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NGOs' role in combating intolerance, racism and xenophobia

Report¹

Committee on Equality and Non-Discrimination

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Summary

The multiplication of violent acts motivated by intolerance, racism and xenophobia in Europe and the entry into national parliaments of parties circulating messages of a racist and xenophobic nature are worrying trends. Constant vigilance and opposition to intolerance, racism and xenophobia are more than ever political imperatives.

Non-governmental organisations (NGOs) are the natural allies of parliaments in the performance of their function of oversight, prevention and awareness raising in this matter.

In order to combat this evil together, member and observer States, in particular parliaments, are invited to take concrete action to support and promote the role of NGOs in order to improve policies and legislation in the field of racism and xenophobia and to ensure that the point of view of minority groups is taken into account in their preparation, implementation and monitoring.

1. Reference to committee: [Doc. 12737](#), Reference 3817 of 25 November 2011.

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A. Draft resolution²

1. Since its inception, the Parliamentary Assembly has striven to eradicate intolerance, racism and xenophobia. The Council of Europe was founded after the Second World War and its resultant atrocities precisely to avert the return of ideologies and practices contrary to human dignity.
2. In a Europe where violent acts motivated by intolerance, racism and xenophobia are multiplying and where parties circulating messages of a racist and xenophobic nature manage to gain seats in national parliaments, constant vigilance and opposition to intolerance, racism and xenophobia become political imperatives.
3. The Assembly regards non-governmental organisations (NGOs) as the natural allies of parliaments in the performance of their function of oversight, prevention and awareness raising in this matter. It is indispensable to take measures to support and promote NGOs' action in order to refine policies and legislation in the area of racism and xenophobia, and ensure that the point of view of minority groups is taken into account in their preparation, implementation and monitoring.
4. Intolerance, racism and xenophobia are fed by stereotypes and prejudices which must be prevented and eradicated at every level. Visible minorities are too often depicted in the media by conveying a stereotyped image of their culture and traditions. Intolerant attitudes are exacerbated by the effects of the economic crisis and the dissatisfaction experienced by an increasing number of people who feel more and more exposed as regards employment, security and social protection.
5. The Assembly urges political leaders not to use fear to fuel their electoral campaigns, but continually to reaffirm the democratic values of our societies, of respect for human rights and human dignity. In that regard, it recalls its recent [Resolution 1889 \(2012\)](#) on the portrayal of migrants and refugees during election campaigns. It is urgent to undertake courageous, sustained work on diversity and migration, in co-operation with civil society.
6. In the light of the foregoing considerations, the Assembly recommends that member and observer States, and parliaments in particular:
 - 6.1. in conjunction with the qualified NGOs, take measures to:
 - 6.1.1. promote the knowledge of different cultures and traditions, including those of minority groups, by providing positive models or success stories that show the positive contribution of minorities in society;
 - 6.1.2. promote equality in a multicultural society;
 - 6.1.3. establish and develop structures for dialogue in which NGOs and public institutions participate on an equal footing;
 - 6.1.4. give qualified NGOs a consultative function vis-a-vis public institutions to advocate, in the light of their expertise, specific policy measures for preventing and combating intolerance, racism and xenophobia;
 - 6.1.5. alert civil society to the rise of these phenomena and mobilise it to prevent and combat them, by organising public campaigns on a national or European scale;
 - 6.1.6. ensure the application of the relevant measures and legislation;
 - 6.2. develop youth policies aimed at eradicating discrimination and exclusion;
 - 6.3. encourage the media to give minorities the possibility to make their voices heard and build up their media capacity in civil society.
 - 6.4. encourage and support NGOs in their actions aimed at:
 - 6.4.1. ensuring liaison with local and regional authorities;
 - 6.4.2. monitoring, documenting and denouncing discrimination;
 - 6.4.3. prevailing upon the authorities to tackle intolerance, racism and xenophobia through appropriate laws and measures;

2. Draft resolution adopted unanimously by the committee on 13 September 2012.

- 6.4.4. monitoring the actions of the public institutions in this field;
- 6.4.5. enhancing their qualifications and capacity to act as a source of information for monitoring structures such as ombudspersons and equality advocacy bodies;
- 6.4.6. supporting victims of discrimination in their access to justice by providing them with advice and legal representation;
- 6.4.7. empowering groups to engage in campaigns, to be their own advocates and to assert and enforce their rights;
- 6.4.8. informing minorities of the relevant legal framework for the defence of their rights;
- 6.4.9. developing communication strategies to make the voice of minorities heard in the media and provide journalists with consistent and reliable information, in order to combat hostility to refugees and asylum seekers, Islamophobia, anti-Gypsyism and anti-Semitism.

7. Furthermore, the Assembly encourages the Secretary General of the Council of Europe to review and reinforce co-operation with international non-governmental organisations, and namely to propose implementing agreements for the instruments already in existence against discrimination, racism and intolerance with the competent Council of Europe directorates and organs in order to provide solutions to specific situations and further the culture of participation in the member States.

B. Explanatory memorandum by Ms Mogherini Rebesani, rapporteur

1. Introduction

1. In Europe, the number of violent acts motivated by intolerance, racism and xenophobia is on the increase. Meanwhile, openly racist and xenophobic parties have managed to gain seats in the parliaments of many Council of Europe member States and have even entered government coalitions in some cases.

2. These developments represent a threat to democracy and pose a real challenge for human rights and respect for human dignity in Europe. Although the main responsibility for countering intolerance, racism and xenophobia lies with the authorities and State institutions, non-governmental organisations (NGOs) play a vital role in this battle, in several ways:

- raising awareness of the rise of these phenomena and mobilising civil society to prevent and combat them;
- sounding the alarm and pushing the authorities to tackle intolerance, racism and xenophobia through appropriate laws and policies;
- criticising political figures and institutions that indulge in racist discourse or tolerate it, asking them on the contrary to lead by example;
- ensuring that the relevant measures and legislation are enforced;
- offering advice, assistance, legal representation and material help to victims of intolerance, racism and xenophobia.

3. The origin of this report is a motion for a resolution on the “Role of NGOs in countering nationalism, migrantophobia and xenophobia in Europe”.³

4. In order to contribute to the preparation of my report, at its meeting in Paris on 4 June 2012, the Committee on Equality and Non-Discrimination held a hearing with the participation of Ms Anna Triandafyllidou, from the Robert Schuman Centre for Advanced Studies, European University Institute in Florence, and Dr William Ejalu, former member of the Bureau of the European Network Against Racism (ENAR) from Hungary. For the drafting of this report, I have drawn upon elements presented by the guest speakers at the hearing, and on the suggestions provided by the representatives of the NGOs who are members of the Conference of International Non-Governmental Organisations of the Council of Europe (Conference of INGOs), Mr Veysel Filiz and Mr Christoph Spreng, whom I thank for their advice. The aim of this report is to present a range of tools and proposals to encourage and support the NGOs in their crucially important role in order to contain the evils constituted by intolerance, racism and xenophobia.

2. Xenophobia and racism in the political landscape

5. According to a European Union Fundamental Rights Agency survey from 2009, Muslims and Roma in Europe experience persistent hostility and discrimination.⁴ A wealth of reports from the European Commission against Racism and Intolerance (ECRI) describe, with a country-by-country detailed analysis, to what extent hostile attitudes against visible minorities are increasing in society.

6. Part of the reason for the rise of intolerant attitudes in society is prejudice. All too often, the media convey a stereotyped image of the culture and traditions of visible minorities, tending to present them as a monolithic block and as a foreign element, which does not tally with Europe’s history and heritage. In addition, in the multi-cultural European societies, some groups live side by side, preserving their way of life, language and traditions, but not necessarily coming into contact with people from different communities.

7. Intolerance, racism and xenophobia are exacerbated by the effects of the economic crisis and the dissatisfaction experienced by an increasing number of Europeans who feel more exposed as regards employment, security and social protection. Immigrants and foreigners are seen as competitors for the same jobs and forms of public assistance.

3. [Doc.12737](#), motion for a resolution presented by Mr Molchanov and others.

4. Date in focus report: the Roma, EU-MIDIS European Union Minorities and Discrimination Survey, European Union Agency for Fundamental Rights, 2009, http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf.

8. Against this background, political parties and organisations circulating messages of a racist and xenophobic nature thrive, increase their membership, get more organised and sometimes become key actors in the political arena.

9. Examples of this trend in the European political landscape are flourishing: the National Front in France, the Austrian Freedom Party, Flemish Interests (Vlaams Belang) in Belgium, the Party for Freedom in the Netherlands and the Sweden Democrats. From a marginal Neo-Nazi group, in three years the Golden Dawn in Greece has become a political party and had 7% of electoral support in the last two elections of 2012. In Hungary, Jobbik, the third largest party in parliament, has links to a paramilitary group implicated in attacks on Roma. In the Slovak Republic, the leader of the Slovak National Party called last year for the creation of a separate Roma State.⁵ Over the last decade, some political parties which openly take anti-immigration stands or flaunt racist ideas have entered ruling coalitions or formerly supported minority governments.

10. The growing success of these parties at the electoral polls across the continent is not only a cause for concern in itself but also has a profound impact on mainstream politics. Migration and integration are issues that can cause a politician to win or lose an election. All parties have to state a position on these matters. In order to avoid losing votes, mainstream parties sometimes present a watered-down version of the same rhetoric as extremist parties. The result is that the tone of the political debate increasingly shifts towards intolerance and racism and that parties circulating messages of a racist and xenophobic nature are legitimised as political actors.

11. NGOs should centre their action on the question of immigration, particularly to address issues of respect for cultural, ethnic and religious diversity, racism and xenophobia.

12. We are witnessing a failure of the entire political spectrum to reject and condemn racism and intolerance. Few political parties are prepared to emphasise that migration has helped shape Europe's history and to point to the many contributions made by minorities and migrants. In my opinion, instead of using fear to fuel electoral campaigns, politicians should undertake sustained and ambitious work on diversity and migration in partnership with civil society.

13. The strategy of the racist and xenophobic parties is founded on harnessing freedom of expression, which can only be restricted in cases of incitement of racial, national or religious hatred,⁶ which nevertheless remains difficult to prove in law. On that score, NGOs have a major role to perform in promoting and amplifying legal as well as political reflection on the link between freedom of expression, as a fundamental right that absolutely must be upheld, and prohibition of inciting national, racial or religious hatred.

14. Besides, it is equally important to combat racism and intolerance in the intellectual arena of ideas and speech. NGOs have the power to oppose trivialisation of intolerance, xenophobia and racism, and attempts to make political use of them.

3. NGOs' role in shaping mentalities

15. The rise of extremism, xenophobia and racism is a worrying trend for our democracies. Xenophobia and racism are fed by stereotypes and prejudices which must be prevented and eradicated. To this end, NGOs have a very decisive role to play in shaping and changing mentalities and supporting public participation and awareness. It is often through active participation in civic movements and NGO activities that citizens experience forms of intercultural co-operation that help to prevent and combat racist attitudes.

16. One of the roots of intolerance is the lack of appropriate knowledge. This rests on a lack of understanding and false perceptions about others, born of ignorance. In this area, major steps should be taken by all actors of society, and NGOs are already very active.

5. "Slovakia: Ján Slota railing against Roma again, activists fear unrest Bratislava", Czech Press Agency, 19 September 2011, translated by Gwendolyn Albert for Romea.cz, www.romea.cz/english/index.php?id=detail&detail=2007_2827.

6. "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law", Article 20(2) of the United Nations International Covenant on Civil and Political Rights.

17. Organisations like the Conseil de la Jeunesse Pluriculturelle International (COJEP International) or the European Muslim Initiative for Social Cohesion (EMISCO) are dedicated to active participation in all working groups and public structures by contributing ideas and proposals. Within the Council of Europe, it might be suggested that these organisations set up working groups for the purpose of submitting proposals and arguments for better implementation of the Council of Europe instruments.

18. Underlining the importance of education in the eradication of discrimination and exclusion, NGOs have a major role to play in the education sphere and in youth policies, whether by targeting youth directly or influencing governmental policies.

19. By giving a voice to minorities, NGOs can build up media capacity in civil society. Civil society organisations and minority groups can make their voices heard in the media if they succeed in developing proactive communication strategies and providing journalists with consistent and reliable information. Through the media, NGOs have a powerful tool for combating hostility to refugees and asylum seekers, Islamophobia and anti-Gypsyism.

20. NGOs have a major role to play in combating stereotypes and prejudices. This includes:

- promoting the knowledge of different cultures and traditions, including those of minority groups, providing positive models/success stories that can show the positive contribution of minorities in society;
- promoting diversity and equality in society;
- developing media capacity by designating and training specialised spokespersons who can address the media in a professional way and speak on behalf of minority communities and vulnerable groups;
- releasing to journalists information and reliable data on the diverse groups in society;
- raising awareness and promoting public campaigns on a national or European scale.

4. NGOs' representation role

21. It is crucial that visible minorities and other groups who are the target of intolerance, racism and xenophobia are empowered to be actors in the public arena and express their interests and concerns through associations and non-governmental organisations. To this end, NGOs can:

- provide a means for expressing and actively addressing the needs of people who are discriminated against;
- monitor, document and denounce discrimination;
- support victims of discrimination in their access to justice, providing advice and legal representation;
- empower groups to engage in campaigns, to be their own advocates and to assert and enforce their rights;
- inform minorities of the relevant legal framework.

5. NGOs as partners for public institutions

22. NGOs can influence public institutions and the decision-making process by:

- acting in a consultative capacity for public institutions, advocating specific policy measures that can be effective in preventing and combating intolerance, racism and xenophobia;
- participating in structures in which NGOs and public institutions enjoy equal representation;
- liaising with local and regional authorities;
- developing skills and the capacity to act as a source of information for monitoring structures such as ombudspersons and equality bodies;
- keeping a critical eye on the actions of public institutions.

23. An example worth mentioning is Médecins du Monde which deals specifically with the question of access to care for vulnerable groups. A survey by its Observatory on Access to Healthcare,⁷ published in October 2011, testifies to the living conditions, state of health and access to care of the poorest and most

discrimination-prone people, namely irregular migrants. Among its findings, the survey shows that access to healthcare is unequal between the European countries but also very restrictive in each of them. Medical care for undocumented aliens is grossly inadequate; 72% of their health problems are poorly treated or not treated at all. Moreover, in Spain, the health reform which came into force on 1 September 2012 abolishes free healthcare for irregular immigrants and illustrates an alarming *de facto* discrimination faced by these populations.

24. This work is indispensable for the information of European decision-makers and gives rise to recommendations of value to the member States of the European Union and the European Parliament. This dialogue and partnership between NGOs and the authorities is essential to refine policies and legislation in the area of racism and xenophobia, and ensure that the point of view of minority groups is taken into account in their preparation, implementation and monitoring. In fact, by participating in the system of checks and balances, NGOs are the natural allies of parliaments in the exercise of their function of overseeing governmental activities.

6. The NGOs in the Council of Europe framework

25. The Council of Europe has set up a number of mechanisms to associate NGOs in its work.

26. The Conference of International Non-Governmental Organisations is one of the pillars of the Council of Europe. Through it, the 370 international non-governmental organisations holding participatory status with the Organisation can actively participate in the decision-making process and in the implementation of the Council of Europe's programmes. This co-operation can go from simple consultation to full-scale participation in some projects.

27. The role of NGOs in promoting human rights is recognised in many conventions. For instance, the European Convention on Human Rights (ETS No. 5, "the Convention") recognises the right for NGOs claiming to be victims of a violation of the rights set out in the Convention to lodge a complaint. Rule 44 of the Rules of Court of the European Court of Human Rights ("the Court") foresees the possibility for NGOs to intervene as third parties in a case before the Court, subject to the consent of the President of the Court. The same rule applies for the protocols to the Convention, including Protocol No. 12 (ETS No. 177) on non-discrimination. In this way, human rights NGOs such as Amnesty International or Liberty have regularly intervened in certain leading cases.

28. Unlike for the European Convention on Human Rights, in which this procedure does not exist, the European Social Charter (revised) (ETS No. 163) foresees the possibility for NGOs to lodge collective complaints. The collective complaints procedure was adopted in 1998 in an effort to revitalise the European Social Charter. INGOs enjoying consultative status with the Council of Europe and representative national NGOs whose countries have made a special declaration (at present, only Finland) can initiate a complaints procedure against any State bound by the Charter. The procedure must concern a general legal or factual situation. The prior exhaustion of domestic remedies is not required. So far, complaints have concerned Roma and/or Travellers, mostly pleading the violation of the right to housing under Article 16.

29. A number of Council of Europe conventions also recognise the role of NGOs in monitoring their implementation. The Convention on Action against Trafficking in Human Beings (CETS No. 197) gives a prominent role to NGOs, establishing an obligation for parties to encourage co-operation between their authorities and NGOs and recognising NGOs as a source of information for the reports drawn up by the convention's monitoring body, GRETA.

30. In much the same way, in the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210), the group of experts monitoring the implementation of the convention (GREVIO) may receive information from NGOs when preparing its reports.

31. NGOs have also played a major role in the context of Council of Europe campaigns, including in the areas of intolerance, racism and discrimination, such as the *Dosta!* campaign on the inclusion of Roma and the campaign *All Different–All Equal*.

7. Survey based on 1 218 interviews in 11 countries – Belgium, France, Germany, Greece, Italy, Netherlands, Portugal, Spain, Sweden, Switzerland and United Kingdom, report produced by the Observatory on Access to Healthcare of the French contingent of Médecins du Monde; Georges Fahet and Dr Françoise Cayla of the Midi-Pyrénées Regional Health Observatory.

32. The Council of Europe Conference of INGOs has provided three tools to enable NGOs, but not only them, to work at bringing into being a culture of participation, which remains the best antidote to extremism:

- the Code of Good Practice for Civil Participation in the Decision-Making Process;⁸ its purpose is the definition of a set of guidelines for NGO participation in decision-making processes at local and national level in Council of Europe member States;
- the Expert Council on NGO Law:⁹ set up in January 2008 by the Conference of INGOs, it annually submits to the plenary Conference a thematic study on specific aspects of NGO law and its implementation in the member States (as well as Belarus). Since 2011, the Expert Council has decided to produce reports on NGO law as it applies to a given country for greater effectiveness (Azerbaijan in 2011);
- The Dialogue Toolkit:¹⁰ taking note of the accumulation of unresolved issues in matters of diversity and migration over the last few years which have led to an intolerable level of extremist, populist and/or racist movements in the European countries which I mentioned above, the Conference of INGOs has elaborated this practical guide to conduct dialogues where they are most needed. It is conceived as a follow-up to the White Paper on Intercultural Dialogue (2008)¹¹ and as an implementation facility for the Report “Living together. Combining diversity and freedom in 21st-century Europe” (2011). I had the pleasure of attending its launch in June 2011. The aim is to provide a hands-on, user-friendly practical tool for dialogue. Its approach aims to help build social cohesion and the human rights-based approach regarding diversity issues.

33. The Conference of INGOs contemplates agreements for the implementation of the existing instruments against discrimination, racism and intolerance with the competent Council of Europe directorates and organs with a view to providing solutions to specific situations and furthering the culture of participation in the member States.

7. Conclusions

34. The Council of Europe and the Parliamentary Assembly have supported the fight against intolerance, racism and xenophobia ever since their creation. They were set up precisely to avert the return of the nationalism, xenophobia and anti-Semitism that had led to the Second World War and its atrocities.

35. During various discussions in the Committee on Equality and Non-Discrimination, the similarities between the current times and the pre-war period have been underlined: on the one hand, the economic crisis, high unemployment, the perception of “native” cultures being under attack; on the other hand, the increasing success of racist groups, which tolerate and even resort to violence against people that they consider “different”, their political legitimisation and the inability of mainstream political parties to make a strong stand against racism and xenophobia, in all their forms.

36. Despite these similarities, and even though the situation is alarming, I believe that one main difference between the pre-war period and today is the role and impact of NGOs, and their capacity to mobilise civil society and to contribute to close scrutiny of the authorities. This role must be recognised and given prominence by the institutions.

8. www.coe.int/t/ngo/code_good_prac_EN.asp?

9. www.coe.int/t/ngo/expert_council_EN.asp?

10. www.dialoguetoolkit.net/; www.coe.int/t/ngo/articles/dialogue_toolkit_announcement_EN.asp?

11. White Paper on intercultural dialogue “Living together as equals in dignity”, launched by the Council of Europe Ministers of Foreign Affairs at their 118th Ministerial Session (Strasbourg, 7 May 2008), www.coe.int/t/dg4/intercultural/source/white%20paper_final_revised_en.pdf.