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COMMUNICATION FROM THE COMMISSION

**CONTRIBUTION TO THE WORLD CONFERENCE AGAINST RACISM, RACIAL
DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

(Durban, South Africa, 31 August - 7 September 2001)

1. INTRODUCTION

One of the guiding principles of the United Nations is the principle of non-discrimination on the grounds of race. The 1948 Universal Declaration of Human Rights and other international rights instruments specifically refer to this principle. Despite continuing efforts by the international community since then, racial discrimination persists around the world. In 1997, the United Nations General Assembly decided to convene a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance no later than 2001. This decision reflects growing international concern for the rise of these scourges and recognition of the challenges and opportunities in combating them. The Conference is organised by the office of the High Commissioner for Human Rights and takes place in South Africa in September 2001

The World Conference against Racism will focus on action-oriented and practical steps to eradicate racism, including measures of prevention, education, protection and the provision of effective remedies. Its main objectives are:

- to review progress made against racial discrimination, to reappraise obstacles to further progress and to devise ways to overcome them;
- to consider ways and means to better ensure the application of existing standards and the implementation of existing instruments to combat racial discrimination;
- to increase the level of awareness about the scourges of racism and its consequences;
- to formulate concrete recommendations on ways to increase the effectiveness of United Nations activities and mechanisms through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;
- to review the political, historical, economic, social, cultural and other factors leading to racism;
- to formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia, and related intolerance;
- and, to draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance.

The purpose of this Communication from the Commission is to contribute to the debate taking place at the World Conference. It summarises the measures which have already been taken in the European Union to combat racism, and demonstrates what can be achieved by a group of states acting together at a regional level. The Member States and institutions of the European Union have shown their commitment to the fight against racism by co-ordinating their policies and activities in a number of areas at a European level. The Member States have even adopted binding legislation at the European level to prohibit racial discrimination, and which they are required to implement in their national laws. It is hoped that the examples of work in the European Union set out in this Communication can not only contribute to debate at the World Conference, but can also inspire efforts to combat racism at a regional level throughout the world, in the years that follow the Conference. The World Conference will also provide an

opportunity for the European Union to learn from the experiences of the rest of the world. This should help devise future strategies and measures to combat racism.

This communication draws on the document from the Commission services¹ prepared as an input to the European Contribution to the World Conference against Racism, Racial Discrimination and Related Intolerance. The European Conference '*All Different – All Equal: From Principle to Practice*' was co-ordinated by the Council in Europe and held in Strasbourg, on 11-13 October 2000. The Commission contributed to the preparation of the political declaration and the general conclusions that were adopted at the conference and provided funds to support the NGO Forum that took place on 10-11 October 2000.

The Community has also been actively involved in the preparatory process of the conference in the Americas, in Africa and in Asia and has contributed € 3.6 million to the Office of the High Commissioner for Human rights to support the participation of NGOs in the preparatory process (Santiago de Chile (5-7 December 2000) – Dakar (21-24 January 2001), Teheran (19-21 February 2001) and the World Conference itself. NGOs are essential partners in the fight against racism and play a vital role in combating that scourge on the ground.

2. BACKGROUND: DEVELOPMENT OF EU POLICY ON FUNDAMENTAL RIGHTS AND COMBATING RACISM

The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States. The right to equality before the law and the protection of all persons against discrimination is essential to the proper functioning of democratic societies.

The European Community is a supranational organisation, founded in the treaties concluded by the Member States over the last 50 years. The EC may only act where it has been granted the power to do so by the treaties. Since the EC was originally conceived with purely economic aims, it had no powers to act in relation to fundamental rights and combating racism. However, the EU has evolved to the situation evident today, where the protection of fundamental rights and the fight against racism are firmly fixed in its foundations and in its on-going activities.

Since 1977², 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. The European Commission, the European Parliament and civil society had called for European anti-discrimination legislation for a number of years.

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 Racism³. A wide range of events took place throughout 1997 which raised awareness of the fight against racism, and which increased the momentum for legislative action in the European Union. Building on this, in 1997, the

¹ Contribution from the Commission Services to the Regional European Conference "All different-All equal: from principle to practice", of 17 April 2000.

² Joint Declaration by the Parliament, the Council and the Commission concerning the protection of fundamental rights and the European Convention for the protection of human rights and fundamental freedoms, 5.4.1977 (OJ C 103 of 27.4.1977, p.1).

³ OJ C 237, 15.8.1996, p. 1.

Council adopted a Regulation setting up a European Monitoring Centre on Racism and Xenophobia in Vienna. The Centre's main objective is to provide the Community and the Member States with objective, reliable and comparable information at European level on racism and xenophobia.

Moreover, the Amsterdam Treaty which entered into force in May 1999, reinforced the provisions governing human rights and fundamental freedoms at the heart of the EU (Article 6 and Article 7 of the Treaty on the European Union), and introduced a new Article 13 into the EC Treaty. Article 6 recalls the commitments of the EU to defend human rights and basic freedoms. Article 7 introduces possibility for the EU to take sanctions against one of its Member State which would violate gravely and constantly fundamental rights and basic freedoms. This possibility has even been reinforced under the draft Treaty of Nice concluded in February 2001. Under Article 13, the Community acquired for the first time, the power to take legislative action to combat racial discrimination.

In the Beijing process (follow-up to the 1995 UN World Conference on Women) it was recognised that gender discrimination and racism effect each other and that gender discrimination and all other forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance continue to cause a threat to women's enjoyment of their human rights and fundamental freedom. The Commission has incorporated this consideration into the European level efforts to combat racism.

The Commission proposed its package of measures to implement Article 13 in November 1999, including legislation prohibiting racial discrimination throughout the EU. The legislation was accepted as a top priority, and was speedily adopted by the Council in June 2000.

In parallel to the work implementing Article 13, the EC has made the 'mainstreaming' of anti-racism into all policies a priority. So far this has proved particularly effective in the EU's external relations with other states, and internally in relation to police and judicial co-operation on criminal matters.

The most recent reinforcement of fundamental rights and non-discrimination in the EU came with the proclamation of the Charter of fundamental rights at the Nice European Council on 7 December 2000. The aim of the Charter is to strengthen the protection of fundamental rights in the light of change in society and social progress, by making those rights more visible. The Charter reaffirms the rights as they result, in particular, from the Constitutional traditions and international obligations common to Member States of the Union, from the European Convention for the Protection of Human Rights and Fundamental Freedoms, from the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers or from the Treaty on European Union itself and in particular its Article 6. In respect for the principle of universalism, the rights set forth in the Charter (except those directly linked with citizenship of the Union) are generally given to all persons, irrespective of their nationality or residence. Among Articles of particular relevance, Article 1 guarantees the respect and protection of human dignity and Article 21 of the Charter prohibits discrimination based on any ground such as sex, colour, ethnic or social origin, language and religion and belief.

In all of this the Commission has paid great attention to the contribution which civil society can make. Much of what has to be done can only be achieved with the contribution of civil society organisations and concerted actions between public authorities and civil society. It is generally recognised that the organisations of civil society can help promote a more participatory democracy, chiefly because they can reach out to the poorest and most

disadvantaged population groups and give a voice to those who are debarred from using other channels. Their specific skills and their connections at local, regional, national and international level may also prove useful and contribute to policy design and to the management, follow-up and assessment of actions.

3. LEGISLATION

3.1. Prohibiting racial discrimination

Discrimination on grounds of race or ethnic origin is banned in all Member States but its scope, content and enforcement differ considerably. All Member States have passed legislation outlawing racist violence and incitement to racial hatred, in particular following the Joint Action on racism and xenophobia of 15 July 1996 (see point 3.2.2). Certain Member States have also enshrined non-discrimination in their constitutions, which may or may not vest individuals with a right of redress. A number of Member States have also adopted specific legislation, backed by the right of access to justice, with a view to banning discrimination in certain spheres of employment, whereas others have legislated in respect of other aspects of daily life such as access to goods and services and to education.

On 25 November 1999, two months after its nomination, the Commission adopted a package of anti-discrimination proposals⁴ implementing the new Article 13 of the EC Treaty. These included the draft directive on equal treatment irrespective of racial or ethnic origin, which was subsequently adopted by the Council on 29 June 2000. The directive sets out a binding framework for prohibiting racial discrimination throughout the EU. Moreover, it states that the Community is a strong defender of the human rights of women recognising that discrimination on the grounds of ethnic origin may affect women and men differently. The directive must be implemented in the national laws of the Member States by 19 July 2003.

The directive defines the concepts of direct and indirect discrimination and outlaws discrimination in the fields of employment, social protection and social security, social benefits, education and access to the supply of goods and services. It gives persons who believe themselves to be victims of discrimination access to an administrative or judicial procedure so that they can assert their rights, associated with appropriate sanctions for those who discriminate. In order to strengthen the position of victims, the directive shifts the burden of proof on to respondents and empowers victims to seek the help of associations. The proposal also outlaws racial harassment in the fields covered by the directive and prohibits retaliation against persons who have made use of rights flowing from the directive.

In addition, the directive requires that all Member States set up a body or bodies which may act independently to promote the principle of equal treatment irrespective of racial or ethnic origin. This proposal builds on the recommendations contained in the UN Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination. The main function of these bodies should be to support victims of

⁴ Specifically, a directive concerning employment and outlawing the grounds for discrimination mentioned in Article 13 with the exception of sex (Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (27/11/00)); a directive designed to combat discrimination based on race or ethnic origin in employment, social protection, education and access to and supply of goods and services Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (29/06/00); and an action programme to combat discrimination Council Decision 2000/750/EC establishing a Community action programme to combat discrimination (2001 to 2006) (27/11/00).

discrimination, to conduct surveys or studies on discrimination, and to publish reports and deliver recommendations in the field of racial and ethnic discrimination.

The directive contains a set of minimum requirements: Member States may adopt or maintain provisions which are more favourable to the protection of the principle of equal treatment. Member States may also take 'positive action' to compensate disadvantages suffered by a particular racial or ethnic group.

3.2. Co-operation in combating racist crimes

A Joint Action⁵ on the basis of Article K.3 of the Treaty on European Union was adopted by the Council on 15 July 1996 concerning action to combat racism and xenophobia. The main objective is to ensure effective legal co-operation between Member States in combating racism and xenophobia. The Joint Action stresses the need to prevent the perpetrators of such infringements from benefiting from the fact that these infringements 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 activities which the Member States agree to punish as criminal offences.

A report on the evaluation of the Joint Action published in April 1998 shows that the activities listed in the Joint Action are either already treated as criminal offences by the Member States or that Member States are examining their legislation with a view to criminalising such actions. However, it was noted that additional steps could be taken. A further review of the implementation of the joint action of 1996 is under preparation. The Commission's working programme for 2001 foresees the presentation of a proposal transforming the joint action into a framework decision and including possible improvements to this instrument.

3.3. Immigration and asylum issues

In December 1999 the Commission put forward a proposal for a directive on the right to family reunification,⁶ considering that family reunification is a necessary way of making a success of the integration of nationals of non-EU countries residing lawfully in the Member States. The right to family reunification flows from the need to protect the family as the natural and fundamental unit of society, as recognised by the Universal Declaration of Human Rights and the International Covenants of 1966 on Civil and Political Rights and on Economic and Social Rights. This right flows as well from the right to respect for family life secured in particular by the European Convention for the protection of human rights and fundamental freedoms of 1950 and proclaimed in the EU Charter. The draft directive is currently being discussed by the Council.

In May 2000, September 2000, March 2001, April 2001, the Commission put forward respectively proposals for directives on temporary protection in case of mass influx displaced persons⁷, asylum procedures for granting and withdrawing refugee status⁸, the status of third-country nationals who are long term residents⁹, reception conditions for asylum-seekers¹⁰.

⁵ 96/443/JHA: Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning action to combat racism and xenophobia, OJ L 185, 24.7.96, page 5.

⁶ COM 1999 683 final, 1.12.1999

⁷ COM 2000 303 final, 24.5.2000

⁸ COM 2000 578 final, 20.9.2000

⁹ COM 2001 127 final, 13.3.2001

They all contain a specific provision on non-discrimination for the implementation of the directives provisions, in particular on the basis of race, ethnic origin or religion. In November 2000, the Commission issued two important policy documents¹¹ on the one hand on a common asylum procedure and a uniform status for persons granted asylum and on another hand on a Community Immigration policy, where it is recalled that policies in that field must contain strong components of anti-racism, anti-xenophobia and anti-discrimination legislation and actions.

4. MAINSTREAMING

4.1. Background

Following the impetus of the European Year against Racism in 1997 and the adoption of an action plan in 1998¹², the Commission has endeavoured to pursue a coherent strategy of integrating anti-racism into EU policies, known as mainstreaming.

A working party representing different Commission departments evaluates EU policies and programmes, and works on identifying ways of enhancing the impact of these policies in the fight against racism. This has proved successful across a number of Community policies and programmes.

4.2. Employment policy

Promoting employment is essential for economic and social cohesion in every society and hence in combating conditions conducive to racism and racial tension. The employment strategy pursued by the EU since 1997, whose objective is to achieve a high level of employment for all categories of workers, is therefore an important weapon in the fight against racism. The *employment guidelines* constitute the input provided at European Union level.

Since 1999, the employment guidelines include the principle of non-discrimination on the labour market. To this end Member States are required to pay particular attention to the needs of ethnic minorities and other groups or persons liable to be disadvantaged, and to prepare appropriate proactive and preventive policies to encourage their integration in the labour market.

4.3. External relations policy

The protection and promotion of human rights – including the fight against racism – is an essential component of the European Union's external relations. The Commission's Communication on 'The European Union's Role in promoting Human Rights and Democratisation in Third Countries',¹³ which was recently adopted, concentrates on developing a coherent strategy in this field for EU external assistance and specifically addresses the fight against racism and xenophobia.

¹⁰ COM 2001 181 final, 3.4.2001

¹¹ COM 2000 755 and 757 final, 22.11.2000

¹² COM(1998) 183 final, 25.3.1998.

¹³ COM (01) 252 of 8 May 2001

In the context of the enlargement of the European Union, great importance is attached to progress in policies designed to combat racism and to protect minorities in the applicant countries. In fact, the Copenhagen European Council in 1993 defined political criteria which countries applying to be members of the European Union must satisfy: *'stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities'*. Each year, the Commission reviews the progress of each candidate country in view of the Copenhagen criteria, including the rate at which it is adopting Community laws. Indeed, by the time they join the Union, candidate countries will have to implement the relevant laws, including the directive on equal treatment irrespective of racial and ethnic origin. For Central European candidate countries, the main issue underlined in the progress reports has been the situation of the Roma population.

In the context of the Partnership and Co-operation Agreements negotiated with all the independent states of the former Soviet Union except Tajikistan, support for democracy and the rule of law implies action against racism. Through the *Common Strategy on Russia*, approved by the European Union in 1999 with a view to consolidating democracy and the rule of law in Russia, the Commission will support Russia's efforts to honour its human rights commitments, particularly vis-à-vis international bodies such as the Council of Europe, the United Nations and the OSCE. It will also promote joint EU/Council of Europe actions on Russia in terms of human rights and the rule of law.

The EU's development policy supports the promotion and protection of human rights. The 1998 Communication on *"Democratisation, the rule of law, respect for human rights and good governance"*¹⁴ underlines that the mechanisms, which need to be put in place to guarantee a dynamic process leading to democracy, respond to criteria of non-discrimination and ensure the participation of and equality for all sectors of society. The European Union has also taken measures in favour of certain particularly vulnerable populations. These are taken up in a 1998 Council Resolution¹⁵ on indigenous peoples in development co-operation, which shows a political will to take action, and the working document adopted by the Commission in May 1998¹⁶ which gives guidelines on a programme of activities. A Progress Report on the implementation of the Council Resolution is currently under preparation and will be adopted at the end of 2001.

4.4. Programmes providing financial support

The European Union has a broad range of programmes which provide financial support for activities in a number of fields. The anti-racism element has been integrated into a considerable number of these programmes, ranging from those specifically targeted at discrimination, to those with more general aims related to education and research.

Community Action Programme to combat discrimination

The Action Programme to combat discrimination runs from 2001 to 2006, and supports projects aimed at preventing and combating discrimination on a number of grounds, including racial or ethnic origin and religion or belief. It has a budget of approximately €100 million and concentrates on three areas. The first is the analysis and evaluation of discrimination, with the aim of building a clear picture of the causes of discrimination and the best methods combating them. The second is developing the capacity to fight discrimination, by

¹⁴ COM (98) 146 final of 12 March 1998.

¹⁵ Council Resolution of 30 November 1998.

¹⁶ COM (98) 773 final

encouraging organisations in different countries to exchange information and best practice, and by supporting European networks of anti-discrimination NGOs. The third area is raising the awareness of the fight against discrimination.

Community Initiative EQUAL

In the context of the European employment strategy, the mission of the Community Initiative EQUAL₂ which runs from 2000 to 2006, is to combat discrimination and inequality of all kinds connected with the labour market in the context of transnational co-operation. EQUAL will also take into account the specific needs of asylum-seekers. Some 2 847 million Euro have been earmarked for the 2000-2006 period to fund numerous strategic projects at transnational level and to endeavour to draw conclusions and deliver recommendations at European level so as to fight discrimination and inequality in employment more effectively.

Programme relating to the Community framework strategy on gender equality (2001-2005)

The Community Framework Strategy on Gender Equality and the programme related to it, covers the enforcement of the human rights of women. The programme has gender equality in civil life related to the human rights and fundamental freedoms by both women and men, regardless of race or ethnic origin, religion or belief as one of its five inter-related areas of intervention. The Commission will pay attention to and support awareness raising actions aimed at empowering in particular women facing multiple discrimination, such as migrant women and women from ethnic minorities. The programme will fund actions promoting the recognition of human rights of women, enforcing equal opportunity rights and strengthen the fight against gender related violence and trafficking in women.

Support for refugees

The Council has established, on a proposal from the Commission a *European Fund for Refugees*, the aim of which is to provide financial support for the reception, integration and voluntary repatriation of persons in need of international protection. In supporting the efforts made by Member States for receiving refugees and displaced persons and coping with the consequences of their efforts, the European Refugee Fund will facilitate the implementation of the 1951 Geneva Convention relating to the status of refugees and contribute to securing the right to seek and enjoy asylum enshrined in Article 14 of the Universal Declaration of Human Rights.

Co-operation in the field of police and judicial matters

Grotius, a joint action establishing a programme of incentives and exchanges for legal practitioners has funded over the period 1996-2000 different training sessions for judges and prosecutors on the subject of racism and xenophobia. Examples include the Judicial colloquium on the fight against racism in the administration of Justice, in 1999, or the seminar held in Stockholm on 11-15 February 2001 on how to increase the possibilities to combat racist and xenophobic crimes in the Member States.

External programmes

A number of projects related to the fight against racism and xenophobia are funded under the *European Initiative for Democracy and Human Rights (EIDHR)*. Council Regulations 975/99 and 976/99 on human rights, which are the legal basis for this Initiative, clearly refer to people who are subject to discrimination, as well as to support for '*minorities, ethnic groups and indigenous peoples*'. These Regulations also aim to support '*the promotion of equal*

opportunities and non-discriminatory practices, including measures to combat racism and xenophobia'. In 1999 and 2000, the fight against racism and xenophobia was one of the funding priorities identified. It is in this framework that funding for the World Conference process was provided. . The recently adopted Communication on Human Rights identifies combating racism and xenophobia and discrimination against minorities and indigenous peoples as one of the priorities for the implementation of the EIDHR for 2002 and the medium-term.

In the context of the pre-accession strategy, the *Phare* programme brings financial support to help candidate countries in their preparation to join the European Union, according to the priorities resulting from the regular progress reports. In order to ensure fulfilment of the Copenhagen political criteria, substantial funding has been provided to a number of projects to improve the situation of the Roma population in Central European candidate countries, in the fields of anti-discrimination, awareness raising, education and training, income-generating activities. In the Baltic countries, the *Phare* programme has supported actions aiming at the integration of non-citizens.

The *Tacis* programme, which is aimed at the New Independent States and Mongolia, encourages the development of harmonious and prosperous economic and political links between the European Union and these partner countries. It aims to support their initiatives to develop societies based on the respect of political freedom and on economic prosperity. Projects aiming to promote and protect the rights of minorities and to fight discrimination are supported under the *Tacis-Democracy* programme.

Initiatives to fight racism have been supported through continuing actions in favour of the reconstruction of the Republics of Former Yugoslavia. More widely, the Commission is a major donor to projects organised under the Stability Pact for South Eastern Europe, one of whose working groups is specifically devoted to human rights, minorities and inter-ethnic relations in the Balkans region.

Education and youth programmes

In the fields of education, vocational training and youth, the Community programmes *Socrates*, *Leonardo da Vinci* and *Youth* are instruments of the greatest importance for transmitting the democratic principles and respect for others which are fundamental values of Europe. By funding projects proposed by the players themselves, these programmes enable universities, teachers, educators and associations to organise trans-European actions against racism and xenophobia. On the basis of this experience, the fight against racism and xenophobia has also been selected as one of the priorities of the new generation of programmes, for the period 2000-2006. These Community programmes are also open to the participation of candidate countries.

Research

The *Fifth research and technological development framework programme (1998/2001)* includes, notably under the key action "Improving the socio-economic knowledge base", an analysis of the phenomena of xenophobia, racism and migration in Europe, as well as their impact on economic development, social integration and social protection.

5. EVALUATION, MONITORING AND ANALYSIS

5.1. The European Commission

The Commission is responsible for ensuring that the principles laid down in the Treaties and other Community law are fully respected across the Union. Respect for fundamental rights and freedoms is an integral part of Community law, as has recently been confirmed by the Amsterdam Treaty. Once the period for implementing the directive outlawing racial discrimination has passed on 19 July 2003, the Commission will be responsible for ensuring that the Member States fulfil the obligations imposed by the directive. The Commission will continue to pay great attention to this aspect in its everyday work and in its monitoring of the application of Community law in general in the Member States.

5.2. The European Monitoring Centre on Racism and Xenophobia

The Monitoring Centre collects, records and analyses information and data, carries out research and studies, develops methods with a view to improving the comparability, objectivity and reliability of the data at European level. It may deliver conclusions and opinions to the Community and the Member States and publishes an annual report on the situation regarding racism and xenophobia in the Community and on its own activities. The information and data assembled and the research and scientific studies carried out concern the scope, development, causes and effects of racism and xenophobia, notably in the fields of the free movement of persons, information and the media, education, vocational training and youth, social policy, the free movement of goods, and culture.

The Monitoring Centre has also put in place a European Racism and Xenophobia Information Network (Raxen) consisting of research centres, non-governmental organisations and specialised centres.

In 1999 the Commission put forward proposals regarding the possibility of extending co-operation between the Monitoring Centre and the candidate countries applying for membership of the EU. The Commission is currently studying the possibility of setting up informal co-operation with the candidate countries on the exchange of experience, skills and good practices with these countries.

5.3. External evaluation and monitoring

Independent evaluation of EU policies and activities has an important role, particularly in ensuring the effectiveness of efforts to combat racism. It is a key requirement of all activities and projects supported by the EU programmes described above. It applies equally to the activities of the Commission, for example with an independent evaluation of its mainstreaming policies carried out in 2000. The European Monitoring Centre on Racism and Xenophobia is also to be the subject of an independent evaluation of its activities in 2001.

In the Action Programme to combat discrimination (see above), one area of the programme is devoted to the monitoring, analysis and evaluation of discrimination and the methods used to combat it in the Member States. These will provide the opportunity for experts to have an influence on the development of effective methods of combating discrimination.

It should not be forgotten that individuals also have a role in monitoring and enforcing the correct application of the law in the EU. In particular, once the directive outlawing racial discrimination comes into force in 2003, every resident in the EU will be able to enforce their rights under the directive in their national courts.

6. CONCLUSIONS

The Commission invites the States represented at the World Conference to take account of the on-going work to combat racism in the European Union, and to consider how similar initiatives may be pursued all around the world in the future. In particular, the Commission repeats the recommendations, which it presented to the Regional European Conference (Strasbourg, October 2000), and which can be found in the Annex to this Communication. These can contribute to the declaration and programme of action that will be adopted in Durban in September 2001.

RECOMMENDATIONS

1. *that all States party to the World Conference should adopt a dual strategy combining legislation and practical action to combat racism and xenophobia, to mainstream the fight against racism in the design and implementation of all relevant policies and programmes and to continue specific programmes to fight discrimination and share good practice;*
2. *that States should continue to maintain and strengthen the dialogue with the NGOs and the social partners and to involve them closely in designing and implementing policies and programmes designed to combat racism and xenophobia;*
3. *that as an important element of their strategies to combat racism and xenophobia, all States develop specific policies, which actively involve the host society and promote respect for cultural diversity, to facilitate the integration of migrants into the social, cultural and political life of their societies as well as into the economic life;*
4. *that all States should take practical measures to eradicate racial discrimination and to promote equal treatment in employment and to promote the integration of discriminated groups, in particular by supporting innovative actions by public authorities, social partners and civil society;*
5. *that all States commit themselves to ensuring access without discrimination to education based on respect for linguistic diversity; that initiatives be taken to ensure that the fight against racism and xenophobia is introduced into the regular curricula of primary and secondary schools; that all States undertake to eradicate racism in the media; that all States use their policies in the field of culture to combat racism; that all States take initiatives to combat racism in sport; that all States commit themselves to an information policy designed to alert citizens to the danger of racism and xenophobia;*
6. *that all States set aside a minimum proportion of their national research budgets to research in this area;*
7. *that the fight against racism and xenophobia be systematically mainstreamed into the external relations and human rights policies of States represented at the Conference;*
8. *that all States should provide for legislative protection for all persons against discrimination on grounds of racial and ethnic origin, as well as for the existence of an independent body, taking account of the recommendations of the UN and the Council of Europe;*
9. *that all States should ensure that their criminal law provides effective, proportionate and dissuasive sanctions against the racist and xenophobic behaviour and that they keep their legislative framework under constant review, making specific proposals for reinforcement if necessary.*