Racist
and ethnic violence

daphne

Disclaimer

This booklet was written by Dr June Kane in collaboration with the Daphne Programme management team of the European Commission. Its contents do not necessarily reflect the policies of the European Union or the positions of its Member States.

Introduction

Racism and xenophobia are a direct violation of the principles of dignity, liberty, democracy, respect for human rights and fundamental freedoms, principles upon which the European Union is founded and which are common to all Member States.

The European Commission condemns and rejects all forms of racism and xenophobia. I am committed to making full use of all the powers conferred by the Treaties to fight these repugnant phenomena. This task should be, now more than ever, a priority at all levels: international, European, national and local. The EU, which by its very nature aims to deepen solidarity and unity between people, must be at the forefront of the fight against all forms of racism.

To achieve this we must promote the values of freedom and solidarity through an active policy of cultural integration. Europe cannot bind itself to the sole role of watchdog. This underestimates the need to feed and grow the roots of dialogue and reciprocity that are the real weapons against racism and xenophobia.

So, while we must encourage and promote monitoring, strengthened by a new, shared legislation, we must also promote and engage in specific actions focusing on integration.

As far as racist violence is concerned, the Council reached political agreement on a Council Framework Decision on combating racism and xenophobia, presented by the Commission in 2001. Member States will have to punish racist behaviour by imposing criminal penalties.

This gave rise to discussions around the difficult issue of freedom of expression. But freedom of speech – an essential and hard-won part of Europe's values and traditions – is simply not negotiable. Governments or other public authorities cannot prescribe or authorise opinions expressed by individuals. Conversely, opinions expressed by individuals engage these individuals, and only them. They do not engage a country, a people, a religion. And we should not allow others to pretend that they do. Freedom of speech cuts both ways: freedom of speech is the basis not only of the possibility to publish an opinion, but also to criticise it. All this is an inherent trait of our contemporary democratic European societies, and we have a duty to preserve it.

On racism, there are limits to freedom of expression that are defined and enforced by Member States laws. These limits are set to protect other fundamental rights. In particular, Member States' domestic legislation already prohibits – albeit to a more or less far-reaching extent – racist and xenophobic behaviour and speech.

There is no contradiction in simultaneously protecting people against racist speech and making sure that freedom of expression is, and remains, one of the key pillars upon which our societies, and the EU, are founded. How to do it may not be an easy task, but not protecting people from racist and xenophobic behaviour is simply incompatible with the basic principles of a democratic society.

The Commission remains committed to making full use of the powers conferred by the Treaties to fight racism in other areas beyond penal law, such as the implementation of the anti-discrimination legislation and raising awareness about these issues. Also, the recently created Fundamental Rights Agency, which replaces the European Monitoring Centre on Racism and Xenophobia, will continue working on racism, xenophobia and related intolerance. We should fight any manifestation of racism and xenophobia and work towards ensuring that the common fundamental principles of the European Union and its Member States under Community law, the Charter of Fundamental Rights of the European Union and the European Convention for Protection of Human Rights and Fundamental Freedoms, are respected by all.

I am pleased that the European Commission's Daphne Programme, which marks its tenth anniversary in 2007, has included innovative programmes on racist and ethnic violence since it began. This programme, which aims to combat violence against children, young people and women, and to support victims of violence, has always been victim-centred. Identifying victims and, above all, identifying those who are at risk of becoming victims, is a feature of all Daphne projects. As we know, disability, gender and ethnicity are important factors to be considered in targeting programmes that aim to protect people from violence, and a number of projects have focused specifically on the vulnerability that results from belonging to a migrant or ethnic minority.

Together, the various projects focusing on migrant, refugee and ethnic women, victims of fascist violence, inter-ethnic school violence, and discrimination against undocumented minors and Roma peoples, provide a treasure chest of valuable experience and lessons. Through this publication, I hope that those lessons will be spread to a wide audience.

Franco Frattini
Vice-President of the European Commission,
in charge of Justice, Freedom and Security

Foreword

It is not by accident that the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly on 10 December 1948, begins with the words "All human beings". This international agreement, the cornerstone of all our efforts to ensure a world in which people can live their lives in justice, freedom and security, proclaims in these very first words that no human being should be excluded from the enjoyment of human rights but that they must be guaranteed for all.

And yet, almost 60 years after the declaration was adopted, people continue to be excluded from enjoyment of these rights on the basis of their race, colour, sex, language, religion, politics, opinions, national or social origin, or, indeed, for any other reason. Such exclusion may be the sort of repeated, daily discrimination that sees children, for example, leaving classmates with a different coloured skin out of their games. It may be the unwritten but systematic exclusion of people of a particular religion from the job market or from securing accommodation. It may be the systemic exclusion of people from one caste or ethnic group on the grounds that they are racially inferior, 'unclean' or in some way sub-human. Neither should we underestimate the impact that is made when that discrimination is on multiple grounds and done in a very gender-specific manner.

There is no hierarchy to the various forms of exclusion; they are all heinous and have no place in the human community. However, exclusion that leads to violence must be addressed as a matter of priority because not only does it threaten life, it leads to hatred and the desire for revenge that may last for generations, and undercuts future attempts to redress errors and ensure equality.

In these troubled times, fear of the unknown or the little understood 'other' has resulted in an increase in violence based on race, ethnicity or creed. Fear and lack of understanding, however, never justify prejudice and discrimination, and violence is never an acceptable response. We must condemn such violence in the clearest terms but at the same time address the root causes, through education and by promoting better understanding.

This is one reason why providing support to national human rights institutions continues to be an important part of the work of the Office of the UN High Commissioner for Human Rights, and why regional bodies, such as those in Europe, are essential partners in promoting understanding of equal rights, non-discrimination and non-violence.

As we approach the 60th anniversary of the Universal Declaration of Human Rights, we must do all we can to ensure that the spirit of those words "All human beings" is upheld and that no human being becomes a victim to violence because of who he or she is.

Louise Arbour
United Nations High Commissioner for Human Rights

The problem

'Racist and ethnic violence' is an umbrella term that covers a number of different forms of violence affecting migrant and minority communities in Europe as well as people born in Europe whose racial or ethnic identity is a focus of violence against them. Since it began, the European Commission's Daphne Programme to combat violence against children, young people and women has supported projects that explore such violence, seek ways to prevent it and provide the means to support its victims.

Although the terms 'racist violence' and 'ethnic violence' are often used interchangeably, they are not exactly the same thing, although the distinction has no major impact on the devising of measures by administrations to fight what is generically knows as 'racism'. Racist violence is most commonly any form of violence inflicted on someone because they are from a certain race (usually a different race from the perpetrator) – and that race may be in the minority or the majority. Often racist violence is based on racial origins and external characteristics – for example skin colour – even though the perpetrator and victim may both have been born in the same country and swear allegiance to the same flag.

Ethnic violence, on the other hand, is violence perpetrated against individuals or groups because they belong to a particular ethnic group that is generally in the minority. Such discrimination is consequently more frequently ingrained in a society where the 'majority' often have a long-standing negative attitude towards a particular minority group. Violence against Roma minorities[1] in some Eastern European countries is an example and has been entrenched for many years. As recently as November 2006, the European Union's Monitoring Centre on Racism and Xenophobia (EUMC)[2] noted that "Roma (or Gypsies) are a particular target for racist violence and crime, both at the hands of the general public and public officials".

Newspaper reports in November 2006[3], for example, described not only mob violence inflicted on a Roma family in Ambrus, Slovenia, but also police evictions of Roma families in Vestin, Czech Republic which were ordered by the mayor. The report also detailed forced evictions of more than 100 Roma from their homes in the Romanian town of Tulcea a month earlier. The European Roma Rights Centre in Budapest was quoted as saying that forced evictions of Roma had also been documented in Great Britain, France, Spain and Italy. While some may argue that forced evictions do not, as such, amount to 'violence', they do fall within the World Health Organisation's definition of violence as 'detrimental to the well-being of the person' and certainly illustrate the sort of discrimination that makes people vulnerable to violence.

With Romania and Bulgaria's entry into the EU in January 2007, the number of citizens in Europe identified as Roma totalled 8 million. Perceived by many as 'different' and often demonised in film, literature and common myth as 'exotic, dangerous and daring', the Roma and other Gypsy peoples have long lived on the fringes of European

1. The term 'Roma' is used here to denote not only people describing themselves as Roma but also other groups perceived as 'Gypsies', Travellers, Manouches, Sinti, etc.
2. 'New report finds widespread racism in Europe', EU Business, 28 November 2006. www.eubusiness.com/Living_in_EU/
3. Ian Traynor: 'Violence and persecution follow the Roma across Europe', Guardian Unlimited, 27 November 2006.

society – not only geographically but also in both perception and practical reality. Roma children often do not attend local schools, either because their family does not send them or because the school does not admit them. Once in school, Roma children are reported to be 27 times more likely to be in remedial education classes[4], possibly because they have started school late, have grown up speaking a Roma language as their first language or just because they are seen as 'slow learners'.

Roma families may not have access to family services, again either because they do not wish to use the services in the form they are available or because such services are not easily accessible to them. In 1994, the Project on Ethnic Relations (PER) in Princeton identified language, access, discrimination and exclusion as also being barriers to Roma employment in Europe[5]. PER also notes that to a large extent the problems that the Roma face result from previous Communist government attempts to homogenise populations and discourage tolerance of diversity. Many governments in the region have begun to remedy this by promoting understanding and acceptance, but this process is understandably long.

Ironically, some of today's problems facing the Roma arise from this very desire to move from the authoritarian rule of former Communist regimes to more open, rights-based societies. As open competition and merit increasingly characterise the job market, for example, the Roma are often excluded from employment because they are not ready to compete in trades where they have not been able to acquire necessary skills or qualifications. In rural areas they face an uphill battle to earn a livelihood, since the return of land, confiscated by Communist regimes, to the rightful owners has meant that the Roma, who were not former land owners, have lost their jobs in agriculture but do not qualify to receive land. As a result of this, there has been a rise in petty crime in some countries as the unemployed resort to thieving to survive. This only serves to further alienate non-Roma communities and to exacerbate the feeling that the Roma are 'dangerous' and 'different'.

It is important to underline, however, that problems of discrimination and exclusion are not confined to countries that were formerly under Communist rule. Across the EU, Roma have faced and continue to face the discrimination that comes from fear and intolerance of peoples who are seen to be 'different'.

'Difference' is in fact at the heart of much discrimination-based violence. Discrimination may be based on religious intolerance, ignorance of other cultures, entrenched political ideologies, exaggerated nationalism, or indeed plain and simple racism. The EUMC's November 2006 report also signalled that "members of the Jewish community continue to experience anti-Semitic incidents, while rising Islamophobia is an issue of particular concern"[6].

One observer has noted that, whatever the sources of the 'ethnic myths' on which much discrimination is based, they are renewed from one generation to another and then these 'modern hatreds' give rise to mass action, which can also be used to manipulate the mob[7].

When discrimination is laced with fear, violence is often a consequence: "…ethnic conflict is most commonly caused by collective fear of the future. As groups begin to fear for their physical safety, a series of dangerous and difficult-to-resolve strategic dilemmas arise that contain within them the potential for tremendous violence."[8]

An increase in petty crime, for example, would be one source of fear that breeds a context in which violence is more likely. More obviously, in recent times such fear has become overt and real as a few fanatical individuals have wreaked terror in the name of a greater group, either religious or political. As a consequence, other members of these groups are, in some circumstances, looked upon as a potential threat too, and fear has given rise to calls for segregation, deportation or just daily exclusion or avoidance.

4. *James A Goldston:* Racism against minorities tests European Rights court, *Open Society Institute, 3 March 2005. www.soros.org/resources/articles_ publications*
5. *Project on Ethnic Relations: Countering anti-Romani violence in Eastern Europe: the Snagov Conference and related efforts, Princeton, US, July 1994.*
6. *'New report finds widespread racism in Europe', art. cit.*
7. *Stuart Kaufman:* Modern hatreds: The symbolic politics of ethnic war, *Cornell University Press, Ithaca and London 2001, p. 12.*
8. *David A Lake and Donald Rothchild (eds.): 'The international spread of ethnic conflict: Fear, diffusion and escalation', Princeton University Press, US, 1998, p. 4. Quoted in: Ronald Grigor Suny:* Why we hate you: The passions of national identity and ethnic violence, *Berkeley Programme in Soviet and Post-Soviet Studies Working Paper, Spring 2004, p. 23.*

Where the targeted group also has legitimate grievances or is at a stress point for some other reason – such as unemployment, lack of opportunities or poverty – the risk of conflict erupting is great. For example, young people from a variety of minority ethnic groups began rioting in France in October 2005 when two Muslim adolescents attempted to escape the police by entering a power substation where they were electrocuted. Youths of mostly North African descent in the Paris suburb where the boys lived were reported to have blamed the Government for speaking out about "war without mercy" against the "rabble" of crime-ridden neighbourhoods[9], and pitched battles ensued. In the aftermath of the riots – which spread to 300 French communities and to Brussels – economic decline was named as the root cause of discontent that provided the backdrop against which fear of 'difference' and lack of opportunity and exclusion played out[10].

Discrimination-based violence is also perpetrated against other groups based on religion or ethnicity. Migrants, refugees and asylum seekers, as well as people who are recognisably from ethnic minorities or distinct religious groups but who were born in Europe, are all at risk of discrimination-based violence.

The challenge of building a Europe of 'unity in diversity' is to create societies in which this difference is recognised and respected, but where all groups also share common values and respect what is shared and what is different.

An informal meeting of EU Ministers responsible for integration of third-country nationals took place in May 2007 in Potsdam and, as a follow-up to this, Council conclusions on the strengthening of integration policies in the EU by promoting unity in diversity were adopted in June 2007. They recognised that intercultural dialogue, including inter- and intra-faith dialogue, are an essential instrument to foster successful integration and counteract racism and extremism. The 2008 European Year of Intercultural Dialogue will be an important element in the strengthening of activities in this area.

9. J R Nyquist: 'Ethnic violence and economic decline in Europe', Geopolitical Global Analysis, 11 November 2005. www.financialsense.com/stormwatch/geo/pastanalysis/2005/1111.html
10. EUMC Annual Report 2006, p. 3.

Some facts and figures

It is the *motive* that sets ethnic and racist violence apart from many other forms of violence. Minority groups are targeted *because* they are minority groups. People of certain racial origins are victimised *because* they are considered 'different'. Data and official statistics, however, rarely record motive. There are also strong objections to legislation that punishes offenders more severely on the basis of their viewpoints. As a result, the 'because' is often absent from official records, and data on ethnic and racist violence are consequently extremely difficult to survey. The 'bashing' of a young male by a group of other adolescents may be recorded as 'assault' or even 'murder' but the racist motive is not always systematically documented in official statistics[11].

Data on racially motivated violence are also scarce because it continues to be under-reported[12]. Only the UK and Finland had comprehensive data collection systems in place by mid-2006. These systems collect extensive data and indicators such as the victim's characteristics and place of the incident. Nine Member States were reported in June 2006 to have good data collections systems that could nevertheless be improved. A further nine had limited data on a handful of cases; five Member States – Cyprus, Greece, Italy, Malta and Spain -- had no data on racist violence and crime whatsoever.

The EUMC noted that half of the Member States reported experiencing an upward trend in officially recorded racist incidents, with the other half experienced a downward trend[13]. Anecdotally, non-governmental organisations (NGOs) in Europe reported an increase in the number of racist/ethnically-motivated attacks including those against Roma, Muslims and Jews.

In its 2006 *Annual Report*, the EUMC provides data on racist violence/crime and related activities reported by official sources in the EU for 2004-2005. It notes that Belgium reported 2,605 complaints under the heading 'discrimination' (not necessarily violence); the Czech Republic reported 364 crimes motivated by 'racial, national or other social hatred' in 2004 and 253 in 2005; and Denmark recorded 364 criminal 'incidents suspected racial/religious motive' in 2004 and 81 in 2005. In Germany, 12,533 crimes were registered for 2004 under the general heading 'politically motivated – right wing' and 15,914 under that heading in 2005. Of the 1,574 racist acts and threats reported in France for 2004, 970 were anti-Semitic; the corresponding figures for 2005 were 974 and 504.

The Estonian police started eight criminal investigations relating to 'incitement to social hatred' between September 2002 and July 2004, and one between September 2004 and July 2005. In Ireland, the police reported 84 racially motivated crimes in 2004 and 94 in 2005. In Latvia, 13 criminal cases were initiated or investigated for incitement to ethnic/racial hatred, and in Lithuania, five crimes in 2004 and two in 2005 were registered as relating to racial, ethnic or religious hatred. Seven complaints were made to the police in Luxembourg in 2004 and nine in 2005 in relation to racial discrimination. Hungary's Chief Prosecutor's Office identified 24 cases in 2004 and 11 in 2005 as involving violence against a 'member of a national, ethnic, racial or religious group' or 'incitement against a community'.

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11. *Nevertheless, the Kahn Commission in 1995 did call for racial motivation to be explicitly taken into account in prosecutions and the UK Government in 1998 established provisions in the Crime and Disorder Act that outlawed "racially aggravated offences". An interesting discussion on this is to be found in Paul Iganski: 'Legislating morality, and competing 'rights': Legal instruments against racism and anti-Semitism in the European Union',* Journal of Ethnic and Migration Studies*, Vol. 25, 1999.*
12. *EUMC,* Annual Report*, 2006.*
13. *Beate Winkler:* Racism and xenophobia in the EU Member States: Trends and developments*, (Presentation to the seminar on Combating Racism and Xenophobia, Vienna, 20 June 2006). See also:* EUMC Annual Report 2006*, p. 16.*

Austria registered 322 complaints and the Netherlands 214 discriminatory cases for the period, with 229 of the Austrian cases involving extremist right-wing, xenophobic or anti-Semitic motivation. Poland reported 107 cases in 2004 under different legal articles and in 2005 156 racist crimes. Portuguese police registered four cases as relating to racial or religious discrimination; and in both 2004 and 2005 Slovenian police investigated eight cases concerning alleged 'incitement to ethnic, racial or religious hate, discord or intolerance'.

Slovakia registered 79 racially motivated crimes in 2004 and 121 in 2005; figures from Finland indicate 558 racist 'incidents' reported to police in 2004, of which 110 were assault and battery. Swedish security police in 2004 received reports of 2,414 incidents with xenophobic or anti-Semitic motive. UK police data (for England and Wales only) indicate 54,288 racist incidents recorded between April 2003 and March 2004, and 57,902 for the same period in 2004/5. A much higher estimate, however, is given by the Home Office British Crime Survey, which put the figure for 2004 at 206,000 and for 2005 at 179,000 for 'racially motivated incidents'. No data were available for this period for Cyprus, Greece, Italy, Malta or Spain.

In August 2006, the European Commission issued a Communication on developing a comprehensive and coherent EU strategy to measure crime and criminal justice, including a recommended Action Plan for 2006-2010[14]. The results of this should go a long way in improving not only the collection of data but also the use of it for trend analysis, risk assessment, evaluation of measures taken and benchmarking performance.

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14. COM(2006) 437 final, 7 August 2006.

National and European legislation and frameworks

Since 1977, the European institutions have on numerous occasions reaffirmed their determination to defend human rights and basic freedoms, and have condemned all forms of intolerance, racism and xenophobia.

On 23 July 1996, the first major step to combating racism at the European Union level was taken, when the Council and the Representatives of the Member States adopted a resolution proclaiming 1997 as the European Year against Racism. A wide range of events took place throughout 1997 that raised awareness of the fight against racism and increased the momentum for legislative action in the European Union. Building on this, the Council adopted a regulation in 1997 which set up the European Monitoring Centre for Racism and Xenophobia (EUMC) in Vienna. The centre's main objective was to provide the Community and the Member States with objective, reliable and comparable information at European level on racism and xenophobia[15]. As of 1 March 2007, the centre has been replaced by the Fundamental Rights Agency (FRA), which will continue the work of the EUMC on racism, xenophobia and related intolerance.

One of the Union's objectives is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action between the Member States in the fields of police and judicial co-operation in criminal matters, and by preventing and combating racism and xenophobia. Adequate criminal law measures form an important tool for combating racism and xenophobia. Apart from their punitive aspect, they have a significant dissuasive force.

At EU level, the Council adopted in 1996 a joint action based on Article K.3 of the Treaty on European Union concerning action to combat racism and xenophobia. Its main objective was to ensure effective legal co-operation between Member States in this area. The joint action stresses the need to prevent the perpetrators of such infringements from benefiting from the fact that they are treated differently in the Member States by moving from one country to another to avoid prosecution. To achieve this, it sets out a list of racist and xenophobic behaviours and activities which the Member States agree to punish as criminal offences.

The European Union Treaties outlaw all discrimination on the basis of nationality. The EU is also empowered by treaty to promote equality between men and women. Article 21 of the 2000 European Charter of Fundamental Rights prohibits discrimination on any grounds such as sex, race, nationality, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

The Treaty of Amsterdam, which came into force on 1 May 1999, was a major leap forward in the fight against all forms of discrimination in the EU. It carved out a new role for the EU in promoting equality between men and women in general (Articles 2 and 3). The treaty bans all discrimination based on nationality (Article 12) and, in Article 13, empowers the EU to combat all discrimination based on sex, racial or ethnic origin, religion, disability, age and sexual orientation. On the basis of Article 13, in 2000 the EU adopted a package of anti-discrimination measures consisting of two directives and an anti-discrimination action programme to run from 2001 to 2006.

15. In December 2003, the European Council took the decision to extend the mandate of the EUMC to become a Human Rights Agency.

Building on this legal foundation, the EU adopted a number of important initiatives: on the basis of Article 13 of the EC Treaty, the Council adopted a directive designed to combat discrimination based on racial or ethnic origin (Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between people irrespective of racial or ethnic origin – known as the Race Directive)[16] and a directive banning discrimination in employment on the grounds mentioned in Article 13 with the exception of sex (Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation). It also adopted Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination.

On 28 November 2001, the Commission adopted a proposal for a framework decision to approximate the laws and regulations of the Member States regarding racist and xenophobic offences, replacing the joint action. The scope of the text was broad: "racism and xenophobia shall mean the belief in race, colour, descent, religion or belief, national or ethnic origin as a factor determining aversion to individuals or groups" (Art. 3(a)). The purpose of this framework decision was twofold: to ensure that racism and xenophobia are punishable in all Member States by effective, proportionate and dissuasive criminal penalties, which can give rise to extradition or surrender; and to improve and encourage judicial co-operation by removing potential obstacles.

The decision also addressed the worrying issue of racist and xenophobic content on the Internet. The International Convention on Cybercrime, adopted by the Council of Europe in November 2001, does not extend to hate speech and incitement to violence, largely as a result of pressure from the US, which stated that such a regulation would convene the First Amendment of the US Constitution. However an additional protocol does cover such content, obliging signatories to criminalise "distributing or otherwise making available racist and xenophobic material to the public through a computer system" (Art. 3-1).

In mid-2006, the European Parliament adopted a resolution on racist violence in Europe[17] and also called on the Council to re-start work on the 2002 EC proposal for a Council Framework Decision on Combating Racism and Xenophobia[18] "explicitly extending it to homophobic, anti-Semitic, Islamophobic and other types of offence motivated by phobia or hatred based on ethnicity, race, sexual orientation, religion or other irrational grounds". This was seen as an important "starting point for building a collective and principled European response".[19]

Since the entry into force of the Amsterdam Treaty, the Commission has, in addition, presented a set of legislative proposals in the fields of asylum and immigration policies aimed at granting third-country nationals rights and obligations comparable to those of EU citizens, as stressed in particular by the 1999 Tampere European Council Conclusions. A number of acts have been adopted in this regard[20]. Integration of third-country nationals is an essential component of the EU's comprehensive immigration policy and has become a priority area for the EU. A distinctive European approach to integration, which is now clearly recognisable, is being developed. In 2004, the Council adopted common basic principles on integration. In 2005, the Commission put forward *A Common Agenda for Integration* proposing measures to put the principles into practice, together with a series of supportive EU mechanisms. They include national contact points on integration, handbooks on integration, an integration website, a European Integration Forum and annual reports on migration and integration. Most of these have been pursued with vigour in the first 12 months of the agenda's implementation.

In the European Union's approach against crime, special importance has been given to the protection and assistance of victims. Victims of racist and xenophobic offences are very often particularly vulnerable. On 15 March 2001, the Council adopted a framework decision on the standing of victims in criminal proceedings, designed to afford victims the best legal protection and defence of their interests, irrespective of the Member State in which they find themselves. The framework decision also contains provisions on providing assistance to victims before and after criminal proceedings so as to alleviate the effects of the crime.

16. *There is a comprehensive overview of the situation of Roma in the EU and of EU policy and programming responses in* The situation of Roma in an enlarged European Union, *DG Employment and Social Affairs, Brussels 2004.*
17. *Document P6_TA(2006)0273, Increase in racist and homophobic violence in Europe.*
18. *OJ C 75 E, p. 269.*
19. *Winkler, June 2006, art. cit.*
20. *Directive 2003/9/EC on reception conditions for asylum seekers; Directive 2004/83/EC on qualification for international protection; Directive 2005/85/EC on asylum procedures; Directive 2003/86/EC on family reunification; Directive 2003/109/EC on long-term residence status; Directive 2004/114/EC on admission of third-country students; and Directive 2005/71/EC on admission of third-country researchers.*

On 16 October 2002, the Commission adopted a proposal for a Council directive on compensation to crime victims which obliges Member States to award compensation to victims of intentional crime, including racist offences committed on their territory.

At a national level, most EU countries have laws that can be used to prosecute those who incite racist violence and those who perpetrate it. While some countries, like Britain and the Netherlands, have a whole battery of anti-racism legislation, others, like Sweden, have much less, using general violence laws to deal with such cases. It is important, however, to send out clear signals from the highest levels of government that discrimination-based violence will not be tolerated, and one way of doing this is by embodying this in specific laws dealing with racist violence.

Some Member States have introduced specific measures to protect the rights of Roma people. There is, however, much still to be done across the EU to actively promote the rights of Gypsy peoples in education, housing and employment and, until these social development needs are fully addressed, it is likely that the Roma and other Gypsy communities will continue to be seen as 'outsiders'.

In 2004, the Council of Europe's European Commission against Racism and Intolerance (ECRI) issued proposals on fighting anti-Semitism in Europe[21]. This was in response to concerns about a rise in attacks on Jewish people and institutions in Europe. The proposals cover criminal legislation, awareness raising and promoting inter-religious dialogue. ECRI issues regular comments and general recommendations on racism in Member States and the actions taken to combat it[22]. It makes country-by-country recommendations in a reporting cycle with an interval of several years. Some examples include criticism of Dutch law, aimed at combating racism and discrimination, as being 'limited'; concerns about exclusion, verbal harassment and sometimes violence against 'Travellers' in Ireland; insufficient enforcement of anti-racism and discrimination laws in Portugal; right-wing violence and 'white power music' in Sweden; public imagery of Gypsies and non-EU citizens in Spain; and racism and discrimination against black Africans, Muslims and Roma in Austria.

21. Council of Europe, 20 September 2004. www.coe.int/human_rights/ecri/
22. These can be consulted on the Council of Europe website location given above.

Experiences from the Daphne Programme

Perhaps because of the lack of official data on racist and ethnic violence, or because it is a fast growing but little acknowledged or documented problem, there are very few organisations working in this area in Europe with the victims of such violence, at least at the grassroots level. In general, organisations working for and with children, young people and women from ethnic minorities or migrant and other minority groups largely label the problem they are dealing with as just 'violence', without adding the 'racist/ethnic/discrimination-based' explanation. Moreover, since Daphne-supported projects are principally victim-centred, they do not always take into account the motivations of the perpetrator of violence, focusing instead on the rights and needs of those who suffer or are at risk of violence.

There are consequently many Daphne projects that indirectly address racist/ethnic violence – for example, school-based actions that aim to promote respect for children's rights regardless of sex, socio-economic status, race or religion. Examples of these include an early Daphne project (1997-118-WC) by the Frauen Beratungs und Therapie Zentrum in Germany that mapped out the counselling and support services available to migrant and ethnic minority women affected by violence as a result of trafficking.

A 1999 project (1999-048-WC) aimed to improve the capacities of professionals working with minorities, migrants and refugees, particularly women exposed to violence. This project, coordinated by the Institut sur les Migrations in France, explored how the young women in these groups themselves negotiate 'inter-culturally' between their families and social agents. These lessons formed the basis of a series of tools for professionals working with minority groups so that they could provide more culturally sensitive support.

Another 'framework' project, led by the Asociación de Mujeres Juristas Themis in Spain, provided a broad mapping and analysis of legislation in Europe relating to violence against women, supplemented with recommendations on how laws might be standardised across the EU (1999-271-WC). One aim of the project was to promote the harmonisation of rules concerning migrant women who experience violence so that they might be encouraged to report such violence without fear of expulsion or loss of rights. The project produced a guide to good practices and forensic procedures, which can be obtained via the project website: www.mujeresjuristasthemis.org

Other projects aiming to provide various kinds of support to minority children, young people and women have similarly focused on the victims of violence rather than the nature of the violence itself. They include a project to develop minimum standards for women's shelters and guidelines for setting up emergency hotlines and intervention services (project 2000-150-WC), and the development of a prevention tool to combat violence against refugee women and girls (project 2005-1-046-WY). This project, led by the International Centre for Reproductive Health at the University of Ghent, Belgium, promoted the active participation of refugee communities in studying the problems of violence the communities experience and in developing methods for preventing it. The refugee participants were also instrumental in producing a book of guidelines to help other members of the refugee community to learn how to use the tool.

Two important studies also added to the understanding of the impact of violence on migrant groups in the EU. Project 2005-1-069-W, coordinated by the London School of Health and Tropical Medicine, looked particularly at migrant women newly arrived in the EU and developed a set of indicators for future studies on violence against new migrants. The International Free Women's Foundation in the Netherlands joined with two academic institutions in France and the Netherlands to improve the understanding of the causes of harm to Kurdish women in Europe. Importantly, the project (2005-1-093-W) looked beyond direct violence to include the indirect violence that occurs in migration processes and resettlement.

Only a handful of projects aim to specifically address the kind of violence that is ethnically or racially motivated.

One of these is the 1999 project (1999-104-C) that broke new ground in addressing racially motivated/neo-fascist violence among young people. The project developed training materials and used these to prepare teams of young people who could provide peer support and counselling in response to crisis calls from children and adolescents experiencing or at risk of racial violence. The project set up a telephone hotline through which a rapid response team of youth volunteers could be reached, and this was promoted through schools and youth centres.

This interesting initiative was piloted by the Evangelical Church in Berlin, Germany, but the involvement of Spanish and Swedish partners allowed an exchange of ideas on the results of the pilot and plans for joint training. This project provides a good example of how young people can themselves be mobilised for peer support and also how a pilot project in one country can be developed, through partnerships with other European Member States, into a potentially Europe-wide initiative.

Promoting the scaling-up of tested methodologies and tools from the Member States in which they are developed and tested so that the impact of the work is truly European in scope is an important aim of the Daphne Programme. Daphne also seeks to develop Europe-wide impact by supporting the creation and development of European networks. By bringing together a broad spectrum of organisations around a single problem or response, the Daphne Programme also promotes exchange of experience and ideas, and creative solutions.

In 2000, the organisation Turkisch Deutscher Frauerverein (TDF) in Berlin, Germany, coordinated a project that focused on developing and enlarging a network of organisations working on violence against girls and women from different ethnic backgrounds. The Papatya network set up a web-based information exchange and a training agenda that would use the experiences of network members to upgrade skills and knowledge across the network (project 2000-247-WC).

Finally, a 2004 project led by the Centre for Research in Social Affairs in Italy (2004-1-183-Y) focused specifically on violence that was perceived to be 'inter-cultural'. The project started from the premise that when children and adolescents from migrant or minority backgrounds are involved in conflicts at school, it is always presumed that this is because of their 'cultural identity'. In fact, the children themselves usually presume this too, not least because they have often experienced exclusion in other contexts. The children are often identified as 'different' or 'foreign' as soon as they become involved in conflicts and, as a result, the conflict is judged not as an argument among children but as a cultural 'misunderstanding' or even racial/ethnic violence. The project set out to see how such perceptions might be addressed and to collect good practice examples from secondary schools in four EU countries that might be good models for other countries to consider.

A number of Daphne projects have focused specifically on violence against Roma people, whether that violence is institutional or direct. The CIRCE project (2001-006-C) resulted in a new network of organisations working for the rights of Roma children, which began its life by coming together to study the causes of violence against the children and the contexts in which it occurs. The partners – the Belgium-based Roma Rights League and Institute for International Assistance and Solidarity (IFIAS) – led by IFIAS Germany, looked at the problem of low school attendance of Roma children and why this is so, the bullying and social exclusion the children face, and why Roma children find it difficult to integrate with other children. It found, for example, that the fact that Roma children do not go to school is more likely a result of an unclear legal status of their parents than a lack of interest by the children, but that begging on the streets is seen to be preferable to going to school in the host country because the

families presume that they will eventually be sent back to their country of origin, thus making schooling is a waste of time. In fact, the legal status of the Roma family is at the heart of the children's vulnerability to direct and indirect violence, the project concluded. In a project conference, the partners called on EU Member States to regularise the status of Roma people.

A 2005 project (2005-1-065-WC) – which has not been completed at the time of writing and has therefore not been reported – set out to address the number of Roma children in institutional care. Being in care is a major vulnerability factor in violence against children since, in addition to being seen as ethnically or racially 'different', institutionalised children are also seen as 'already excluded' from society at large and often meet with cruel and sometimes violent treatment. The project focused on the system of institutional childcare in the Czech Republic, and sought to exchange experiences and solutions with other European countries. It included the building of a team of Roma women and other professionals to become field assistants, and to influence and improve the attitudes of officials so that fewer children might be taken into care or so those in care can be returned to their families.

Gaps and challenges

If, as reported, racist and ethnic violence are on the increase in Europe then clearly now is the time for action on a number of levels. It is difficult to plan responses and set up monitoring and analysis systems though when there is such a paucity of reliable data on which to base these. A priority for action, therefore, is the putting in place of reliable, standardised data collection systems across the EU that will not only allow a clearer picture to be drawn up of the scope of racist and ethnic violence but also provide some information on the nature of that violence, the context in which it occurs and the people who are involved, both as victims and perpetrators.

Improved policies and even improved legislation, however, are of little use if there is not more consistent implementation of anti-discrimination laws and specific laws relating to racist violence. The force of the law should be backed up with public awareness actions that not only emphasise rejection of discrimination-based violence but also emphasise the benefits of harmony and integration. In this respect, the media have an important role to play in positive coverage of the many contributions and achievements of migrant and minority groups in Europe, including the contribution they make to European growth and financial progress.

Consideration might also be given to the way incidents of racist violence are covered in the media. Some commentators have suggested that one way to diminish such violence is to 'starve it of oxygen' by denying the perpetrators media coverage and the spotlight they crave. Where ethnic and racist violence are also linked to youth or gang conflicts, this strategy may be relevant. Involving the media themselves in reviewing the role they play, both in covering violence and in potentially using their power to break down notions of 'difference', should certainly also be looked at.

In relation to ethnic violence specifically targeting Roma communities in Europe, the EU has called for the development of a 'pan-European pro-Roma coalition' supported by pan-European efforts to raise public awareness of the importance of non-discrimination towards Roma minorities.

The same EU report[23] has called for existing European monitoring bodies to devote explicit attention to the problem of 'anti-Gypsyism' as a specific form of racism. More research on this is needed and might be coordinated by a standing body that also monitors and reports on developments in the field.

The social inclusion of Roma people – and indeed the social inclusion of all minority and migrant groups in Europe – should be the focus of short-, medium- and long-term commitment by the EU, Member States and other stakeholders. Minority and migrant groups should be explicitly targeted in National Action Plans on Social Inclusion, Lifelong Learning, Employment and other policy frameworks. Improving the prospects of people from minority groups – through education, employment, decent housing and social services – will go a long way to building the enabling environment in which violence can be more readily addressed.

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23. The situation of Roma in an enlarged European Union, *DG Employment and Social Affairs, Brussels 2004, pp. 46-52.*

Selected on-line resources

- The Daphne II and III Programme websites can be accessed through the European Commission EUROPA site:
  Daphne II: http://ec.europa.eu/justice_home/funding/2004_2007/daphne/funding_daphne_en.htm
  Daphne III: http://ec.europa.eu/justice_home/funding/daphne3/funding_daphne3_en.htm.

- The Daphne Toolkit, which includes descriptions, lessons and comments on all completed Daphne projects as well as useful links, 'tools and tips' and multimedia materials from the projects, is at **www.daphne-toolkit.org** (Please note that the Toolkit will be under reconstruction in 2007, resulting in a new address to which a link will be provided on the Daphne Toolkit Programme website. The Daphne Toolkit is currently only fully operational in English but will gradually be updated in other languages).

- Since 1 March 2007, the website of the EUMC is now the site of the EU Agency for Fundamental Rights (FRA). The site is gradually being transformed to reflect the scope, activities and products of the new agency. It is at **http://fra.europa.eu/fra/index.php**.

- The European Roma Rights Centre has a website at **www.errc.org**.

- For other resources and links on ethnic and discrimination-based violence, see the websites quoted in the selected bibliography.

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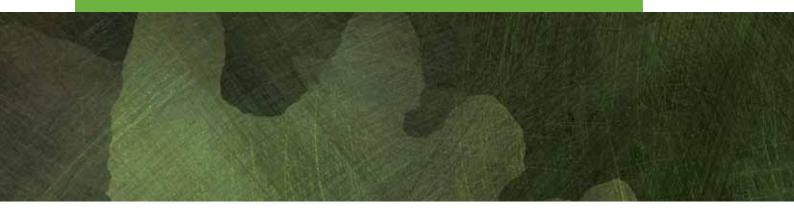|	
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Traynor, Ian	'Violence and persecution follow the Roma across Europe', *Guardian Unlimited*, 27 November 2006

Daphne-supported projects in the area of racist and ethnic violence

Discrimination-based violence

1997-118-WC	Research on services to trafficked migrant and ethnic minority women
1999-048-WC	Violence towards migrant women: Professional strategies – the cultural approach
1999-104-C	Young victims of racially motivated/fascist violence: Training for volunteers
1999-271-WC	Violence against women and children: Legislative texts, CD-Rom, conference and recommendations
2000-150-WC	Violence against female migrants: Improving access to women's shelters, emergency hotlines, intervention services
2000-247-WC	Violence against women and girls from different ethnic backgrounds: Development of a network of organisations
2001-273-W	Migrant, refugee and ethnic minority women: Radio campaign around International Day against Violence Towards Women – Speak up!
2004-1-183-Y	Youth and inter-ethnic schools: Actions against inter-ethnic violence among pupils at school
2005-1-046-WY	Development of a prevention tool to combat violence against refugee women and girls in Europe: A participatory approach
2005-1-069-W	Violence against new immigrant women: Improving the evidence to inform policy and services in the EU
2005-1-093-W	Psychological consequences of trauma experiences on the development of migrant Kurdish women in the EU
2006-1/003/YC	Fighting discrimination-based violence against undocumented minors in Europe

Violence against Roma communities

2001-006-C	Coalition for integration of Roma children in Europe: Corporal punishment and child labour
2004-1-075-WY	Trilateral initiative to prevent and combat trafficking in women within Roma communities in CEE
2005-1-065-WC	Prevention of forced removal of Roma children from their parents through support of families and dialogue with state institutions

Note: Full details of these projects and the organisations involved are available at the on-line resource: www.daphne-toolkit.org. Projects supported through the 2005 Call for Proposals (nos. 2005-) run through 2006 and complete reporting in 2007; projects supported through the 2006 Call for Proposals (nos. 2006-) run through 2007 and complete reporting in 2008. They are outlined in the Daphne Toolkit project listing; however, since they have not reported at the time of writing, their conclusions are not reflected here.