

The Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU

EUMC 2006

SUMMARY

Foreword of the Annual Report 2006

This Annual Report for 2005 is the first to cover a full year since EU enlargement in 2004. The fact that substantial Roma populations live in a number of the new Member States of Central and Eastern Europe means that issues of discrimination against Roma are now reinforced as a theme within EUMC reports, including this Annual Report. Furthermore, as the report indicates, the situation of the Roma community also continues to be a matter of concern which is high on the political agenda of the European Union.

Several events during 2005 served to highlight themes of exclusion, discrimination and integration in the EU. In July, British Muslim suicide bombers killed more than 50 people and injured hundreds more in attacks on London's public transport system. Initially this stimulated an increase in 'faith hate' crimes in the UK but, as an EUMC report on the aftermath of the crimes concluded, the strong stand taken by political and community leaders in both condemning the attacks and defending the rights of Muslims seems to have played a part in reducing such attacks in the following months. The year 2005 was also marked by violent urban disturbances in October and November in the suburbs of French cities. These involved mainly young men of North African origin, stimulating debates about the alienation of such young men and the discrimination and exclusion that they often experience, particularly in employment. The situation in general is influenced by fear and suspicion, the feeling and experience of not belonging. There has never been such an urgent need for implementation of concerted action and for balanced information, for clarifying possibilities and limitations, for elaborating societal rules and regulations to ensure that ethnic, cultural and religious minorities and the majority populations can live together peacefully and on the basis of respect for human rights.

The events of 2005 highlight the importance of the actions of the political leadership in a Member State. For one thing, political leaders have a responsibility not to take advantage of such violent incidents as a means of making short-term political capital. It is equally important that they give clear support to measures in their Member State which actively combat discrimination, thus reducing the danger of alienation and exclusion affecting sectors of European youth. In particular, they should visibly throw their weight behind the national anti-discrimination measures, called for by the anti-discrimination Directives, in those countries where response to them has been slow, and where the message has consequently been given out that discrimination as a problem is not taken seriously.

The wide differences between Member States in the apparent priority they attach to combating racism and discrimination is one of the observations of this report. It describes how far Member States had gone by the end of 2005 in transposing the two anti-discrimination Directives, and notes that four Member States had been declared by the European Court of Justice to have failed to adopt all the necessary provisions to comply with the Racial Equality Directive, even though the

transposition deadline for them had been July 2003. The report also notes the wide variety of arrangements in Member States for providing a specialised body for the promotion of equal treatment, as required by the Racial Equality Directive. In some countries, by the end of 2005, no such body had been designated at all. In contrast, in some others, not only had such bodies been designated, but they had been accorded powers to assist victims of discrimination which go beyond the minimum standard required by the Directive.

In the context of the problems of racial discrimination and racist crime described in the report, the EUMC calls for better data collection mechanisms to help to identify and combat these phenomena, and for positive measures to be included as an integral part of Member States' racial/ethnic equality policies. A range of improvements in these areas over the forthcoming year would be highly appropriate in the context of the 2007 "Year of Equal Opportunities for All".

This EUMC Annual Report 2006 follows the structure of previous years, in that it covers developments in five thematic areas: employment, housing, education, racist violence and crime, and legal and institutional developments relevant to issues of racism and discrimination during the year 2005. As with last year's report, there is a separate chapter devoted to each of these five thematic areas. However, one new development for this year is a further chapter which describes relevant developments during 2005 at the level of the EU and the European Commission, rather than at the level of individual Member States.

The EUMC will continue to give its support to the European Union and its Member States in their efforts to promote integration, fight racism and discrimination, and demonstrate the positive value of diversity and equality. It continues to support the European Commission on its agenda to work on integration and on combating violent radicalism.

Finally, we would like to thank the Management Board and the EUMC staff for their support, their commitment and for the important work they have carried out over the last 12 months.

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1. Introduction

The Annual Report 2006 covers information and developments for the year 2005 in the 25 EU Member States concerning the occurrence of, and responses to, racism, xenophobia, antisemitism and anti-Muslim manifestations. As with last year's report, the five thematic areas of legislation, employment, housing, education, and racist violence and crimes are covered. The data and information are collected by the EUMC's 25 National Focal Points, one in each Member State, which supply the data to the EUMC under common headings in each of the five thematic areas. This year, one extra chapter has been provided for the first time, namely an overview of initiatives that have been taken by the European Commission during 2005 relevant to racism, discrimination and xenophobia in Europe.

During the year 2005 there were several dramatic events which served to highlight debates on exclusion, discrimination and integration of immigrants and minorities in the EU. Most notably, in London, on 7 July, a series of bomb attacks on public transport killed 52 people and injured hundreds. The bombers were young British-Muslim men. On 21st July there were four more attempted attacks on London's public transport system, which resulted in no injuries or deaths. In last year's EUMC Annual Report¹, reference had been made to events of the preceding year – the Madrid train bombings in March 2004, and the later murder of Theo van Gogh in Amsterdam – both crimes carried out by radical Islamists, and both of which led to violent incidents in various countries, mainly directed against Muslims and mosques. Similarly in the UK in 2005 an upsurge was reported in 'faith hate' crimes against Muslim targets in the aftermath of the bombings. However, as shown in the analysis in Chapter 6 of this report, by the end of the following month the number of reported incidents had reduced to 'normal' levels.

In November 2005 the EUMC published a report² on the impact of the attacks which concluded that: 'the strong stand taken by political and community leaders both in condemning the attacks and defending the legitimate rights of Muslims saw a swift reduction in such [racist] incidents'. Community and political leaders were quick to distance the actions of a few British-Muslim bombers from the Muslim community in general. This message was picked up and repeated by the British and foreign media and served not to 'demonise' the Muslim community in Britain, nor to generate fundamental questions about the existence of a 'multicultural society'. It is notable that in a survey conducted by the firm MORI one month after the bombings in London, 62 per cent of respondents agreed that 'multiculturalism makes Britain a better place to live'³.

¹ See Annex 1 of the main report for the methodology of the Annual Reports.

² EUMC (2005) The Impact of 7 July 2005 London Bomb Attacks on Muslim Communities in the EU, Vienna: EUMC . <http://eumc.eu.int/eumc/material/pub/London/London-Bomb-attacks-EN.pdf>.

³ MORI, August 10 2005. See http://news.bbc.co.uk/2/hi/uk_news/4137990.stm.

The year 2005 was also dramatically marked by the urban disturbances in France, which began at the end of October and continued into mid-November, involving mainly young men of north-African origin in the suburbs of Paris and other French cities. The riots resulted in nightly arson attacks on hundreds of vehicles and on property. Within the many analyses of the causes of such disturbances which followed, a recurring theme was the alienation of large numbers of young residents of these suburbs, and their experiences of exclusion and discrimination regarding employment. Evidence for such phenomena in 2005 is discussed in Chapter 3 of the Annual Report, which sets out the statistical indicators of inequality in employment in EU Member States, describes the ways in which discrimination comes to public attention, and gives examples of the forms of its manifestation. It also quotes studies in 2005 which showed how people of non-EU foreign origin in France, as in many other EU countries, suffer higher rates of unemployment even when their educational levels are similar to those of the majority.

Also in France, a series of fires in Paris in hotels and apartment blocks housing immigrants occurred during 2005, two in August which killed more than 20 people, and one in April which killed a similar number. Many of those who died were children, and most of the families came from Africa. The incidents drew public attention sharply to the appalling housing conditions suffered by many immigrants. Chapter 4 of the Annual Report looks at the housing picture for migrants and minorities in Europe for 2005, describing the nature of the inequality and segregation suffered by migrant and minority communities, and the manifestations of the direct and indirect discrimination to which they are exposed.

The above mentioned events, however, should not distract from the fact that phenomena of discrimination are part of everyday life of many Europeans irrespective of the occurrence of high profile events. In this respect, Chapter 5 of the Annual Report describes discriminatory practices and structures in education, particularly highlighting issues of segregation in education, and in particular the precarious situation of people from Roma communities with regard to their educational attainment and the discriminatory attitudes they encounter. In addition, the latest developments in policies and debates regarding religious symbols in education are discussed in Chapter 5, which is rounded off by examples of good practice that were implemented in 2005 in order to promote anti-racism and improve the situation of migrants and minorities in the education sector.

In the context of existing inequalities in the thematic areas of employment, housing, and education, the transposition of the EU Equality Directives is of particular importance. Chapter 2 of the Annual Report deals with the status of transposition of the Racial Equality Directive and the Employment Equality Directive in EU Member States. In addition, Chapter 2 informs on the state of play on the establishment of specialised bodies for the promotion of equal treatment in Member States, as well as on good practice concerning equal treatment and integration.

The events of 2005 clearly pointed to a lack of data that could make transparent or explain certain developments. This lack of data concerns all thematic areas covered

by the Annual Report, but is particularly noticeable in the differing quality of data as regards statistics on racist violence and crime, with in some cases a complete absence of such data. Thus, Chapter 6 not only provides information on trends in racist violence and crime in Member States where they are available, but also discusses the current status of data collection in EU Member States. Special attention is drawn to vulnerable groups like asylum seekers and refugees, as well as Roma, Muslim and Jewish individuals and communities. In addition, good practice is highlighted as regards policing and data collection, the prevention of racism and extremism, and victim assistance and guidance.

Combating racism continues to be an area for a wide range of activities by the European Union, and an overview of this during 2005 is presented in Chapter 7 of the Annual Report. Here, questions of solidarity and the protection of fundamental rights are addressed as well as the specific attention that is attributed by European institutions to the situation of Roma communities in EU Member States. In addition, issues related to freedom and security have become high on the agenda of the European Union. In this context the EU continues its work to combat violent radicalism. The Commission also continues its work building on its Communication on a common agenda for the integration of immigrants via the promotion of the common basic principles for integration, adopted by the Council in 2004.

The following six sections summarise the six main thematic chapters of the EUMC Annual Report 2006.

2. Legal and institutional initiatives

The transposition process of the two anti-discrimination Directives is completed or underway, with draft legislation introduced in parliament in the majority of EU Member States. However, the European Court of Justice ruled in 2005 that Finland, Luxembourg, Germany and Austria failed to adopt all the laws, regulations and administrative provisions necessary to comply with the Racial Equality Directive before the date for transposition expired on 19 July 2003. The European Court of Justice also ruled that Luxembourg failed to transpose the Employment Equality Directive by the required date. (The EU 10 had a later transposition deadline than the EU 15.)

In some Member States, problems concerning the transposition process could be detected and political debates observed which indicate a fundamental disagreement concerning the transposition of the Directives. In the Czech Republic and Germany, the upper house of the parliament rejected the proposed bill transposing the Directives. In Luxembourg, the Conseil d'Etat made public a critical opinion on the proposed bill transposing the directives. In Latvia and Malta the main legislation to transpose one or both Directives is still only available in draft form awaiting parliamentary adoption. In Estonia and Poland no major legislative activity concerning the transposition of the Directives was noticeable.

Specialised bodies

There were also problems concerning the availability of a specialised body for the promotion of equal treatment according to Art 13 of the Racial Equality Directive. In the Czech Republic, Germany, Luxembourg and Malta no specialised body had been designated by the end of 2005. In Poland a body had been designated in the past, but ceased to exist in November 2005.

However, in most Member States, a specialised body for the promotion of equal treatment was designated. In terms of the powers of these bodies, it is noticeable that some provide assistance to victims of discrimination in the form of support in taking legal action which goes beyond the minimum standard required by the Racial Equality Directive – as in Belgium, Ireland, Latvia, Hungary, Austria, Slovakia, Finland, Sweden and the UK.

Hungary's "Equal Treatment Authority" is noteworthy for its far reaching powers in support of victims of discrimination. It may intervene in the judicial review of administrative decisions. It may also act as a representative of a victim of discrimination before courts. It may also take legal action in the public interest to protect the rights of persons and groups. Another example of a specialised body with strong powers to support victims of discrimination is the Slovak National Centre for Human Rights. The strong powers of these bodies to provide legal assistance to victims of discrimination puts them in a good position to contribute

positively to the effectiveness of anti-discrimination legislation in the Member States.

3. Racism and discrimination in employment

With anti-discrimination legislation being enacted and cases increasingly coming to court, and with research on discrimination being more widely carried out and disseminated, there is evidence that previous blanket assumptions about educational and other deficits of immigrants as the main reason for employment inequality are becoming balanced by a greater awareness of the operation of discrimination, and the need to combat it.

There were several developments mentioned in 2005 which suggested that an awareness of discrimination and the need to do something about it was growing in the minds of policy makers in a number of Member States, including new initiatives to collect official statistics or to commission research which will more accurately identify the scale and nature of the problem.

The issue of 'ethnic data'

A general absence of data on ethnic/national origin means a reduced ability to evaluate policies against racism. In some Member States it contributes to a low awareness of the problem of discrimination in the first place. However, there are signs that some Member States are looking more sympathetically at issues of recording ethnic/national origin than they were previously. For example, in France, it was reported that some official surveys are now using categories close to these variables. It was also noted that some French employers are starting to note the 'diversity of the origins' of their staff and applicants for posts.

In this regard it is also significant that in France the *Commission Nationale de l'Informatique et des Libertés* (CNIL) declared in a recommendation in 2005 that the French data protection legislation does not hinder the "temporary" collection of certain information related to the ethnic origin of individuals strictly limited to the purpose of antidiscrimination, if certain safeguards which ensure the anonymity of statistics are ensured.

Discrimination testing and awareness

When the variable of ethnic origin is not available in existing statistics for those who wish to identify processes of inequality, research can fill some of the gap. In last year's Annual Report there were many examples of the research method 'discrimination testing' being used in several Member States, when matched pairs of applicants are used to test whether selection or rejection for a job is based on ethnicity or skin colour. In contrast, only one such test was mentioned this year. However, it perhaps is significant that in 2005 authorities in both Sweden and France invited the ILO to carry out a discrimination testing programme in a number of cities, with results to be reported to them in 2006. Both these countries

had in previous years declined the opportunity to participate in such experiments, for different reasons. This development might be taken as further indication of official recognition of the need to take seriously the problem of employment discrimination, and the importance of collecting data on it.

The use of 'victim surveys'

Whilst discrimination testing provides an 'objective' indication of the phenomenon of discrimination, research can also be used to provide a subjective dimension, notably through surveys of the perceptions and experiences of victims. There were far more of these reported during 2005 than in the previous year. For example, surveys of Russian speakers in Estonia, immigrants in Denmark, Turks in Germany, Serbs and Bosniacs in Slovenia and Somalians, Russians, Estonians and Vietnamese in Finland all reported experiences of discrimination. In France, immigrants and descendants of immigrants reported that they were routinely subjected to negative treatments related to their origin, skin colour, name or speech. Sensitivity to these kinds of experiences was shown to be greater with the second, younger generation even though the intolerant attitudes and negative experiences they encounter may be less serious than they had been for the older, first generation.

Legal status and vulnerability

Directly related to issues of integration and equality regarding immigrants and minorities is the question of legal status. Access to the labour market is linked directly to the type of work or residence permit held by a migrant worker. Legal status can determine whether migrants are allowed to change employers or sectors of the economy.

Even when third country nationals are legally and permanently resident in a Member State, laws and regulations restrict their rights of access to employment. Whereas third country nationals can't be excluded from employment opportunities on the grounds of, for example, their ethnic origin or religion, they can be excluded on the grounds of their citizenship status in the cases of certain categories of jobs, notably in the public sector.

There were several reports in 2005 of groups of migrant workers working in legally constrained situations, and less able to resist extremes of exploitation, so that conventional anti-discrimination protection is almost irrelevant. Sometimes, governments can directly and intentionally increase the vulnerability of groups of legally-constrained workers, such as in the case of the new official contracts for domestic workers in Cyprus which forbid such workers from participating in any trade union or political activity, on pain of automatic termination of the work and residence permit.

During 2005 there were events which led commentators to emphasise the importance of maintaining minimum standards of working conditions where migrants are employed so as to avoid the generation of racist discourse. On two occasions during 2005, in two different countries, Ireland and the Netherlands, where there were similar instances of groups of foreign workers introduced to replace and undercut the wages and conditions of national workers, fears were raised about the implications of this for the growth of anti-immigrant sentiments.

4. Racism and discrimination in housing

The housing situation of immigrants and ethnic minorities is clearly a major concern in all Member States. A number of projects are being carried out and measures to integrate immigrants and ethnic minorities are underway. Nevertheless, housing conditions of immigrants, Roma and asylum seekers remain problematic. In a number of countries, immigrants and Roma live in poorer and more precarious dwellings than the national average. Immigrant and Roma households are likely to face more discrimination in the housing market than the indigenous population. Roma and Traveler settlements usually lack the proper infrastructure and in the case of Roma dwelling in urban centers, accommodations are often of degraded quality and offer little security.

Changes in the nature and patterns of immigrant inflows in recent years pose an all new range of questions with regard to housing that need to be addressed by Member States. Evidence shows that in several Member States immigrants are particularly vulnerable to homelessness. Failed asylum seekers and elderly immigrants seem to be contributing to the increasing share of non-nationals among homeless people.

Seasonal workers are also seriously affected by housing precariousness. Because of their short residence period in a country and their vulnerability in the employment market, housing solutions have yet to be found. One outcome of the lack of housing provision has been the proliferation of substandard accommodation in the regions where seasonal workers reside.

The avoidance of 'ghettos'

A different range of problems arises from spatial segregation. Immigrants and ethnic minorities are likely to be victims of segregation, the most visible manifestation of which is 'ghetto' formation. Among Member States a few have launched programmes to combat 'ghettoisation'. However, it is important to distinguish between measures to combat ghetto formation, and forced distribution, as they do not necessarily coincide. Therefore, while counteracting the formation of 'ghettos' involves a broad package of measures involving all areas – employment, education, housing, security, and so on - forced distribution can merely change spatial distribution patterns, whilst leaving the main integration problems untouched.

Discrimination testing and data

There is a significant paucity of data on housing discrimination. However, 'discrimination testing' research has shown that immigrants face differential treatment by real estate agencies and landlords. While testing has raised ethical

doubts in some Member States, there is a noticeable trend to adopt this method to gauge levels of discrimination. In France, after the urban disturbances of October – November 2005, the possibility of applying testing is being considered, so as to gain a picture of the barriers faced by immigrants. In general, the number of housing discrimination complaints is likely to fall short of reflecting the real situation in the Member States. Whilst other indicators such as spatial segregation, housing conditions or nature of tenancy can be seen as proxies for housing discrimination, these are not based on direct evidence. In the absence of other measures, testing remains a generally efficient tool to collect data on direct discrimination.

Awareness and 'good practice'

Many innovative initiatives on housing exclusion are underway in the Member States. Despite the fact that countries show different levels of implementation of "good practices", we can note an increasing awareness of the important role that housing plays in the integration process of immigrants and ethnic minorities. It has become clear that spatial segregation, racist discrimination in the housing market and housing precariousness are intertwined with multiple forms of exclusion hindering the possibilities for social advancement. Measures to improve the housing situation of Roma have been launched in a number of the new Member States in what seems to be a coordinated national effort.

5. Racism and discrimination in education

Partial or even total segregation in education is still a common phenomenon in large parts of the EU. An analysis and overview of the Europe-wide PISA education performance study and others concluded firmly in 2005 that highly differentiated and segregationist school systems produce and reproduce inequality.

A few Member States reported a narrowing of the gap in educational attainment between the majority population and some migrant/minority groups. In general, however, the attainment gap between different ethnic/national groups has remained at a significant level, with certain groups, such as Roma, particularly vulnerable to falling behind.

The situation of Roma pupils

One major cause of Roma pupils falling behind the average attainment rate is the fact that they are in many Member States the group most affected by segregation and diverse forms of direct and indirect discrimination. Steps have been taken in this and previous years to reduce the occurrence of segregation, discrimination and educational underperformance. However, the situation for Roma pupils is still a precarious one and continues to need further attention.

Gaps in data

There is a lack of systematic recording of racist and discriminatory incidents in the field of education in most EU Member States. In addition, data on educational attainment of different ethnic/national groups is in most Member states either only partial, or not available at all. Thus, for many Member States, reliable information on instances of direct and indirect discrimination, which could for example be used in order to judge and enhance the effectiveness of good practice measures, is missing.

Religious symbols

The question of permitting or prohibiting the displaying of religious symbols in the education sphere has led to new legislation and new debates in 2005. Policies in Member States range from nationwide prohibition of displaying any religious symbol in state schools to complete freedom of pupils and teachers to wearing any religious symbol. In between are policies that leave decisions to federal states or individual schools or that prohibit only certain religious symbols, while others are not considered as subject for regulation.

‘Good practices’ in education

Recent research studies on institutional barriers for migrants and minorities in the field of education have come to the conclusion that selective support measures alone have in many cases only little impact on improving the position of migrants and minorities. Rather, broader changes towards a more integrationist and less differentiated education system, accompanied by selective support measures, have the potential for reducing barriers and promoting educational success.

As regards selective anti-discrimination measures, there are a wide range of instruments that are being applied to improve the situation of migrants and minorities in the education sector and combat racism and discrimination. Such measures include the mainstreaming of awareness-raising on diversity and discrimination in education, providing individual support for pupils with language and/or learning difficulties, or providing programmes for the support of parents and teachers.

In some countries there are financial programmes, either in the form of grants and scholarships for pupils, or in the form of incentives for companies to invest in apprenticeships for children with migrant/minority backgrounds, and there is also funding for projects aimed at enhancing the position of migrants and minorities in the education sector. Some Member States are setting up measures against segregation in education, abandoning special schooling and dissolving separate classes. Others are setting up structures for systematic data collection on racist incidents and discriminatory practices.

6. Racist violence and crime

Available information for the period 2004-2005 indicates that racist violence and crime continues to be an on-going problem in the EU25, with evidence that it emerges in different forms which are generally under-documented by official data collection mechanisms.

The fact that a number of Member States still do not have adequate official criminal justice data collection mechanisms in place, to record and make publicly available information on racist violence and crime, would seem to indicate that the problem is neglected through much of the EU. In the reporting period 2004-2005, no official data on racist violence and crime was available for five Member States; namely: Greece, Spain, Italy, Cyprus and Malta. In the same period, nine Member States were classified as having 'limited' official data collection mechanisms in place, which either tended to focus on a limited number of investigations and court cases or collected information more generally on discrimination rather than, specifically, racist violence and crime; namely: Belgium, Estonia, Latvia, Lithuania, Luxembourg, Hungary, Netherlands, Portugal and Slovenia.

In turn, nine Member States were classified as having 'good' mechanisms in place for registering reports and recording crimes, and/or a system focusing on the particular problem of right-wing extremism/hate crimes; namely: Czech Republic, Denmark, Germany, France, Ireland, Austria, Poland, Slovakia and Sweden. Finally, only two Member States – Finland and the UK (England and Wales) – were classified as having 'comprehensive' mechanisms in place which demonstrated extensive data collection that could also provide detail with respect to victim characteristics.

Trends

Looking at eleven Member States for which official criminal justice data is available for the period 2000-2005, and calculating a mean average of the year-by-year percentage changes in reported/recorded crime, the following can be noted (based on the fullest available data for each Member State, which in some cases covers only 2000-2004 or 2001-2005): eight experienced a general upward trend in reported/recorded racist crime during this period: Denmark, Germany, France, Ireland, Poland, Slovakia, Finland and the UK (England and Wales); three of the eleven experienced a general downward trend in reported/recorded racist crime during this period: Czech Republic, Austria and Sweden. However, these trends must be cautiously interpreted because they reveal as much about changes in recording practices in each Member State as they do about the actual extent of racist violence and crime. Also, as data collection is different in each Member State, trend comparisons can only be made within Member States but not between them.

In sum – it can be generally stated, with a few exceptions, that Member States with well developed official criminal justice data collection mechanisms tend to show higher levels of reported and recorded racist violence and crime, while Member States with inadequate data collection mechanisms reveal no or limited data on racist violence and crime.

Information from NGOs

Given the limitations of official data collection, unofficial NGO sources currently fill the knowledge gap concerning ‘who’ the most vulnerable victim groups are. In 2004-2005, NGOs revealed that asylum seekers, refugees and immigrants were among some of the most vulnerable groups experiencing racist violence and crime, and, most disturbingly, often suffered abuse from public officials – including police officers. In particular, NGOs from southern Member States identified a number of cases of abuse involving public officials.

Reports from eastern and southern Member States also revealed that the Roma are a particular target for racist violence and crime, both at the hands of the general public and public officials. In turn, Jews continue to experience antisemitic incidents, which tend to be well documented by both official and unofficial sources. And, although their experiences remain under-documented, Muslims are increasingly coming to NGOs’ attention as victims of racist violence and crime.

‘Good practices’

As a counterpoint to official and unofficial reports on racist violence and crime, a number of ‘good practice’ initiatives were identified in 2004-2005 that variously try to respond to the problem. Encouragingly, given the continuing inadequacy of many official data collection mechanisms, a number of initiatives focus on practical responses for improving police data collection on racist violence and crime. Other initiatives range from concrete examples of practical interventions with offenders or potential offenders, through to victim-focused initiatives.

7. EU developments in policy and legislation

Combating racism continues to be an area of comprehensive activity by the European Union, as shown in the final thematic chapter of the Annual Report. Activity takes the form of legislative and policy measures and a variety of supporting action to increase information and the capacity of the key actors in society. The main focus of EU activity to combat racism and promote racial equality within the Union continues to be in fields related to non-discrimination and equality, justice, freedom and security.

Equality, non-discrimination and social inclusion

In 2005, the Commission adopted the Communication Non-discrimination and equal opportunities for all - a framework strategy. The Communication was accompanied by the Proposal for a Decision of the European Parliament and the Council on the European Year of Equal Opportunities for All (2007). The European Year 2007 is the centre piece of a framework strategy designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted. The strategy looks at what more the European Union can do to tackle discrimination and promote equality, beyond legal protection of people's rights to equal treatment.

Roma

The chapter shows that the situation of the Roma community continues to be high on the political agenda of the European Union. The European Parliament asked Member States and Candidate Countries to strengthen national legislation and administrative measures to counter Anti-Gypsyism/Romaphobia and prohibit discrimination of Roma, whether direct or indirect, in all spheres of public life. It specifically called for action against discrimination of Roma on the labour market and in housing, ensuring equal access to health care and desegregating education systems. It also called on the Commission to prepare a communication and an action plan on how the EU could promote efforts to bring about better economic, social and political integration of the Roma. The Commission itself encouraged national authorities to take account of the needs of Roma communities when drafting their national action plans for employment and social inclusion.

Fundamental rights

In April 2005, the Commission adopted a mechanism to systematically screen all legislative proposals for their compatibility with the Charter on Fundamental Rights of the European Union. In addition, the Commission submitted to the Council its proposals promoting liberty, security and justice under the next

financial framework for the period from 2007 to 2013. In order to implement fully the concept of European citizenship, the Commission proposes establishing the Framework Programme on fundamental rights and justice. The programme will enable actions to be developed above national level, (e.g. judicial cooperation in both civil and criminal matters), allow private individuals and undertakings to assert their civil and commercial interests in other Member States, and aim to ensure that crime and criminals will never go unpunished.

Freedom and security

The ‘Hague programme’, running from 2005 to 2009, covers all aspects of policies in the area of freedom, security and justice and includes inter alia fundamental rights and citizenship, integration, the fight against terrorism, judicial and police cooperation, and civil law. The programme therefore represented a key priority for the Union’s agenda in 2005. In May 2005 the Commission presented in May 2005 an action plan and a calendar to implement the programme. The European Parliament responded with a restatement of its “firmly held view” that the establishment of an *area of freedom, security and justice* demands a greater commitment on the part of European and national institutions to promote the protection of fundamental rights. The Resolution stressed that a European integration policy needed to provide for proper integration on the labour market, the right to education and training, access to social and health services, and immigrants’ participation in social, cultural and political life. The link between integration and anti-discrimination was upheld in a subsequent *resolution on legal and illegal migration and the integration of migrants*, which considered “action to combat discrimination, racism and xenophobia to be an essential component of integration policy”.

8. Conclusions

This year's EUMC Annual Report has gathered information from 25 Member States with widely different histories of and responses to issues related to immigration and ethnic diversity, and very different traditions of anti-racism and anti-discrimination awareness and activity. Despite the variety in the nature of the information that has been collected, there are some cross-national themes which stand out during 2005, which are common to many, and in some cases the majority, of the Member States.

The recognition of discrimination in employment

A major division both within research and public policy debates in interpreting the ethnic division of the labour market and the excluded and subordinated position of immigrants and minorities has centred on to what extent this situation should be explained through educational or other deficits within migrant populations ('supply side' factors) or through exclusionary practices among employers and the institutions of society ('demand side' factors). An assumption of the deficits within migrant and minority populations has traditionally been most dominant in public consciousness, and it is often only when research or special investigations into discrimination are carried out and published, and when anti-discrimination legislation is enacted and cases come to court, that previous blanket assumptions about 'supply-side deficits' become balanced by a greater awareness of the operation of exclusion and discrimination. There were several developments mentioned in 2005 which suggested that an awareness of discrimination and the need to do something about it was growing in the minds of policy makers in a number of Member States, including new initiatives to collect official statistics or to commission research which will more accurately identify the scale and nature of the problem.

One reason for this apparent growth in awareness regarding racial/ethnic discrimination might be the introduction of the Racial Equality Directive, which needed to be transposed by July 2003. As described in Chapter 2 on Legislation, in 2005 the transposition process of the Racial Equality Directive was completed in some Member States (the Commission was at the end of 2005 in the process of analysing the correctness of the transposition) and still underway in others, with draft legislation introduced in parliament in the majority of EU Member States. Specialised bodies for the promotion of equal treatment were designated by most Member States, and some have been given powers to take legal action on behalf or in support of victims of discrimination which go beyond the minimum standard required by the Racial Equality Directive. If these powers are exercised, this will contribute positively to the effectiveness of the Directives and will also help to further raise public awareness on the issues.

Another stimulus to public awareness is the Community Action Programme to combat discrimination, which was launched following the passing of the two Equality Directives. The programme is designed to support activities combating discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation. Part of the programme is the EU-wide information campaign “For Diversity – Against Discrimination”, which promotes a positive message on diversity and provides facts and information on discrimination.⁴

Uneven transposition of the Racial Equality Directive

Despite the growth in awareness of discrimination, there remain problems in some areas. In its 2005 Equality and Non-discrimination Report the Commission notes that a number of Member States did not meet the deadlines for communication of transposition of the Racial Equality Directive to the Commission, and in 2005 the European Court of Justice ruled that four countries had failed to honour their obligations in this respect. The question has to be considered as to whether these delays in some cases reflect a low official priority at national level regarding the issue of anti-discrimination. Whilst there continued to be a great deal of discussion at national and at EU level during 2005 on the importance of measures to enhance the ‘integration’ of immigrants in EU Member States, it seems that the specific importance of anti-discrimination measures as part of this process can still be underplayed. Yet without tackling the negative effects of discrimination, other integration measures will be ineffective. For example, as can be seen in Chapter 3 on Employment, several studies published during 2005 in different Member States came to similar conclusions – that education in itself is not enough to close the gap, and that inequality in labour market attainment remains even for those migrants and minorities who have educational qualifications equal to the majority. Such results do not disprove the connection between employment and education, but rather point to the need for additional measures on the part of the authorities to facilitate the access of immigrants to the labour market. In particular, they show the need for measures to tackle racist and xenophobic attitudes and discriminatory practices. This issue is particularly significant since so much of the integration discourse in migrant-receiving states of the EU has been dominated by the idea that integration is achieved via the labour market, and that access to the labour market is achieved through education.

Inadequacies of data

Unfortunately, the effective identification and tackling of discriminatory practices is amongst other things dependent on adequate data in the area. As with previous Annual Reports, this report confirms that many Member States still have

⁴ <http://www.stop-discrimination.info/>

inadequate systems to record racist and discriminatory incidents in employment, housing and education. The relatively low awareness of the problem of discrimination in some Member States is linked to the fact that patterns of inequality which indicate the operation of discrimination cannot be demonstrated.

The urban disturbances in Paris, for example, drew attention to the fact that there is little official data on housing inequalities and employment discrimination partly because there is no system of categorisation of groups in place. When such data on ethnic/national origin is absent, this reduces the ability to identify inequality, to draw attention to suspected processes of direct and indirect discrimination, and to evaluate successfully policies against discrimination. This is not just an issue in the employment and housing spheres. Chapter 5 on Education notes that there is a lack of recording of racist and discriminatory incidents in the field of education in most EU Member States. In addition, data on the educational attainment of different ethnic/national groups is in most Member States either only partial or not available. As with employment and housing, such statistics would be valuable in order to gain reliable information on instances of direct and indirect discrimination, and could also significantly raise the accuracy and effectiveness of good practice measures.

Member States often genuinely feel they have good reasons for not collecting such data. Some argue that it is not a passive omission but an active policy to avoid such statistics. For example, the Council of the European Union's 1995 Directive on Data Protection is cited by some as a barrier to data collection on ethnicity because it prohibits use of personal information where individuals are identified or can be identified.⁵ However, the Directive specifically exempts data that has been made anonymous. This would seem to provide scope for ethnic data collection for statistical purposes. In this regard it is particularly significant that in France the *Commission Nationale de l'Informatique et des Libertés* (CNIL) declared in a recommendation in 2005 that the French data protection legislation does not hinder the "temporary" collection of certain information related to the ethnic origin of individuals strictly limited to the purpose of antidiscrimination, if certain safeguards which ensure the anonymity of statistics are ensured.

There were signs in 2005 that some Member States, including France, were looking more sympathetically at issues of recording ethnic/national origin than they were in previous years. For example, in France, it was reported that some official surveys are now using categories close to these variables, and that some employers are starting to note the 'diversity of the origins' of their staff and applicants for posts. A French survey in 2005 found that in the context of the discrimination they felt they had suffered in the job market, 80 per cent of graduates of black African and Maghrebian origin would be ready to have their ethnic origins counted.⁶

⁵ EU Directive on Data Protection – 95/46/EC – paragraph 26; see http://europa.eu.int/comm/internal_market/privacy/law-en.htm (11.05.2006).

⁶ *Enquête sur la France de la diversité* carried out by Sopi, <http://www.sopi.fr/> (11.05.2006).

The need for action on racist violence

Similarly, one of the main conclusions of Chapter 6 on Racist Violence and Crime is that at present, most Member States have inadequate and ineffective data collection mechanisms in place that, at best, can only provide a partial picture of the extent and nature of racist violence and crime. To some extent unofficial data sources from bodies such as NGOs are able to fill the gap left by official data collection, but they cannot be expected to provide information that should be the remit of the State to provide. It is more properly the task of Member States, following the lead of the European Commission, to give adequate priority to data collection on racist crime with a view to improving criminal and social justice responses to it. Improved official data collection mechanisms would be able to provide criminal justice agencies and policy makers with in-depth data to allow them to more accurately target their resources against the problem of racist violence and crime. Another benefit of improved data collection is that it will promote the message that racism is taken seriously as a social and criminal 'ill'.

Against this background of diverse data collection in different EU jurisdictions, the Commission's 2001 Proposal for a Council Framework Decision on Combating Racism and Xenophobia⁷ proposes to establish a European framework for punishing racist and xenophobic offences. A central purpose of the Framework Decision is to reinforce criminal law measures aimed at the approximation of Member States' laws with respect to racist and xenophobic offences. If adopted, the Framework Decision would be a step in the right direction towards a common minimum standard on data collection on racist violence and crime. At the time of writing, this ambition is some way off as various Member States have raised objections and concerns with respect to the content and wording of the Proposal.⁸ Nevertheless the issue was still on the EU's agenda, being highlighted for discussion at a conference in Vienna in 2006 under the Austrian Presidency.

As Chapter 6 on Racist Violence and Crime points out, certain immigrant and ethnic minority groups continue to be particularly vulnerable to racist and xenophobic victimisation – both at the hands of the general public and at the hands of public officials, including the police. Vulnerable groups include asylum seekers, refugees and undocumented migrants, Roma, Jews and Muslims. The vulnerability of these groups is pointedly highlighted by the absence of a clear 'top-down' response by criminal justice authorities – from the police to the judiciary – to the problem of racist violence and crime in the majority of Member States. As evidenced by the lack of adequate official data collection on the phenomenon of racist violence and crime, it would appear that victims are inadequately served by

⁷ COM (2001) 664 final – Proposal for a Council Framework Decision on Combating Racism and Xenophobia.

⁸ EU Network of Independent Experts on Fundamental Rights (28 November 2005) 'Combating Racism and Xenophobia through Criminal Legislation: The Situation of EU Member States'; <http://cridho.cpdf.ucl.ac.be/Avis%20CFR-CDF/Avis2005/CFR-CDF.Opinion5-2005.pdf> (11.05.2006).

criminal justice systems throughout much of the EU. Until changes are made, NGOs will continue to fill some of the gaps in both data and service provision in a number of Member States.

The value of research

In the absence of more detailed official statistics, it is often the case that specialised research can give a better insight into ethnic inequality and the reasons for it, either because researchers can get permission to access more detailed existing official data on ethnic/national origin than is routinely made available publicly, or because researchers can build in variables of ethnic/national origin into their own samples. Specialised research can fill the gaps in knowledge about victims' experiences of racism and discrimination, highlighting what does not otherwise easily come to public awareness through court cases. Cases reported by victims present only a partial picture of the problem of racism and discrimination, as there are many social and institutional forces which affect the likelihood of them reporting it. Therefore one method of getting more information is to carry out surveys of those social groups most vulnerable to discrimination. Chapter 3 on Employment notes that such studies of victims experiences were carried out in six different Member States during 2005, far more than were reported in previous years.

Another type of research mentioned in 2005 is discrimination testing, where equally matched pairs of applicants from minority and majority backgrounds are sent to apply for jobs or accommodation. The most significant sponsor of such tests in the employment sphere has been the ILO, which in the recent past has carried out testing itself in five European countries and served as the model for such tests in others. Last year's EUMC Annual Report referred to many discrimination tests carried out in 2004, though these were mainly carried out by journalists on a rather small scale. This year there were far fewer such tests reported. Nevertheless, there were important developments reported in two countries notably missing from the ILO's earlier programme of tests, namely Sweden and France. Authorities in both these countries had in previous years declined the opportunity to participate in such experiments, for different reasons. However in 2005 both governments invited the ILO to carry out a discrimination testing programme in a number of cities, with results to be reported to them in 2006. This development might be taken as further indication of official recognition of the need to take seriously the problem of employment discrimination, and the importance of collecting data on it. Similarly with regard to the area of access to housing, Chapter 4 of the Annual Report notes that such testing is also being considered by the Swedish authorities, and has already been carried out in 2005 by researchers in Italy and France, the tests showing that foreigners and immigrants continue to be treated differently by landlords and accommodation agencies. Testing remains a valuable method for drawing public attention to a largely hidden problem, and in some countries the results of such tests can be drawn on as evidence in legal proceedings.

Dealing with segregation

Segregation is an issue which is mentioned in both the education and housing chapters of the Annual Report. The issue of partial or even total segregation in education is still an issue of great concern in many parts of the EU. As shown in Chapter 5 on Education, an analysis and overview of the Europe-wide PISA education performance study and others concluded firmly in 2005 that highly differentiated and segregationist school systems produce and reproduce inequality. Particularly affected by segregation and other forms of discrimination are the Roma in a number of Member States. Although some steps are being taken to reduce segregation, discrimination and educational underperformance, the situation for Roma pupils is still a precarious one, and will need further attention for many years yet.

Segregation is also an issue which is raised in Chapter 4 on housing. Migrant and minority groups are over-represented in poor quality accommodation, often concentrated in relatively segregated geographical areas, and this often reflects not only a lack of access to resources, but also active discrimination on the part of gatekeepers. However, whilst the need for active social policies of desegregation is generally recognised as socially desirable in the area of education, the picture is more complex regarding the area of housing, not least because sometimes minorities find that living amongst reasonable concentrations of their own kind can provide a degree of safety against physical manifestations of racism. In 2005 in at least three Member States there were reported active policies of involuntary social mixing by national/municipal governments or housing associations, to foster 'integration' or 'social balance'. However, as concluded by the authors of the EUMC's comparative housing report,⁹ published in 2005, the appropriateness of this is by no means clear. For one thing, the idea of 'integration' by such methods can become heavily politicised. The comparative report concludes that at the neighbourhood level, there is a danger that active 'population mixing' can be identified by policy-makers as a means by which minorities could be controlled and led to assimilate to a supposedly single, universal mainstream culture and politics. The report could find little solid evidence that could justify seeing involuntary spatial mixing as an appropriate route towards social integration.

The French urban disturbances in late 2005 might be considered the direct outcome of durable patterns of segregation. As presented in Chapter 4 on Housing, studies have shown that the foreign population is greatly over-represented in so-called 'problem urban areas' where youth unemployment reaches the level of 40 per cent. Despite the fact that housing issues have received high priority, it is reported that social exclusion has increased due to location on large peripheral housing

⁹ <http://eumc.eu.int/eumc/material/pub/comparativestudy/CS-Housing-en.pdf> (11.05.2006).

developments remote from employment and other facilities.¹⁰ The chapter quotes research which highlights the gap between immigrants and French nationals concerning housing conditions, with, for example, half of the population of African origin ‘very badly housed’, compared with 11 per cent of the French population,¹¹ and with immigrants, particularly from the Maghreb region, far more likely to live in overcrowded accommodation, with their residential mobility circumscribed within a smaller perimeter than the national population.¹²

Diversity of practice regarding religious symbols

The question of permitting or prohibiting the display of religious symbols in both the education and employment sphere has led to new legislation and new debates in 2005. Regarding education, policies in Member States range from nationwide prohibition of displaying any religious symbol in public schools to complete freedom of pupils and teachers to wear any religious symbol they desire. In between are policies that leave the decision to federal states or individual schools, or that prohibit only certain religious symbols, while others are not considered as subject for regulation. In theory the prohibition of religious symbols could be classified as indirect discrimination, if it is not sufficiently justified. Interpretation of this can vary in practice. With regard to the area of employment, in one Member State (Denmark) a long running dispute over the right of a supermarket to dismiss an employee for wearing a headscarf for religious reasons was decided by the Supreme Court, which ruled that the dismissal was justifiable and did not constitute discrimination. In another Member State (the Netherlands) it was ruled that an Islamic school had no legal grounds for rejecting a job applicant on the grounds that she did *not* want to wear a headscarf at work.

The widely different approaches in terms of policy responses to the wearing of headscarves in schools or at work between various Member States seems to be reflected in an equally wide gap in public attitudes on the issue. According to a 17 nation Global Attitude Survey carried out in 2005, in response to a question as to whether banning Muslim headscarves was a ‘good idea’, 78 per cent of French respondents agreed, compared to only 29 per cent of UK respondents, with other EU countries falling in between these extremes.¹³

¹⁰ Edgar, B. (2005), *Policy measures to ensure access to decent housing for migrants and ethnic minorities*, Joint Centre for Scottish Housing Research, European Commission - DG for Employment and Social Affairs.

¹¹ GELD (Groupe d’Etude et de Lutte contre les discriminations) 2001, *Les discriminations raciales et ethniques dans l’accès au logement social*” Note de synthèse n.3.

¹² INSEE, *Enquête logement* 2002.

¹³ 17 Nation Pew Global Attitudes Survey, Nation Pew Global Attitudes Project, Washington DC, July 2005: <http://www.pewglobal.org> (11.05.2006).

Legal status, equality and vulnerability

Directly related to issues of integration and equality regarding immigrants and minorities is the question of legal status. Access to the labour market is linked directly to the type of work or residence permit held by a migrant worker. Other rights may also be affected – for example, in 2005 the case came into public discussion again of workers without Austrian citizenship being legally prevented from being elected to works councils in Austria. Legal status can determine whether migrants are allowed to change employers or sectors of the economy. Even when third country nationals are legally and permanently resident in a Member State, laws and regulations restrict their rights of access to employment. Whereas third country nationals can't be excluded from employment opportunities on the grounds of, for example, their ethnic origin or religion, they can be excluded on the grounds of their citizenship status in the cases of certain categories of jobs, notably in the public sector. (In France, for example, some 7 million positions - over a quarter of the work force - remain closed to some, or all, non-nationals.) Neither are they free to seek work in another Member State.

In the context of legal restrictions on access to employment, and the vulnerability of some legally-restricted migrant workers, attention should be drawn to the relevance of Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents. According to this Directive, long-term residents will have a right of access to the labour market on the same conditions as nationals (with an exception regarding those activities involving exercising of public authority). The Directive provides that long-term residents will have the right to the same conditions of work and employment as nationals, and also allows a limited right to mobility between Member States for those third country nationals who are long-term residents. The deadline for the implementation of this Directive was January 2006 - however, by the end of 2005 only a minority of Member States had notified the Commission of its transposition.

There were several reports in 2005 of groups of migrant workers working in legally constrained situations, perhaps sub-contracted, and less able to resist extremes of exploitation. Migrants and refugees without permanent status are often working in a different labour market, in that they are not competing with the majority population for these jobs. In such circumstances conventional anti-discrimination protection is almost irrelevant. As foreigners, they may not be aware of the local rules and norms regarding wages and working conditions, and when they are in a legally-restricted situation they are less able to refuse inferior working conditions. Sometimes government actions themselves can exacerbate the situation, such as in Italy, where legal trends in 2005 were reported as continuing in the direction of excluding immigrants from the "normal" labour market. Furthermore, governments can directly and intentionally increase the vulnerability of groups of legally-constrained workers, such as in the case of the new official contracts for domestic workers in Cyprus which forbid such workers from participating in any trade union or political activity, on pain of automatic termination of the work and residence permit. In this respect it should be noted that Council Directive 2003/109/EC

provides for *long-term* residents freedom of association and affiliation and membership of an organisation representing workers.

During 2005 there were events which led commentators to emphasise the importance of maintaining minimum standards of working conditions where migrants are employed so as to avoid the generation of racist discourse. On two occasions during 2005, in two different countries where there were similar instances of groups of foreign workers introduced to replace and undercut the wages and conditions of national workers, fears were raised about the implications of this for the growth of anti-immigrant sentiments. In one of these countries, Ireland, the National Economic Social Council recognised the danger in the potential growth of negative attitudes to immigrants and concluded that the “maintenance and enhancement of standards within the economy and society is a more effective way of preventing such a negative dynamic than seeking to prevent the arrival of migrants themselves”.¹⁴

Going beyond anti-discrimination

The Annual Report refers in its thematic chapters to a wide range of anti-discrimination measures that were applied by EU Member States in 2005 in order to improve the socio-economic as well as the political situation of migrants and minorities. In addition, the report highlights some good practices on integration which go beyond what is conventionally understood as anti-discrimination. For example, it is noteworthy that in Greece, PASOK, the Greek socialist party, has invited and in fact elected third country nationals to become members of the party and its main organs. Another theme of integration measures in 2005 was the role of Islam in European societies. In France, the “Fondation pour les oeuvres de l’Islam en France” was created, which is a private institution financed by private donations. The funds collected by the foundation will allow for the building of mosques and training of French imams which was seen as an important step towards the emergence of a European version of Islam. In Italy, a Consultative body on Italian Islam headed by the Minister of the Interior was set up to promote institutional dialogue with Muslim communities in Italy and to improve knowledge of integration problems.

Another way of going beyond conventional anti-discrimination practices is for national or local government to provide encouragement for companies to take on board anti-discrimination awareness and practice through ‘contract compliance’ measures. Two related developments were reported in 2005. In Sweden, a policy concerning anti-discrimination clauses in public contracts was introduced, which obliges all contractors of the city of Stockholm to operate according to anti-discrimination criteria in the performance of the contract. For example, if they are

¹⁴ National Economic Social Council (2005) NESC Strategy 2006: People, Productivity and Purpose, No. 114.

judged not to be in compliance with anti-discrimination legislation they will be ineligible for future contracts from the authority. (Another initiative in Stockholm is to include anti-discrimination conditions in liquor permits granted to restaurants.) In the UK six local authorities in the West Midlands collectively reviewed their Common Standard for Equalities in Public Procurement. It enables local authorities to assess whether service providers bidding for a contract with the authority can demonstrate compliance with race, gender and disability equality legislation, and the common standard means that employers will not have to add unnecessarily to their efforts when dealing with different local authorities.¹⁵

¹⁵ The document can be downloaded from: http://www.cre.gov.uk/council_contracts.pdf (09.03.2006).

9. Opinions

General comment

Overall, in 2006, the situation has not changed with regard to the opinions expressed by the EUMC in its Annual Report 2005 - Part 2. The EUMC is therefore still calling for more effective and comprehensive data collection systems to be established by the majority of European Union Member States, including monitoring, review and assessment mechanisms. On a more positive note, the EUMC has seen that the Racial Equality Directive (2000/43/EC) is beginning to have some impact on the thinking of policy makers in relation to the need for data to support the assessment and impact of provisions in national legislation and supporting measures.

Enhanced policy coordination to address data deficit

The EUMC is of the opinion that inter-departmental working groups dealing with racism should coordinate their activities to include the national body or bodies tasked to collect and analyse data on racism, such as national statistical offices, statistical teams in policy units, racial equality bodies or their equivalent. An integrated approach needs to be the norm in policy development and adequate resources allocated.

The EUMC is also of the opinion that Governments should designate or establish a coordinating mechanism for data on racism. This coordinating mechanism should act as a one stop shop for all available national data related to racism which has been collected by a variety of official and State supported/recognised reliable unofficial sources.

In addition, where tasks to collect and analyse data on racism have not been assigned to a specific body or bodies, they should be assigned to an appropriate body or bodies such as national statistical offices, policy units, racial equality bodies or their equivalent.

Training at the national level to collect data on racial discrimination and racist violence

The EUMC is of the opinion that EU Governments and the European Commission should promote training on data collection in the key policy areas of employment, education, housing and racist violence among others. In addition, that training modules should be established to develop expertise and encourage common reporting standards and guidelines at the national level. This should be supported by the European Commission's planned Handbook on the measurement of discrimination.

Discrimination testing

The EUMC calls on Member States who have not done so already to join the ILO programme and to make use of the ILO expertise in discrimination testing in employment.

The EUMC calls on Member States to train people to carry out discrimination testing. In addition, they should consider the setting up of units specialised in the testing to develop the expertise and capacity to carry out discrimination testing in a systematic and regular way. The key policy areas for testing are employment and occupation, education, housing and accommodation, healthcare and access to goods and services.

Positive action

The Racial Equality Directive allows for positive action to ensure full equality in practice. Positive action means in effect the maintaining or adopting of specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.

The EUMC is calling on Member States to make positive action measures an integral component of their racial equality policies, to outline the types of action and report back periodically and publicly on the impact of the measures taken.

Member States should also launch information campaigns explaining the reasons for positive action and supporting a better and much wider understanding of the concept, the practice and its benefits.

Practice regarding religious symbols

The EUMC believes that it is important for the Member States, irrespective of the policy choices they make, to explain clearly, and in a way which does not lead to the stigmatisation of affected individuals or the communities to which they belong, the reason for the policy and the wider benefits for society as a whole.

The EUMC is of the opinion that Member States should examine their policies on religious symbols with a view to ensuring that they are consistent with non-discrimination and equality legislation and principles.

The EUMC is further of the opinion that Member States should conduct research and monitoring to assess the impact of these policies within the education and employment fields, and on the broader policy goals of community cohesion and social inclusion. The results of the impact assessment should be made public and used where necessary to review the policy.

Situation of immigrants

The EUMC joins the European Commission in calling on Member States to transpose the Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents and draws attention to the fact that the deadline for implementation was January 2006 and at the end of 2005, only a minority of Member States had notified the Commission of its transposition.

Cooperation between the European Parliament, EU advisory bodies and national parliaments

The EUMC is of the opinion that there remains scope to ensure that the expertise and experience of local and regional authorities is shared in a more targeted way with the European Parliament to aid its scrutiny role. The European Parliament should therefore give consideration to participation by relevant members of the Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) in some of its informal inter-groups.

The European Parliament should on a regular basis involve members of the CoR and EESC in their hearings related to racism and emphasise more the impact of policy delivery at the local and regional level.

The European Parliament should also give consideration to discussing data collection and accompanying policies against racism and racial discrimination in the framework of the regular joint parliamentary meetings with national parliaments.

National Action Plans Against Racism (NAPs)

The EUMC is of the opinion that all EU Member States should develop and implement National Action Plans (NAPs) to combat racism, racial discrimination, xenophobia and related intolerance, and that those who have already established NAPs for a period of three years or more should review and assess the impact of the Plans with a view to improving their effectiveness.

National Action Plans against Racism should be the subject of Government inter-departmental coordination, civil society and social partner consultation and regular review. They should incorporate a data collection component and be linked and address the following policy areas at a minimum:

- Non-discrimination and equality;
- Social inclusion;
- Community Cohesion;
- Integration;
- Gender;

- Education; and
- National Action Plans on employment, as part of the European
- Employment Strategy

States should provide a public report on the progress towards establishing a National Action Plan against Racism. In addition, where NAPs have been established, States should provide an annual implementation report of its policy related aspects and impact. These reports should be presented in Parliament and made available to the public.