analysis, and it is open to amendments and adaptations.

Parameter	Berlin	Bologna	Erlangen	Galway	London	Stockholm	Stuttgart
Human rights laws	4	9	4	6	7	6	4
Legislative competence	X				X	X	
Equal treatment bodies	X				X	X	
Right to vote					X	X	
Formal commitments against racism/discrimination	X	X	X		X	X	
Adequate fin. resources	X				X	X	
Institutions	X	X			X	X	X
Labour market inclusion index <sup>165</sup>	2,00	2,22	2,00	1,89	2,22	2,33	2,00
Long-term residence index <sup>166</sup>	2,17	2,22	2,17	1,65	2,17	2,35	2,17
Minority population <sup>167</sup>	13 %		15 %	9 %	40 %		23 %
Social inclusion / integration index <sup>168</sup>	1,71	2,06	1,71	2,47	2,15	2,59	1,71
High rate of segregation					X		
Modest rate of segregation	X	X				X	X
Low rate of segregation			X	X			
Diversity, > 100 nationalities / ethnicities	X		X	X	X	X	X
Diversity, < 100 nationalities / ethnicities		X					
Diversity, > 40 % of one ethnic / national community			X				X
Diversity, < 40 % of one ethnic / national community	X			X	X	X	
Inhabitants > 2 mill.	X				X		
> 1 < 2 mill							
> 500 t < 1 mill						X	X
> 150 < 500		X					
< 150			X	X			

<sup>165</sup> The European inclusion index for a country is compiled of 100 indicators. The values from 1 to 3 mean: 1-1,25 unfavourable, - 1,75 modestly unfavourable, - 2,25 less favourable, - 2,75 modestly favourable and from 2,75 to 3 favourable. See: **Citron, Laura and Gowan, Richard (eds)**. European Civic Citizenship and Inclusion Index. at p. 19.

<sup>166</sup> **Citron, Laura and Gowan, Richard (eds)**. European Civic Citizenship and Inclusion Index. at p. 19.

<sup>167</sup> Data from city websites

<sup>168</sup> Ad the Discrimination index see: **Citron, Laura and Gowan, Richard (eds)**. European Civic Citizenship and Inclusion Index. at p. 37.

After having defined the parameters categorising the cities it is now necessary to set up a classification framework for the documented measures.

Parameter	Rise Festival, London	Black History Month, London	Week against Racism, Erlangen	Monitoraggio degli incidenti di razzismo, Bologna	A City of Equals, Galway	Pact for Integr., Stuttgart	State Program against Right-wing-Extrem., Berlin	Metrop. Police, London	Anti-Discr. Clause in publ. Contracts, Stockholm
Single action, event	X	X	X	X					
Strategy					X	X			
Institution							X	X	X
Target group	Public	Public	Public, Youth	Public	Public	Public	Public, youth, anti-democrat	Police	Firms, Empl.
Vulnerable group referred to	all ethnic minorit.	'black' min.	all ethnic minorit.	all ethnic minorit.	all ethnic minorit.	all ethnic minorit., turkish	all ethnic minorit.	all ethnic minorit.	all ethnic minorit.
Participation of concerned people	X	X	X	X	X	X	X		
Involvement of concerned	X	X	X	X	X	X	X		
Goal, vigilance	X	X	X		X	X	X	X	X
Goal, monitoring				X	X		X	X	
Goal, networking	X	X	X		X	X	X		
Addressing general problems related to racism	X		X	X	X	X	X		
Addressing specific problems in the respective city related to racism		X						X	X
Implementation, gov.								X	X
Implementation, gov.-civil soc.	X		X	X	X	X	X		
Implementation, civil soc.		X							

This classification will need a few further remarks. The parameter “target group” indicates the awareness or vigilance of whom the respective measure focuses upon.

“Participation” specifies whether the concerned groups participate in the planning and implementation; “involvement” specifies whether these groups are actively involved in the implementation and whether, for them a direct impact is expected. Although the measures for the London police and Stockholm employers will have an important and outstanding impact on vulnerable groups, this was not indicated in table because these measures aim primarily at a specific profession or professional category, the opportunity to have an influence on the measures themselves is marginal.

All three goal levels overlap.

The distinction between “general” and “specific” problems seems to be somewhat arbitrary. It refers to the taken measure rather than the city or its specific problems. “General” implies that these kinds of problems can be observed anywhere. It also means that no specific group, ground for discrimination or specific need or issue is addressed. Therefore the row “specific problems” indicates the specific situation of the “black” minority in Britain for Black History Month and is considered in a historical context. The explicit focus of the Metropolitan Police Service is police work, even though discriminatory police action is not only an issue of particular interest in London, while the proportionate engagement of the power monopoly is an outstanding human rights issue, the Anti-Discrimination Clause for public contracts the involvement of economic actors to build a sustainable non-discriminatory supply chain which is deemed to have an important impact on civil society and the vulnerable groups indirectly.

No direct conclusion on replicability can be drawn by this distinction between “general” and “specific” because the distinction does not refer to the city but to the measure. It has to be translated to the respective situation and goals. For example, a city will not be very successful in the short-term fighting racist riots at schools by introducing anti-discrimination clauses in procurement contracts. In this case, only one measure in an overall strategy will be successful and will bring results after some time. The specific problem of riots will require police action, engagement of psychologists, multi-cultural events and pacification process to calm down an overheated atmosphere.

The last parameter, “implementation” refers to the organisational framework of the implementation. As all documented measures are initiated by local governments and authorities, there is the question of whether the measures should be carried out by governmental organisations, civil society organisations or in cooperation between governmental and non-governmental actors.

## **2 Analysis of Documented Measures**

In the previous Section 1 of this chapter a framework for the characterisation of cities was suggested to assess their specific situation, and the selected anti-racism measures taken by the cities were classified. In this section these instruments will be combined in order to make a distinction between strategies to counteract very specific problems in a city, a region or a national state, and measures that are deemed to be applicable in general. A discussion of replicability of the measures in other cities follows.

Although it is necessary to consider specific needs of individuals and groups when designing policy strategies, it could be shown that racism in general and the problems caused by racist attitudes and behaviour do not differ so much all over Europe. ECRI reports, EUMC reports and various studies on racist attitudes and structural discrimination give quite a uniform picture (see above). General problems are:

- the trivialization of racism and xenophobia in daily life,
- the increasing reference to national (and cultural) identity,
- the perception of “foreigners” or ethnic, cultural and religious minorities as a threat,
- the blaming of minorities for the majority’s discontent,
- the public tolerance or ignorance of organisations disseminating racist thoughts,
- the mutual corroboration of populist opinion leaders and their audience,
- the crude insensitivity to minorities and discrimination by the mass media,
- the oozing of hate-speech into democratic political parties,
- the justification of racism as a social reality by responsible officials to present their own policy in the best possible light, rather than opposing injustice.

All this can be observed irrespective of the specific conditions cities are facing in Europe. The relative significance may differ over time and in different cities, and this must be considered when implementing specific and short-term measures.

These general attributes may be aggravated by some specific conditions, particularly economic or social conditions, including poverty rates, unemployment, peaks in refugee streams (as in the early 90s from the Western-Balkans), concentration tendencies or social segregation. However, without reducing the relevance of these problems, they are considered visible symptoms of previously hidden racist structures and attitudes.

Therefore any of the documented measures **addressing these general and common problems are in principle considered to be replicable in all European cities**. They could be adapted to specific needs of groups and individuals and might put more emphasis on one issue than another. Additionally, it will be necessary to consider the organisational framework within which measures can be taken and can be successful.

Long-term strategies and institutions are assessed to have a greater replicability than short-term measures or projects.

According to the findings in the documentation section regarding the background and the classifications, the following sections will discuss the replicability of the documented measures. The authors will also make a cautious attempt to assess whether these measures could be termed ‘good practices’. The structure follows the order of campaigns, strategies and institutions as defined in the *Introduction*.

## **2.1 Single Actions and Campaigns**

The **Londoner Rise Festival and the Black History Month** as well as the **Erlangen Week against Racism** are cultural or multi-cultural events bringing together people with different ethnic, religious, cultural and social background, mainly young people.

The **replicability** of these “projects” **is certainly high**. Cultural events of this kind are widespread in Europe, and they are widely accepted, as the numbers of visitors prove. They are important as they provide people with the opportunity to create personal relationships. Another important reason is to “give space” to different cultural groups to present themselves and their culture. These projects can be classified as important examples of awareness raising and altering the self-esteem of cultural or ethnic groups. Their impact will be greater when they are organised regularly.

However, cultural events have their limits. Firstly, entertainment is just *one* aspect of a culture. The atmosphere of a “nice and friendly” culture does not help potential victims of racism. Secondly, the audience is usually not the “racist one”. Multi-cultural events have often the image of “preaching to the converted”. Events alone do not establish or change majority routine, but they can if they are embedded in a strategy and if they convey the messages of the strategies as “dissemination media”.

**Bologna's Monitoring of Racism** project is an important attempt to establish monitoring activities and institutions. In principle, it could be replicated in any European city. One reason for selecting this example was that it shows two major problems in the establishment of institutions. Firstly, the method of funding should be considered. The Bologna Monitoring Body was funded within an EU programme. On the one hand this is an advantage, but on the other, it brings the risk of a lack of a clear commitment by the municipality to provide the funds necessary to guarantee sustainability. Secondly, all institutions must stand behind the action and its results, to prevent their desertion if the project comes under criticism.

## 2.2 Policy Strategies

The **Galway City Anti-Racism Strategy** can be classified without a doubt as “**best practice**”. The **replicability** for other cities is **given** in principle and to a certain extent. It is a very good example of a consistent implementation of anti-racism policy derived from international and national goals and commitments. The top-down approach chosen in Galway has to be highlighted, but it is certainly not always applicable to other cities.

The implementation of a comprehensive strategy to combat racism at local level could be replicated, even though the reasoning may not. Most of the European countries have not yet established a National Action Plan as required by the Durban World Conference. Ireland signed and ratified more anti-racism and non-discrimination treaties and conventions than most other European countries.

The involvement of all stakeholders in the society is highly recommended as it leads to greater vigilance from the beginning. The strategy includes counselling institutions, educational institutions, security institutions, media and public awareness strategies and persistent networking of all groups in the society. Although initiated by the government in a top-down approach, it is an excellent example of how the population in a participatory and democratic process can develop a policy of the highest relevance to social coherence.

**Stuttgart's Pact for Integration** is an indirect strategy to combat racism. The first priority is to introduce a social framework for an integrated society of all residents, irrespective of their cultural, ethnic or religious background. It is a good example of social development in a city with a relatively high proportion of people of migration background, most of them migrant workers and their families.

It has to be highlighted that Stuttgart, similar to London or Berlin, explicitly welcomes the diversity of the city as a positive image and puts across the message that *this* Stuttgart needs

all its residents and its diversity to be successful in policy, social development and economy. Social exclusion is considered a “loss”, it wastes resources in human capital, be it cultural or economic. An important statement is the need for integration of the majority population as well as the minority population to generate a new social environment.

The measure has a broad, strategic and long-term approach. As such it is an example of good practice, can be highly recommended and has the potential of **replicability to a certain extent**. The Pact for Integration also addresses the specific situation of the city. If cities use the overall concept and adopt it appropriately it may lead to successful results. It shows an example of a general strategy with clearly defined social goals and the flexibility to react to and work on specific problems.

### 2.3 Institutions

**Berlin’s State-Programme against Right Wing-Extremism, Xenophobia and Anti-Semitism** is a comprehensive long-term policy implementation (institution) including legislation, migration policy, promotion of the youth, combating discrimination and democratic participation. In its range it cannot be compared with any other policy documented in this study. Although emphasis is put on the fight against right wing extremism this should not be misunderstood as too specific to be replicated. Firstly, right wing extremism, open or hidden, is a widespread phenomenon in Europe and should not be neglected. Secondly, and even more importantly, the “Berlin-Programme” follows the approach of a constant development towards participatory democratic citizenship at all levels. So it promotes vigilance against racism, monitoring and documentation as well as solidarity networks. As a long-term strategy implementation it is classified as **replicable in any other city** concerning the approach and the specific problems addressed. The concrete organisational framework of course would need some adaptations to the structural and legal opportunities a city has. In the short-term some of the strands and actions can be applied, the overall strategy presumes the establishment of some institutions at government level.

Particularly for big cities, even if not exclusively, the model of district and neighbourhood oriented and decentralised intervention is strongly recommended. This approach, accompanied by research, mediation and participation, ensures that measures meet the requirements of specific target groups in their specific environment.

It is an example of “**best practice**” combining an overall mainstreaming strategy with decentralized structures at the *very* local level. The institutionalisation is based on the two-

pillar model of governmental and non-governmental cooperation to ensure participation and efficiency.

The **London Metropolitan Police Service** is an extremely important authority implementing the equality and diversity mainstreaming policy required by the Race Relations Amendment Act. It was selected as an example for monitoring against racism and discrimination.

Besides the fact that (internal) monitoring of police work and methods is to be recommended as a **good practice**, the **replication has its limits** in the competences of a city in the given context. It depends on the existing legislation, as well as the legal system, as to whether the city government can introduce and implement measures within the police administration.

Also, the monitoring and documentation of racist incidents and a reception centre for allegation of racist attacks is **not automatically replicable** at municipal level, even though it is recommended. However, cities can use their political influence on the responsible authorities to introduce such measures.

The **Anti-Discrimination Clause for Public Contracts of the City of Stockholm** was selected to give an example of a different approach to create greater vigilance against racism. With this the authors attempted to present a variety of approaches. It is classified as an “institution” because it is a legal instrument used to influence the behaviour of the private economic sector and is expected to have an outstanding impact.

The measure is **replicable in all European cities**. Municipalities are always an important economic “player”, at least within the city. Municipalities always have the ability to organise their own administration.

It is considered as being a recommended “**best practice**”.<sup>169</sup> The municipality can use its economic power to implement its political goals. This contract clause is a very strong instrument because there are foreseen sanctions. It is considered a breach of the contract if the contract party does not comply with all equality laws and does not invoke democratic values. However, and this is also important, the fault can be legally cured by proving the amendment according to the laws within a specified period of time.

As this measure affects the employees as well as subcontractors it will have a **far reaching impact on vigilance against racism**.

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<sup>169</sup> ECRI Policy Recommendation 7 recommends such a clause for all contracts concluded by the state. See: **European Commission against Racism and Intolerance (ECRI) (ed)**. ECRI General Policy Recommendation N<sup>o</sup>7 on National Legislation to Combat Racism and Racial Discrimination. ECRI, Strasbourg. 2002. at p. 6 (para 9).

## IV Recommendations

The authors of the following recommendations are:

- Referring to the Declaration and the Ten-Point Plan of Action adopted by the founding members of the European Coalition of Cities against Racism on Dec. 10<sup>th</sup> 2004 in Nuremberg, Germany,
- Referring to the Declaration adopted on the occasion of the International Conference on Human Rights “Living Together”: the European Coalition of Cities Against Racism, on Sep. 24<sup>th</sup> 2005 in Nuremberg, Germany,
- Considering that all the cities mentioned in this paper are part of countries which are members of the Council of Europe, the European Commission against Racism and Intolerance and members of international human rights bodies,
- Convinced, that for the fight against racism and all forms of discrimination a sustainable and comprehensive approach consisting of complementary and corroborating measures is necessary,
- Considering the social, economic and legal diversity of cities and the restrictions they are faced by the respective national state,
- Convinced that the implementation of human rights needs to be focused on the local and municipal level to have the required impact on the individuals and on the social cohesion,
- Recalling the active role cities play in resolving social conflicts.

On the basis of the findings of the current study, the following recommendations to reach greater vigilance against racism are proposed to the municipal authorities for their consideration :

### **1. Make an official/formal commitment to the struggle against all forms of racism and discrimination and make this formal commitment visible,**

- *in order to*
  - create greater vigilance within the government and the administration as well as among policy-makers and political parties,
  - ensure that, using all legally appropriate means, elected or assigned officials act in a non-discriminatory manner,
  - make it a fundamental issue for all official policies,

- recognise the fight against racism as an official task and
- reflect the social diversity within the public services;
  - *by*
- evaluating the status quo and identifying gaps and the need for further action,
- developing an overall strategy against racism at the local level,
- ensuring cross-sectoral cooperation and mainstreaming anti-discrimination policy,
- training of public officials,
- stimulating actions by other actors as NGOs, the media, employers, etc.

**Examples**

- City councils or city parliaments adopt resolutions<sup>170</sup>, adhere to existing national or international instruments,
- Founding, operating and promoting of solidarity networks under the auspice of the municipal authority which make these efforts visible<sup>171</sup>,
- Installing an official task force<sup>172</sup>,
- Carrying out a review of existing structures and norms<sup>173</sup>.

**2. Develop partnership and cooperation with other municipalities,**

- *in order to*
- achieve greater efficiency and effectivity,
- exchange knowledge and experience,
- combine resources and concentrate forces to stimulate national and international policy;
- *by*
- joining existing networks and partnerships between municipalities,
- informal exchange of experience at the level of policy-makers and public officials,
- organising conferences and meetings,

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<sup>170</sup> As described for Galway, Towards a City of Equals (See: Chapter II, Section 2.2). An example for a very formal and legally binding commitment is the resolution of the city parliament of Berlin, mentioned in Chapter II, Section 3.1.

<sup>171</sup> The examples of Stuttgart's Pact for Integration (Section 2.3), Galway (Section 2.2) and Berlin (Section 3.1) are examples of good practice in this study.

<sup>172</sup> The "Landeskommission für Gewaltprävention" of Berlin is an example of a high level official authority without any complex bureaucracy, for details see: '**Landeskommission für Gewaltprävention**': [http://www.senbjs.berlin.de/jugend/landeskommission\\_berlin\\_gegen\\_gewalt/thema\\_landeskommission\\_berlin\\_gegen\\_gewalt.asp](http://www.senbjs.berlin.de/jugend/landeskommission_berlin_gegen_gewalt/thema_landeskommission_berlin_gegen_gewalt.asp) (17 October 2005)

<sup>173</sup> The system of London's policy evaluation strategy is considered as a good practice (see Chapter II, Section 3.2). The drafts of policy strategies are approved by polls. The respective questionnaires ask among other for the assessment of any impact on vulnerable groups, discrimination and diversity. In this way the Greater London Authority reviews its policies.

- passing concerted declarations against racism,
- joint efforts for monitoring and evaluation of measures taken.

***Examples***

- European Charter for the Safeguarding of Human Rights in the City<sup>174</sup>,
- International Network of Human Rights Cities<sup>175</sup>,
- European Coalition of Cities against Racism<sup>176</sup>.

**3. Take continuous measures to inform the public about anti-racism and anti-discrimination laws and legal enforcement instruments,**

• *in order to*

- achieve greater vigilance in the population,
- comply with the right to information,
- promote empowerment and improve the opportunity for enforcement, as it is a human right to know ones rights,
- raise awareness of potential offenders;

• *by*

- disseminating legal norms against racism to all households, schools and public offices,
- making information on all efforts against racism available on the internet,
- organising public events to inform people about the laws,
- publishing press releases.

<sup>174</sup> **European Charter for the Safeguarding of Human Rights in the City:**

[http://www.bcn.es/ond/carta\\_europea\\_angles.doc](http://www.bcn.es/ond/carta_europea_angles.doc) (17 October 2005)

<sup>175</sup> **International Network of Human Rights Cities:** <http://www.pdhre.org/projects/hrcommun.html> (17 October 2005)

<sup>176</sup> **European Coalition of Cities against Racism:** [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=6530&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=6530&URL_DO=DO_TOPIC&URL_SECTION=201.html) and

<http://www.menschenrechte.nuernberg.de/index.php?navi=3&rid=a85f9a2b307e617a0ff40ad7b15550b0&artid=AG2005-06-13-3312> (17 October 2005)

**Examples**

- Printing and publishing brochures with a compilation of all respective legal norms<sup>177</sup>,
- Distribution in all public places, offices, schools<sup>178</sup>, etc.
- public “Academies” for social development and public affairs<sup>179</sup>,
- lectures and discussions at universities or training institutions open to the public<sup>180</sup>.

**4. Introduce adequate legal instruments against racism,**

- *in order to*

- achieve greater vigilance through regulation and empowerment;

- *by*

- passing adequate norms where possible or making every effort to use the influence on the competent legislative bodies,
- reviewing and amending municipal norms to eliminate those with a potential discriminatory impact on vulnerable individuals or groups,
- intensifying cooperation and coordination with national/European bodies.

**Examples**

- Introduction of legal incentives for non-discrimination for employers<sup>181</sup>,
- Establishment of a commission to review municipal norms and the municipal administrative structure and procedures.

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<sup>177</sup> No such brochure could be found during this research. However, this can be strongly recommended. Stockholm made some dissemination efforts for its anti-discrimination clauses in public contracts (see Chapter II, Section 3.3).

<sup>178</sup> The publication “Berlin gegen Gewalt” is a good example. See: **Landeskommission Berlin gegen Gewalt (ed)**. Berliner Forum Gewaltprävention Nr. 18. Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus. Programme, Maßnahmen, Projekte. 2004. Available online at: [http://www.senbjs.berlin.de/jugend/landeskommission\\_berlin\\_gegen\\_gewalt/veroeffentlichungen/berliner\\_forum\\_gewaltpraevention\\_18/thema\\_bfg\\_18\\_2005.asp](http://www.senbjs.berlin.de/jugend/landeskommission_berlin_gegen_gewalt/veroeffentlichungen/berliner_forum_gewaltpraevention_18/thema_bfg_18_2005.asp) (17 October 2005)

<sup>179</sup> The „Akademie Graz” for example organises discussions and lectures where interested people can discuss strategies for the development of the city with politicians of all political parties.

See: **Akademie Graz**: <http://www.akademie-graz.at> (17 October 2005)

<sup>180</sup> The European Training and Research Centre for Human Rights and Democracy (ETC) is commissioned by the mayor of Graz to offer an appropriate programme to the population. The Irish Centre of Human Rights at the National University of Galway has a similar task.

See: **European Training and Research Centre for Human Rights and Democracy (ETC)**: <http://www.etc-graz.at> and **Irish Centre of Human Rights**: [http://www.nuigalway.ie/human\\_rights](http://www.nuigalway.ie/human_rights) (17 October 2005).

<sup>181</sup> See Stockholm, Chapter II, Section 3.3.

## 5. Set up sustainable strategies and guarantee their implementation,

- *in order to*
  - fight all forms of racism and discrimination in a sustainable and comprehensive way;
- *by*
  - establishing working groups or commissions of experts,
  - involving vulnerable groups,
  - involving civil society organisations,
  - involving official institutions, such as foreigners' councils, police or department of justice etc.,
  - establishing all necessary institutions to guarantee sustainability and effectivity,
  - equipping these institutions appropriately with infrastructure and financial resources,
  - combining minority and migration policy management with the implementation of human rights policies.

### *Examples*

- Galway – Towards a City of Equals<sup>182</sup>
- Pact for Integration, Stuttgart<sup>183</sup>
- Plan for Equality, Integration and Diversity, Stockholm<sup>184</sup>,
- State-Program against Right wing-Extremism, Xenophobia and Anti-Semitism, Berlin<sup>185</sup>.

## 6. Establish independent specialised monitoring bodies at municipal level,

- *in order to*
  - protect and enforce the rights of victims of racism and discrimination,
  - improve public information on all forms of racism and discrimination in the municipal society,
  - identify gaps in the legislation and identify structural discrimination,
  - make formal commitments visible to the public;
- *by*
  - providing them with the competences for counselling services for victims, for investigation and for petition at the municipal parliaments,

<sup>182</sup> See Chapter II, Section 2.2.

<sup>183</sup> See Chapter II, Section 2.3.

<sup>184</sup> See Chapter II, Section 3.3.

<sup>185</sup> See Chapter II, Section 3.1.

- assigning them with the task of research on causes of racist attitudes, behavior and the occurrence of racist incidents as well as
- the collection of data in accordance with the respective legal provisions for the protection of personal data.

***Examples***

- Considering at local level the recommendations of the Council of Europe and the “Paris Principles” declared by the General Assembly of the UN<sup>186</sup>,
- Berlin, Stockholm, London and other cities established specialised bodies or ombudsman institutions at local level.

**7. Promote ethnic, religious and cultural diversity and mutual understanding in the public life,**

• ***in order to***

- promote the dialogue and personal interaction,
- create an atmosphere of living together,
- promote a collective identity of equal citizens of one city
- promote a “culture of human rights” in the city;

• ***by***

- creating structures allowing for this open diversity, promoting personal interaction and dialogue between people of different origin,
- human rights education for all social multipliers and the public,
- breaking “down” the strategies and structures at the neighbourhood level to approach people as closely as possible.

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<sup>186</sup> **General Assembly (ed).** Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections (A/RES/48/131). 20 December 1993. Available online at: <http://www.un.org/documents/ga/res/48/a48r131.htm> (24 October 2005)

**Examples**

- “Celebrating Diversity” (London)<sup>187</sup>,
- “Promoting Diversity – Strengthening Cohesion” (Berlin)<sup>188</sup>,
- “Culture of Human Rights 2003” (Graz)<sup>189</sup>,
- operation of mobile counselling institutions<sup>190</sup>,
- establishment of district mediation for intercultural conflict solutions<sup>191</sup>.

**8. Introduce anti-discrimination clauses for public procurement contracts,**

- *in order to*

- combat discrimination and racism in the working life as the field of important vital interest;

- *by*

- involving the self-interest as an incentive for anti-discriminatory economic activity.

- *examples of good practice*

- Anti-discrimination clause for public contracts<sup>192</sup>.

<sup>187</sup> Good examples are the Rise Festival and the Black History Month, see Chapter II, Section 1.1.

See: **Rise Festival**: <http://www.london.gov.uk/rise/index.jsp> and **Black History Month**:

<http://www.infoplease.com/spot/bhm1.html> (17 October 2005)

<sup>188</sup> See the concept for integration: **Der Beauftragte für Integration und Migration des Senats von Berlin (ed)**. Berliner Beiträge zur Integration und Migration. Vielfalt fördern – Zusammenhalt stärken. Das Integrationskonzept für Berlin. 2005. Available online at:

<http://imperia7.berlinonline.de/imperia/md/content/sengsv/intmig/doku/integrationskonzept.pdf> (20 June 2005)

<sup>189</sup> Graz was Culture Capital in 2003. In this context the campaign ‘Culture of Human Rights’ was carried out including lectures, information campaigns, a conference on human rights in the city and the ‘Night of Human Rights’ as the final event at the university in Oct 2003. See: **Graz Culture Capital**: <http://www.graz03.at> or **European Training and Research Centre for Human Rights and Democracy (ETC) Annual Report 2003**: <http://www.etc-graz.at/about/JAHRESBERICHT2003.pdf> (17 October 2005)

<sup>190</sup> See Chapter II, Section 3.1 for the **Mobile Counselling against Right Wing Extremism in Berlin**:

<http://www.mbr-berlin.de> (24 October 2005). See also: **Landeskommission Berlin gegen Gewalt (ed)**. Berliner Forum Gewaltprävention Nr. 20. Rechtsextremismus, Fremdenfeindlichkeit, Antisemitismus. Dokumentation der Fachtagung „Engagement erwünscht! Konsequenzen aus Berliner Bezirksstudien und Lokalen Aktionsplänen für Demokratie und Toleranz“ am 23.11.2004. 2004. Available online at:

[http://www.senbjs.berlin.de/jugend/landeskommission\\_berlin\\_gegen\\_gewalt/veroeffentlichungen/berliner\\_forum\\_gewaltpraevention\\_20/thema\\_bfg\\_20\\_2005.asp](http://www.senbjs.berlin.de/jugend/landeskommission_berlin_gegen_gewalt/veroeffentlichungen/berliner_forum_gewaltpraevention_20/thema_bfg_20_2005.asp) (17 October 2005).

<sup>191</sup> Such a service was proposed for Graz in the Actionplan for a Human Rights City. See:

**Schöfer, Eva**. “Graz – Erste Menschenrechtstadt Europas” - Eine Bestandsaufnahme (Occasional Paper No. 6). May 2002. Available online at: <http://www.etc-graz.at> (17 October 2005).

<sup>192</sup> See Chapter II, Section 3.3 for the description of the measure taken by the city of Stockholm.

## **9. Promote the cooperation of and with NGOs,**

- *in order to*
  - improve effectiveness and to broaden the democratic participation,
  - raise credibility of the government when open to control by the civil society;
- *by*
  - recognising the critical civil society organisations as an inherent part of a functioning democracy,
  - funding NGOs who are actively engaged in the fight against racism, irrespective of (dissenting) political opinions,
  - stimulating coordinated actions of various civil society organisations,
  - preventing ruinous competition for public funds,
  - initiating networks<sup>193</sup>.

## **10. Work for the right to vote at community level for all residents irrespective of their nationality,**

- *in order to*
  - promote democratic participation,
  - include all residents in both public and political life,
  - consider all residents as being equal and include them in the democratic decision-making process,
  - avoid or reduce exclusion of minorities,
  - “tame” politicians and political parties who are influenced by discriminatory thinking or tempted by populism, by a significant number of voters.

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<sup>193</sup> Black History Month (see Chapter II, Section 1.1), Towards a City of Equals (see Chapter II, Section 2.2), Pact for Integration (see Chapter II, Section 2.3) may serve as good examples, the example of Bologna (see Chapter II, Section 1.3) shows the difficulties and limits of criticism.

# V Underlying Legal Framework and Considered Literature

## 1 Legal Framework

OFFICIAL DOCUMENTS	GENERAL	RACISM	EDUCATION	DISCRIMINATION
Universal Declaration of Human Rights, 1948	Preamble	Art. 1	Art. 26	Art. 2
International Convention on the Elimination of all Forms of Racial Discrimination, 1965	Preamble	Art. 1	Art. 5 (V) Art. 7	
UN Declaration on the Elimination of All Forms of Racial Discrimination, 1963	Preamble		Art. 3, Art.8	Art. 1
Declaration on Race and Racial Prejudice, 1978 by UNESCO	Art. 6 §2	Art. 2 §2	Art. 5 §2	
Convention against Discrimination in Education, 1960 by UNESCO	Art. 1 §1	Preamble	Art. 1 §2	
ECHR, 1950 by Council of Europe			Art. 14	Add. Prot. 1
Protocol (1) to the ECHR, 1954			Art. 2	
European Social Charter, 1965	Preamble	Part I (18,19)	Art. 19 (Right of migrants)	
Treaty Establishing the European Community			Art. 13	
EU Treaty		Art. 6		
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Art. 12 § 4; Art. 30; Art 43 § 1 (a);	Art. 45 § 1 (a); Art. 45 § 4		
Council Directive 2000/43/EC	Art. 2		Art. 3 §1g	
European Charter for the Safeguarding of Human Rights in the City	Preamble	Art. 2	Art. 13	
Ten-Point Action Plan				

## **2 Scientific Studies, Reports and Recommendations**

**Addy, Nii.** Rassistische Diskriminierung – Internationale Verpflichtungen und nationale Herausforderungen für die Menschenrechtsarbeit in Deutschland. Deutsches Institut für Menschenrechte, Berlin. 2005.

**Citron, Laura and Gowan, Richard (eds).** European Civic Citizenship and Inclusion Index. British Council Brussels, Brussels. 2005.

**Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin.** 2000. Available online at: [http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l\\_180/l\\_18020000719en00220026.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_180/l_18020000719en00220026.pdf) (24 October 2005)

**Council of Europe (ed).** Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance at National Level. Examples of Good Practices. Council of Europe, Strasbourg. 2004.

**Council of Europe (ed).** Diversity and Cohesion: New Challenges for the Integration of Immigrants and Minorities. Council of Europe, Strasbourg. 2000.

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**Council of the European Union (ed).** EU Annual Report on Human Rights. Office for Official Publications of the European Communities, Luxembourg. 2004.

**Declaration and Action Plan of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.** 2001. Available online at: <http://www.un.org/WCAR/durban.pdf> (20 September 2005)

**Delanty, Jones and Wodak, Ruth (eds).** Migrant Voices. University of Liverpool Press, Liverpool. 2005.

**Dunn, Seamus, Fritzsche, Peter K. and Morgan, Valerie (eds).** Tolerance Matters. International Educational Approaches. Bertelsmann Foundation Publishers, Gütersloh. 2003.

**European Academy Bozen (EURAC) (ed).** The LISI Indicators - Legal Indicators for Social Inclusion of New Minorities Generated by Immigration. EURAC, Bozen. 2003.

**European Commission against Racism and Intolerance (ECRI) (ed).** Compilation of ECRI'S General Policy Recommendations. Council of Europe, Strasbourg. 2004.

**European Commission against Racism and Intolerance (ECRI) (ed).** General Policy Recommendation N°2: Specialised Bodies to Combat Racism, Xenophobia, Anti-Semitism and Intolerance at National Level. ECRI, Strasbourg. 2003.

**European Commission against Racism and Intolerance (ECRI) (ed).** ECRI General Policy Recommendation N°7 on National Legislation to Combat Racism and Racial Discrimination. ECRI, Strasbourg. 2002.

**European Commission against Racism and Intolerance (ECRI) (ed).** Compilation of Second Round Reports. ECRI, Strasbourg. 2002.

**European Commission against Racism and Intolerance (ECRI) (ed).** Practical Examples in Combating Racism and Intolerance against ROMA/Gypsies. Council of Europe, Strasbourg. 2001.

**European Commission against Racism and Intolerance (ECRI) (ed).** Texts of International Instruments Relevant to the Work of ECRI. Council of Europe, Strasbourg. 1999.

**European Commission against Racism and Intolerance (ECRI) (ed).** ECRI General Policy Recommendation N°4: National Surveys on the Experience and Perception of Discrimination and Racism from the Point of View of Potential Victims. ECRI, Strasbourg. 1998.

- European Commission against Racism and Intolerance (ECRI) (ed).** Combating Racism and Intolerance: A Basket of Good Practices. Council of Europe, Strasbourg. 1996.
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### **3 Material Used for the Concerned Cities**

#### **3.1 London, United Kingdom: Rise Festival, Black History Month and Metropolitan Police Service**

##### **Literature**

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