European Monitoring Centre on Racism and Xenophobia
Observatoire Européen des Phénomènes Racistes et Xénophobes
Europäische Stelle zur Beobachtung von Rassismus und Fremdenfeindlichkeit

EUMC

Application of Council Directive 2000/43/EC of 29 June 2000
Views of the European Monitoring Centre on Racism and Xenophobia

Vienna, August 2005

1. Context

Member States of the the European Union shall communicate to the European Commission by 19 July 2005, and every five years thereafter, under article 17 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, all information necessary for the Commission to draw up a report to the European Parliament and the Council (of the European Union (EU)) on the application of the aforementioned Council Directive. The Commission's report shall take into account, as appropriate, the views of the European Monitoring Centre on Racism and Xenophobia (EUMC) amongst others. In addition, according to the principle of gender mainstreaming the report shall, inter alia, provide an assessment of the impact of the measures taken on women and men. The Commission's report, in light of the information received, shall include, if necessary, proposals to revise and update the aforementioned Directive.

The EUMC welcomes the opportunity to provide its views on the application of Council Directive 2000/43/EC (hereafter "the Directive") to the European Commission. The EUMC's views summarise the results of its operational activities, in particular its data collection, research studies, projects and cooperation with inter-governmental organisations and civil society. The EUMC's data collection and information gathering exercise covers three specific fields relevant for examination of the practical impact of the Directive, namely employment, education and housing. In addition, it continues ongoing work on the healthcare situation of Romani women and this informs any comments on gender mainstreaming. The views expressed in this paper build on the opinion of the EUMC in response to the European Commission's Green paper on Equality and non-discrimination in an enlarged European Union (June 2004) and the conclusions and opinions of its Annual Reports. More detailed information on impact of the Directive will be included in the EUMC's Annual Report 2005 Part 2 – Racism and Xenophobia in the EU Member States, trends, developments and good practice scheduled for publication in final quarter 2005 and the EUMC's National Reports.

The EUMC's views focus primarily on the preliminary impact on the ground of the application of the Directive and are not aimed at assessing the legal application of the Directive which is the responsibility of the European Commission and the European Court of Justice. The paper therefore does not refer to the recent rulings of the European Court of Justice which found Germany, Austria, Finland and Luxembourg to have failed to transpose the Directive for a variety of reasons, nor does it attempt to comment on the efficacy of judicial or administrative processes in defence of rights. The EUMC has also sought to identify examples of initiatives which, though too early to consider as examples of 'good' practice, merit attention. These initiatives have been either adapted to take account of the Directive or have been launched as a consequence of it.

The EUMC acknowledges that any view with regard to the Council Directive can only be preliminary given the timeframe from adoption to application of national legislation in most of the Member States and the fact of the Union's recent enlargement. It may well be useful for the Commission to consider drafting an interim report prior to the next five yearly report on the application of the Directive given this situation. The EUMC's view is therefore that with regard to impact on the ground more time would be required to enable a comprehensive assessment. Within the EU as EUMC reports continue to highlight there still remains an ongoing challenge to eradicate discrimination on the grounds of racial or ethnic origin and the Directive, by its very existence, is seen by key actors as a major component of that fight against racism.

2. EUMC Preliminary Opinions:

The EUMC's opinions relate to areas where it believes action can be taken by Member States to apply the Directive more effectively and areas where the Commission could concentrate activities within the context of the Community Action Programme to combat discrimination (2001 to 2006).

a. More work needs to be done by national authorities and institutional mechanisms on identifying the problems and developing supporting measures and practices to make the Directive as effective as possible. A special focus should be given on the targeted dissemination of good practice to the key actors in the field.

b. A regular report and review mechanism to national Parliaments (and the public) on progress on non-discrimination and equality needs to be developed by Member States, particularly in key sectors of education, social and economic life.

c. Capacity building for national administrations and local authorities on implementation of the Directive needs to be continued, monitored and reviewed as appropriate.

d. Capacity building still needs to be focused on supporting systematic, reliable and consistent data collection and monitoring on racial discrimination. Consideration should be given to whether the bodies for the promotion of equal treatment should be given the additional task of data collection at the national level under a common framework.

e. A standardised format for data collection on racial discrimination should be developed for civil society organisations. This should be accompanied by training and the development of data collection modules.

f. Governments need to recognise more strongly that civil society can be effective partners in combating racial discrimination and supporting their policy objectives to counter discrimination. Capacity building for civil society organisations needs to be further developed therefore. In particular, raising awareness among target communities and assisting victims of discrimination to put together cases, cope with the pressures of filing discrimination cases, following up the consequences for those who do decide to take up cases; and highlighting examples of good practice. In addition, training and capacity building will require the active participation of civil society organisations in partiuclar where it relates to grass roots developments and civil society organisations can act as trainers of trainers.

g. A directory of organisations in defence of rights of victims in each Member State needs to be set up and made available.

h. Awareness raising activities need to be continued and targeted at the public, particularly given the lack of knowledge on the issue in some Member States and the different traditions and experience of anti-discrimination in the EU.

i. Dissemination by national authorities of practical information at the national level remains limited and needs to be extended to target groups and their support organisations.

j. The 'European Year of Equal Opportunities for All' in 2007 provides an opportunity to raise further awareness about non-discrimination.

3. Key Observations:

3.1. General

- Some member States used the opportunity of application of the Directive to extend its scope to additional grounds of discrimination, this has been viewed as a positive development which re-inforces protection and advances equality to more groups experiencing inequality and discrimination. Policy-making in some Member States as a result sought to develop a coherent framework to tackle non-discrimination and equality. This was achieved by developing an integrated and comprehensive approach within equality strategies. Equality strategies therefore broadened the perspectives on discrimination beyond the traditional areas of employment and education to for example, what constitutes a 'service' for the purposes of the Directive. It also has had the added benefit of covering some of the multifaceted elements of discrimination such as the interlink between race and religion and the situation whereby individuals may be subject to multiple forms of discrimination.

- The scope of the Directive had the beneficial impact of drawing the attention of policy makers to the need for comprehensive and inter-connected policy across their departments to support application – this involved inter-departmental coordination which hopefully will be continued and sustained. In addition, in some Member States the work on the Directive was incoporated into the National Action Plan to combat racism which further re-inforced the application of the Directive and its relevance in a broader and integrated policy framework.

- In applying the Directive the Member States in general undertook a gap analysis of their legislation and supporting measures. This has had the indirect beneficial effect of provoking a debate in some Member States beyond the application of the directive to the state of play on treatment of ethnic minority nationals/citizens and an examination of the possible inequalities existing in society. As some Member States have extended the grounds to be covered by equal treatment beyond those outlined in current European Community law anomalous situations may appear in the future which can only provoke further debate about equality and non-discrimination across the EU. This can be viewed as a development which will advance the whole debate.

- The designation or establishment of equal treatment bodies has provided a visible and practical mechanism to combat discrimination. The debate engendered during the process is shifting now to ensure their independence, accessibility and effectiveness in practice. It has also led to further discussion about the adequacy of their minimum powers and tasks.

- In some Member States, a positive development to share the advantages of the work against racial discrimination to other grounds of discrimination, namely the establishment or designation of a body or bodies for the promotion of equal treatment, has engendered discussions on the relative advantages and disadvantages of single equality bodies and individual ground specific bodies. A key consideration appears to be to ensure that the resources (both financial and human) and expertise required to ensure the effectiveness of the body is maintained and the political commitment to combating discrimination on certain grounds is not diminished as a result of working on additional grounds. In a related development, a body or bodies to combat discrimination have also been created at the regional level in some Member States.

- The Directive has encouraged the development of awareness raising and training programmes for members of judicial, administrative and institutional structures charged with non-discrimination and equality issues with Member States recognising that they require additional skills and capacity to apply the Directive consistently and effectively across a broad range of fields.

- The debate by policy makers and practitioners on the methods and approaches to compiling statistical evidence, while at the same time working within data protection provisions, such as ethnic monitoring, ethnic data collection and situation testing, has been given added impetus by the Directive and a variety of projects are underway. During the period covered by the EUMC reports various methods of testing were employed by a variety of organisations in sectors such as employment and housing. It is now acknowledged that uniform and systematic collection of data is essential for combating discrimination more effectively and standards for recording and assessing data related to discrimination need to be improved and made more comparable.

- Discussion on defining and monitoring indicators (even bench-marking) on non-discrimination and equality is now commonplace among policy makers and practitioners across the European Union. Indicators are now viewed as one of the methods to monitor and assess the effectiveness of non-discrimnation measures.

- The Directive can be argued to have played a role in strenghthening the non-discrimnation and equality dimension in policy development in areas such as justice, freedom and security. For example non-discrimination is now an integral component of any effective integration policy framework, effective security related policy has to take into account its potential for disproportionate impact on particular ethnic minority communities either directly or indirectly and immigration procedures need to demonstrate that they are non-discriminatory when dealing with applicants from the same country.

- The process of reacting to the drafting and finalising of legislation created cooperation between anti-discrimination groups across Europe working on different grounds of discrimination. The potential for developing platforms on non-discrimination and equality can re-inforce action at the European and national level.

- In a few Member States the redefining of members of national minorities may have an impact on equal treatment, but it is too early to assess the impact fully in the context of the Directive. In general the grounds and scope of protection can have key differences and accord a particular status to communities.

- The Directive though not referring to national origin or nationality as a ground has nevertheless had an impact on the debate of the treatment of third country nationals in the EU both with positive and negative consequences. The distinction between grounds of racial or ethnic origin covered by the Directive and nationality and national origin has led to some confusion. This has been compounded by the fact that in some Member States national origin was already covered under national level anti-discrimination legislation.

- In general, there appears to be more information becoming available on discrimination within the EU, though the methodology for information gathering is varied. Much of the information is referenced to the application of the Directive. The Directive may be inspiring a broader range of organisations to start to look into discrimination related issues with more confidence and with the knowledge that a legal basis exists at the national and European level.

- At the level of the European Commission, the application of the Directive is supporting mainstreaming activities and the development of integrated and comprehensive policy frameworks. In particular, employment opportunities, social inclusion, gender and justice policy areas are but a few where this approach is discernible.

- The failure by some Member States to transpose the Directive by the deadline does have an impact on the European Union's credibility to act as a block to promote non-discrimination and equality at the European and international level, especially given the reference to the Directive in numerous public statements at European and international fora.

3.2. Bodies for the promotion of equal treatment

The Directive placed a legal obligation on Member States to designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. In nearly half of the Member States an existing body has been adapted to undertake the responsibilities set out in *Article 13* of the Directive. For example, in **Belgium**, the **Netherlands** and **Sweden** their long-standing equality agencies or Ombudsman have been given the task. In **Austria** the Equal Treatment Act 2004 extended the mandate of two existing equality bodies so that they would cover the grounds of racial or ethnic origin. In **Ireland** the special bodies are the Equality Authority, established in 1999, and the Equality Tribunal. In **Slovakia**, the existing Slovak National Centre for Human Rights was designated as the special body, and in **Lithuania** the jurisdiction of the Equal Opportunities Ombudsman has been extended to include racial or ethnic origin. In **Latvia** the Latvian National Human Rights Office has been named as the responsible body. In some cases the mandate has been extended without the introduction of any changes to their structures. In **Luxembourg** the body under discussion was the Work and Mines Inspectorate. In **Portugal** the High Commissariat for Immigration and Ethnic Minorities, formed in 1995, has been designated as the special body.

In ten Member States a completely new body has been established. Where new bodies have or are to be established (for example, in the **Czech Republic, Estonia, Greece, France**, **Hungary** and **Slovakia**) they are in some cases multi-stranded, so that they deal with all of the grounds of discrimination set out in Directives 2000/43/EC and 2000/78/EC. In other cases (e.g. **Denmark, Italy, Cyprus** and **Finland**) a new body has been established whose remit appears to be solely to deal with racial or ethnic discrimination. Whether it is more effective to have a body with responsibility solely for racial/ethnic equality matters has been at issue in the **UK**, where the Commission for Racial Equality, the current body dealing with racial/ethnic equality matters, in 2004 has argued that a multi-strand body may not be able to provide the same level of service that can be provided by a body with responsibility solely towards the elimination of racial discrimination, and that it may not have the capacity to reduce conflict within communities. At the end of 2004 the **UK** government confirmed that it had opted for a single body, the Commission for Equality and Human Rights.

There appears to be much work to be done to establish a special body/bodies for the purposes of the Directive in **Germany**, **Spain**, **Malta**, **Poland** and **Slovenia**.

3.3. Sectoral Impact – Employment, Education and Housing

In general, given the timeframe from adoption to application of the Directive, direct evidence of the impact of the Directive in the sectors of employment, education and housing remains patchy. It is

clear that sectoral authorities, businesses, trades union and organisations working in defence of ethnic minority rights are aware of the Directive and have publicised the fact that non-discrimination and equality should be a standard feature of the work place, education and housing sector. For example, in the business community there is some evidence to suggest that there has been increase in voluntary codes/charters against discrimination by businesses and that there is greater awareness of the illegality of racial discrimination. This has been complemented by training and publicity programmes, both in anticipation of the Directive being transposed and as a consequence of its transposition, but use of its provisions and its effectiveness will require more time to assess fully. The multiplicity of factors which directly or indirectly impact on the effectiveness of the Directive will have to be sifted out and transformed into supporting measures to ensure that the Directive does the job it was created to do.

In cases where new legislation or mechanisms are used there may be an element of caution until specialisation and expertise is built up in practice. In addition, the Directive may have a cumulative effect which though invisible in standard means of measurement, creates the environment to change attitudes and behaviour. As with the impact of any new measure the first major use of its provisions will set the tone for its applicability on the ground. Supporting measures, where they exist, are clearly at the stage of development and will be important to monitor and transfer between Member States. What is emerging is that sectoral complaints will broaden to the full scope of the Directive and those intent on maintaining discriminatory behaviour will seek new and less visible means to carry out their intentions.

With regard to gender, the Directive and complementary capacity building and training programmes are providing some women from ethnic minority communities with the confidence to organise themselves to defend their rights within their communties and in their demands for improvement in the economic and social life of their families. Much more can still be done for girls from some ethnic minority communities to fulfil their educational potential and gender mainstreaming on non-discrimination is having a limited impact, though it needs to be mainstreamed more consistently and monitored more effectively for trends.

3.4. Healthcare system - gender

The EUMC preliminary assessment of the impact of the Directives on gender is focused primarily on access to healthcare systems by Romani women. While there appears to be greater awareness of the particular needs of women from ethnic minority backgrounds in some Member States, reflected particularly in the provision of meals, the internal support with regard to religious and cultural factors which are gender specific, there needs to be greater consistency applied in practice and more visible support from entry into the healthcare system. In many Member States there remains much to do. The Directive itself may inform the policymakers on health, as non-discrimination is being built into the health strategies, but the impact on practitioners is still limited.

3.5. Dissemination of information

Dissemination of information requires more work throughout the Member States, particularly aimed at practitioners, target groups and supporting organisations. There still remains a lack of knowledge of the Directive and its use. While some Member States engaged in a public consultation process at various levels, others appear to have restricted the information to a limited number of Government departments and agencies.

3.6. Dialogue with non-governmental organisations

The consultation process with non-governmental organisations on the Directive in most Member States was patchy at best and poor overall. This has had an impact on awareness raising of the benefits and use of national legislation, institutional mechanisms and supporting measures amongst target groups and organisations at the regional and local level. Lack of awareness may fail to dispel any confusion about who is covered by the Directive, the distinction between positive action and affirmative action, interpretation of genuine and determining occupational requirements and a proper understanding of the shift in the burden of proof.

4. NEW AND ONGOING INITIATIVES

The EUMC commissioned reports highlight a number of new initiatives or ongoing initiatives taken in Member States. The information below provides some of the many initiatives currently taking place in the Member States. One significant observation is that many of the examples highlighted in the twenty-five Member states are specifically linked to national programmes implementing European Directives and/or having access to European funds. The breadth of such examples does suggest that the European Union is playing a significant role in encouraging social cohesion and combating discrimination. While many of the initiatives have a direct visible link to the application of the Directive, others, in the EUMC's view, demonstrate the awareness in Member States of the need to begin to take action in key fields as a consequence of the application of the Directive and adapt policy and plans adopted prior to the Directive's application. As indicated above many of these initiatives, though at a relatively early stage in development therefore making it difficult to assess their effectiveness and sustainability, nevertheless merit attention.

4.1. Awareness training, consultation and other initiatives

Member States have, or are introducing, awareness training programmes aimed at the judiciary or other administrative bodies. Examples include in **Belgium** the Centre for Equal Opportunities and Opposition to Racism has provided training sessions to magistrates and to the police school in Bruges. In **France** a training module has been developed for representatives of the CFDT union and members elected to the Paris labour court covering EU discrimination law and the shift in the burden of proof.

In the **Netherlands** four Dutch NGOs have launched a new website (http://www.discirminatie.nl) providing information on combating discrimination.

The **UK** government launched a public consultation on its race equality strategy, entitled *Strength in Diversity*, together with reports on Gypsies and Travellers and on Islamophobia.

In **Sweden** a parliamentary committee has been established to consolidate discrimination law and consider affirmative action. A recent report on the extent of discrimination against the Roma has caused the Ombudsman to issue recommendations for special measures to be taken to combat such discrimination. The government has also published two reports on structural discrimination noting that it is a "serious problem" in Sweden. In **Portugal** the High Commissioner for Immigration and Ethnic Minorities has updated and reissued a "Guide to the Legal System and Fight Against

Racism", which contains most of the relevant legal documents related to the fight against racism and discrimination.

In **Italy** some regional bodies have introduced consultative bodies against discrimination, for example Emiglia Romagna, whereas local government bodies have created special advisors with the power to intervene in cases of multiple discrimination, such as gender and race.

4.2 National Action Plans

In **Denmark** a national "Action Plan to Promote Equal Treatment and Diversity and Combat Racism" was adopted. In **Ireland**, a national "Action Plan Against Racism" has been developed following an extensive consultation process with different stakeholders. In **Cyprus** a number of action plans have been developed, often in response to Cyprus's accession to the EU, which variously address discrimination, racism and xenophobia – for example, the national "Action Plan for Social Inclusion" and the "Action Plan of the Cyprus Police Force". In **Portugal** a national plan for immigration has been adopted, which encompasses a number of anti-discrimination measures.

The **Slovakian** "Action Plan for the Prevention of All Forms of Discrimination, Racism and Xenophobia, Anti-Semitism and Other Expressions of Intolerance" includes training programmes for physicians, after the emergence of cases of sterilisation of some Roma women. The Action Plan also includes awareness training among Slovak citizens of human rights in general. In **Lithuania** an "Action Plan for Combating Racism, Xenophobia, Intolerance and Homophobia" was prepared by the Seimas Human Rights Committee.

4.3 Initiatives in the Employment sector

In **Sweden**, the Ombudsman against Ethnic Discrimination who was appointed in 1986 now produces an annual review of employer compliance with anti-discrimination legislation. In the **UK**, where the Commission for Racial Equality was set up in 1976, a secondary analysis of the most comprehensive national survey of workplace employment relations conducted in 1998 found there was still "scope for the extension of equal opportunities policies among workplaces in Britain, particularly in the areas covered by the Directives". Similarly, another study concludes that if a large proportion of workplaces have equal opportunities policies, they "have not introduced supporting practices".

In **France** there is a Charter for the Equality of Opportunities, where a committee of company directors, headed by a leading businessman, is piloting a programme aimed at companies committed to diversity. In **Germany**, some larger companies like Ford have already developed anti-discriminatory codes of conduct or made agreements on these issues with the trade unions. The German medium-sized company employers' association BVMW (Bundesverband mittelständische Wirtschanft) is encouraging its members to sign up to a declaration committing themselves to the principles of equal treatment, and this entitles them to use a special 'open-minded – against discrimination' logo on their publicity. In **Belgium** the Federal Civil Service has embraced a policy of praising those who practice non-discrimination, and hence public service awards are to be presented to departments that establish good practices. More pro-actively, the Federal Minister of the Civil Service has initiated a project, in collaboration with the CEEOR, which aims to promote diversity management in institutions of the federal civil service.

To help make initial recruitment processes fairer, the **French** Rhone Prefecture has been encouraging the local employment service to send employers anonymous details of job-seekers, where the applicants' last names and addresses are missing. This would tackle the problem revealed in the 'discrimination testing' experiments that some employers operate a first stage rejection of applicants according to their 'foreign' names.

Another approach to increasing employment opportunities for national and ethnic minorities has been taken in **Germany** by the Berlin Commissioner for Foreigners. There, 200 new apprenticeship positions were created through giving non-German born company owners the training that entitled them to take on and train apprentices.

A concern to improve relations between migrant and national workers at the workplace was behind an initiative of a trade union official in **Malta**. He persuaded a construction company that made extensive use of Eastern European migrants to create multi-national work teams, so that migrants and Maltese mixed more both at work and socially in breaks.

Targeting Roma was the objective of the PHARE-funded 'Qualifying Roma for Professional Radio Journalism' programme in **Slovenia** with the objective of training Roma to launch a Roma radio station. In **Hungary**, one EQUAL project has 138 Roma participants involved in training programmes to work on heavy machines, forestry, in floristry and as shop assistants, and a further 60 participants in a programme aimed at increasing the organisational development and project management skills of Roma communities. In **Spain** ESF funds have been used under the Acceder programme to access over 11,000 Roma and to provide training to more than 3,000 over the four years to December 2003 and to create an on-going Observatory on Employment and the Roma Population.

Finally, in a different but still important way, an EU-funded action programme in **Italy** also supports labour market integration by migrant workers. In this case the project identified those banks that allowed migrant workers to easily open current accounts and others that provided a cheap loan scheme of migrants wishing to start their own businesses.

4.4 Initiatives in the Housing sector

The programme "Prolloguer" (Pro-renting) in **Spain**, which was launched by the Catalan government, is intended to buy empty flats, to restore them when necessary, and to rent them in cases where flat owners wish to retain their ownership. Moreover it provides mediation between tenants and landlords in order to ensure the payment of rent and the return of flats in perfect condition once rental agreements have expired. Although this programme is not specifically targeted at foreign migrants, in practice it assists migrants and other groups who experience discrimination.

Furthermore, the Catalan Government created the so-called "Red Bolsa de Vivienda Social" (Network of Social Housing) which aims to encourage access to decent housing by all social groups encountering difficulties in this field, by involving both parties, providing technical and legal guarantees, a comprehensive insurance policy and a guarantee for six months at most. This initiative explicitly mentions foreign migrants who are in an advanced 'pre-legalisation' condition.

Some exceptions to the exclusion of third country nationals from council housing are mentioned as positive examples in **Austria**. The city of Salzburg allocates flats in this housing segment to foreign nationals, proportionate to their share in the overall population and the towns of Krems and

Guntramsdorf allocate communal flats and flats owned by co-operatives irrespective of the prospective tenant's citizenship. The counselling organisation "Wohndrehscheibe" in Vienna, which works to improve housing access for refugees and migrants in lower income brackets, was listed in 2004 among the 107 "best practices" within the framework of the Dubai International Award.

The National Action Plan 2003-2005 of **Finland** states that one of the three strategic goals of its housing policy is to preserve the social balance in housing districts while diversifying their resident structure. The government also introduced a draft law for parliament according to which municipal authorities would be entitled to financial support when building, acquiring land or making improvements to housing for special needs groups.

In the **Czech Republic**, the Ministry for Regional Development conducts the "Program výstavby podporovaných bytů", (Programme for Construction of Supported Housing). The terms of the programme require municipalities to support not only the construction of new houses but also to provide them with social services, thus supporting groups endangered by social exclusion.

The program of developing social flats implemented by the Ministry of Construction and Regional Development in **Slovakia** serves a good example of tackling the housing problems of marginalised population groups. Another initiative by the government is the "Long-term Conception of Housing for Marginalised Groups of Citizens and Model of its Financing", which is intended to create a framework for addressing the problem of housing of marginalised groups, especially the Roma. An important aim is to build a vertical system of social housing, which should consist of several qualitatively different levels of housing. The quality of housing will depend on the expressed goodwill of the citizens to cooperate in the process of construction.

The Housing Fund of the Republic of **Slovenia** published the "Programme of stimulating the assurance of non-profit rental housing in municipalities for 2005." It contains a public invitation to municipalities to build and renovate non-profit rental housing, and address the housing needs of the Roma population. According to the document, a contractor has to provide members of the Roma community with a permanent solution to their housing problem and to improve, at the same time, the housing conditions of the non-Roma population living in the vicinity of temporary Roma settlements.

A further successful example of good practice from the housing sector is in **Germany**. The Hanover project "Habitat: International Living in Kronsberg." People who were interested had to make an application and fill out a questionnaire, which asked about their willingness to work for mutual tolerance and an international neighbourhood. Furthermore, a clause was added to the rental contract, which, as a precautionary measure, made racist behaviour and harassment of neighbours a reason for the termination of the contract. Also in **Germany**, the City of Nuremberg hosted in December 2004 the Fourth European Conference "Cities against Racism in Europe". By the end of the conference, the participants agreed on a finalised ten-point plan of action. It was suggested to draw up legal normative instruments such as an ethical charter and a code of practice for public and private bodies involved in renting and selling accommodation in order to combat discrimination in access to housing, and granting incentives to owners and estate agents who commit themselves to the municipal anti-discrimination code of practice.

In **Italy**, the Fondazione "La Casa - ONLUS" in Padova, which is set up as a cooperation of governmental and non-governmental actors, provides migrant workers and their families with houses that need to be renovated or that are being built, facilitates housing integration through training, and supports migrant tenants in managing relationships with landlords. The Cooperative

"La Casa per gli Extracomunitari" in Verona offers similar services and furthermore assists migrants in transactions, and in their participation in relevant public fora where housing sector policies are discussed.

4.6 Initiatives in the Education sector

The students of the Eugeni d'Ors secondary school, located in the neighbourhood of Badalona, **Spain**, a municipality close to Barcelona with large migrant and Roma populations, have edited a book which consists of 20 tales and legends of all nationalities represented in the school: Morocco, China, Guinea, Ghana, Bolivia, Colombia, Ecuador, Chile, Russia, Pakistan and Catalonia. The students themselves drew up the tales in their original languages and translated them into Catalan.

The irish organisation *Educate Together* published a curriculum on the values and ideals of education for children of diverse faiths and cultural backgrounds. This is **Ireland**'s first multi-denominational Ethical Education Curriculum for primary education. Educate Together is the representative organisation of the Educate Together schools and associations throughout the Republic of Ireland. There are now 31 of these schools that are multi-denominational.

The Report of the Commission for Educational Reform makes detailed recommendations on the process, context, and content for an inter-cultural education system to be introduced in **Cyprus**. The implementation of the proposals (expansion of mother tongue instruction for migrants, programmes of teacher training in teaching Greek as a second or foreign language, the promotion of the idea that being European has multiple narratives, etc.) requires the re-writing of history books, co-operation with other schools in Europe, a programme for co-operation in schools of the Turkish-Cypriot community, common training programmes for Greek-Cypriot and Turkish-Cypriot children and introduction of a programme for anti-racist education.

The city of Amsterdam, in the **Netherlands**, started the project "Second world war in perspective", which is a part of the 'Amsterdam offensive against discrimination in schools and to increase tolerance and respect'. The topics of this project deal with the Second World War, the holocaust, the role of former colonies, and students' countries of origin. It aims to counteract discrimination and anti-Semitism and to increase tolerance and respect.

In the framework of the Community Action Programme to combat discrimination, **Austrian** pupils and teachers were invited to develop projects on the topic of discrimination and to participate in a competition between these projects. A private Catholic school that documented the case of a Muslim girl who had been refused admission for religious reasons, in 2001, was one of the prize-winning projects. It described the process through which the school changed its regulations, which now allow for the participation of children of Muslim faith.

As part of the PHARE *Civil Society Development* programme, the "*Run From Exclusion. Reinforce Roma Education"* project in **Poland** is being implemented by the Integration Association in cooperation with the Roma school in Suwałki as of February 2004. The project's goal is to support education of Roma children by preparing teachers and educators to identify and resolve problems occurring during the educational process. The first phase of activity was the publication of a handbook for elementary school teachers entitled '*The Roma. What every Teacher Should Know'*.

The project *Integration of Roma children into Mainstream Education in Slovenia* was designed and implemented by the Developmental Research Centre for Educational Initiatives Step by Step at the Educational Research Institute of **Slovenia**, based in Ljubljana. It aims to improve the educational

prospects of Roma children in the pre-schools and elementary schools in the Dolenjska region. After two years of the project, a significant improvement can be observed, not only regarding class attendance of Roma children, which continues to rise, but also in higher marks of Roma pupils, and in changed stereotypes, which were often used by teachers when addressing Roma children.

In **Slovakia** a new policy for Roma in primary education includes introducing the post of assistant Romany teacher, creating auxiliary education programmes, reducing the number of pupils in a class, and teaching the Romany language.

The Finnish League for Human Rights has published a card set about ethnic minorities and Sámi people in **Finland,** for educational use in February 2004. The objective of this card set is to increase pupils' knowledge about different minorities and appreciation of other cultures in order to promote a more equal and tolerant society. The card set presents sixteen different ethnic groups. Every card holds a drawing from a child belonging to a specific ethnic group together with basic information about that ethnic minority. Altogether 3,000 copies of the card set were printed. In addition to the cards there is also a guide about how to use the cards in educational situations. The target group of the card set is teachers in day-care and comprehensive schools.

In the **United Kingdom**, the Department for Education and Skills (DfES) launched the *Aiming High* national strategy, which is a concerted effort to lift the achievement of underachieving minority ethnic pupils. It includes a scheme set up specifically to raise standards for African Caribbean pupils, who are one of the lowest performing groups in the country. The strategy includes focused work in 30 secondary schools to raise the achievement of Black pupils, a more robust inspection regime, and publication of achievement data, as well as training for primary teachers to help them better support bilingual pupils.

5. Conclusion

During this stage of the application of the Directive an onus will be placed on those charged to ensure its effectiveness to remain vigilant and determined. Policy makers should remain open to adapting and reviewing policy in light of research, sectoral reports and court rulings. Civil society, social partners and other supporting structures will each have key roles to play in supporting policy makers make their choices. It remains important that we all do not lose sight of the aim of transforming our societies by bringing greater fairness, tolerance, respect, dignity and freedom to all. Our societies in Europe have changed at a macro level, becoming more reflective of the cultures and peoples in the different parts of the world, and we all as individuals need to change in order for society to develop and as individuals have the opportunity to fulfil our potential. The potential of our societies is based on equality and diversity.

The European Commission, through its Green paper on Equality and Non-Discrimination has started the process to gauge the effectiveness of the Directive and its policy framework, this will be complemented by its periodic reports. As mentioned above, the EU takes much credit for directing the Member States to take action to combat racial discimination. With the transposition of the Directive the baton has been passed to the Member States themselves to take up the challenge, civil society, the social partners and other supporting structures must now be drawn in effectively. By working closely together and supporting each other effectively we can all be the winners.