



## MEMORANDUM TO THE AUSTRIAN PRESIDENCY OF THE EUROPEAN UNION

**January – June 2006**

*The European Network against Racism (ENAR) is a network of some 600 European NGOs working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives. See: [www.enar-eu.org](http://www.enar-eu.org).*

## INTRODUCTION

*Austria wishes to use its Presidency above all to bring Europe closer again to its people and to boost confidence in the European project. Europe should serve and protect us.*<sup>1</sup>

The European Network against Racism (ENAR) welcomes this commitment, and strongly believes that this second Austrian Presidency of the European Union has an opportunity to consolidate and build on developments in the area of anti-racism and anti-discrimination. In order to realise its ambition to bring Europe closer to its people and to boost confidence in the European project, the Presidency should demonstrate leadership and commitment in promoting a vision of an intercultural Europe, free from racism. As in its first Presidency, Austria 'should not be afraid to tackle the difficult and controversial questions'.<sup>2</sup>

Since the 1980s the institutions of the European Union have addressed the problem of racism at different times and in different ways. This activity culminated with the inclusion of Article 13 in the Treaty of Amsterdam and the subsequent adoption of the Race Directive (Directive 2000/43/EC). However in the intervening years racism has begun to slip of the European Agenda – it appears less frequently on the agenda of European Council meetings and in the Presidency conclusions.

As ENAR members are very aware, racism and religious discrimination, remain serious problems in European societies, and new and emerging forms of racism underline the need to be vigilant. Recent events clearly demonstrate the dangers of excluding large sections of our societies. The significant step of adopting the Race Directive has far from solved the problem of racism in Europe.

**In order to ensure that racism remains a key focus of the European Union ENAR strongly urges the Austrian Presidency to highlight this issue in the Presidency Conclusions. The Presidency Conclusions should:**

*Reiterate the commitment to oppose any form of racism, and invite the Council and the Commission to undertake specific activities and programmes aimed at fighting racism, xenophobia, Islamophobia and anti-Semitism.*

ENAR looks forward to working with the Austrian Presidency in the coming months, and invites it to promote the fight against racism in all its activities. This memo offers some brief recommendations as to how this Presidency can take a leading role in the fight against racism in Europe. The memo is divided into four broad areas: **(1) Equality and anti-discrimination; (2) Freedom, security and justice; (3) Jobs and growth; and (4) Mainstreaming anti-racism, equality and human rights.**

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<sup>1</sup> Wolfgang Schüssel, Federal Chancellor,  
[http://www.eu2006.at/en/The\\_Council\\_Presidency/index.html](http://www.eu2006.at/en/The_Council_Presidency/index.html)

<sup>2</sup> The Priorities of the Austrian Presidency of the European Union, Speech by the Austrian Minister for Foreign Affairs, Mr. Wolfgang Schüssel at the Royal Institute for International Affairs, London 3 June 1998.

## **1 EQUALITY AND ANTI-DISCRIMINATION**

Despite its importance in the Charter of Fundamental Rights (Article 21), the Treaty on European Union (Article 13) and the work of the EU institutions, the Austrian Presidency has not mentioned in its priorities the broader equality agenda before the European Union (with the exception of gender discrimination).

Following the withdrawal of the nomination of Rocco Buttiglione to the European Commission in 2004, the Commission reaffirmed its commitment to anti-discrimination through the establishment of a Group of Commissioners on Fundamental Rights, Anti-discrimination and Equal Opportunities headed by Commission President Barroso. It is important that the momentum of this commitment is not lost, and ENAR looks forward to the Austrian Presidency taking an active approach to promoting anti-discrimination.

The Austrian Presidency will take place in the context of a developing anti-discrimination agenda as outlined in the European Commission Framework Strategy on non-discrimination and equal opportunities for all. This includes the Decision on the European Year of Equal Opportunity for All in 2007, the preparatory work for the 2007 Year, and a feasibility study on the harmonisation of anti-discrimination legislation on all grounds.

The Austrian Presidency has a unique opportunity to take advantage of this momentum in order to promote a more comprehensive anti-discrimination framework at the European level. In promoting the fight against racism and religious discrimination, in the context of the anti-discrimination framework ENAR asks the Austrian Presidency to:

- On the occasion of the publication of the five year report on the Race Directive, take steps to promote the comprehensive implementation of the Directive.
- Promote the 'levelling up' of anti-discrimination grounds, in the context of the Commission's feasibility study.
- Support preparations for the 2007 Year of Equal Opportunities for All and encourage Member States to work closely with national NGOs in the establishment of the national coordinating bodies for the year.
- Encourage discussion of the concept of multiple discrimination in the context of the Commission's forthcoming study and conference on this subject.
- Support the work of the High Level Advisory Group on the social and economic inclusion of ethnic minorities, which will meet for the first time during the Austrian Presidency.

## **2 FREEDOM, SECURITY AND JUSTICE**

ENAR welcomes the commitment of the Presidency to 'improve the coherence and consistency of the EU's human rights policy in its internal matters as well as in external affairs'<sup>3</sup>. Freedom from racial discrimination is one of the most widely recognised human rights. In promoting anti-racism during its term the Presidency has a real opportunity to enhance the enjoyment of human rights by everyone in the European Union.

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<sup>3</sup> Operational Programme of the Council for 2006 submitted by the incoming Austrian and Finnish Presidencies, 16065/05, 22 December 2005, p. 58.

### ***2.1 European Union Agency for Fundamental Rights***

The Austrian Presidency is likely to oversee a substantial part of the Council negotiations on the proposed Agency for Fundamental Rights. ENAR has broadly welcomed the proposal, and has followed closely the discussions that have taken place. There are a number of concerns with the proposal and ENAR would encourage the Presidency to ensure that the Agency realise its full potential:

- Ensure that the focus on racism continues to be a central part of the work and structure of the extended Agency.
- The Agency should work closely with civil society and NGOs, to this end the proposal should include a strong role for the NGO Forum, including representatives on the management board of the Agency.
- The Austrian Presidency should act to ensure the independence and adequate resourcing of the Agency from the outset.

### ***2.2 Mid-term review of the Hague Programme***

The Austrian Presidency will examine progress made in implementing the Hague Programme and the corresponding action plan and update them if necessary. Since Tampere ENAR has followed closely the establishment of the area of freedom, security and justice as it impacts ethnic minority communities and the rights of third country nationals. ENAR believes that:

- In the review of the Hague action plan particular attention should be paid to the threat which experiences of racism pose to the area of freedom, security and justice.
- The Presidency must seek the views of civil society in assessing the implementation of the programme.

### ***2.3 Framework Decision on Racism and Xenophobia***

Following the failure of the Council to adopt the Framework Decision on Racism and Xenophobia during the Luxembourg Presidency, ENAR expressed its disappointment that the EU, since 2001, has failed to introduce a legally binding instrument on racism as a crime (despite substantially weakening the original proposal). The Austrian Presidency should support public discussion on the compatibility of the right to freedom of expression and the need to combat hate crime. ENAR calls on the Austrian Presidency to:

- Keep the Framework Decision on the Agenda of the European Council.
- Host a meeting in Vienna, with the EUMC, to examine the relationship between freedom of expression and measures to combat hate crime.
- Include hate speech, xenophobic discourse, and the interest of ethnic minorities/migrants on the agenda of the Conference on Media, Migration and Asylum (Vienna, 19-21 April). ENAR looks forward to receiving an invitation to this conference.

### ***2.4 Counter-terrorism***

Since 11 September 2001 counter-terrorism measures have shot up the international and European agendas, particularly in the aftermath of the London and Madrid bombings. For some time concerns have been expressed regarding the link between racism and counter-terrorism measures. The Austrian Presidency should focus on the need to protect human rights and civil liberties in the context of the fight against terrorism, and in particular the right to freedom from racial discrimination.

- In its review of the strategy and action plan against radicalisation and terrorism recruitment, ENAR calls on the Austrian Presidency to recognise racism, and in particular Islamophobia, as a source of exclusion and to promote the rights of all ethnic minority communities.

### **2.5 Migration and Integration**

During the Austrian Presidency any discussion on the Plan on Legal Migration should be cognisant that it is impossible to address migration, family reunion and asylum policies in isolation from integration policy priorities. ENAR calls on the Austrian Presidency to:

- Take steps to enhance the protection of third country nationals in the European Union, including those groups who are most vulnerable such as undocumented workers, those involved in unskilled labour, and women and children.
- Promote open discussion of the Common Basic Principles on integration with civil society and the European Parliament.
- Demonstrate leadership by signing the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

## **3 JOBS AND GROWTH FOR EUROPE**

ENAR takes note of the intention of the Austrian Presidency to make employment its priority and to take into account the challenge of social exclusion. ENAR would like to reiterate the importance of tackling discrimination and exclusion of all groups who experience discrimination, and of promoting equality in order to achieve social cohesion and growth. As such, equality and non-discrimination need to be integrated as crosscutting issues in the Lisbon Strategy and the new Social Agenda.

ENAR shares the concerns of other social NGOs that in the streamlining of the Open Method of Co-ordination, social inclusion objectives will no longer be given due priority. ENAR asks the Austrian Presidency to:

- Include in the agenda of the Spring Summit in March 2006 substantial time for discussion on social inclusion, including the social inclusion of ethnic minority groups (invite the Commission's High Level Advisory Group on the social and economic inclusion of ethnic minorities to participate in the meeting).
- Ensure integration of equality and non-discrimination considerations in the formulation and evaluation of EU employment and social policies, and in particular in the context of the review process of the National Reform Plans and the adoption of new 'integrated guidelines'.
- Ensure that social inclusion objectives are given priority in the context of the streamlined coordination processes in the social area.

## **4 MAINSTREAMING ANTI-RACISM, EQUALITY AND HUMAN RIGHTS**

ENAR welcomes the focus of the Presidency on gender mainstreaming as a tool for promoting equality, however as a policy for promoting the broader equality agenda, a more comprehensive approach must be taken to equality and human rights mainstreaming.

#### **4.1 Constitution**

In the absence of progress on the signature of the Constitutional Treaty, the European Union must resolve the ambivalence surrounding its commitment to the regional human rights standards established by the Council of Europe. ENAR welcomes the commitment by the Austrian Presidency to re-invigorate the debate on the Constitution. ENAR urges the Austrian Presidency to:

- Initiate the process of EU accession to the European Convention on Human Rights.
- Call on all Member States to ratify Protocol 12 of the European Convention on Human Rights and the Revised Social Charter.

#### **4.2 European Year of Intercultural Dialogue, 2008**

ENAR welcomes the priority that the Austrian Presidency has given to the promotion of inter-religious and intercultural dialogues. Promoting intercultural societies is a complex task which comprises many elements, including: fighting discrimination, promoting inclusion, combating prejudice, providing responsive public services, and promoting a positive conception of the value of diversity in European societies.

In promoting intercultural dialogue during its Presidency, ENAR calls on the Austrian government to:

- Encourage the active engagement of civil society in the preparations for the 2008 Year.
- Promote consistency between the 2007 Year of Equality Opportunities and the 2008 Year.
- Invite ENAR to participate in the Vienna conference on inter-religious and intercultural dialogue.

#### **4.3 European Youth Policy**

Young people from ethnic minority communities are often particularly vulnerable to exclusion as they suffer from 'double discrimination' on the ground of age and race. ENAR welcomes the initiative of the Austrian Presidency to focus on the 'European Youth Pact' and to look at issues of unemployment and education for young people. ENAR calls on the Presidency to:

- Ensure diverse representation amongst the young people participating in the conference in Bad Ischl, including representatives from Europe's diverse ethnic communities.

#### **4.4 Family**

ENAR welcomes the priority that the Presidency has given to the family. The right to family life of ethnic minority groups is often compromised by discrimination, failure to accommodate diversity, and restrictive immigration policies and practices. ENAR asks the Presidency to:

- Invite ENAR to participate in the high-level experts conference entitled 'Demographic Challenges – Family needs Partnership'.
- Ensure that there is adequate representation of the diversity of European families in the programme and participation of the conference.

#### ***4.5 Gender and Health***

Ethnic minority women are particularly vulnerable in Europe when it comes to accessing adequate service provision in the health sector.<sup>4</sup> Non-discrimination and equal treatment in the provision of health care form part of state obligations under international law.

- ENAR asks the Austrian Presidency to ensure that the particular needs of ethnic minority women in accessing health care are recognised in the work that it will undertake to develop indicators for the area of women and health. In particular the Presidency should consult with NGOs representing minority communities, particular those who represent minority women.

**European Network against Racism (ENAR)  
Brussels, 9 January 2006**

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<sup>4</sup> For example a 2003 EUMC report found that ‘situation of Romani women in relation to health care is poor and emphasizes how much needs to be done’. EUMC (2003), *Breaking the barriers – Romani Women and Access to Public Health Care*, p. 1.