## CERD Consultation response - European Network Against Racism (ENAR)

**Joining hands to end racial discrimination during its 91st session on 23 November 2016**

The European Network Against Racism (ENAR) is the only pan-European anti-racism network that combines advocacy for racial equality and facilitating cooperation among civil society anti-racism actors in Europe. The organisation was set up in 1998 by grassroots activists on a mission to achieve legal changes at European level and make decisive progress towards racial equality in all EU Member States. Since then, ENAR has grown and achieved a great deal.

ENAR is a network of 100 NGOs and grassroots organisations working to combat racism everywhere in Europe. We have derived these responses through consultations with our members and using experience of the anti-racism advocacy work of the secretariat.

*Questions:*

**1. What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?**

ENAR follows trends in racism across Europe, alongside looking at racism in specific national contexts, with input from our members.

At the European level, a range of issues remain crucial and are increasingly pertinent across Europe.

1. *Structural racism: political, social and economic disparities for racial, religious and ethnic minorities*

‘*Structural discrimination refers to the policies of dominant race/ethnic/gender institutions and the behavior of the individuals who implement these policies and control these institutions, which are race/ethnic/gender neutral in intent but which have a differential and/or harmful effect on minority race/ethnic/gender groups*’[[1]](#footnote-1)

Structural racism remains an issue in most countries across Europe, in which minorities from a range of groups (People of African Descent, Muslims, Jews, migrants and Roma) experience systematic discrimination and exclusion in almost all fields of public life, including access to employment, healthcare, housing and living conditions, and education, overrepresentation in the criminal justice system, racial profiling and the experience of direct physical, verbal and psychological violence at the hands of the state, members of the public and in terms of negative representations by the media, including cultural acceptance of blackfacing. Such trends have enduring effects of the social and economic position of many migrants and ethnic minorities, which is demonstrated by, for example, the ethno-stratification of the labour market in many member states.

Further, structural racism is also perpetuated by the disproportionate effects of counter-terrorism policies, in which ethnic minorities are often targeted as suspect communities on the basis of perceived race, leading to a further overrepresentation in criminal justice, further ethnic profiling, police harassment and also with implications in the education system, for example through the UK’s Prevent Programme.[[2]](#footnote-2)

Structural racism is a difficult issue to tackle because its causes often go beyond explicit direct discrimination. Instead, it is the product of these problems combined with a range of historical injustices in which specific groups have been exploited and dehumanized.[[3]](#footnote-3) Besides, structural discrimination can be considered a form of discrimination by habit or result: ‘*such discrimination may be either open or hidden, and it could occur intentionally or unintentionally*’.[[4]](#footnote-4)

A key challenge presented by structural racism is the unwillingness of state actors to take specific steps to combat racism and racial discrimination, which in effect perpetuates inequalities. ENAR members in Denmark, Finland, Germany, Lithuania cite a lack of political willingness to address issues of racism, isolating anti-racism work to the NGO sector.

Addressing structural racism requires that anti-racism practices and policies address past injustices and their continuing relevance to the modern world.[[5]](#footnote-5) It also requires that discrimination is recorded, analysed and monitored through the collection of equality data at the European and national level, to identify the ongoing impact of racism today and to shape policy to address it.[[6]](#footnote-6) Generally, there is a huge disparity amongst member states in Europe about the collection of equality data, with the UK systematically collecting it whereas states such as France and Germany mounting extreme opposition.

1. *Rise in racist crime and speech in many European countries*

A rise in racist violence and speech in Europe in the past years is a widely documented trend. According to a survey by the EU Fundamental Rights Agency[[7]](#footnote-7) every fourth respondent from a minority group said that they had been a victim of crime at least once in the 12 months preceding the survey. The *ENAR Shadow Report 2013/4: Racist crime in Europe*[[8]](#footnote-8) documents this rise in hate crime. It also explores how different minority groups have experienced racist violence in member states of the EU. Some key findings of the report:

* Victims of racist crimes can be reluctant to report racist crimes to the police for several reasons including a lack of trust in authorities and the lack of confi dence that their complaints will be taken seriously. Irregular migrants, in particular, often do not report crimes to police for fear of deportation.
* Several Member States do not systematically investigate racially motivated crimes and although most countries recognise racially motivated crime in their legislation, narrow definitions of what constitutes a racially motivated crime can result in under-recording of incidents. Underqualification of racist crimes takes place throughout the justice system, from police reporting to court judgements.
* An increase in antisemitic crimes is reported in five out of 26 countries – in Denmark, Germany, Hungary, the Netherlands and Sweden.[[9]](#footnote-9) A high number of anti-Semitic crimes are acts of property damage/vandalism (in Lithuania and Poland) and online incitement to hatred (in Latvia).
* Islamophobic crimes are on the increase in France, England and Wales. It is also reported that Muslim women are more likely to be victims of Islamophobic crimes and these crimes are often physical and very violent.
* There is very limited information published on the race or ethnic origin, nationality and citizenship status of victims of racist crime. However in many EU countries including Estonia, Greece, Italy, Poland, Sweden and the United Kingdom, the most violent physical attacks reported are perpetrated against Black and Asian ethnic minorities.

Further *ENAR’s Forgotten Women[[10]](#footnote-10)* report explores the theme of multiple discrimination; how racism and sexism combine when considering the rise in the islamophobic attacks on Muslim Women across Europe.

At the national level a range of specific challenges emerge in the response to racist violence, including a general failure of authorities to investigate and prosecute hate crimes and hate speech, a lack of effective remedies for victims.

Such problems were highlighted by ENAR members in Denmark, the UK, and France. France has seen a rise of 18% of islamophobic violence from 2014 to 2015.[[11]](#footnote-11)

In terms of the rise of hate speech, a number of issues remain important. Firstly, the participation of politicians in hate speech continues to be an issue contributing to a climate of racism of hostility against minorities. This includes examples of racist speech by elected politicians in Finland, the UK, France, Germany, but also at the EU level. Recently, EU Commissioner Gunther Ottinger made racist remarks on a platform, whilst in august 2016 Hungarian MEP Gyorgy Schopflin of the Fidesz party tweeted severe anti-migrant hatred with regards to Hungary’s immigration policy.

The rise of hate speech on-line is also an ongoing issue, which the CERD have recently addressed in General Recommendations. Pertinent issues are the role of internet providers in combatting hate speech, and the need for deeper analysis into the links between online hate speech and racist violence.

1. *Increased far-right, populist sentiments, often coinciding with anti-migrant and minority opinions.*

Certain changes in the political climate have also been seen to increase racist hate crimes and speech (e.g. Brexit, run-up to the French elections) and therefore, the role of politicians and institutions is important to consider alongside rising trends of hate and racist violence.

These trends sit alongside ideological shifts to the right in many EU member states, in which discourses of the ‘death of multiculturalism’ and threats to western culture are growing in influence. Many members highlighted that such trends facilitate the entry of the far-right into mainstream politics, which has an onset effect on the tone of mainstream politics and parties, who will be more likely to resort to racist policies and rhetoric to win back voters. Such trends have been seen in France, Germany, the UK, Denmark, Sweden, and many others.

Indeed, as shown in the previous section, these trends have real impact in terms of racist violence. As shown in the ENAR Shadow Report on racist crime, incidents of racist crimes perpetrated by individuals with links to political groups are reported in eight out of 26 countries – in Bulgaria, the Czech Republic, Denmark, France, Greece, Ireland, Italy and Sweden. [[12]](#footnote-12)

**ENAR works to address these issues in 4 main ways**. Firstly (1), we seek to build a strong understanding of racism and how it manifests across Europe and in different national contexts. This includes through the development of annual Shadow Reports which explore a particular issue of racism or discrimination with input from researchers across Europe. We also seek to build a knowledge base through the organisation of events of experts on various topics of racism.

Further (2), ENAR works to deepen the knowledge of policymakers on racial discrimination by exploring different forms of racism and how different minority groups experience discrimination differently. These forms are: **antigypsyism, Afrophobia, Islamophobia, antisemitism and xenophobia.**

This analysis shapes our advocacy work (3), based on the belief that specific forms of racism require specific European and national strategies to combat. For example, just as the European Union has developed the European Framework for national Roma integration strategies, other forms of racism must be addressed with specific strategies tailored according to the ways these groups experience racism. We are calling for**Black Europeans, People of African Descent, Muslims and Jews to benefit from similar strategies** which will ensure their social inclusion and protection from discrimination for the benefit of the whole society. Alongside this, we advocate for concrete legislative policy and practical change on a range of issues related to racism, including: the collection of equality data, hate legislation and practice, diversity in employment, European migration policy, counter-terrorism and ethnic profiling.

Lastly, (4) ENAR works to build the capacity of our members to conduct advocacy at the national level and engage in European and international agendas on racism and discrimination.

        **2. What has been your experience, as civil society, of engaging with CERD to date?**

ENAR as an organisation has not had systemic cooperation with the CERD as our advocacy work focuses mainly on the work on the EU institutions. However, the engagement we have had with CERD officials has been positive and we would like to continue to have a say at CERD.

Members in general report very positive engagement with the CERD noting the willingness of CERD to undertake critical analyses of state approaches to racism, and to present specific recommendations. Others highlight as useful existing mechanisms for reaching out to NGO, such as the lunch briefing series.

Some members cite engagement with CERD through handing in parallel reports and background papers, and the presentation of papers in Geneva.

Other members have been engaged by teaching about CERD in schools and high schools at pupils as part of seminars on human rights; at trainings (on human rights, children rights, equality of chances, women, etc) for NGO activists, youth and different experts.

**3. How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?**

Increasing influence and the problem of non-implementation of CERD recommendations by Member States identified by most members, who call for improvement in the influence of the CERD communications and opinions. Many allude to the need for better coverage in mainstream press.

Many members cite a need for stronger periodic review and recommendation system, to ensure Member States have due regard to the issues outlined in the CERD communication. In addition members noted a need for a follow up between periodic reviews.

Further, considering that much of the advocacy and press work on antiracism issues is conducted by local NGOs, some members cite the need for deeper coordination and links between CERD and local NGOs, and highlight the problem of financial resourcing. Further, support with the dissemination of available resources would help to reach civil society. One suggestion included an active platform of cooperation with active NGOs from all the countries that adopted CERD, permanent consultations, work/study visits in these countries, frequent online surveys on different issues, activities that link the government/public competent bodies with the NGO in each country.

Another suggestion for further cooperation with NGOs included to launch in future call of proposals in partnership with NGOs on CERD general conclusions topics. Other members noted the need fo finance small scale projects.

Specific forms of racism should be further addressed by CERD, promoting the acknowledgement of how different groups experience racism differently, and different trends in racist practices and discourses, for example the structural racism faced by Peoples of African Descent, growing hate crime against migrants and anti-migrant discourses.

1. Pincus, F. L. (1994). "From Individual to Structural Discrimination." In F. L. Pincus and H. J. Ehrlich, Race and Ethnic Conflict: Contending Views on Prejudice, Discrimination and Ethnoviolence. Boulder, Colo.: Westview [↑](#footnote-ref-1)
2. Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools: <http://rwuk.org/wp-content/uploads/2016/07/preventing-education-final-to-print-3.compressed-1.pdf> [↑](#footnote-ref-2)
3. For more on structural racism with respect to people of African Descent, see ENAR 2014/15 Shadow Report on Afrophobia: <http://www.enar-eu.org/IMG/pdf/shadowreport_afrophobia_final_with_corrections.pdf> [↑](#footnote-ref-3)
4. Pincus (1994) [↑](#footnote-ref-4)
5. Highlighted by Member Initiative Schwarze Menschen in Deustchland (ISD) [↑](#footnote-ref-5)
6. https://www.opensocietyfoundations.org/sites/default/files/ethnic-origin-and-disability-data-collection-europe-20141126.pdf [↑](#footnote-ref-6)
7. <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime> [↑](#footnote-ref-7)
8. <http://www.enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf> [↑](#footnote-ref-8)
9. <http://www.enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf> [↑](#footnote-ref-9)
10. <http://www.enar-eu.org/IMG/pdf/forgottenwomenpublication_lr_final_with_latest_corrections.pdf> [↑](#footnote-ref-10)
11. <http://www.islamophobie.net/sites/default/files/CCIF-Annual-Report-2015.pdf> [↑](#footnote-ref-11)
12. <http://www.enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf> [↑](#footnote-ref-12)