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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 6 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 6

1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.”

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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1. ALBANIA

The Advisory Committee welcomes that, in general, a spirit of tolerance prevails in Albania and that there are few reported cases of threats or acts of discrimination, hostility or violence as a result of a person's ethnic, cultural, linguistic or religious identity.

The Advisory Committee has however received information indicating that persons belonging to the Roma minority face a certain level of prejudice in their daily lives (see also under Article 4 above) and that examples exist of prejudice and negative stereotyping in the media (see also under Article 9 below). Furthermore, according to allegations from certain sources, persons belonging to this group may be particularly vulnerable to ill treatment and extortion by some law enforcement officers.

The Advisory Committee notes that the scope of Article 6 is wide and that it is also relevant to consider the situation of the Egyptian community, which appears to face many similar problems to those of the Roma community. This is particularly so in relation to discrimination and prejudice in a wide range of societal settings, ranging from employment to access to basic services, access to social services, portrayal in the media and access to education, where Egyptian children allegedly have lower achievement levels and attendance levels and are said to be sometimes marginalised in the class.

The Advisory Committee also notes a number of incidents of hostility concerning the Greek minority, including the tension and nationalistic rhetoric that arose between the Albanian majority and Greek minority during the local government elections in Himare in October 2000, as well as the defacing of a number of signposts in Greek in the south of the country.

In the light of the above, the Advisory Committee is of the opinion that the Government should be mindful of the need for constant vigilance in this area, paying particular attention to problems faced by the Roma and Egyptian communities, and be ready to take additional measures when and where required. These could include education to encourage tolerance and raise awareness of the needs of these groups, in particular among professional groups, such as law enforcement officers, the judiciary and the media. More particularly in relation to the media, the Advisory Committee refers to the principles set out in the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance, and the need for the proper implementation of these principles. Concerning law enforcement officers, the Advisory Committee considers that the improved functioning of a police complaints process, including an independent police review process, could be an effective way in which to address accusations of ill-treatment by law enforcement officers, which is seen as a general problem in Albania and also affects persons belonging to national minorities.

The Advisory Committee is also particularly concerned by disturbing reports it has received of trafficking of children, in particular girls, belonging to the Roma and Egyptian communities. The Advisory Committee considers that this is an issue that the Albanian authorities should investigate fully as a matter of priority, in consultation with the communities concerned, in order to eradicate such trafficking.

In respect of Article 6

The Advisory Committee *finds* that notwithstanding that a general spirit of tolerance prevails in Albania, both the Roma and Egyptian communities face a certain level of prejudice in their daily lives and that incidents of hostility also occur, from time to time, with regard also to other groups. The Advisory Committee *considers* that the Government should be mindful of the need for

vigilance in this area and take additional measures to tackle the problem, including, for example, education to encourage tolerance and raise awareness of the needs of these communities, in particular among professional groups such as law enforcement officers, the judiciary and the media.

The Advisory Committee *finds* that there have been disturbing reports of trafficking of children, in particular girls, belonging to the Roma and Egyptian communities and *considers* that the Albanian authorities should investigate fully, as a matter of priority, these reports in order to eradicate such trafficking.

2. ARMENIA

The Advisory Committee notes that a spirit of tolerance and intercultural dialogue is reported to prevail in Armenian society today. The rights of persons belonging to national minorities remaining in Armenia are generally respected and the attitude of the majority population towards national minorities is favourable. The Advisory Committee encourages the government to continue its efforts to foster a climate of tolerance, mutual respect and co-operation among all persons belonging to national minorities and the majority (see also related comments under paragraph 30 above).

In the legislative field, the Advisory Committee notes the prohibition of incitement to national, racial or religious hatred laid down in the Constitution, as well as the existence of other legislative provisions prohibiting manifestations of discrimination, hostility or violence on the basis of racial or ethnic grounds. The Advisory Committee notes that criminal sanctions are provided for such acts.

In the sphere of the media, the Advisory Committee takes note of the prohibition under the Law on the media of the broadcasting of programmes inciting viewers or listeners to violence and to hostility on ethnic and religious grounds. The Advisory Committee notes that in general, according to the information provided to it, the Armenian media do not convey negative images of persons belonging to national minorities. It further notes that the Armenian media show a great deal of interest in national minorities' artistic, cultural and religious events, which they try to make known to the public.

As to the implementation of the aforementioned legislative provisions, the Advisory Committee notes that, according to the Ministry of the Interior and the Presidential Commission for Human Rights, there have been no complaints or court decisions relating to such cases. It also notes that the representatives of national minorities have generally confirmed the authorities' statements on this. Nevertheless, the Advisory Committee has reliable information about the existence of certain manifestations of intolerance or hostility towards persons belonging to national minorities.

The Advisory Committee notes that certain sources provide information concerning discriminatory attitudes towards the Yezidis by certain local authorities (including in respect of the distribution of local resources or the allocation of land during the privatisation process), as well as the lack of reaction by the police when persons belonging to this minority are the object of acts of discrimination or hostility. Despite the lack of detailed information on these cases, the Advisory Committee considers that it is the state's duty to prevent them taking place, to record such instances, and ensure that appropriate protection is afforded to the victims. The Advisory Committee is of the opinion, even if these cases remain rare, that the authorities should take all measures necessary to guarantee to all persons the right to equality before the law and to equal protection by the law (see also the comments relating to Article 4, above).

The Advisory Committee would like to recall the observations it made under Article 4 concerning the absence of relevant statistics, and it encourages the authorities to make appropriate arrangements for monitoring possible new developments in this field (see also the comments relating to Article 4 above).

As to individuals' religious identity, the Advisory Committee notes that, while acknowledging that relations between faiths within society are on the whole friendly, certain human rights organisations note shortcomings relating to religious tolerance, particularly *vis-à-vis* religious minorities other than the ones represented by the Armenian Apostolic Church, which is the national church. The Advisory Committee points out that Armenia did undertake, when it joined the Council of Europe, "to ensure that all churches or religious communities – in particular those referred to as “non-traditional” – may practise their religion without discrimination", and it encourages the authorities to step up their efforts to improve both the dialogue between the different religious groups and religious tolerance.

In respect of Article 6

The Advisory Committee *finds* that a spirit of tolerance and dialogue is reported to prevail between the various ethnic groups living in Armenia today but notes that certain human rights organisations highlight shortcomings in the field of religious tolerance. The Advisory Committee *considers* that the authorities should pursue their efforts to improve dialogue and tolerance in this field.

The Advisory Committee *finds* that there exists information concerning discriminatory attitudes towards the Yezidis, in particular by certain local authorities, and a lack of reaction by the police in respect of hostile or violent acts committed against persons belonging to this minority. The Advisory Committee *considers* that, even if such cases are rare, the authorities should take all the necessary measures to prevent such incidents, encourage the persons concerned to bring them to the attention of the authorities and ensure the protection of the victims.

3. AUSTRIA

In the light of the various submissions made to it during its visit to Austria and the information at its disposal, the Advisory Committee is of the opinion that persons belonging to the Croat, Slovene, Hungarian, Czech and Slovak minorities generally live in harmony with the rest of the population and that relations between them are characterised by tolerance.

The Advisory Committee acknowledges that an atmosphere of increasing tolerance has gradually developed in Carinthia since the 1972 dispute over place names on signposts, and notes with satisfaction that the results of several studies reveal that coexistence between persons belonging to the majority and persons belonging to the Slovene minority has grown more harmonious. The Advisory Committee therefore expresses its deep concern at the recent statements by the Governor (“*Landeshauptmann*”) of Carinthia, declaring his blunt refusal to accept and implement the Constitutional Court’s ruling of 13 December 2001 on place name signposting (G 213/01, V 62, 63/01) (see related comments under Article 11). In connection with this ruling, there were also threats to reduce the subsidies granted to the Slovene minority, particularly in the media and education fields. In this context, the possibility of organising a referendum in Carinthia on the place name issue was also mentioned, which might increase tensions. In view of the foregoing, it is essential that the authorities do their utmost at all levels to consolidate the above-mentioned atmosphere of tolerance.

In the Advisory Committee's opinion such attitudes not only raise problems in respect of the rule of law and the separation of powers but also constitute a serious threat to tolerance, intercultural dialogue and mutual respect and understanding, ie to the values enshrined in Article 6 of the Framework Convention. The implementation of these measures could lead to a situation that would not be compatible with the Framework Convention. The Advisory Committee notes with satisfaction that the reactions of the Federal authorities following the Constitutional Court's ruling of 13 December 2001 (G 213/01, V 62, 63/01) were much more measured and the Advisory Committee calls on the Federal authorities to reiterate them with force.

Concerning the Roma minority, the Advisory Committee notes that since the tragic events of 1995, when four Roma were murdered in Oberwart (Burgenland), the authorities have made significant efforts to improve the situation of this minority and counter the negative reactions against them. Particular mention should be made of the measures taken in favour of the Roma living in the *Land* of Burgenland, where notable progress has been made in terms of integration and tolerance. The Advisory Committee notes, however, that representatives of the Roma minority still report certain attitudes of rejection or hostility among the population, particularly against Roma who recently arrived in Austria. To remedy this the Advisory Committee considers that the authorities should continue their efforts to raise awareness of Roma culture in numerous fields, particularly in education (see related comments under Article 4, paragraph 23).

In the field of media the Advisory Committee notes that certain widely read newspapers continue, when reporting on subjects concerning immigration and asylum, to adopt an approach which contributes to the feelings of hostility and rejection against immigrants, refugees and asylum seekers, adding to the negative atmosphere that prevails in respect of these people. It is to be deplored that news is sometimes presented in such a way as to strengthen the stereotypes associated with Roma. The Advisory Committee recalls that the personal scope of Article 6 of the Framework Convention is wide and that it includes asylum seekers and persons belonging to other groups that have not been traditionally residing in the country concerned. The Advisory Committee invites the Austrian authorities, in the spirit of the principles set out in Committee of Ministers Recommendation No. (97) 21 on the media and promotion of a culture of tolerance, to pursue their efforts to impress on the media, without encroaching on their editorial independence, the need to report fairly on minorities.

The Advisory Committee notes the persistence of certain manifestations of anti-Semitism in Austria, such as circulation of anti-Semitic material and desecration of cemeteries. The Advisory Committee therefore stresses the need for the authorities to continue to combat all forms of anti-Semitism in Austria most firmly. In view of the concern expressed by other international bodies as regards the use of xenophobic discourse in the Austrian political arena, the Advisory Committee is of the opinion that the authorities should continue to make all possible efforts to fight against the exploitation of xenophobic and intolerant feelings in politics.

Different sources report discriminatory practices in the employment field, particularly in recruitment, salary scales and working conditions. These practices mainly affect non-citizens but also Austrian citizens of immigrant background. In this respect the Advisory Committee refers to its remarks concerning the need to complete the legislative framework against all forms of discrimination (see related comments under Article 4).

The Advisory Committee notes that the proportion of non-citizens - including migrant workers - in the total population of Austria is significant. In their reply to the questionnaire the Austrian authorities state that about 10% of schoolchildren in Austria do not have German as their mother

tongue. They add that the main problem facing migrant workers is the lack of social housing and information on how to apply for financial assistance in this respect. The Advisory Committee welcomes the measures taken by the authorities in favour of the integration of immigrant and refugee children in schools, particularly the promotion of mother tongue learning and inter-cultural teaching, and generally encourages them to step up these measures. In the Advisory Committee's opinion it is important that the authorities step up their integration policy and mobilise the requisite resources to implement the necessary measures in favour of equality of opportunity for immigrants in education and the promotion of language learning, which are essential in order to effectively combat racism, xenophobia and discrimination. Furthermore, as the lack of citizenship can be a real obstacle to the integration of non-citizens and their participation in political life, the Advisory Committee considers that the Austrian authorities should make sure that the legislation on citizenship is applied fairly and in a non-discriminatory manner to all applicants (see related comments under Article 3, paragraph 20).

In respect of Article 6

The Advisory Committee *finds* that in general, with the exception of the Roma who still report attitudes of rejection or hostility towards them, persons belonging to the Croat, Slovene, Hungarian, Czech and Slovak minorities live in harmony with the rest of the population and that relations between them are characterised by tolerance. It *considers* that the Austrian authorities should continue their efforts to raise awareness of Roma culture in numerous fields, particularly in education.

The Advisory Committee *finds* that in view of the atmosphere of increasing tolerance that has gradually developed in Carinthia since the 1972 dispute over place names on signposts, there is reason for deep concern about the recent statements by the Governor of Carinthia, declaring his blunt refusal to accept and implement the Constitutional Court's ruling of 13 December 2001 on place name signposting as well as about other threats to reduce subsidies. The Advisory Committee *considers* that such threats endanger the values enshrined in Article 6 of the Framework Convention and if realised they could lead to a situation that would not be compatible with the Framework Convention. It therefore *considers* it essential that the authorities do their utmost at all levels to consolidate the atmosphere of tolerance that has developed in Carinthia since 1972.

The Advisory Committee *finds* that in the field of media, certain widely read newspapers continue, when reporting on subjects concerning immigration and asylum, to adopt an approach which contributes to the feelings of hostility and rejection against immigrants, refugees and asylum seekers and to strengthening the stereotypes associated with Roma. The Advisory Committee *considers* that the Austrian authorities should pursue their efforts to impress on the media, without encroaching on their editorial independence, the need to report fairly on minorities.

The Advisory Committee *finds* that different sources report discriminatory practices in the employment field, particularly in recruitment, salary scales and working conditions, and that these practices mainly affect non-citizens and Austrian citizens of immigrant background. The Advisory Committee *considers* that the Austrian authorities should examine the need to complete the legislative framework against all forms of discrimination and adopt further measures to combat discrimination.

4. AZERBAIJAN

The Advisory Committee notes that, in general, a spirit of tolerance and inter-ethnic dialogue prevails in Azerbaijan. This is notable for example with respect to Jews, who report a long history of living in Azerbaijan in an atmosphere of mutual respect and understanding.

In spite of this generally positive picture, there have been certain statements and actions that do not reflect the principles contained in Article 6 of the Framework Convention, often stemming from the conflict concerning Nagorno-Karabakh and reflecting anti-Armenian sentiments. The Advisory Committee notes in this connection with particular concern the recent manifestations of intolerance towards representatives of certain non-governmental organisations, notably representatives of the Human Rights Centre of Azerbaijan, with activities in this sphere. The Advisory Committee believes that the authorities' attitudes, statements and measures can be instrumental in preventing and countering such incidents and that they have a particular responsibility for building trust and dialogue and promoting a measured approach to the questions at issue.

As the stance and practice of law-enforcement authorities are of particular importance in ensuring that the principles contained in Article 6 are implemented, the Advisory Committee considers that developments in this sphere need to be under constant review. In this connection, the Advisory Committee welcomes the Government's commitment to have the protection of national minorities included as a theme in the staff training system and educational programmes of the Police Academy.

The Advisory Committee underlines the importance of the role of media in fostering inter-ethnic tolerance. It is essential to ensure that reporting on Nagorno-Karabakh and other sensitive issues with direct relevance for national minorities is fully in line with Article 10 of the 1999 Law on Mass Media, which prohibits *inter alia* propagation of national or racial hate or intolerance. In addition to full implementation of the relevant legislative provisions, the Advisory Committee considers that further initiatives on reporting concerning national minorities could be introduced, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance.

The Advisory Committee notes with concern the reports suggesting that children of Chechens, who are not citizens of Azerbaijan and who have not been recognised as refugees by the authorities, have had serious problems in terms of their access to education. The Advisory Committee considers that this is an issue that merits increased attention by the authorities concerned so as to ensure that the relevant legislation guaranteeing equal access to education is fully implemented.

In respect of Article 6

The Advisory Committee *finds* that, while a spirit of tolerance and inter-ethnic dialogue generally prevails in Azerbaijan, there have been certain statements and actions that do not reflect the principles contained in Article 6 of the Framework Convention. It *considers* that the authorities' attitudes, statements and measures, including those of law-enforcement, can be instrumental in preventing and countering such incidents and that the role of media in fostering inter-ethnic tolerance is of particular importance.

The Advisory Committee *finds* that Chechen children have reportedly had serious problems in terms of their access to education and *considers* that this issue merits increased attention by the authorities.

5. BOSNIA AND HERZEGOVINA

The Advisory Committee notes with satisfaction that during its visit, the authorities, on a number of occasions, emphasised the need for tolerance and intercultural dialogue. The Advisory Committee was also pleased to see that the reconciliation process has progressed in Bosnia and Herzegovina despite the tragic events of the past. It appears however that a lack of trust between different communities still prevails and that efforts to promote intercultural dialogue, mutual understanding and co-operation between all persons irrespective of their ethnic, cultural, linguistic or religious identity need to be intensified, especially at the entity level.

The Advisory Committee wishes to emphasise that messages underlying the need for tolerance, intercultural dialogue and reconciliation are of utmost importance in Bosnia and Herzegovina today, a country largely characterised by the existence of three ethnically based political orders leaving little space for people who cannot or do not want to be associated with one of the three constituent peoples. In this context, the acceptance of “Others” and especially national minorities as part of Bosnian society is not sufficiently developed. Efforts to consolidate internal cohesion and feeling of belonging to a common society are all the more necessary in view of the weakness of the central authorities and the fact that the viability of the State continues to be questioned by some. The Advisory Committee expresses the hope that Bosnia and Herzegovina will gradually overcome these overly ethnically based politics to move towards a real Bosnian democratic citizenship, a move that is not facilitated by the existence of two separate bilateral agreements on special relations with neighbouring countries signed in 1998 by the Federation and in 2001 by the Republika Srpska. There are however encouraging signs that such a move enjoys growing support from the population, as suggested by the fact that an increasing number of applicants addressing the Office of the Ombudsman of the Federation have chosen not to indicate their ethnicity in their application forms in the last two years.

The Advisory Committee considers it essential for the implementation of Article 6 of the Framework Convention that in addressing war crimes, both through the domestic courts and through co-operation with the International Criminal Tribunal for the former Yugoslavia, the authorities of Bosnia and Herzegovina - particularly those of the Republika Srpska - make increased efforts and demonstrate full and active co-operation. It is also important for the elimination of the lack of trust between different communities that increased efforts are made by the authorities to investigate the fate of missing persons (see related comments below under paragraph 68).

The implementation of Annex 7 of the GFAP - which provides for the return of refugees and displaced persons, reconstruction projects and other conditions needed for sustainable return - is crucial to reinforce the spirit of tolerance and the above-mentioned intercultural dialogue. The Advisory Committee therefore welcomes the latest statistics published in March 2004 on property law implementation, which suggest that the process of returning properties has been nearly completed, with 201,417 files finalised out of a total of 216,904 property claims registered.

While recognising that this is a major achievement given the complexity and the scale of the existing problems in this sphere, the Advisory Committee notes that many people whose property has been returned have not returned to their pre-war residence. A total of 985,003 returns in/to Bosnia and Herzegovina have been registered from the signing of the GFAP until 31 December 2003 but there remain hundreds of thousands of persons who have not returned. In the absence of a new census, the State Report merely assumes that a proportional number of persons belonging to national minorities is included in this figure.

Several reasons may discourage people from returning to their pre-war residence and encourage them to sell their properties, not least of all the lack of economic opportunities. The Advisory Committee recognises that the difficult economic situation is a general feature every returnee has to face in Bosnia and Herzegovina. Information from various sources however highlights specific difficulties affecting to a larger extent those returnees who do not belong to the locally dominant constituent people. Such difficulties result - at least partly - from discrimination in access to employment, in access to social rights (healthcare and pensions) as well as in access to education. Moreover, it appears that some politicians contribute to the creation of a hostile atmosphere which further obstructs the return process in certain regions. The resulting general lack of trust among communities makes it often a real challenge for the persons concerned to return to their original places of settlement.

The Advisory Committee is particularly concerned by the fact that Roma encounter serious obstacles to exercise their right to return to their pre-war homes and to enjoy other related property rights. In numerous cases, Roma have allegedly faced obstruction by local authorities in seeking repossession on the ground, *inter alia*, that temporary occupants of their pre-war properties are themselves refugees and have nowhere to go. In instances where Roma have been successful in their claims for repossession of their property, the authorities have sometimes refused to give effect to their own decision by not ordering the eviction of the unauthorised occupants. A worrying phenomenon is the tendency for temporary occupants of Roma houses to loot or vandalise them before leaving, without the authorities taking any action to prosecute and punish the perpetrators. Such obstacles are reportedly frequent in certain municipalities of the Republika Srpska – particularly in Bijeljina and Gradiška –, albeit similar difficulties were also signalled in the territory of the Federation, notably in Donje Vukovije.

Return-related violence or hostility also continues to hamper sustainable return and various attacks and assaults on returnees appear to have continued in 2003. Such incidents generally target individuals from the non-dominant constituent people and, in particular, the Roma, thus discouraging these people from exercising their right to return. Demonstrations of local residents – both Serbs and Bosniacs – protesting against the proposed construction of a center for Roma have for example recently been registered in Prijedor. The attention of the Advisory Committee was also drawn to the situation of the Roma in the municipality of Zvornik, especially in Kozluk and Skočić village. Reportedly, a few hundred Roma were living in Zvornik before the war but many of them have never been found since the end of the conflict and are now missing. Allegations have been made that the authorities have not paid sufficient attention to the circumstances of these tragic events and that they have not conducted proper investigations. Roma houses have allegedly been systematically destroyed in this municipality and almost none of them have been reconstructed as yet. This state of affairs coupled with the general hostile attitude prevailing at the local level towards Roma has resulted in a very small number of Roma returns. The Advisory Committee has received some additional information from the authorities on the situation prevailing in Zvornik but such information remains insufficient. It therefore urges the competent authorities to conduct the necessary investigations into these allegations and take concrete steps to encourage Roma returns, including by improving their housing conditions.

Given that up until the war most of the Roma in Bosnia and Herzegovina lived in informal settlements without any clear legal title to use the land they were occupying, many of them, who either have remained or returned to such informal settlements, now live in constant threat of being forcibly evicted. In several cases, including in the Bišće Polje area of Mostar and in the area of Butmir near Ilidža, informal Roma settlements have reportedly been demolished and their residents evicted, without the municipal authorities trying to provide alternative accommodation at all or only to those very few Roma who were registered in the municipality concerned. The Advisory

Committee reiterates the need for the authorities to address the legal status of these informal Roma settlements as a matter of priority with a view to exploring all possibilities of legalising them or providing suitable alternative accommodation in a non-discriminatory manner, as was successfully done in the case of the Gorica settlement in Sarajevo as well as in the Brčko District, where municipal authorities pledged to legalise the Prutače settlement.

The Advisory Committee is concerned about reports indicating that some law-enforcement officials have prejudices against persons not belonging to the dominant constituent people, including Roma. Reportedly, Roma vendors in informal markets are frequently harassed and abusive police raids in Roma settlements are also signalled. These are matters that merit further attention by the authorities and, where appropriate, remedial measures. The general lack of confidence in law-enforcement authorities by the Roma partly explains why few incidents involving police abuse against Roma are reported, a state of affairs which is aggravated by the extremely low number of Roma employed as police officers (see related comments under Article 15 below).

In the field of media, there is a general tendency to focus on events pertaining to the three constituent peoples and neglect issues relating to national minorities. Moreover, some print and electronic media still report in a manner that strengthens existing negative stereotypes against certain national minorities such as the Roma and the Albanians. Similarly, some media also negatively portray those not belonging to the dominant constituent people, which undermines the spirit of inter-ethnic tolerance. The Advisory Committee is pleased to learn that the Press Council conducts permanent monitoring of print media, assessing these phenomena. The Advisory Committee encourages the Press Council to raise public awareness about the results of this monitoring and the existing procedures available for alleged breaches of the code of conduct. Similar monitoring work could also be contemplated as concerns electronic media.

In respect of Article 6

The Advisory Committee *finds* that the reconciliation process has progressed in Bosnia and Herzegovina despite the tragic events of the past. It *finds* however that a lack of trust between different communities still prevails and *considers* that efforts to promote intercultural dialogue, mutual understanding and co-operation between all persons irrespective of their ethnic, cultural, linguistic or religious identity need to be intensified, especially in the Entities.

The Advisory Committee *finds* that the process of returning properties has been nearly completed, which represents a major achievement, given the complexity and the scale of the existing problems in this sphere. The Advisory Committee *finds* that Roma encounter serious obstacles to exercise their right to return to their pre-war homes and to enjoy related property rights and that return-related violence and hostility continues to hamper sustainable return. It also *finds* that many people whose property has been returned do not return to their pre-war residence, which may be explained by several reasons. The Advisory Committee *considers* that such difficulties result - at least partly - from discrimination in access to employment, in access to social rights (healthcare and pensions) as well as in access to education. It also *considers* that some politicians contribute to creating a hostile atmosphere which further obstructs the return process in certain regions.

The Advisory Committee *finds* that many Roma in Bosnia and Herzegovina live in informal settlements without any clear legal title to use the land they are occupying. The Advisory Committee *considers* that there is a need for the authorities to address the legal status of these informal Roma settlements as a matter of priority with a view to exploring all possibilities of legalising them or providing suitable alternative accommodation in a non-discriminatory manner.

The Advisory Committee *finds* that in the field of media, there is a general tendency to focus on events pertaining to the three constituent peoples and neglect issues relating to national minorities. The Advisory Committee *finds* that the Press Council conducts permanent monitoring of print media assessing these phenomena and *considers* that the Press Council should raise public awareness about the results of this monitoring and about the existing procedures available for alleged breaches of the code of conduct, and that similar monitoring work could also be contemplated as concerns electronic media.

6. BULGARIA

The Advisory Committee notes that despite the overall spirit of tolerance which prevails in Bulgaria, interethnic dialogue, especially with persons belonging to certain groups including the Macedonians and Pomaks, proves problematic. In this context, the Advisory Committee takes note of the manifestations of intolerance, which can go as far as exercising overt pressure over certain persons, particularly the Macedonians, in connection with the latest population census, and notes in addition the difficulties which these people meet in making themselves heard in Bulgarian public life (see also the comments with regard to Article 3 above and Article 7 below). The Advisory Committee is deeply concerned by this situation, and urges the authorities to take effective measures, using all appropriate avenues (education, media, etc.) to promote respect and understanding towards these people and facilitate their integration into Bulgarian society, while safeguarding their identity.

The Advisory Committee recalls in this context that the personal scope of application of Article 6 of the Framework Convention is wide and that it includes persons belonging to other groups, including non-nationals, refugees, asylum seekers and persons that have not been traditionally residing in the country concerned.

The Advisory Committee is deeply concerned by the negative attitudes against Roma which are reported by various sources. Despite the measures applied (see State Report) in different fields (education, media, awareness raising and training in the interested circles) to foster intercultural dialogue, the Roma continue to meet with such attitudes both on the part of the population as a whole and on the part of the media and representatives of the public authorities. The Advisory Committee wishes to express its concern regarding the signs of intolerance and hostility shown by certain politicians and representatives of local authorities reported in the context of the campaign preceding the October 2003 local elections and especially between the two rounds of the elections. Attention is also drawn to the anti-Roma rhetoric which was conveyed during the elections by some candidates and certain media to deter the constituents from giving this community's representatives their votes. The Advisory Committee urges the authorities to take a resolute stance against manifestations of this kind and to take effective preventive measures.

The Advisory Committee understands that the Turks are, for the most part, quite well integrated and accepted in society, like the less numerically important groups such as Armenians, Jews, Karakachans, Vlachs and others. The Advisory Committee is nevertheless concerned about the persistence of a certain reluctance in Bulgarian society to recognise the existence of minorities in Bulgaria, both in official circles and among a part of the population (see also paragraph 18 of the present Opinion). In particular, the Advisory Committee notes with concern that instead of being perceived as a factor of enrichment, diversity is construed by some as a potential source of problems.

Such being the position, the Advisory Committee considers that it rests with the authorities to frame and implement specific measures to dispel the current prejudices, defuse the debate surrounding minority issues and avoid needlessly politicising it, in order to usher in a settled social climate more receptive to diversity and intercultural dialogue. The recommended measures – in respect of information, awareness and training – should be targeted, besides the general public, to the various audiences: public authorities, press, judicial system, law enforcement agencies, armed forces, teaching profession, etc. In this context an essential function devolves on education and the media (see also the information relating to Articles 9 and 12 below).

Notwithstanding certain positive developments, the information made available to the Advisory Committee suggests that instead of furthering their integration in Bulgarian society, some of the media continue to present information in a manner apt to strengthen the existing negative stereotypes regarding vulnerable groups (particularly Roma but also Macedonians or persons belonging to certain religious group). The Advisory Committee recalls in this connection the principles contained in Committee of Ministers' Recommendation No. (97) 21 on the media and promotion of a culture of tolerance, and invites the authorities to reflect these in their action (see also the observations relating to Article 9 below).

In this context the Advisory Committee notes with concern that early in 2004 threats were reportedly uttered against a publication (the weekly magazine “Defacto”) and a Roma press agency (RIA) in Sofia, causing them to suspend their activities temporarily. The Advisory Committee calls on the authorities to examine the threats made and take, as appropriate, whatever steps may be required. The Advisory Committee wishes to remind the authorities that it is their duty to ensure the maintenance of conditions favouring the exercise of the right to freedom of expression by persons belonging to minorities, including via their media, and to prevent and oppose manifestations of intolerance and intimidation of whatever kind (see also the observations relating to Article 7 below).

The Advisory Committee notes the claims by the authorities that they do not have statistics on the number of acts of violence with racial or ethnic motives, and that official information on such cases is virtually non-existent. According to the authorities, this is due to the very isolated occurrence of such incidents. However, non-governmental sources highlight the persistence of cases of violence committed against persons belonging to vulnerable groups, particularly the Roma. The Advisory Committee considers that the authorities should take additional measures to make sure that the information on manifestations of this kind is being suitably collected and processed, and should make every effort to combat the manifestations.

The Advisory Committee is particularly concerned by reports according to which, in spite of some improvement since the judgment against Bulgaria by the European Court of Human Rights in 2001 (in the case of *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*), improper conduct continues to be reported on the part of the police specifically in respect of Roma but also of other groups. In this context note should be taken of a recent judgment of a Chamber of the European Court of Human Rights where, in relation to the fatal shooting of two youths of Roma origin by the military police in 1996, the Chamber found a violation by Bulgaria, *inter alia*, of Article 14 (prohibition of discrimination) in conjunction with Article 2 (right to life) of the European Convention on Human Rights.

The Advisory Committee welcomes the measures already taken or announced by the authorities to remedy this situation. *Inter alia*, it notes the formation, in the police force, of a human rights committee and of a working party on groups at risk, the development of co-operation with non-governmental organisations for better surveillance of police officers' respect for human rights, and

the application of tougher sanctions in proven cases of human rights violations. The authorities have also reported the recent adoption of a Code of Police Ethics and numerous projects on education in human rights and tolerance, ultimately aimed at boosting public confidence in the police and improving its contact with the population and its credibility.

The Advisory Committee urges the authorities to persevere with these actions and to apply further measures that would significantly improve the situation, including recruitment by the police force of more persons from minorities (see also the observations relating to Article 15 below). Moreover, the Advisory Committee deems it essential that independent control machinery be set up and simplified appeal procedures be made available to victims of police misconduct (the present procedure comes under military justice and is found unwieldy and complicated, making victims' access to justice more difficult). Further efforts must also be made to improve awareness of these problems amongst representatives of the judiciary.

In respect of Article 6

The Advisory Committee *finds* that negative attitudes persist in Bulgaria towards vulnerable groups, particularly the Roma but also the Macedonians and the Pomaks, not only among the population but also conveyed by some medias or by certain members of public authorities. The Advisory Committee *considers* that more effective measures should be taken to remedy this situation. The Advisory Committee *finds* moreover that within the Bulgarian society there is a degree of apprehension about the recognition of the existence of minorities. It *considers* that specific measures of information and awareness raising should be taken in order to foster a social climate more receptive to diversity and intercultural dialogue.

The Advisory Committee *finds* that despite the measures taken by the authorities, acts of violence with racial or ethnic motivation continue to be reported. The Advisory Committee *considers* that additional efforts are needed to combat these outbreaks, both in collecting and processing relevant information and in bringing home the issues to the interested sectors including the media, the police and the justice authorities. Where the work of the police is concerned, the Advisory Committee *considers* it essential to ensure that there are independent control mechanisms, and to promote the recruitment to the police force of persons belonging to minorities.

7. CROATIA

The Advisory Committee notes with satisfaction that there has been a marked improvement in the attitudes of highest central authorities vis-à-vis national minorities and that the Government has on a number of occasions emphasised the need for tolerance and for intercultural dialogue. Such messages are of utmost importance in Croatia, where inter-ethnic relations are still seriously affected by the legacy of the conflict. It is nevertheless disappointing to note that these views are not consistently reflected in the statements and acts of authorities, in particular those operating at the local level. In addition to governmental authorities, a constructive stance by other relevant actors, such as the Churches operating in Croatia, is essential to solidify a spirit of tolerance and intercultural dialogue. Against this background, the Advisory Committee believes that initiatives aimed at promoting intercultural dialogue need to be strengthened and expanded.

The Advisory Committee finds it important that the Programme to Establish Trust and the principles contained therein are implemented in practice. Considering that the committees that were established for this purpose have proved rather inefficient, the Advisory Committee welcomes the Government's recent efforts to improve requisite mechanisms.

The Advisory Committee welcomes the fact that the Law on Telecommunication, in its Article 78, calls on broadcasters to promote inter-ethnic understanding, and the Committee trusts that this principle will be born in mind also in the context of the granting of concessions. Recently, there have reportedly been certain improvements in the practical implementation of this principle. In spite of this, a regrettably high number of outlets, both in the field of print and electronic media, still report in a manner that strengthens existing negative stereotypes of some minorities.

The Advisory Committee considers it essential for the implementation of Article 6 of the Framework Convention that the issue of war crimes is treated without ethnic bias. It therefore regrets that the Government's recent efforts to this end have prompted reactions that are detrimental to a spirit of tolerance and intercultural dialogue in Croatia.

The Advisory Committee is concerned about the attacks on religious buildings and cemeteries, most frequently Serb Orthodox but also Jewish cemeteries and buildings. The Advisory Committee expresses the wish that the Government pays increasing attention to the prevention as well as investigation and prosecution of such incidents.

In general, the Advisory Committee welcomes the reported decrease in the number of ethnically motivated crimes but notes that such incidents still occur rather frequently and that, therefore, further efforts should be taken to counter this phenomenon. In this connection, the Advisory Committee attaches importance to the reports suggesting that the performance of the police, including with regard to ethnically motivated crime, has gradually improved and notes that in the Danube region these improvements led to the decision to cease the operations of the OSCE Police Monitoring Group in October 2000. The Advisory Committee considers, however, that the performance of the police on issues related to national minorities continues to merit attention, bearing in mind, for example, that police still appear to be overly hesitant to qualify alleged crime as motivated by ethnicity.

In respect of Article 6

The Committee of Ministers *concludes* that the Government has, on a number of occasions, emphasised the need for tolerance and for intercultural dialogue. The Committee of Ministers *recommends* that further measures be taken to ensure that this stance is taken increasingly often by other relevant actors, including by local authorities.

The Committee of Ministers *concludes* that, despite certain improvements, a number of media outlets report in a manner that strengthens existing negative stereotypes of some minorities. The Committee of Ministers *recommends* that further measures be taken to promote inter-ethnic understanding in the field of media.

The Committee of Ministers *concludes* that religious buildings and cemeteries have been the target of attacks and *recommends* that the Government pay increasing attention to the prevention as well as investigation and prosecution of such incidents.

The Committee of Ministers *concludes* that, despite certain improvements, ethnically motivated crime still occurs and police appear to be hesitant to qualify alleged crime as motivated by ethnicity. The Committee of Ministers *recommends* that the existing efforts in this sphere be pursued and expanded to address this issue.

8. CYPRUS

The Advisory Committee acknowledges the efforts made by the Cyprus Government to encourage a spirit of tolerance and intercultural dialogue and would encourage that further action be taken along these lines. In that respect the Advisory Committee underlines the importance of information about national minorities being available to persons belonging to the majority and notes with approval the organisation of a cultural festival to bring to the attention of the broader public attributes of Maronite, Armenian and Latin culture. Furthermore, given the potential of the media to contribute positively to intercultural understanding, the Government, whilst respecting the editorial independence of the media, could seek actively to involve them more in this effort. Furthermore, in the field of education, the awareness and understanding of minority cultures could be further enhanced. In this respect, the Advisory Committee recalls the need to raise awareness about the Framework Convention.

In respect of cases of discrimination, the Advisory Committee notes that no governmental agency appears to be collecting or registering data on such cases. The Advisory Committee is of the opinion that the Government should review this state of affairs (see also comments under Article 4).

As concerns Turkish Cypriots, the Advisory Committee notes that cases of ill-treatment committed by police officers have been reported, as well as difficulties in instituting criminal proceedings against officials under suspicion. While the Committee welcomes the efforts already initiated by the authorities, notably in the field of human rights training in the Police Academy, it considers that the authorities should ensure that the proceedings against officials under suspicion are properly conducted.

The Advisory Committee is concerned about the fact that some Turkish Cypriots have complained that unused mosques in the Government controlled areas have been vandalized. In this context, the Committee notes with satisfaction that the Cyprus authorities pledged to increase protection of Muslim sites following an arson attempt on a mosque in August 1999. The Advisory Committee considers that the Government should closely monitor the situation and take further steps, including an awareness raising campaign, to prevent such occurrences from happening in the future.

In respect of Article 6

The Committee of Ministers *concludes* that the Cyprus Government has made efforts to encourage a spirit of tolerance and intercultural dialogue but that further action should be taken along these lines. It *recommends* in particular that the Government seek to encourage the media to contribute positively to intercultural understanding. It also *recommends* that the Government enhance the awareness and understanding of minority cultures in the field of education.

The Committee of Ministers *concludes* that no governmental agency appears to be collecting or registering data on cases of discrimination. It *recommends* that the Government review this state of affairs.

The Committee of Ministers *concludes* that there is reason for concern about reports from Turkish Cypriots on cases of ill-treatment committed by police officers, as well as difficulties in instituting criminal proceedings against officials under suspicion. It *recommends* that the Cyprus authorities ensure that these proceedings are properly conducted.

The Committee of Ministers *concludes* that there is reason for concern about complaints from Turkish Cypriots that unused mosques have been vandalized. It *recommends* that the Government closely monitor the situation and take further steps to prevent such occurrences from happening in the future.

9. CZECH REPUBLIC

The Advisory Committee notes the efforts made in recent years by the Czech Government to promote a climate of tolerance, mutual respect and co-operation in general. In particular, it appreciates the Government's decision to launch a campaign against racism (December 1999) and the measures and programmes implemented in this field by the various Ministries. The Committee also notes the legislative measures aimed at eliminating discrimination against Roma in the field of employment.

The Advisory Committee notes that a number of measures have been taken in recent years in the context of the education system in order to increase pupils' and students' awareness of the Roma's history, culture and traditions. The Committee encourages the Czech Government to continue to implement these initiatives with determination. The Advisory Committee considers that these measures should be extended beyond the education system and should cover all national minorities.

The Advisory Committee welcomes that, through their programme schedules, Czech television and radio are making efforts to contribute to the development of multi-cultural education and help combat racist and xenophobic tendencies. The Advisory Committee is of the opinion that further support for journalists' professional exchange programmes and other measures aimed at promoting accurate and balanced reporting on minority questions would be helpful, bearing in mind freedom of expression and the principles contained in the Committee of Ministers' Recommendation No. (97) 21 on the Media and the Promotion of a Culture of Tolerance.

Nevertheless, the Advisory Committee notes that there is still insufficient inter-cultural dialogue in the Czech Republic. Attitudes of intolerance and hostility towards national minorities, especially Roma, are still widespread. In this respect, the Advisory Committee is troubled by the information, supplied by the Government in its State Report, that the media continue to project negative stereotypes of certain national minorities, especially the Roma, and that they encourage attitudes of hostility and intolerance towards certain groups referred to in paragraphs 22 and 23 above. The Advisory Committee is also concerned by the information about discrimination in the fields of employment, housing and access to places of entertainment.

The Advisory Committee is of the opinion that this conduct is particularly serious when it involves representatives of the police, the public authorities (at central or local level) or members of extremist political parties and organisations. It also notes with concern that a report by the Ministry of the Interior on extremism (published in 2000) reveals a slight increase, in 1998-99, in the number of supporters of extremist movements. In the period 1997-98, their membership doubled.

The Advisory Committee is concerned about the continuing occurrences of racially motivated violent crime, often targeted at Roma but also at other ethnic groups, including persons belonging to the groups mentioned in paragraphs 22 and 23 above. The situation is exacerbated by the fact that, as is recognised by the Government, most of these offences are not reported to police authorities. This regrettably low rate of reporting reflects, at least partially, a prevailing mistrust between police and the minorities concerned. It also reflects the negative attitudes that many police officers,

especially at the local level, are perceived to have towards these minorities, which in its most extreme and disturbing form has allegedly amounted to abuse of minorities by the members of the police themselves. The Advisory Committee deems this situation problematic and considers that the Czech authorities should take all necessary measures in order to ensure that persons belonging to national minorities can trust the police. It considers equally that the Czech Republic should guarantee constant monitoring of the work of the police and ensure the existence of an effective system of appeals against action or inaction by the police, especially with regard to ethnically motivated crimes.

The Advisory Committee notes that the Czech authorities have adopted certain measures in this field, including the introduction of schemes to raise awareness of human rights in the training course for members of the national police force. The Advisory Committee is of the opinion that additional efforts should be made to improve the police force's working methods and to include more individuals from national minorities in its ranks. The Advisory Committee welcomes the undertaking of the Minister of the Interior to do more to investigate ethnically motivated crimes and prosecute offenders. The Advisory Committee encourages the Czech authorities to pursue these actions with determination, while seeking to ensure that particular attention is paid to improving the situation of Roma in this field.

The Advisory Committee welcomes the measures taken by the Government in order to counteract the increase in ethnically motivated crimes such as amendments of the Criminal Code to increase sentences for these crimes, administrative measures to accelerate penal proceedings, regular monitoring reports on the trends in these crimes and awareness-raising campaigns catering for various sections of the population.

The Advisory Committee is particularly concerned about the shortcomings observed in the manner in which these crimes are dealt with by the Czech justice system. Indeed, the Government considers that the number of prosecutions brought for this type of offence is very limited compared to the number of crimes actually committed. This is probably due to victims' distrust of the police, and also to the fact that the public and certain members of the police play down their importance, as well as to the unwillingness of the police to recognise, and difficulties in proving, racist or ethnic motivation for such crimes. In addition, the Advisory Committee notes the persistence of unjustified delays in proceedings and the continued existence of inadequate penalties (or even a total absence of punishment for less violent acts of this nature). The Advisory Committee is of the opinion that the Czech authorities' efforts are still insufficient in this area and that more effective methods of preventing and handling these incidents and punishing offenders should be devised and implemented in order to ensure genuine protection of potential victims.

The Advisory Committee welcomes the initiatives taken by certain Czech local authorities to improve the situation of persons belonging to national minorities living within their administrative territorial areas. The Advisory Committee welcomes equally the legal possibility, provided by the recently adopted legislation (Acts No. 128, 129 and 131/2000), of establishing committees for national minorities as consultative organs.

However, the Advisory Committee remains concerned by the discriminatory, intolerant and hostile attitudes adopted by certain representatives of local government towards various categories of the population (refugees, asylum seekers and persons belonging to national minorities, especially the Roma). Several recent judgments by regional courts have highlighted the persistence of this phenomenon.

The events surrounding the wall in Usti nad Labem, which constituted an attempt to introduce separation not compatible with the Framework Convention, illustrate the fact that the central government was not really in a position to intervene efficiently when local authorities acted in ways that infringed the national laws and international legal instruments designed to protect persons belonging to national minorities. Substantial international pressure was required before the Chamber of Deputies took a position on the mentioned situation. The Advisory Committee further notes that, following a complaint lodged by the municipality in question, the Constitutional Court declared in April 2000 that the decision by the Chamber of Deputies, which annulled the Municipal Council's decision to build the wall, failed to comply with the distribution of powers between parliament and autonomous local authorities.

In view of the above comments, the Advisory Committee is of the opinion that central government should be able to guarantee respect for rights of persons belonging to national minorities at all levels of the public administration, to ensure an effective system of appeals and to provide compensation in cases where local, regional or central authorities act in a discriminatory manner in exercising the functions entrusted to them.

With regard to respect for individuals' religious identity, the Advisory Committee notes that the State Report mentions a number of examples of intolerance towards certain religious communities, "such as those of foreigners whose religion is unusual in the Czech Republic". The Advisory Committee is of the opinion that the Czech authorities should take all necessary measures to prevent such incidents.

In addition, the State Report indicates that the legal obligation on religious organisations to enlist 10,000 members who are permanently resident in the Czech Republic in order to be registered as legal entities and have access to state subsidies is creating practical problems for these organisations. The Advisory Committee appreciates the fact that the Government envisages legislative changes in order to overcome the existing problems.

In respect of Article 6

The Committee of Ministers *concludes* that, although considerable progress has been achieved in community relations in recent years and a climate of greater tolerance has developed, inter-cultural dialogue remains insufficient, and *recommends* that the Government take all necessary measures to combat the manifestations of intolerance and hostility towards national minorities that continue to occur in the country.

The Committee of Ministers *concludes* that there are problems in implementing the existing legislation on non-discrimination and *recommends* that the Czech Republic monitor the situation and react more effectively to cases of discrimination.

The Committee of Ministers *concludes* that acts of discrimination, hostility or violence as a result of persons' ethnic, cultural, linguistic or religious identity, mostly against Roma, continue to be perpetrated in the Czech Republic, including by police officers. It also concludes that, for the most part, these acts are not reported to the police. The Committee of Ministers *recommends* that the Czech authorities step up their efforts to raise public awareness of the Roma's history, culture and traditions. It also *recommends* that the Czech Republic increase its efforts to encourage tolerance within the police force and to improve relations between the police and the national minorities, paying particular attention to the effective implementation of schemes to raise awareness of human rights, as part of the training course for members of the national police force.

The Committee of Ministers *concludes* that the police and the justice system seem too reluctant to classify certain offences as racist and *recommends* that the Czech Republic do more to investigate and prosecute crimes of this nature and that it guarantee the existence of an effective system of appeal against action or inaction by police, especially with regard to ethnically motivated crimes.

The Committee of Ministers *concludes* that the Government has unambiguously condemned manifestations of intolerance by local authorities and *recommends* that the Czech Republic continue to react in an appropriate manner to this type of incident. Equally, the Committee of Ministers *recommends* that the Czech Republic guarantee respect for the rights of persons belonging to national minorities at all levels of the public administration, by ensuring an effective system of appeals with appropriate compensation in cases where local, regional or central authorities act in a discriminatory manner in exercising the functions entrusted to them.

The Committee of Ministers *concludes* that manifestations of intolerance towards certain religious communities exist and *recommends* that the Czech Republic take all the measures needed to ensure that such manifestations are successfully prevented and that appropriate protection is provided for their potential victims.

10. DENMARK

The Advisory Committee is concerned about information on intolerant attitudes in Danish society. In this respect the Advisory Committee is particularly concerned about reports of discrimination against foreigners and naturalised Danes in the labour market, housing etc. It therefore considers that the Danish authorities should maintain continuous vigilance in this respect as well as take measures to counteract the spreading of intolerant attitudes.

In respect of Article 6

The Committee of Ministers *concludes* that there is reason for concern about intolerant attitudes in Danish society and in particular in respect of discrimination against foreigners and naturalised Danes in the field of the labour market, housing etc. It therefore *recommends* that Denmark maintain continuous vigilance to avoid the spreading of intolerant attitudes.

11. ESTONIA

The Advisory Committee notes with satisfaction that intercultural dialogue has increased in Estonia and hopes that further improvements in the sphere will be achieved, including through the national integration programme.

With respect to the media, the Advisory Committee notes that the media environment is to a large extent divided between the media consumed by the majority population and that followed by the minority population. As this is a factor that may serve to strengthen existing negative stereotypes and to complicate inter-ethnic dialogue, the Advisory Committee considers that further initiatives to counter this excessive division are needed and welcomes the relevant projects that are already included in the national integration programme.

The Advisory Committee notes with satisfaction that crime that could be considered as ethnically motivated appears to be relatively rare in Estonia. There have, however, recently been some disturbing incidents of violence against persons who do not speak Estonian. The Advisory

Committee welcomes the fact that they have been strongly denounced by the Government and considers it essential that additional measures are taken to counter this phenomenon.

In respect of Article 6

The Committee of Ministers *concludes* that intercultural dialogue has increased in Estonia and *recommends* that further improvements in the sphere will be pursued, including through the national integration programme.

The Committee of Ministers concludes that the media environment is to a large extent divided between the media consumed by the majority population and that followed by the minority population and recommends that further initiatives are designed to counter this division.

The Committee of Ministers *concludes* that, although crime that could be considered as ethnically motivated appears to be relatively rare, there have recently been some disturbing incidents of violence against persons belonging to minorities who do not speak Estonian. While noting that the Government has strongly denounced these incidents, the Committee of Ministers *recommends* that Estonia take additional measures to counter this phenomenon.

12. FINLAND

The Advisory Committee was informed by representatives of minorities that a number of mainstream media outlets regularly issue defamatory reports about minorities, strengthening the prevailing negative stereotypes, in particular as regards the Russian-speaking population and the Roma as well the Somalis and other more recent minority groups. The Advisory Committee notes with satisfaction the support given by the Government for journalists' training on reporting concerning minorities as well as the plans for a comprehensive survey on the portrayal of minorities in the media. The Advisory Committee would welcome further measures of this type, designed in a manner that does not interfere with freedom of expression, bearing in mind the principles contained in Committee of Ministers' Recommendation No. R (97) 21 on the Media and the Promotion of a Culture of Tolerance. In this connection, the Advisory Committee would particularly like to encourage efforts aimed at ensuring that recent developments concerning Roma asylum-seekers in Finland do not contribute to a climate of intolerance, in the media and the society at large, vis-à-vis Roma.

The Advisory Committee is concerned about the credible reports indicating that discrimination in supplying services continues against Roma despite the fact that such discrimination is prohibited under the Finnish Penal Code. Roma have, for example, been denied entry to a number of restaurants solely on the basis that they belonged to the said minority and were wearing traditional clothing of the Roma. While acknowledging that some initiatives have been taken to fight these phenomena, the Advisory Committee finds it essential that Finland step up its efforts in this sphere and take additional measures, including in terms of investigation and prosecution of such incidents.

The Advisory Committee notes with concern that, in addition to minorities that the Government considers to be covered by the Framework Convention, representatives of a number of the groups characterised in the Report as "other minority groups" frequently report cases of *de facto* discrimination.

In ensuring that the above-mentioned and other violations of the anti-discrimination legislation are regularly acted upon and brought to the attention of law enforcement officials, the attitudes of the

police vis-à-vis minorities concerned are particularly important. The Advisory Committee therefore finds it disconcerting that, according to a recent study on the attitudes of authorities towards ethnic groups, negative attitudes towards these groups were relatively common amongst police officers. The Advisory Committee finds it particularly disquieting that, reflecting such negative attitudes, some police officers have written newspaper articles that would foster rather than alleviate discriminatory attitudes vis-à-vis minorities. It is essential that such incidents are reacted to and denounced in an appropriate manner, bearing in mind freedom of expression and also the principles contained in the Committee of Ministers' Recommendation No. R (97) 20 on "Hate Speech". In this connection, the Advisory Committee would like to recognise the efforts made by the Parliamentary Ombudsman in this sphere as well as the instruction of the Ministry of Interior, issued in June 1997, on the increasing of tolerance among the police. The Advisory Committee is of the opinion that the Government should ensure the implementation of the latter instruction and consider further ways in which tolerance could be promoted among the police in a comprehensive manner. Such measures could include, *inter alia*, special efforts to recruit persons belonging to minorities to serve as police officers.

In respect of Article 6

The Committee of Ministers *concludes* that some mainstream media outlets have issued defamatory reports about minorities, strengthening prevailing negative stereotypes. The Committee of Ministers *recommends* that Finland design further measures aimed at promoting a spirit of tolerance and intercultural dialogue in the media.

The Committee of Ministers *concludes* that discrimination against minorities in supplying services continues against Roma. The Committee of Ministers *recommends* that Finland step up its efforts in this sphere and take additional measures, *inter alia*, in terms of investigation and prosecution of cases of discrimination.

The Committee of Ministers *concludes* that the attitudes of the police vis-à-vis minorities appear to be disconcertingly negative. The Committee of Ministers *recommends* that Finland ensure the implementation of the instruction of the Ministry of Interior, issued in June 1997, on the increasing of tolerance among the police and consider further ways in which tolerance could be promoted among the police in a comprehensive manner.

13. GEORGIA

Inter-ethnic relations and integration

The Advisory Committee is particularly satisfied to note that the August 2008 armed conflict currently seems not to have seriously affected inter-ethnic relations in Georgia in the areas under Government control. In fact, although some persons belonging to the Russian and Ossetian minorities expressed anxiety about the increasing amount of anti-Russian and anti-Ossetian remarks (also see comments in paragraph 81 below), it seems that relations between the different ethnic groups have overall remained stable, insofar as the Advisory Committee was able to see during its visit, including in the villages close to the "buffer zone", where solidarity seems to prevail between the residents belonging to different national minorities.

However, the Advisory Committee notes that there is a certain lack of communication between various groups, particularly in regions such as Tsalka where persons belonging to several national minorities and to the majority live side-by-side. This lack of communication has sometimes led to tensions and disputes, which could not be dealt with through mediation, for want of a shared

language. Thus the lack of communication is linked not only to the inadequate knowledge of Georgian of large numbers of persons belonging to national minorities, but also to a decreased knowledge of Russian, which used to be a commonly known language of communication between the different groups. In the Advisory Committee's opinion, it is therefore essential to inter-ethnic dialogue that better knowledge of the Georgian language among the persons belonging to the national minorities concerned be supported as speedily as possible, while efforts should continue to support minority languages.

Furthermore, the Advisory Committee notes with concern that the arrival, often in huge numbers, of "ecological migrants" and migrants from other parts of the country in regions where, as in Kvemo-Kartli, persons belonging to national minorities traditionally live in substantial numbers, has generated tensions between the new arrivals and the original residents. At times, such tensions have been further exacerbated by the absence of a common language to resolve differences. They were also reported to have been generated by the absence of preparations and support measures for these migration processes by the authorities (also see the comments under Article 16). The Advisory Committee therefore calls on the authorities to take measures with a view to providing better support in future for the resettlement processes for displaced populations, especially through preparatory, consultative and support measures for the populations which live in the regions concerned, so as to prevent added tensions between different groups. It also expects the authorities to take account of previous experience in their management of the situation of the persons displaced following the August 2008 conflict, as well as when the time comes to resettle the repatriated Meskhetian Turks (see comments in paragraphs 83 to 85 below), and to actively promote harmonious inter-ethnic relations.

The Advisory Committee regrets that interaction between the majority population and the persons belonging to national minorities, according to several of its interlocutors, remains limited. In practice, while there are overall no conflicts where the majority and the various national minorities live side by side, there is a substantial lack of effective participation of national minorities in Georgian society (also see the comments under Article 15 below), these minorities remaining isolated and marginalised, often having more contact with neighbouring countries than with Tbilisi. This is aggravated by the fact that, in certain regions, persons belonging to national minorities have access to information in their own language only through neighbouring countries' media. The Advisory Committee takes the view that this lack of information about the regional and national situation through programmes produced in Georgia and broadcast in minority languages does not increase trust in the central authorities by persons belonging to national minorities (also see the comments under Article 9 below).

Furthermore, the Advisory Committee is concerned to note that the majority population's knowledge of the history and cultural heritage of national minorities remains limited, particularly in respect of those of the numerically small minority groups, such as the Kurds, Yezidi, Assyrians and Avars. National minorities and their cultures have little presence in the media (see comments in paragraph 80 below), and school textbooks sometimes convey a stereotyped images, as well as prejudice against them, thus creating obstacles to the promotion of mutual respect. Most of the parties to whom the Advisory Committee spoke also emphasised the lack of opportunities for full and effective participation in Georgian society and the consequent feeling of not being considered fully-fledged Georgian citizens, fuelling the emigration trend among persons belonging to national minorities. The Advisory Committee takes the view that this situation is worrying and that vigorous measures should be taken in order to remedy it.

In this context, the Advisory Committee welcomes the preparation by the authorities of a National Concept for Tolerance and Civic Integration and a five-year action plan in this sphere (see relevant comments under Article 5 above). The Advisory Committee also welcomes the work done since 2005 by the Civic Integration and Tolerance Council set up by the President of Georgia, on which national minorities have representatives. The Committee expects sufficient resources rapidly to be allocated to the implementation of the above-mentioned action plan, and regular monitoring and assessment of the plan's impact. It also emphasises that it is essential for persons belonging to national minorities to be closely involved in the implementation of the action plan and in the work of the Civic Integration and Tolerance Council. Generally speaking, it feels that it is essential for the authorities to continue and step up their efforts to promote open and balanced inter-ethnic and intercultural dialogue, as well as respect and mutual understanding.

Fight against racism and intolerance

The Advisory Committee is pleased to note that Georgian legislation regards racist motivation as an aggravating circumstance in a number of offences. It nevertheless notes that this does not relate to all kinds of criminal offences, and, like the European Commission against Racism and Intolerance (ECRI), the Advisory Committee calls on the authorities to consider amending legislation to make racist motivation for a crime an aggravating circumstance in respect of all criminal offences.

The Advisory Committee notes that a number of cases were reported to it in which intolerance or racial or anti-Semitic hatred have been expressed, although these were infrequent, and very few complaints were lodged about them (see also the comments under Article 4 above). The Advisory Committee was told by persons belonging to groups such as the Avars and the Kists of the existence of hostile attitudes to them, linked to the persistence of negative stereotyping of them. Chechen refugees and Roma were reported also to be frequent victims of stereotyping and prejudice, reflected in various forms of discrimination.

The Advisory Committee is particularly concerned about incidents of religious intolerance, very much affecting persons belonging to national minorities, since the majority of them belong to denominations other than the Georgian Orthodox Church (also see the comments under Article 8 below). It in fact seems to be the case that religious identity is increasingly associated in the public perception with national identity. Manifestations of religious intolerance, on occasion extending to acts of vandalism against religious buildings, and sometimes against persons, have been reported to the Advisory Committee (see also paragraph 64). The Advisory Committee considers particularly worrying the hostile, or even violent, manifestations of opposition to the building of mosques which were reported to it. In addition, several of the parties to whom the Advisory Committee spoke emphasised that the religious education dispensed in the school system covered only the Georgian Orthodox religion, even when the pupils belonged to other denominations. Although efforts are being made to reflect religious diversity more accurately in textbooks and school curricula, it was reported that information about other religions was very limited and in many cases bore the imprint of negative stereotyping (see also remarks in respect of article 7 below).

Although the courts have dealt with some incidents of religious intolerance in recent years, the Advisory Committee considers that the efforts made to combat this worrying problem remain inadequate. It urges the authorities to ensure that all cases of incitement to hatred or to religious violence and all cases of violence against persons or religious monuments are prosecuted. It also urges them to take all necessary steps to prevent and combat religious intolerance effectively and, in doing so, to take fully into consideration the recommendations made by the Council for Religions which operates under the aegis of the Public Defender.

In respect of police training, the Advisory Committee notes with satisfaction that human rights classes, also covering the rights of minorities and the fight against hate crime, are included in police training. Furthermore, community policing training is now being developed. Further positive developments are the introduction of phone lines for reporting any ill-treatment by the police and the setting up in 2005 of a general police inspectorate responsible for ensuring, *inter alia*, that members of the police respect human rights.

Notwithstanding this progress, the Advisory Committee notes that relations between the police and persons belonging to national minorities sometimes remain difficult, particularly in regions where persons belonging to minorities live in substantial numbers (also see the comments under Article 4 above). Furthermore, cases of police abuse are regularly reported, and these also affect persons belonging to national minorities. In some of these regions, particularly Kvemo-Kartli, persons belonging to national minorities remain underrepresented in the local police.

The Advisory Committee calls on the Georgian authorities to continue and step up measures to improve police awareness of the need to respect human rights, including the rights of minorities. It is also important to promote the recruitment into the police force of persons belonging to national minorities, so that the composition of the force better reflects the diversity of Georgian society (see also remarks in respect of Article 15 below).

Media and tolerance

The Advisory Committee is concerned to note that the history, culture, languages and concerns of national minorities receive little media coverage, although the Law on broadcasting gives explicit terms of reference to the public audiovisual service in this respect (see the comments under Article 9 below). Furthermore, certain media, particularly in the print media, continue to disseminate stereotypes relating to national minorities and to disclose the ethnic origin of offenders or suspects who belong to national minorities.

According to the information at the Advisory Committee's disposal, cases occur of incitement by certain media to religious intolerance and to the dissemination of prejudice against religious denominations other than the Georgian Orthodox Church. It also seems that, following the August 2008 conflict, certain media outlets are voicing anti-Russian sentiments with increasing frequency, which might negatively affect persons belonging to the Russian minority. The Advisory Committee regards these developments as worrying and as posing a threat to the spirit of tolerance and mutual understanding. It consequently takes the view that appropriate measures should be taken when stereotyping or intolerant speech are disseminated, although these should not impinge on editorial independence of the media. Cases of hate speech, if for example the media incite hatred on grounds of ethnic or religious affiliation, should be prosecuted and punished.

The Advisory Committee notes that a code of ethics for public broadcasting was adopted in 2006, and that a similar instrument for all broadcasters should come into force in 2009. It nevertheless seems, according to the information available to the Advisory Committee, that the procedures in place to monitor both compliance with ethical standards and the work of the media in general is not effective enough. It is important to ensure that the agencies which supervise the media and the complaint systems which exist for cases of racist speech or incitement to hatred are fully operational, known to the public and easily accessible.

Meskhethian Turks

The Advisory Committee notes that, in accordance with the commitments accepted on accession to the Council of Europe, Georgia in July 2007 adopted a “Law on the repatriation of persons forcefully expelled from Georgia by the former Soviet Union in the 1940s”. This law is intended to enable mainly persons belonging to the Meskhethian Turk community who were expelled from Georgia in 1944 to return, which should ultimately have an impact on the Georgian authorities' policy on intercultural and inter-ethnic relations.

The Advisory Committee has received detailed information about this law and its implementation, extending to the demanding conditions imposed on applicants for return, most of whom are currently living in Kazakhstan, Azerbaijan or Russia. It notes in fact that these persons face a number of obstacles, including the fact that the repatriation application forms have to be completed in Georgian or in English (it should be borne in mind that the majority of applicants for return do not speak these languages), and the fact that they are required to supply certificates that are expensive and/or difficult to obtain. Furthermore, the distribution of repatriation application forms to the persons concerned began at a late stage in 2008, when the statutory deadline for receipt of applications was 31 December 2008. The repatriation law also gives cause for a number of concerns as to the resettlement process for those allowed to return to Georgia. The law in fact makes no provision for a strategy of preparation and support for these persons' reintegration process or for any financial commitment by the State. Problems of statelessness could affect applicants for repatriation, through the combined effects of the provisions of the law on repatriation and the law on the acquisition of nationality. Finally, no provision foresees the right to appeal a rejection of application by the Georgian authorities.

In this context, the Advisory Committee welcomes the authorities' decision on 28 December 2008 to extend by six months the deadline for the lodging of such repatriation applications with the Georgian authorities, and expects that further extensions will be granted in this respect. It calls on the Georgian authorities to take all necessary steps to remove the disproportionate obstacles facing repatriation applicants. It also calls on the authorities, in conjunction with the international organisations concerned, to make appropriate preparation for the return to Georgia of persons belonging to the Meskhethian Turk community, both in material terms and in terms of preparation of the local population and support for the forthcoming reintegration process (see the comments in paragraph 69 above).

Concerning Article 6

The Advisory Committee *finds* that the armed conflict of August 2008 does not seem to have seriously affected inter-ethnic relations in Georgia in the areas under Government control and that co-existence between the majority and the various national minorities is free of conflict on the whole. However, it *finds* that there is a major shortfall in the integration and participation of national minorities in Georgian society, with the effect, *inter alia*, of increasing the tendency among persons belonging to national minorities to emigrate. The Advisory Committee *considers* that the authorities should take resolute steps to remedy this situation and intensify their efforts to promote an open, balanced inter-ethnic and intercultural dialogue.

The Advisory Committee *finds* that communication is lacking between various groups owing to the absence of a common language, and this sometimes has resulted in conflicts. It therefore *considers* it essential to inter-ethnic dialogue that the persons belonging to the national minorities concerned be enabled to acquire a better knowledge of the Georgian language, while continuing the efforts to support minority languages.

The Advisory Committee *finds* that incidents of religious intolerance are being witnessed, displayed in various forms of hostility to persons of denominations other than the Georgian Orthodox religion. The Advisory Committee *considers* that the authorities should guarantee that legal proceedings are initiated in all cases of incitement to religious intolerance or violence, and effectively combat religious intolerance. In addition, adequate measures should be taken in the event of incitement by the media to hatred on the grounds of ethnic origin or religion.

As to the application of the “Law on the Repatriation of Persons Forcefully Expelled from Georgia by the former Soviet Union in the 1940s”, the Advisory Committee *finds* that candidates for return who belong to the Meskhetian Turks’ community face disproportionate obstacles in their applications for repatriation. It therefore *considers* that the Georgian authorities should take all the necessary steps to eliminate these disproportionate obstacles and, in co-operation with the international organisations concerned, make appropriate preparation for the return to Georgia of persons belonging to the Meskhetian Turk community.

14. GERMANY

In the light of what it was told during its visit to Germany and the information it received, the Advisory Committee considers that, in general, persons belonging to the Danish, Frisian and Sorbian minorities live in good harmony with their fellow citizens and are considered as fully-fledged members of the German population. The representatives of the Roma/Sinti minority, on the other hand, still report attitudes of rejection or hostility towards them, on the part of certain authorities and of the population in general. In order to remedy this situation, the Advisory Committee considers that the German authorities should intensify their efforts to enhance awareness of minority cultures in numerous areas, particularly in education.

In the media field the Advisory Committee notes the continued presentation of news in a manner likely to reinforce the stereotypes associated with the Roma/Sinti. It is true that the German Media Authority strengthened its rules in 1994 by undertaking not to mention that suspects belong to a particular religious or ethnic minority unless that information is reasonably necessary to the understanding of the case. It seems, however, in the light of credible information provided by Roma/Sinti representatives, that self-regulation in the German media does not prevent certain newspapers, when reporting on criminal offences, from mentioning suspects’ ethnic origin when they belong to the Roma/Sinti community, thereby contributing to the prevailing clichés. The Advisory Committee notes with concern that in some cases the information on ethnic origin actually comes directly from police sources, which merely encourages the newspapers to use it. As mentioned in the State Report, however, the authorities in the *Länder* have ordered all reference to membership of a particular population group to be omitted from official press releases, except in cases where this would hinder public understanding of the facts reported. The Advisory Committee considers that the German authorities should make sure that this rule is applied in practice. They should also encourage the media to follow their own rules of professional ethics to the letter and to review the effectiveness of complaints procedures they have established.

The Advisory Committee notes that there exists limited state support for media intended for other groups, including non-citizens, and encourages the authorities to consider any further support and development of these facilities.

The Advisory Committee recognises that funding is provided for cultural and educational facilities for many groups, including non-citizens. The Advisory Committee, nevertheless, notes that children of Roma/Sinti, migrants and immigrants are over-represented at lower secondary schools and special schools for under-achievers and correspondingly under-represented at intermediate and grammar schools. The Advisory Committee is concerned by this state of affairs which merits close attention, in order to ensure that effective measures are taken to tackle these problems.

Information from various sources refer to cases of discrimination in the field of housing, difficulties in access to employment as well as discriminatory practices with respect to rates of remuneration in certain sectors, notably in the construction industry. Non-citizens and migrant workers are most often the victims of such discrimination. In this context, the Advisory Committee refers to its earlier comments on the necessity to set up a complete legislative framework to fight against all forms of discrimination, as well as effective remedies to obtain compensation for damages (see related comments under Article 4).

The Advisory Committee notes that in their reply to the questionnaire the German authorities report a marked increase in the number of crimes of an extremist, xenophobic and anti-Semitic nature in 2000 compared with the previous year. These crimes are primarily targeted at non-citizens of non-European origin who live in Germany, but sometimes also at certain Roma/Sinti.

The Advisory Committee notes with satisfaction the fact that the authorities openly recognise the importance of the problem. Whereas this development can be explained in part by increased public awareness of such acts, greater confidence in reporting crimes and the introduction of new criminal law provisions on racist propaganda on the Internet, the problem is nevertheless particularly worrying and requires a vigorous response from the authorities. The Advisory Committee welcomes the determination displayed by the German Government to continue to make the battle against these offences a priority, and encourages it to pursue and even strengthen its strategy of counter-measures, including an additional effort in its integration policy. The Advisory Committee considers it important that the authorities step up their integration policy and deploy the necessary means to implement the measures they announced in the field of equality of opportunity in education for immigrants, or language promotion, for as they themselves acknowledge, integration measures are essential in order to combat racism, xenophobia and discrimination effectively.

In the context of enhancing integration measures, the Advisory Committee welcomes the improvements offered by the new Act amending citizenship law, which entered into force on 1 January 2001. This new act provides for children born in Germany of foreign parents to acquire German nationality and substantially shortens the minimum length of residence required before non-citizens can be naturalised. These more flexible provisions can but facilitate the integration into German society and therefore to contribute to the aims of Article 6 of the Framework Convention. However, it seems that naturalisation rates remain significantly less than expected (the requirement that dual citizenship is in principle not permitted, alongside a number of other criteria, may still constitute major obstacles to acquiring German citizenship). In this context the Advisory Committee encourages the German authorities to analyse the reasons that may discourage people from making greater use of the possibilities under the new act and encourages the authorities to take whatever measures may be appropriate. The lack of citizenship may constitute a real obstacle to fuller integration, including participation in political life. It should be noted that not all non-citizens wish to obtain German citizenship, in particular citizens from EU states, and a number of non-citizens are not in a position to obtain it. Nevertheless, the Advisory Committee considers that by remedying the reasons discouraging people from making greater use of the new above-mentioned possibilities, the German authorities would enhance the prospect for a higher number of non-

citizens to be granted German citizenship over time and notes that this future evolution needs to be taken into account (see related comments under Article 3, in paragraph 18 above).

In respect of Article 6

The Advisory Committee *finds* that in general, with the exception of the Roma/Sinti who still report attitudes of rejection or hostility towards them, persons belonging to the Danish, Frisian and Sorbian minorities live in good harmony with their fellow citizens. It *considers* that the German authorities should intensify their efforts to enhance awareness of minority cultures in numerous areas, particularly in education.

The Advisory Committee *finds* that self-regulation in the German media does not seem to prevent certain newspapers, when reporting on criminal offences, from mentioning suspects' ethnic origin when they belong to the Roma/Sinti community, this information coming in some cases directly from police sources. The Advisory Committee *considers* that Germany should make sure the existing rules in this field are applied in practice by the competent authorities and encourage the media to follow their own rules of professional ethics and to review the effectiveness of complaints procedures they have established.

The Advisory Committee *finds* that children of Roma/Sinti, migrants and immigrants are over-represented at lower secondary schools and special schools for under-achievers and correspondingly under-represented at intermediate and grammar schools. It *considers* that this state of affairs merits close attention, in order to ensure that effective measures are taken to tackle these problems.

The Advisory Committee *finds* that the German authorities openly recognise the importance of the problem caused by the marked increase in the number of crimes of an extremist, xenophobic and anti-Semitic nature in 2000 compared with the previous year, those phenomena being apparently primarily targeted at non-citizens of non-European origin who live in Germany but sometimes also at certain Roma/Sinti. The Advisory Committee *considers* that the German Government should pursue and even strengthen its strategy of counter-measures.

The Advisory Committee *finds* that additional efforts are needed in terms of the integration policy for immigrants, *inter alia* in the field of equality of opportunity in education and language promotion. It *considers* that the German authorities should pay particular attention to analysing the reasons that may discourage some non-citizens from making greater use of the new possibilities of naturalisation, as the lack of German citizenship may constitute an obstacle to their fuller integration, including their participation in political life.

15. HUNGARY

The observations of the Advisory Committee under Article 5 also concern the obligations of the state under Article 6 to encourage a spirit of tolerance and intercultural dialogue. The process of *de facto* separation of schools into Roma and non-Roma is a very serious, but not the only, example of the problem. The Advisory Committee recognises that efforts have been and are being made to develop a policy framework for addressing these issues and encourages the Government to pursue them (see also under Articles 4 and 12(3)).

The Advisory Committee is also concerned about reports of manifestations of anti-semitism and considers that the Hungarian authorities should remain vigilant in respect of such developments and respond to them with appropriate vigour.

Whilst the Advisory Committee acknowledges the efforts enumerated in the State Report in respect of Article 6(1), it also notes that the awareness of the general public about national minorities is very limited. It considers therefore that further efforts should be made to make persons belonging to the majority aware of the traditions, culture and history of national and ethnic minorities as well as about the issues these communities are currently facing. It addresses some more specific points below.

The Advisory Committee is concerned both about the well-documented cases of physical attacks/injury and threats against Roma/Gypsies as well as about the investigation and prosecution of such acts not being given sufficient priority. Concerns in this area are further compounded by reports of police brutality and anti-Roma sentiment among members of the police force .

The Advisory Committee considers that there is sufficient reason for the Hungarian authorities to carry out, separately or in the context of the review recommended under Article 4, a full review (1) of the way in which complaints about racially motivated crimes and police brutality are treated, investigated and prosecuted; (2) of the existence of anti-Roma prejudice within the police and prosecuting authorities and (3) the ways in which shortcomings in the current situation can be improved.

In respect to Article 6

The Committee of Ministers *concludes* that there is reason for concern about manifestations of anti-semitism and *recommends* that Hungary remain vigilant in respect of such developments and respond to them with appropriate vigour.

The Committee of Ministers *concludes* that the awareness of the general public about national minorities is very limited and *recommends* that further efforts be made to make persons belonging to the majority aware of the traditions, culture and history of national and ethnic minorities as well as about the issues these communities are currently facing.

The Committee of Ministers *concludes* that there is reason for concern about physical attacks/injury and threats against Roma as well as about the investigation and prosecution of such acts not being given sufficient priority and that these are further compounded by reports of police brutality and anti-Roma sentiment among members of the police force.

The Committee of Ministers *recommends* that Hungary carry out, separately or in the context of the review recommended under Article 4, a full review (1) of the way in which complaints about racially motivated crimes and police brutality are treated, investigated and prosecuted, (2) of the existence of anti-Roma prejudice within the police and prosecuting authorities and (3) the ways in which shortcomings in the current situation can be improved.

16. IRELAND

The Advisory Committee notes with concern that racism in Ireland has become an increasingly worrying phenomena, extending not only to the Traveller Community but also to the new immigrant communities and asylum seekers and refugees.

The Advisory Committee is aware that there is already much important work being carried out in Ireland to encourage a spirit of tolerance and intercultural dialogue and to protect persons who may be subject to threats or acts of discrimination, hostility or violence. In this, the Advisory Committee notes, in particular, the work on combating racism being carried out by the National Consultative Committee on Racism and Interculturalism (NCCRI), the Government's anti-racism awareness campaign "Know Racism", the work of the Equality Authority and the work of a range of NGOs and government bodies. The Advisory Committee nonetheless considers that further attention needs to be paid to these issues and in this context welcomes the Action Plan Against Racism which is being finalised by the Government following consultation with interested parties.

The Advisory Committee considers, however, that it is necessary to highlight a number of key issues that still need to be tackled. On the legislative front, the Advisory Committee notes that the Government is aware that the Prohibition of Incitement to Hatred Act (1989) has not been widely used and that its effectiveness has been criticised. The Advisory Committee welcomes the fact that a review of this legislation is currently being undertaken by the Department of Justice, Equality and Law Reform. The Advisory Committee welcomes that other matters will also be under review which could further strengthen the legislative framework, including the possibility of providing in criminal law for common offences of a racist or xenophobic nature as specific offences and also providing the possibility to take into account racist motivation as an aggravating circumstance in sentencing. The Advisory Committee hopes that the results of this review will soon be available.

The Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, covering also asylum seekers, migrants and other persons belonging to groups that have not traditionally inhabited the country concerned.

The Advisory Committee is concerned about the Roma in Ireland who are reportedly particularly affected by manifestations of discrimination and harassment and face difficulties in accessing different services, including legal services and interpretation facilities, and experience other problems linked to the asylum process. The Advisory Committee recognises that many of the problems faced by the Roma are also shared by other immigrant groups, asylum seekers and refugees in Ireland. Among examples which can be given are reports of unfair practices by employers who can exert pressure through their control of work permits.

The Advisory Committee considers that the Irish authorities should examine further these issues affecting immigrant populations, including Roma, asylum seekers and refugees, in order to promote respect and understanding for the needs of these communities and to protect them against discrimination and hostility.

The Advisory Committee notes the important role that An Garda Síochána (the Police) play in ensuring a spirit of tolerance and intercultural dialogue and protecting persons who may be subjected to threats or acts of discrimination, hostility or violence. In this respect the Advisory Committee welcomes that the Garda have set down guiding principles for dealing with interculturalism. The Advisory Committee also welcomes the establishment of the Garda Racial and Intercultural Office to co-ordinate, monitor and advise on all aspects of intercultural policing with the support of Garda Ethnic Liaison Officers appointed in Garda Districts and Divisions throughout the country.

While the Advisory Committee is pleased to note reported improvement in relations between members of the Traveller Community and the Garda, a number of issues remain that impact on both Traveller and Roma relations with the Garda. In consequence, the Advisory Committee

considers that there is a need to continue efforts to raise awareness, amongst Garda at all levels, of human rights and intercultural issues. This needs to be supplemented by more inclusive contacts by the Garda with the different communities and encouragement for recruitment of persons from these different communities into the police force (see also comments under Article 15 below).

The Advisory Committee also considers that further steps are necessary to ensure the operation and functioning of a fully independent police complaints mechanism and welcomes information that the Government is committed to establishing an independent Garda Inspectorate with the power to investigate complaints and with the powers of an ombudsman.

The Advisory Committee is concerned about allegations of racism and intolerance in the media towards persons belonging to the Traveller community and also towards migrants, refugees and asylum seekers. The Advisory Committee considers that both negative reporting and under reporting of these groups in the media need to be addressed (see also under Article 9 below). The Advisory Committee highlights in this respect the importance of awareness raising for journalists, not only to avoid racism, intolerance and stereotyping, but also to ensure that issues of concern to these groups are accurately and well reflected in the media.

The Advisory Committee understands that complaints against the written media can be submitted to the National Newspapers of Ireland which represents national, daily and weekly newspapers, and that a Code of Conduct as well as Guidelines on Traveller Issues have been drawn up by the National Union of Journalists. There is however no independent system for complaints against the written media, unlike for broadcasting where there is a Broadcasting Complaints Commission. The Advisory Committee encourages the development of an independent system of dealing with complaints against the written media.

The Advisory Committee notes with concern press reports of discriminatory comments by individual public officials, particularly at a local level, as well as by individual politicians and members of the judiciary. The Advisory Committee recommends that steps be taken in order to raise awareness and develop the skills of those in public positions to allow them to deal with intercultural issues, issues of discrimination and manifestations of intolerance. Linked to this the Advisory Committee urges the authorities to make full use of programmes such as the Anti-Racism Awareness Campaign and the upcoming Action Plan Against Racism to focus attention on the issues in question.

In respect of Article 6

The Advisory Committee *finds* that racism in Ireland has become an issue of increasing concern and *considers* that further attention needs to be paid to this phenomenon, including in the context of the upcoming Action Plan Against Racism.

The Advisory Committee *finds* that the Prohibition of Incitement to Hatred Act (1989) has not been widely used and that its effectiveness has been criticised and *considers* that the current review of this legislation that is under-way provides the possibility of further strengthening the legislation in question.

The Advisory Committee *finds* that the Roma in Ireland, along with other immigrant groups, asylum seekers and refugees, face a number of problems in terms of discrimination and harassment and *considers* that the Irish authorities should examine these issues together with the groups concerned in order to promote respect and understanding of the needs of these communities and to protect them against all forms of discrimination or hostility.

The Advisory Committee *finds* that while there is evidence that relations have improved between the *Garda* and members of the Traveller community there remain a number of issues impacting on both Traveller and Roma relations with the *Garda*. The Advisory Committee *considers* that there is a need to continue efforts to raise awareness of human rights and intercultural issues amongst the *Garda* and encourages them to ensure greater inclusiveness in their contacts with persons belonging to the communities concerned.

The Advisory Committee *finds* that there is both negative reporting and under reporting of issues concerning certain minority groups in the media. The Advisory Committee *considers* that these groups should be given greater access by minorities to the media and that an effective independent complaints system, not just in relation to broadcasting but also in relation to the written media, should be put into place.

17. ITALY

In view of the various submissions made during its visit to Italy and in the light of information made available to it, the Advisory Committee is of the opinion that in general, with the exception of the Roma minority, the linguistic minorities protected by Law No. 482 of 15 December 1999 live on good terms with the rest of the population, and that their relations are marked by great tolerance. It nonetheless considers that Italy could do more to foster intercultural understanding, to which the media for their part could contribute constructively. Consequently, with due respect for the independence of the media, the government could seek to associate them more closely with its action in this matter, in the spirit of the principles set out in Committee of Ministers Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance. Awareness and understanding of minority cultures could also be improved in education (see comments relating to Article 12).

Roma are placed in a plainly different situation which causes deep concern with regard to the discrimination which they incur. It is clear to the Advisory Committee that more satisfactory integration of Roma cannot be confined to a purely social approach but depends primarily on recognising and eliminating all forms of discrimination faced by this population.

In the media field, the Advisory Committee notes the persistence of information presented in such a way as to strengthen the stereotypes associated with Roma. For instance, in reporting criminal facts, some newspapers mention the ethnic origin of the alleged perpetrators, especially when those belong to the Roma community, thus reinforcing the prevalent clichés.

According to certain credible allegations, the conditions under which the police forces operate in the camps sometimes lead to excesses: frisking, search of premises and interrogations surrounded by a disproportionate show of force are said to be frequently extended to the entire camp and to occasional acts of police brutality including insults with racist connotations. It also emerges that some police officers refuse to state the reasons for the measures taken and to show those concerned the warrants authorising them to proceed. In such circumstances, the Advisory Committee believes that it would be expedient for the Italian authorities to review the conditions of police action in the camps, and the possible existence of anti-Roma prejudice among the police and ways to remedy the malfunctions observed.

The Advisory Committee also refers to its comments in respect of Article 4, to the effect that the practice of placing Roma in camps is not apt to enhance their integration. Placement of Roma in

camps of this kind can indeed only aggravate the risks of discrimination against them and is thus not compatible with Article 6 of the Framework Convention.

As mentioned in the State Report, Italy has been confronted with recent mass migration flows. The Advisory Committee therefore considers it important for the authorities to promote a spirit of tolerance and mutual respect among all persons living in Italy. In this context, it is important that the Italian authorities endeavour to find a solution to all the integration problems which certain groups might possibly encounter owing to the religious and cultural differences that set them apart from the majority population.

In respect of Article 6

The Committee of Ministers *concludes* that in general, with the exception of the Roma concerning whom certain media broadcast information has been presented in such a way as to strengthen negative stereotypes, national minorities live on good terms with the rest of the population and their relations are marked by great tolerance. It *recommends* that the authorities do more to foster intercultural understanding and associate the media with their action in this matter, in the spirit of the principles set out in Committee of Ministers Recommendation No. (97) 21 on the media and promotion of a culture of tolerance.

The Committee of Ministers *concludes* that there is reason for concern about the conditions under which the police forces operate in the Roma camps. It accordingly *recommends* that the Italian authorities review this situation and remedy any malfunctions observed.

18. KOSOVO¹

Article 6

Efforts to combat inter-ethnic hostility

The Advisory Committee notes that the normative framework for combating inter-ethnic hatred is advanced in Kosovo, with a specific UNMIK regulation on the prohibition of incitement to national, racial, religious or ethnic discord or intolerance and other norms providing important guarantees in this respect. There is, however, an exceptionally wide gap between the norms and reality in this sphere. According to UNMIK, large-scale violence against persons belonging to minority communities is now on the decrease in Kosovo. The Advisory Committee notes, however, that such violence did occur as late as March 2004, and that serious instances of inter-ethnic hostility are still reported rather frequently (on incidents concerning religious sites, see comments under articles 5 and 8). Furthermore, it is a widely held view that a large proportion of the every-day manifestations of inter-ethnic hostility and harassment are not reported to law-enforcement bodies, often due to a lack of confidence in the institutions and in the effectiveness of the remedies available.

The evaluation of developments in this field is, however, very difficult due to the fact that there exist no comprehensive data on the status of investigation and prosecution of ethnically based incidents since 1999. The Advisory Committee is of the opinion that this is a major shortcoming, especially in a society such as Kosovo, where it is vital to show, in a transparent manner, how public institutions deal with inter-ethnic incidents and to ensure that the related processes are

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

objective, unbiased and fair. The Advisory Committee urges the UNMIK Office of Communities, Returns and Minority Affairs as well as other relevant authorities to pursue their plans to set up a data base on this issue as a matter of priority.

It is clear that the experiences of the events of March 2004, during which the Kosovo Force (KFOR), UNMIK and local police were all incapable of effectively protecting persons belonging to minority communities, seriously harmed the latter's trust in the ability of law-enforcement bodies to deal with inter-ethnic violence. The fact that a number of violent crimes against members of minority communities continue to be unresolved has also contributed to the perception, held by a number of persons within minority communities, that there is a high degree of impunity as regards ethnically motivated crime against persons belonging to minority communities. The Advisory Committee stresses that vigorous investigation and prosecution of serious inter-ethnic crime, including the violent attacks of March 2004, is a *sine qua non* for genuine progress in inter-ethnic relations in Kosovo.

In spite of the aforementioned problems, the Advisory Committee acknowledges that some serious efforts have been taken in this domain, not only by the international forces, but also by the Kosovo Police Service (KPS), which is seeking to build up its credibility and trust within minority communities. It is clear that the recruitment of officers from minority communities, which is of paramount importance not only in the areas of compact residency of minority communities but also in other localities, is one of the crucial factors affecting the future success of this institution. At the same time, it is essential that KFOR and other international actors - who remain key elements in the efforts to improve security and freedom of movement of persons belonging to minority communities in selected areas - maintain their presence as long as necessary and that the views of representatives of minority communities are taken into account in the relevant decision-making process.

The Advisory Committee finds it instrumental that the authorities in Kosovo at all levels consistently promote tolerance and condemn, promptly and vocally, all cases of inter-ethnic violence and other incidents. This is of utmost importance in Kosovo, where inter-ethnic relations are still extremely tense and fragile. It appears that, after having reacted too slowly to the violence of March 2004, a number of political leaders in the PISG are gradually accepting the importance of such messages, but regrettably, these are not echoed sufficiently widely, including at the municipality level. In this context, the Advisory Committee appreciates that the Government of Kosovo has made some efforts to prompt municipal leaders to condemn ethnically motivated and other types of crime. However, it is hoped that the importance of the good practices in this field is ultimately genuinely endorsed and valued by the political elite and not seen merely as necessary steps in the agreed standard implementation process.

Role of the media

The role of the media is a key factor in the implementation of Article 6 of the Framework Convention. This was again demonstrated during the events of March 2004 during which hostility towards persons belonging to minority communities (mainly Serbs, but also Roma, Ashkali and Egyptians) was fuelled by the way in which the media, in particular certain broadcast media, reported on the events. It is encouraging that steps were subsequently taken by the Temporary Media Commissioner (TMC) to address this concern, and it appears that there has since been progress in this respect. It is imperative that further progress is made, also now that self-regulatory bodies of the Kosovo media are taking on further responsibilities in this domain. The increased role of local bodies should be coupled with monitoring initiatives to follow the developments in this

area.

19. LATVIA

Protection against discrimination, hostility or violence on ethnic grounds

The Advisory Committee welcomes the measures taken by Latvia to strengthen legal protection against racially or ethnically-motivated manifestations of discrimination, hostility or violence. In October 2006, the legislation to combat racism was reinforced by the introduction in the Criminal Code of provisions (Article 48) making a racist motive an aggravating factor where committing a criminal offence. Article 78 of the Criminal Law on incitement to national, ethnic and racial hatred, which was amended in July 2007, contains increased penalties for the cases where such incitement is associated with violence, fraud or threats, as well as when it has been perpetrated by a public servant, an enterprise or organization's staff member, or by using automated data processing systems. Similarly, the new Article 149 of the Criminal Code, entered into force in July 2007, provides sanctions for the repeated violation of the prohibition against discrimination based on racial or ethnic belonging, as well as on other grounds.

With regard to implementation of this legislation, it can be noted that dozens of investigations into alleged offences under Article 78 of the Criminal Code have been opened in recent years, concerning both cases of inciting racial, national or ethnic hatred, in particular on the Internet and in the print media, and acts of racist violence. The Advisory Committee considers it regrettable that sometimes severe incidents continue to be classified as hooliganism and the racist motives are only rarely taken into account by the competent authorities, whether it be the police or the courts. Moreover, the number of cases culminating in conviction of a racially motivated offence is very small, and sentencing of the perpetrators fairly lenient. The Advisory Committee notes a positive development in that in January 2007, for the first time, prison sentences were pronounced for assaults of a racist nature.

Despite these positive developments, the Advisory Committee is concerned about reports that racist incidents continue to be recorded in Latvia and that the current trend is for their number to increase. At the same time, the expression of intolerant or hostile views concerning the Russians, the Jews and the visible minorities, but also concerning persons belonging to the majority, is increasingly frequent on the Internet, in discussion groups or in comments concerning newspaper articles published on the Internet. It encourages the authorities to step up measures to monitor and sanction manifestations of or incitement to racism and intolerance on the Internet, while respecting the right to freedom of expression.

The Advisory Committee considers it essential that the authorities ensure that all the conditions are met to combat and penalise such acts in an appropriate manner. The Advisory Committee welcomes the adoption, in May 2005, of a Code of conduct and professional ethics intended for the members of the police force. Also, it notes the creation of an Office of Internal Security, in May 2003, charged with supervising the work of the police force and the respect of the human rights, as well as investigating and sanctioning any abusive behaviour of its agents.

While welcoming these encouraging developments and the projects implemented by the civil society to heighten awareness among the police and justice system personnel regarding questions of intolerance and racism, the Advisory Committee deems that more determined efforts are required in this field. Providing public information about the existence of criminal law penalties for acts of a racist nature and the remedies available to victims should also be a key policy focus.

Tolerance and intercultural dialogue

The Advisory Committee notes that intercultural dialogue has continued to progress within Latvian society, which in general appears to be characterised by a climate of tolerance and respect, as well as by good interethnic relations at a local level. Many interlocutors spoke positively about many mixed marriages across communities and persons belonging to different communities living together. As the authorities point out, since the restoration of independence, the policy for “integration of the society” has become a key priority for Latvia.

The Advisory Committee considers that, in a multiethnic society such as Latvia's, these efforts are of particular importance to social stability and the development of a climate of tolerance, respect and mutual understanding between all members of the population, irrespective of their ethnic origin. It notes with satisfaction that a number of programmes to foster enhanced social integration are currently being implemented, such as the National Programme to Promote Tolerance (2005-2009) or the National Action Plan for the Roma (2007-2009). In addition, a policy planning document in the field of social integration, establishing the "Basic principles for social integration policy, 2008-2018" has been drawn up.

From an institutional standpoint, the development and the implementation of these programmes are co-ordinated by the Special Assignments Ministry for Social Integration, which was established in 2002, with the Secretariat for Integration responsible for promoting multicultural dialogue and co-operation among Latvia's different ethnic groups. Since 2001 social integration projects have been financed, *inter alia*, through a "Society Integration Foundation" whose budget comprises state funds and international and private donations. Nevertheless, representatives of national minorities have reported difficulties in accessing funds through this Foundation.

The Advisory Committee also welcomes the efforts of certain multiethnic municipalities (such as Daugavpils) to maintain a climate of tolerance and co-operation and to enable the assertion of different cultural identities, through close co-operation between the local authorities concerned and national minority associations.

In the field of education, it notes with satisfaction that issues related to diversity, tolerance and fighting against racism are included in the standards proposed for educational content and pedagogical materials of primary and secondary education, as well as for the continuing education of the teaching personnel.

Notwithstanding these positive developments, the Latvian authorities continue to be confronted with considerable challenges. Questions linked to ethnic origin, naturalisation and language use continue to constitute particularly sensitive issues in Latvian public debate, whether in the media, the education system or the political sphere, and give rise to heated discussions within elements of Latvian society, particularly during election periods.

Although, in general, the minorities and the majority now live together in harmony, it is still premature to talk of full integration, especially as regards the primarily Russian-speaking population. The Advisory Committee is particularly concerned about the fact that some media organs and certain politicians continue to use rhetoric designed to stir up tensions between the Latvians and persons belonging to national minorities, in particular the Russians. It deems it highly regrettable that some members of parliament express views characterised by intolerance, and indeed hostility, in respect of national minorities, including in the course of parliamentary debates.

Whether their target audience is the majority or the primarily Russian-speaking population, the certain media continue to convey messages harmful to the other community, despite the many projects run by the authorities and NGOs to promote tolerance and mutual understanding. The Advisory Committee considers it of special importance that media professionals develop rules of ethical journalism and appropriate mechanisms to prevent and/or monitor such media discourse.

In addition, cases of intolerant and discriminatory, or even racist, speech and acts aimed at Roma, certain religious groups and, increasingly, persons belonging to visible minorities more recently arrived in Latvia (persons originating from Asia, Africa and the Caucasus) continue to be reported. The Advisory Committee recalls, in this context, that the scope of application of Article 6 is wide, and includes also persons belonging to other groups which have not been traditionally living in the country, including non-citizens, refugees and asylum-seekers.

The Advisory Committee is also concerned about the manifestations of anti-Semitism reported in Latvia in recent years. Whereas, in general, anti-Semitism is not a trait of contemporary Latvian society, these acts are occurring despite the specific measures recently taken by the authorities to raise public awareness of the Jewish community's history and cultural identity. It notes that these manifestations, which remain isolated, can be observed in particular on the Internet. The Advisory Committee encourages the competent authorities to endeavour to ensure that school curricula better reflect the history and concerns of the Jewish community, as well as the various aspects of anti-Semitism.

The authorities also regard learning of the Latvian language by persons belonging to national minorities as a key means of integration, and special efforts are being made in this field, *inter alia* through the establishment of a National Agency for Latvian Language Training. The Advisory Committee regards as legitimate the efforts made to promote the learning and use of Latvian by persons belonging to national minorities. Nevertheless, it considers that the approach chosen to strengthen the state language, as well as the systematic control and the punitive measures taken in this field by the State Language Centre and its inspectors are likely to prove counter-productive (see also comments under Article 10 below).

The naturalisation process

As part of the effort to reinforce integration measures, the Advisory Committee welcomes the improvements that have been made to the rules and procedures for naturalisation. It notes that, as indicated by the authorities, the amendment to the Citizenship Law as approved by referendum in 1998 and other legislative measures have increased the number of persons eligible for Latvian citizenship. In addition, measures have been taken to encourage persons to naturalise. For example, persons over the age of 65 are exempted from the written part of the Latvian language test. Also, pupils from minority schools who have sat the school leaving examination in Latvian are exempted from the Latvian language test. The Advisory Committee also welcomes the reduction in the fees payable for applications for naturalisation in respect of certain categories of individuals and the efforts expended to provide the population in question with appropriate information, including campaigns aimed at “non-citizen” parents of children born in Latvia after 21 August 1991. An Information Centre on Naturalisation has been opened, with bureaus in the relevant municipalities.

These measures have led to increased numbers of applications and a more regular rate of naturalisation for a number of years now, particularly during the period preceding Latvia's

accession to the EU and just afterwards. According to information from the Ministry of Foreign Affairs, at the time of the Advisory Committee's visit, Latvian citizens accounted for some 82% of the country's population.

While welcoming these efforts and the particularly active role played by the Department for Naturalisation, the Advisory Committee is deeply concerned about the slowing rate of naturalisation during the last years (the largest number of naturalisations, 19,169, was registered in 2005, but the figures then fell to 16,349 naturalisations in 2006 and 6,826 in 2007: information from the Naturalisation Board) and about the large number of permanent residents in Latvia who are still confined to the status of "non-citizens", running a high risk of exclusion.

The difficulties noted with regard to the naturalisation procedures, particularly in terms of Latvian language testing and its environment, are perceived by most of those concerned as hampering their efforts at integration and causing discrimination against them. According to certain non-governmental sources, the language requirements are too high and the procedural conditions have been made unduly difficult, so that many non-Latvians feel unable ever to obtain citizenship (see also the comments on Article 4 above, paragraphs 51-54).

The Advisory Committee notes that, according to the applicable legislation, children born in Latvia after 21 August 1991 of "non-citizen" or stateless parents shall be recognised (under the age of 15, with no requirement to sit the Latvian language test) as Latvian citizens, upon demand by their parents. The Advisory Committee is, however, deeply concerned by the situation of considerable numbers of "non-citizens" children born in Latvia after 21 August 1991, who continue to be without citizenship. It is particularly disturbing that such a situation persists, in spite of the measures taken to facilitate their access to citizenship and the promotion campaign organised by the authorities in this field. The Advisory Committee urges Latvia to address this situation as a matter of priority, to identify the underlying causes and to take all the necessary measures to remedy it.

The Advisory Committee notes that the negative political atmosphere surrounding naturalisation, which is particularly obvious in the run-up to elections, has also been a factor in lessening interest in obtaining Latvian citizenship. Certain legislative initiatives have gone so far as to consider suspending the naturalisation procedure and provide for the acquisition of citizenship by individual parliamentary decision, exclusively for persons married to Latvian citizens. Other proposals, from the Ministry of Justice *inter alia*, have recommended making the conditions and procedures for access to citizenship more difficult, particularly by tightening up the language requirements. These circumstances help explain in part the reluctance of many "non-citizens", particularly elderly persons, to initiate the naturalisation procedure. The Advisory Committee understands also the importance, in this regard, of Latvia's accession to the EU and the possibility open to Latvia's "non-citizens" to travel within the EU member States without particular restrictions. It also notes that, more recently, the labour market in various EU countries has been opened to Latvia's "non-citizens". The Advisory Committee understands that this context explains, at least partly, why the rate of applications for obtaining Latvian citizenship has significantly decreased in recent years (from 21,297 applications in 2004 to 3,308 in 2007). It would, however, like to stress that the domestic political atmosphere, including the political discourse about the language issue and public perceptions relating to the Latvian language testing process and its environment, deter people from making use of the naturalisation procedure. The Advisory Committee considers that the authorities should carefully examine this situation and in particular the factors influencing the naturalisation process and identify more suitable ways to promote its acceleration.

The Advisory Committee considers that the current situation in Latvia raises concerns under Article 6 (2) of the Framework Convention and that letting such a situation persist can only

seriously hamper the social integration of the individuals concerned, as well as the spirit of tolerance, intercultural dialogue and mutual understanding within the Latvian society. In the Advisory Committee's view, it is essential to act on the factors that deter people from making more use of the naturalisation procedure, and this requires a more active and determined approach from the Latvian authorities. This implies, on the one hand, additional steps to facilitate and encourage naturalisation, including investing more in language training for non-Latvians, and, on the other hand, the protection of "non-citizens" against any unjustified obstacle to naturalisation.

20. LIECHTENSTEIN

As is mentioned in the Report and in the written reply to the questionnaire, Liechtenstein is inhabited by a substantial number of foreigners and the religious composition of the whole population is not homogeneous. It also appears that Liechtenstein has been confronted with a growing number of asylum requests in the last years. The Advisory Committee thus attaches importance to promotion by the authorities of a spirit of tolerance and mutual respect between all persons living on the territory of Liechtenstein. In this context, it is important that the Liechtenstein authorities try to remedy any possible integration difficulties certain groups may encounter because of their religious and cultural differences from the majority population.

In respect of Article 6

The Advisory Committee *finds* it commendable that Latvia has taken measures to strengthen legal protection against racially or ethnically-motivated discrimination, hostility or violence, as well as the fact that Latvian courts have paid increased attention, in recent years, to the racist motivation of crimes. However, the Advisory Committee *finds* that the increasing number of racist incidents and increasingly frequent expressions of intolerance or hostility on the Internet, in particular towards the Russians, the Jews and the visible minorities, but also regarding the majority population, is a source of concern. It *considers* that the authorities should take more resolute action in this field, both in terms of prevention and monitoring and sanctioning of such acts.

The Advisory Committee *finds* that the Latvian society is, in general, characterised by a climate of tolerance and respect, in particular at the local level. It *finds*, however, that the full and effective integration of the Russian-speaking population, as well as of persons belonging to groups which have not been traditionally living in the country, including non-citizens, refugees and asylum-seekers, remains a challenge for Latvia. The rhetoric used by certain politicians and parts of the media is not conducive to an atmosphere of respect and mutual understanding between ethnic Latvians and persons belonging to minority groups. The Advisory Committee *considers* that the authorities should step up their efforts to raise awareness about human rights and promote respect for diversity amongst all those concerned.

The Advisory Committee *finds* that the domestic political atmosphere, including the political discourse about the language issue and public perceptions relating to the Latvian language testing process and its environment, deter people from making use of the naturalisation procedure. It *considers* that the authorities should carefully examine this situation and in particular the factors influencing the naturalisation process and to identify more suitable ways to promote its acceleration.

21. LITHUANIA

The Advisory Committee welcomes the fact that the new criminal law contains a number of articles penalising racial discrimination, incitement to national, racial or religious discord and also the

production, keeping and distribution of printed, audio or visual material intended to propagate dissension. The Advisory Committee hopes that the implementation of these provisions will help to improve inter-cultural dialogue and mutual understanding.

In view of the various statements made to it during its visit to Lithuania and in the light of the information available to it, the Advisory Committee considers that, in general, persons belonging to national minorities live in harmony with the rest of the population and that relations between them are characterised by a spirit of tolerance, mutual respect and mutual understanding. The Advisory Committee notes, however, that attitudes of rejection or hostility towards certain national minorities, particularly the Roma and Jews, are found within Lithuanian society.

Recently, particularly since the events of 11 September 2001, such attitudes also affect refugees and asylum seekers (such as Afghans, Kurds, Pakistanis, Sri Lankans and Chechens). Reliable national and international sources report discriminatory treatment of asylum seekers and refugees. In this context, the Advisory Committee recalls that the scope of Article 6 of the Framework Convention is wide and that it also encompasses immigrants, refugees and persons belonging to other groups who have not traditionally inhabited the country concerned. The Advisory Committee is of the opinion that the authorities should examine the situation and seek solutions in order to remedy the shortcomings found.

The Advisory Committee is concerned to find that there have been cases in Lithuania of politicians (in particular certain Members of Parliament) expressing racist, xenophobic and anti-Semitic views. While recognising that these are isolated cases, the Advisory Committee considers that additional measures are necessary to combat this phenomenon. According to non governmental sources, negative stereotypes of certain minorities and xenophobic or anti-Semitic views are to be found on certain Internet sites much frequented by the public or inserted into televised games aimed at a young public. The Advisory Committee further observes that some sectors of the media continue to convey negative images of certain minorities, in particular the Roma, and to present information about them in a manner likely to reinforce the stereotypes associated with them, for example by mentioning the ethnic origins of those suspected of having committed criminal offences when they belong to that community.

The Advisory Committee welcomes the existence in Lithuania of bodies responsible for the self-regulation and monitoring of the media, such as the Ethical Committee for Journalists and Editors and the Inspector of Journalists' Ethics. The Advisory Committee notes that the Inspector of Journalists' Ethics reports complaints received about negative portrayal of certain national minorities (in particular the Roma) and persons belonging to other vulnerable groups (such as Chechen refugees) conveyed in the press. While recognising that this does not represent the general practice of the Lithuanian media, the Advisory Committee considers that action to train media professionals and to make them more aware of human rights and multiculturalism must be taken in order to enable them to provide an objective image of Lithuanian society and to play a positive role as a vehicle for intercultural harmony, understanding and tolerance. In this context, the Advisory Committee welcomes the organisation in November 2002, by the Department for National Minorities and Lithuanians Living Abroad (hereinafter: the Department), of a seminar looking at the image of national minorities in the media, and welcomes the fact that representatives of the Roma were among those taking part.

The Advisory Committee notes that no case of discrimination linked to ethnic origin has given rise to proceedings before the courts and no complaint of that type has been submitted to the Parliamentary Ombudsman. The Advisory Committee nonetheless considers that the Government should undertake to monitor the situation further in order to check whether this finding reflects reality and, where appropriate, take the necessary measures to resolve any problems that may be

found. In the case of the Roma, the Advisory Committee considers that further efforts should be made to make the media, the police and members of the judicial services more aware of their culture and their specific problems (see also comments under Article 4).

In respect of Article 6

The Advisory Committee *finds* that negative and hostile attitudes towards certain national minorities, and also towards refugees and asylum seekers, are reported, among the public, in the media and on the part of certain politicians. While recognising that these are isolated instances, the Advisory Committee *considers* that additional steps, notably awareness raising measures within the media, the police and the judicial services are needed to remedy the situation. In this connection, special attention should be paid to the culture and specific problems of the Roma.

22. MALTA

Notwithstanding the fact that the population of Malta presents a relatively homogeneous nature, the Advisory Committee notes that this country has experienced the phenomenon of immigration in recent years, notably through the arrival of migrant workers and refugees. The Advisory Committee thus attaches importance for the authorities to promote a spirit of tolerance and mutual respect between all persons living on the territory of Malta.

While acknowledging the fact that discrimination does not seem to be a widespread phenomenon in Malta, the Advisory Committee is nevertheless concerned about the fact that some cases of discrimination have been recently reported, *inter alia*, in the renting of accommodation and in the access to certain places of entertainment. Attention to these cases has already been drawn at the international level, notably by the European Commission against Racism and Intolerance (ECRI) and the European Union (EU). Similar cases have also been mentioned in the 14th periodic report of Malta submitted under the International Convention on the Elimination of all Forms of Racial Discrimination. The Advisory Committee welcomes the effort recently made by the Government to address the issue of discrimination. In the opinion of the Advisory Committee, the Maltese authorities should carefully investigate those alleged cases of discrimination and continue its efforts to prevent them from happening in the future.

In respect of Article 6

The Committee of Ministers *concludes* that there is reason for concern about discrimination, *inter alia*, in the renting of accommodation and in the access to certain places of entertainment. It therefore *recommends* that the Maltese authorities carefully investigate those alleged cases of discrimination and continue its efforts to prevent them from happening in the future.

23. MOLDOVA

The Advisory Committee notes with satisfaction that intercultural dialogue has continued in Moldova and encourages the authorities to keep up their efforts to foster a general climate of tolerance, mutual understanding, respect and co-operation among all the people who live in Moldova.

The Advisory Committee notes that, according to the information at its disposal, globally the atmosphere in Moldovan society is one of mutual respect and understanding, although there remain certain signs of inter-ethnic intolerance. The Advisory Committee notes in this context that the

Penal Code provides for sanctions against incitement to racial or national hatred.

The Advisory Committee is concerned, however, with the existing language gap between two population groups: the majority, on the one hand, who speak the state language, and the Russian-speaking population on the other hand, which includes not only mother tongue Russians but also other Slavic minorities whose languages do not have the same level of protection as Russian. The Advisory Committee considers that the authorities should make sure that developments in the language policy intended to give Russian a higher status do not widen the above mentioned gap. As such gap is likely to give rise to linguistic intolerance both on the part of the majority and on the part of the national minorities the Advisory Committee considers that the Moldovan authorities should pay special attention to this question when implementing the recently adopted National Minorities Act. Care should be taken that any measures in this respect - be they legislative or otherwise - help to safeguard social cohesion and intercultural dialogue. The Advisory Committee considers that the official approach calls for all the more caution insofar as all these questions arise at a time when the search for identity of both the majority and the minority communities is not yet over and remains closely linked to the linguistic component.

The Advisory Committee further notes a similar gap in the media between the Moldovan language media and the Russian language media. Insofar as this factor is likely to complicate intercultural dialogue, the Advisory Committee encourages the authorities to create the necessary conditions for the independence of media, whatever the language, and for an environment enabling them to play a positive role in promoting interethnic understanding. In this context, the Advisory Committee would like to highlight the concerns expressed by some representatives of the media, who consider that the press is strongly influenced by the country's major political forces.

The Advisory Committee also notes that certain media continue to present news in a manner likely to kindle ethnic intolerance in the public, or to include negative stereotypes of certain minority groups. The Advisory Committee considers that the principles set out in Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance should be properly implemented in Moldova. It notes in this context that Article 4.1.a of the Press Act of 26 October 1994 prohibits incitement to national, racial or religious hatred and discrimination. The Advisory Committee therefore considers the Moldovan media themselves should be watching out constantly for this type of problem through their own watchdog bodies.

The Advisory Committee also notes the existence in Moldova of approximately 4,000-5,000 people of Afro-Asian origin (about 0.1% of the population), including Syrians, Lebanese, Turks, Sudanese and Chinese, some of whom have lived there for more than 10 years without having been able to acquire Moldovan citizenship, because of certain legal and bureaucratic difficulties. The Advisory Committee understands that the Moldovan authorities are looking into the matter and encourages them to find an appropriate solution.

In respect of Article 6

The Advisory Committee *finds* with concern that there exists a gap between two population groups: the majority, on the one hand, which speak the state language, and the Russian-speaking population on the other hand, which include not only mother tongue Russians but also other Slavic minorities whose languages do not benefit from the same degree of protection as the Russian language. The Advisory Committee *considers* that, in order to preserve social cohesion and intercultural dialogue, the Moldovan authorities should ensure that any development aimed at granting the Russian language a higher status will not reinforce this gap.

The Advisory Committee *finds* that the Moldovan media are divided into Moldovan language and Russian language media and, according to certain representatives of the media, strongly influenced by the major political forces of the country. The Advisory Committee *considers* that the Moldovan authorities should create all the necessary conditions for the independence of the media, enabling them, whatever their language, to play a positive role in promoting interethnic understanding.

24. MONTENEGRO

Interethnic dialogue, tolerance and reconciliation

The Advisory Committee notes with satisfaction that Montenegro has, on the whole, managed to maintain good interethnic relations and tolerance amongst the different components of its population, including at times when violent conflict tore apart the region. Cases of alleged human rights abuse by former members of the Yugoslav National Army and the Montenegrin police of the Bosniacs/Muslims living in the region of Bukovica in 1992-1993 are currently pending before Montenegrin courts. The Advisory Committee finds it essential that the authorities ensure that these cases are investigated in a swift and effective manner and that perpetrators be brought to justice should violations be confirmed.

One of the important challenges of the newly independent Montenegro is to ensure that tolerance continues and that interactions among its various ethnic groups are encouraged. The Advisory Committee finds that while the independence of Montenegro has given rise to a “renaissance” of the minority rights discourse on a political level, some empirical research suggests that at the same time, ethnic distance between the various components of the Montenegrin society has increased. It also notes that there is a lack of interest from certain national minorities in developing interactions with other communities of Montenegro. Against this background, the Advisory Committee is of the opinion that due consideration should be given to measures which can promote interaction between the different ethnic groups of Montenegro, especially in the fields of education, culture and the media in line with the principles of Article 6 (see also below).

In the field of legislation, the Advisory Committee notes the existence in Montenegrin legislation of a specific provision that incriminates the dissemination of “ideas based on the superiority of one race over another or promote hatred or instigate racial discrimination” (see Article 443 of the Criminal Code). The Advisory Committee is not aware of any case-law regarding this provision of the Criminal Code and it refers to its comments under Article 4 regarding the measures to be taken by the authorities in order to allow for the effective use of judicial remedies by persons belonging to national minorities. The Advisory Committee also encourages the authorities to complete their hate crime legislation by explicitly providing in criminal law that racist motivation constitutes a specific aggravating factor.

Media

In the sphere of media, the Advisory Committee notes with satisfaction that according to the information it received, the dissemination of negative stereotypes on persons belonging to national minorities does not appear to be a widespread problem.

A recurrent observation from representatives of national minorities concerns the low level of information made available to the general population on national minorities’ cultural life, events and problems which affect them. The Advisory Committee welcomes the fact that there is

willingness on the part of the Public Radio and Television of Montenegro (RTCG) to improve diversity in reporting and calls on the authorities to ensure that the resources are available to public service media to reflect more widely on national minority culture in its programmes.

While there is a specific TV programme in Albanian in the public service media (see also comments under Article 9), it is not easily accessible to the general public due to the language barrier. Article 11 of the Minority Law includes the possibility for the authorities to provide translation of minority language programmes into the official language. The Advisory Committee understands that the Ministry of Culture, Sport and Media did make a proposal regarding the subtitling of Albanian programmes in the official language but that this proposal has regrettably not been followed up by the RTCG. The Advisory Committee encourages the authorities to explore further the ways and means to make full use of Article 11 of the Minority Law.

Relations with law enforcement officials

The Advisory Committee takes note that few incidents of police mistreatment targeting minorities have apparently been reported. The only case which is frequently referred to, including in the State Report, involves the arrest of a group of Albanians, on the grounds of terrorist networking, as part of the anti-terrorist operation called “Eagle Flight Operation” in 2006. Investigation of the case is underway and the Advisory Committee calls on the authorities to ensure that the allegations of torture and ill-treatment of the persons arrested will be fully and impartially investigated.

During the dialogue the Advisory Committee had with the authorities, the possibility that some behaviour by the police may have a racist motivation tended to be dismissed at the outset. In the Advisory Committee’s view, the fact that few cases have been reported does not necessarily mean that there are no problems in this field. The Advisory Committee understands that a new system of supervision of the police has only been recently set up: it takes the form of a committee (Committee for Civil Control of Police Work) placed under the authority of the Ministry of the Interior. The Advisory Committee hopes that this Committee will be given the status and resources needed to act promptly and independently on allegations of ill-treatment of persons belonging to national minorities by law enforcement officials.

The Advisory Committee finds it positive that the authorities have taken steps – albeit limited for the time being – to recruit Roma persons as police officers. The authorities are encouraged to continue to recruit persons belonging to national minorities into the ranks of the police and to pay particular attention to their retention.

Displaced persons

The Advisory Committee recalls that the personal scope of application of Article 6 of the Framework Convention is wide: it includes all persons living in the territory and covers therefore non-citizens, asylum seekers and refugees. The Advisory Committee notes in this respect that Montenegro has taken in a large number of persons from Croatia and Bosnia and Herzegovina who arrived during the early-mid 1990s as well as many Roma, Ashkali and Egyptians who have fled Kosovo since 1999. According to the information provided by UNHCR, the number of these persons is estimated at approximately 8 000 for persons from Croatia and Bosnia and Herzegovina and approximately 16 000 for the displaced persons from Kosovo. The Advisory Committee acknowledges that Montenegro has already taken steps in order to address their situation. For example, it adopted a law on asylum in 2006 which provides for a sound legal framework for determining the status of non-nationals present on the territory of Montenegro. Although the latter entered into force in 2007, concerns remain over the implementation of the law which needs to be addressed.

However, as of today, most of these displaced persons still do not have any permanent status: they are only given an ad hoc status which is subject to regular renewal and as temporary residents, these persons do not have adequate access to fundamental social rights. For example, as of 2002, the employment of displaced persons is conditioned to the authorisation of the Montenegrin Employment Agency and the payment by the employer of an additional fee. In practice, this requirement has led to the further exclusion of this population from the labour market and increased their marginalisation in the Montenegrin society. This may negatively affect the implementation of Article 6 of the Framework Convention.

The Advisory Committee expects that together with the 2006 Law on Asylum, the draft law on citizenship will be able to resolve the situation of the large majority of the displaced persons. In particular, the Advisory Committee calls on the authorities to ensure that the conditions laid down in the law for obtaining Montenegrin citizenship will not place undue obstacles to those persons who have left other parts of the former Yugoslavia during earlier conflicts and who have been residing in Montenegro for a sufficient number of years. In particular, the Advisory Committee calls on the authorities to take due account of the socio-economic situation of the Roma, the difficulties connected with residency requirements and identity documents.

Human trafficking

In its first Opinion on the then Serbia and Montenegro, the Advisory Committee expressed its deep concern about the phenomenon of human trafficking and its negative impact on the protection of persons belonging to national minorities. Despite the efforts made by international and national actors, such a phenomenon is still reported to happen, sometimes in connection with offers of employment from abroad or early marriages arranged by the families. For example, there are worrying allegations that trafficking takes place in the Konik camps which bring together Roma, Ashkali and Egyptians displaced from Kosovo. The Advisory Committee welcomes the fact that the authorities have recently adopted a national anti-trafficking strategy and considers that resolute action should be taken in this context to put an end to such phenomenon. The authorities should also duly consult with the communities and in particular the women of these communities in the implementation process of this strategy.

In respect of Article 6

The Advisory Committee *finds* that inter-ethnic relations have remained peaceful in Montenegro at times when violent armed conflicts took place in the region. The Advisory Committee *finds* that cases of human rights violations of the Bosniac/Muslim minority in the region of Bukovica in 1992-1993 are pending before Montenegrin courts and *considers* that effective investigation should be conducted in those cases and perpetrators brought to justice should violations be confirmed.

The Advisory Committee *finds* that there is a lack of interest from certain national minorities to interact with other communities and there are indications that ethnic distance is on the rise in Montenegro. The Advisory Committee *considers* that the authorities should pay due consideration to measures which can promote interactions between the different ethnic groups living in Montenegro, especially in the fields of education, culture and media.

The Advisory Committee *finds* that there is a lack of information on national minorities available to the general public in the mainstream media and *considers* that the authorities should make the resources available for translation of minority language programmes into the official language as

foreseen in Article 11 of the 2006 Minority Law.

The Advisory Committee *finds* that the allegations of torture of persons belonging to the Albanian minority in the so-called “Eagle Flight Operation” carried out in 2006 should be effectively investigated and perpetrators brought to justice in case violation is confirmed. The Advisory Committee *considers* that the authorities should ensure that the system of supervision of the police, recently created, be given the status and the means necessary to fulfill its task effectively and with all guarantees of independence.

The Advisory Committee *finds* that most of the displaced persons living on the territory on Montenegro have been given an *ad hoc* status so far and that, as a consequence, these persons have faced obstacles in having access to basic social rights. The Advisory Committee *considers* that this situation may negatively affect the implementation of Article 6 of the Framework Convention.

The Advisory Committee *finds* that despite the efforts made in recent years, there are still allegations that human trafficking, and its negative impact on persons belonging to national minorities, continues. The Advisory Committee *considers* that the authorities should take resolute action in the context of the newly adopted national anti-trafficking strategy to put an end to such a phenomenon.

25. NETHERLANDS

The Advisory Committee recalls that the scope of application of Article 6 of the Framework Convention is wide and it includes all persons living on the territory, including non-citizens. It notes that the situation of persons belonging to the Frisian minority does not call for any specific observation under Article 6. It considers however, as detailed below, that the implementation of Article 6 prompts a number of comments with regard to the Roma and Sinti as well as the Moroccans, Turks and other groups.

Promoting tolerance and dialogue

The Advisory Committee notes that the Netherlands has a long tradition of tolerance and openness to other cultures. Its well-established integration policy has allowed for the peaceful cohabitation of its various ethnic and religious minorities for years. The terrorist attacks of 11 September 2001 and the ensuing measures against terrorism as well as the murders in 2002 and 2004 respectively of two Dutch personalities whose views expressed hostility towards Islam, Pim Fortuyn, a political leader, and Theo van Gogh, a film maker, have however profoundly questioned this policy. The approach taken by the authorities to handle the multicultural character of Dutch society has been criticized for being too liberal and harming the cohesion of the society. The Advisory Committee notes in particular that such criticism has impacted negatively *inter alia*, on the analysis made by the Dutch authorities of the role of the Framework Convention (see also under General Remarks above).

The Advisory Committee notes that as a result, the authorities are now addressing integration issues mainly through the objective of protecting Dutch national identity, rather than approaching it as a two-way process whereby both majority and minority populations learn from each other, in the spirit of Article 6 of the Framework Convention. This change of approach has led to an increased polarisation of the society whereby minority communities, and in particular persons belonging to the Muslim population of the Dutch society, tend to be stigmatised. The Advisory Committee notes that such a stigmatisation has been regularly fed by political discourse as well as stereotypes and negative portrayal of ethnic minorities in the media. While welcoming that the Dutch Government

has taken significant measures to tackle discrimination and manifestations of intolerance, (see comments under Article 4 above), the Advisory Committee is of the opinion that the overall tone of the debate in the Netherlands is not conducive to the creation of a climate of mutual understanding between the majority population and the ethnic minorities.

The Advisory Committee finds that a key element to build up a cohesive society is to ensure that all its components are listened to and can contribute to the society they live in. In this context, the Advisory Committee welcomes the fact that minority organisations are represented in the National Ethnic Minority Consultative Committee (*Landelijk Overleg Minderheden*, LOM), a national consultation structure established in 1997 in accordance with the Act on Minority Policy Consultation. The role of the LOM is to discuss with the Government policy matters of interest for minority groups. Meetings with relevant representatives of the Government are expected to be organised three times a year, which according to representatives of minority communities, is not always the case. The Advisory Committee notes that the minorities currently represented in the LOM are the Chinese, Turkish, South European, Caribbean, Surinamese and Moroccan communities, each of them being represented by one organisation only.

The Advisory Committee was informed that Roma and Sinti are excluded from this consultative body since their organisation does not fully reflect the position of the main national movements within the target group which is one of the criteria set to have a seat in the LOM. The Advisory Committee notes that other criteria for representation in this consultative committee include the need for the minority concerned to focus its activities on the relevant policy sectors such as education, work, housing, healthcare and welfare, and to pay attention to the special categories within the target group. The Advisory Committee further notes that these criteria are not provided for by the law itself but are to be found in its Explanatory Memorandum.

The Advisory Committee notes that representatives of the Roma and Sinti have asked for direct dialogue with the national authorities and that they would welcome being represented in the LOM in order to express their concerns and interests (see also below, the situation of the Roma, paragraphs 46 to 51). They complained that so far, they only have limited access to local authorities and that, if specific institutions meant to support them have been established by the Government, such as the recently established Multifunctional Centre, they consider that the approach taken is depriving them from having a genuine ownership of projects and activities intended for them.

The Advisory Committee calls on the Dutch authorities to ensure full and comprehensive representation of the various minorities in the LOM. In particular, the authorities should demonstrate an open and flexible approach to the criteria they have set. They should in particular consider the inclusion of Roma and Sinti in the LOM. It also calls on the authorities to pay due attention to the need to ensure the effective functioning of this body by convening regular meetings, providing adequate conditions for a meaningful dialogue and ensuring that its work is duly taken into consideration in governmental decision-making.

Incitement to hatred and hate crime

The Advisory Committee notes that the Dutch Criminal Code contains several provisions penalising incitement to hatred and discrimination on the ground of race and dissemination of such expression. It notes, like the European Commission against Racism and Intolerance (ECRI) in its Third Report, that Dutch criminal law does not penalise the racist motivation of an offence as a specific aggravating circumstance. The Advisory Committee understands however that instructions have been given to the Public Prosecution Service requiring public prosecutors to request increased sentence if the offence has a racist motivation.

In practice, the Advisory Committee notes that very few cases are brought before the courts alleging a breach of one of these provisions. This situation may be explained by a reluctance to report such discrimination to the competent bodies. In addition, the Advisory Committee understands that this state of affairs has also to do with the need to ensure that these provisions are better implemented by the police and the public prosecution service.

The Advisory Committee notes in this respect, as a positive step, that the authorities have taken a set of measures in order to increase the capacity of both the police and the public prosecution in treating discrimination cases and improve their performance in this domain. Such measures include the setting up of a National Discrimination Centre as part of the Public Prosecutor Office and of a similar type of centre for the police, the National Bureau on Discrimination Issues. Both centres have been working on improving exchanges of information, consistent treatment of racist and discrimination cases as well as training to assist prosecutors and police officers respectively in handling such cases. The Advisory Committee encourages the authorities to pursue these measures aimed at improving the reporting and monitoring of hate crime.

The Advisory Committee further notes the commitment of the Dutch authorities to combat the dissemination of racist materials through the internet and welcomes the work carried out by the Complaint Bureau for Discrimination on the Internet (*Meldpunt Discriminatie Internet*, MDI), the specialised body set for this purpose in 1997. It notes with satisfaction that the government financial support to this Bureau has increased in recent years and encourages the authorities to sustain their efforts in this field, including by ensuring that investigations are conducted and adequate sanctions taken.

Situation of the Roma and the Sinti

The Advisory Committee notes with concern that, according to Roma organisations as well as other NGOs, some Roma are reportedly still lacking personal documentation and that some of them are *de facto* stateless in the Netherlands. The Advisory Committee understands that there is no exact figure available as to the number of persons concerned within the Roma community. Such a situation has resulted in difficulties in practice for some Roma in accessing a number of social rights, as this has been signalled by NGOs doing mediation work between health care institutes and Roma patients. The Advisory Committee calls on the authorities to support research carried out by NGOs in consultation with Roma organisations in order to determine the number of Roma who are lacking personal documents and establish the scope of *de facto* statelessness. While investigating the situation, the authorities are urged to ensure that persons lacking the necessary documents are provided with support to obtain documents and with adequate access to health and social assistance, including by making social and health care institutions aware of their specific situation.

Further, the Advisory Committee notes that in the Netherlands, persons belonging to the Roma and Sinti minorities are reported to experience prejudice and discriminatory attitudes in a number of fields.

In the area of housing, Roma who choose to live in caravans as part of their traditional lifestyle are regularly faced with a shortage of authorised sites. The Advisory Committee notes that while this has been a persistent problem affecting also other caravan dwellers, the transfer of competences in this area from national authorities to local authorities following the abolition of the Caravan Act in 1999 has prompted new concerns in terms of actual responsibility of local authorities. It notes for example that the funding allocated by national authorities for local authorities to deal with their responsibility in this field has not been specifically earmarked but is part of local authorities' general budget, hence leaving the allocation of funds to caravan sites to their discretion. It notes in

particular that local authorities have largely resorted to private companies for the management of caravan sites. It also finds that municipal authorities have been faced with an increasingly hostile attitude from the local population against new sites and this has led them, in some instances, to locate these sites in remote areas with substandard environmental conditions. Such a situation is not satisfactory and the Advisory Committee calls on the national authorities to undertake a comprehensive review, in consultation with Roma and Sinti organisations, of the provision by local authorities of accommodation for Roma and Sinti in order to better address their needs. As a result, they should provide local authorities with recommendations, and where relevant, statutory obligations regarding suitable accommodation arrangements for Roma and Sinti who wish to live in caravans.

In the field of education, Roma attendance in secondary education is reportedly low, their absenteeism rate high, their school performance well inferior to the average. Illiteracy is also reported to be above the national average. Besides, the Advisory Committee notes with concern that in secondary level, there is a disproportionately large attendance of Roma and Sinti children in vocational training schools (*VMBO*) as opposed to upper secondary schools (*HAVO/VWO*). While some valuable initiatives have been taken in the area of education such as the introduction of educational consultants in some municipalities, the Advisory Committee finds that the authorities should take vigorous monitoring measures to fight absenteeism of Roma in schools, with the active participation of the Roma community as well as to promote literacy. The Advisory Committee also invites the authorities to ensure that Roma and Sinti pupils are given equal opportunities to enter the higher academic streams of the secondary school system.

The Advisory Committee notes with concern the very high unemployment rate among the Roma which is often the consequence of their educational situation. In addition, the Advisory Committee regrets the fact that their portrayal in the media is often associated with negative events which reinforces prejudices and discriminatory attitudes.

The Advisory Committee shares the view of other Council of Europe bodies that the above-mentioned situation of the Roma and Sinti demands that the authorities address the multiple causes of Roma and Sinti marginalisation in the Netherlands in a comprehensive policy which should be elaborated in consultation with Roma and Sinti organisations. Such a policy should set clear targets and obligations for the local authorities concerned and receive adequate financial support and be regularly monitored and reviewed.

Integration and ethnic registration

The Advisory Committee considers that reliable statistical data on ethnicity, broken down by age, gender and location are essential for targeting, implementing and monitoring measures to ensure full and effective equality and facilitate the integration of all ethnic groups in the society. The Advisory Committee is however concerned that registration of ethnicity may only target certain ethnic groups and that such registration may be matched with data concerning the criminal record of the person concerned. In this connection, the Advisory Committee refers to plans authorised by the Dutch Data Protection Authority, to set up a separate register including data on persons under the age of 25 who were either born in the Dutch Antilles or Aruba or whose parents were born there (the so-called “Reference Index of Antillians”, *Verwijsindex Antillianen*, VIA). The Advisory Committee welcomes the fact that the Dutch authorities have not proceeded with the setting up of this index which would have raised a number of issues of compatibility with the principles of free self-identification and of non-discrimination (Articles 3 and 4 of the Framework Convention). It notes however that discussions are underway to extend such an index to all young people considered at risk (the so-called “General Reference Index of Youth at Risk”, *Verwijsindex Risicjongeren*). The Advisory Committee notes that the question has arisen whether such an index

would include registration of the ethnicity of the persons concerned. It understands that both the Council of State and the Dutch Data Protection Authority advised against including registration of the ethnicity which has apparently been confirmed by the authorities. The Advisory Committee expects that in future, measures taken to address a situation of inequality fully respect the principles of the Framework Convention, in particular the principle of non-discrimination. It also calls upon the authorities to ensure that the collection of data required by these measures fully respects the principle of free self identification with a minority as set out in Article 3 of the Framework Convention as well as the principles of Committee of Ministers' Recommendation (97) 18 concerning the protection of personal data collected and processed for statistical purposes, and other international standards on the protection of personal data.

Police and ethnic minorities

The Advisory Committee notes that there is a reported practice to register and monitor crime suspects according to their ethnic origin. It also notes the reported increased use of racial profiling practices within the police, with persons belonging to minority communities, especially Muslim communities, being disproportionately stopped and searched. The Advisory Committee understands that such practices are carried out in the context of policies aimed at preventing crime and notes that they have reportedly intensified in particular in the light of the measures taken to fight terrorist crime. The Advisory Committee calls on the authorities to monitor such practices as well as to review the implementation of legislation giving increased powers to the police with a view to detect discriminatory implementation.

The Advisory Committee notes that the Dutch police has put in place a recruitment policy with the aim that 8% of the police officers should come from ethnic minorities by 2011. The Advisory Committee welcomes the fact that work is being done with associations of minority communities in order to encourage the application of persons belonging to minorities to join the police but notes that in practice, the number of these persons remains lower than the set target and there is a reported high number of recruits from minority communities who are leaving the service. It notes that different factors may explain such a situation, including the lack of attractiveness of a police career among minority communities and reported prejudices and sometimes racist attitudes within the ranks of the police. The Advisory Committee welcomes the efforts of the Government to investigate further the situation and encourages it to pursue its approach to increase minority participation in the police and ensure that due attention is paid to creating appropriate conditions to retain recruits from minority communities in the police service.

Promoting diversity in schools - Teaching of ethnic minorities languages

The Advisory Committee welcomes the fact that following an amendment introduced in 2006, the Primary Education Act acknowledges that pupils grow up in a multi-cultural society and that the school curriculum should aim at the children's development and address the diversity of the demands of the society of which they are a part. It also notes that, reflecting on this aim, the Dutch Government has shown increased commitment to enhance ethnic diversity in schools: since 2006, primary schools in the Netherlands have been under the obligation to provide information on the measures they have taken in order to promote diversity in schools and an expertise centre, the Knowledge Centre for Mixed Schools, has been set up to investigate and support schools in their efforts to encourage diversity.

The Advisory Committee notes that according to a survey released by this Centre in April 2009, over a third of these primary schools do not reflect the ethnic background of the local areas in which they are established: these schools are reported to have predominantly either pupils with Dutch background or pupils from minority communities. This may also be the reason for a certain segregation in housing, especially in large cities, caused by the demographic trend according to

which white people go away from neighborhoods that are becoming racially desegregated and move to white suburbs (the so-called “white flight” phenomena). The Advisory Committee understands that the attempt to prompt further diversity in classes has sometimes been met with resistance. The Advisory Committee encourages the Government to take further awareness-raising measures to highlight the role of schools in promoting mutual respect and understanding, in line with Article 6 of the Framework Convention. They should make ethnically mixed classes attractive to parents, including by ensuring a constant quality to the education provided in these schools.

The Advisory Committee notes that as a result of the new integration policy of the Dutch Government (see paragraph 9 under General Remarks and Article 3 above), the education system has increasingly focused on the teaching of the Dutch language to the detriment of the languages spoken by other groups living in the Netherlands (with the exception of Frisian in Fryslân and English). It notes that this led to the abolition in 2004 of ethnic minorities language classes as part of the Dutch mainstream curriculum. In practice, this measure has resulted in ethnic minority language classes being held under separate private arrangements and for some communities such as the Moroccan community, under religious authority. The Advisory Committee was informed that this has triggered new difficulties for the minority communities regarding the organisation of such classes, the availability of teachers as well as the overall supervision of the conduct and quality of the teaching provided. The Advisory Committee finds that the authorities should analyse the consequences of the withdrawal of minority language teaching from the mainstream curriculum on the integration of pupils from minority communities into the school system. They should also ensure that the private teaching currently provided respects official educational standards.

In respect of Article 6

The Advisory Committee *finds* that the Netherlands has a long tradition of tolerance and openness to the culture of others but considers that international and national events in the early 2000’s that led policies to focus on the protection of Dutch national identity have resulted in an increased stigmatisation of minority communities, in particular persons belonging to the Muslim communities. It *considers* that the overall tone of the public discourse in the Netherlands and the new integration policy, with its particular focus on the preservation of the Dutch identity, are not conducive to the creation of a climate of mutual understanding between majority population and the ethnic minorities.

The Advisory Committee *finds* that the Roma and Sinti have been excluded from the national consultation structure (the National Ethnic Minority Consultative Committee (LOM)) on the grounds that they do not meet the established criteria to be represented in this body. The Advisory Committee *considers* that the authorities should demonstrate an open and flexible approach to the criteria set and have a direct dialogue at national level with the Roma and Sinti to discuss their concerns and interests.

The Advisory Committee *finds* that Dutch legislation contains several provisions penalising incitement to hatred and discrimination and that specific instructions have been given to the Public Prosecutor service to request increasing sentencing in cases of racially-motivated offences. It *finds* nevertheless that very few cases have been brought to courts on such grounds and *considers* that the authorities should pursue their efforts to ensure that police and public prosecution implement better these provisions, including by improving the reporting and monitoring of hate crime.

The Advisory Committee *finds* that there is no comprehensive policy at present that would address the multiple causes of Roma and Sinti marginalisation in the Netherlands in a number of fields including housing, schooling and registration and it *considers* that the authorities should elaborate such a policy in consultation with the Roma and Sinti organisations.

The Advisory Committee *finds* that concerns have been raised by attempts to take measures targeting specific ethnic groups (namely the so-called Reference Index of Antilleans). It *considers* that any measures to be taken in future to address a situation of inequality fully respect the principles of the Framework Convention, in particular the principle of non-discrimination and the principle of free expression of a person's affiliation to a minority.

The Advisory Committee *finds* that the practice of racial profiling by the police is still widely reported and *considers* that the authorities should monitor such practices with a view to detect discriminatory implementation.

The Advisory Committee *finds* that measures have been taken to fight ethnic segregation in schools. It also *finds* that the current private arrangements made for minority languages teaching following the abolition in 2004 of classes of minority languages as part of the school curriculum have prompted difficulties, including in terms of supervision and considers that the consequences of this abolition should be evaluated.

26. NORWAY

The Advisory Committee notes that despite the generally prevailing spirit of tolerance towards persons belonging to national minorities there are nevertheless some negative developments in this respect. For example, there have reportedly been some incidents of hostility towards Sami-language signs and some manifestations of intolerance towards the use of the Finnish language in the workplaces. The Advisory Committee is of the opinion that such incidents call for careful attention from the authorities and that additional initiatives should be launched to encourage inter-ethnic dialogue in the areas concerned between the majority and minority as well as between the minorities concerned.

The Advisory Committee notes with concern that the situation appears considerably more problematic as regards some immigrants and asylum-seekers. In this connection, the Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, covering also asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned. There have been cases of violence and other manifestations of hostility towards persons belonging to these minorities, including by persons affiliated to extremist groups, as is described, for example, in the report of a legislative committee submitted to the Ministry for Local Government and Regional Development on 14 June 2002 (see also paragraph 22 above). Lack of tolerance prevailing in certain circles is also reflected in the public opposition that has emerged in some cases towards the initiatives to build mosques. The Advisory Committee considers that such developments merit maximum vigilance on the part of the authorities, in particular in the light of the reports suggesting that societal attitudes towards some of the groups concerned have hardened further following the terrorist attacks of 11 September 2001. Furthermore, the Advisory Committee would like to encourage efforts aimed at ensuring that recent developments concerning Roma asylum-seekers in Norway do not contribute to a climate of intolerance *vis-à-vis* Roma in general, in the media and the society at large.

The Advisory Committee is concerned about reports suggesting that there is not enough sensitivity with respect to minority cultures amongst police officers. For example, problems related to the caravans of Romanies have reportedly been handled at times in a manner that does not show adequate respect for the cultures of the persons concerned. The Advisory Committee considers that there is a need to increase training and other initiatives aimed at ensuring that the standards of the Framework Convention are consistently taken into account in the work of law-enforcement bodies. In this connection, the Advisory Committee notes with satisfaction that the Oslo police force has organised training courses on “diversity and dialogue” and urges the authorities to consider the proposal of the Centre for Combating Ethnic Discrimination to introduce compulsory courses on multicultural understanding for all the police personnel dealing with related issues.

In respect of Article 6

The Advisory Committee *finds* that despite the generally prevailing spirit of tolerance towards persons belonging to national minorities, there are nevertheless some negative developments in this respect, including manifestations of hostility towards persons belonging to some immigrant groups and asylum-seekers. It *considers* that these developments call for careful attention from the authorities and that additional initiatives should be launched to encourage inter-ethnic dialogue in the areas concerned.

The Advisory Committee *finds* that there is reportedly not enough sensitivity with respect to minority cultures amongst police officers and *considers* that there is a need to increase training and other initiatives aimed at ensuring that the standards of the Framework Convention are consistently taken into account in the work of law-enforcement bodies.

27. POLAND

The Advisory Committee notes that, as its history attests, Poland has a long experience of handling ethnic and cultural diversity notwithstanding that especially the Second World War brought about a significant decrease in the numbers of persons belonging to national minorities, which now account for only a small proportion of the total population. In this context, the Advisory Committee considers it important that the authorities, who often stress the homogeneity of modern-day Poland, increase their awareness-raising efforts at all levels – and particularly in education and the media – to ensure greater recognition of the national minorities’ contribution to Polish society and intercultural dialogue. Over-insistence on the homogeneity of the Polish population may have an adverse effect on the rights of persons belonging to national minorities to assert their identity (see related comments about the latest census under Article 3 above).

The Advisory Committee notes with concern that in practice, as evidenced by certain cases of violation of legal provisions on non-discrimination mentioned by the Ministry of Justice, persons belonging to vulnerable groups are still discriminated against in various fields. The Roma are the most affected by this, and a number of them living on the outskirts of cities are reportedly still without access to some basic services such as waste disposal, water supply or electricity. The Ombudsman, for instance, has called on local authorities in Cracow to improve the housing of some of the Roma, and the Advisory Committee can but encourage the authorities to respond to such recommendations.

There are also reports of discrimination against Roma as regards employment and medical care. Moreover, the Advisory Committee is deeply concerned to note that the practice of introducing or maintaining special Roma classes, which has been strongly criticised by the Roma in that it

generates exclusion and marginalisation, has not yet been completely eradicated from schools (see related comments below under Article 12). The Advisory Committee therefore urges the authorities to step up their efforts to counter persistent discrimination of this kind by taking action as regards both the legislative framework and its implementation in practice (see related comments under Article 4 above).

The Advisory Committee notes the persistence, in Polish society, of negative stereotypes which contribute to stigmatising some minorities, in particular the Roma but also the Ukrainians and Germans. Such stereotypes reportedly appear not only in the media and some publications but also, sometimes, within the education system. In this context, the Advisory Committee recalls the need for the authorities to promote intercultural dialogue at all levels, including in the media and within the school curricula, so as to sensitise pupils to national minorities' existence and, as far as possible, endeavour to promote dispassionate treatment of painful historical events.

The Advisory Committee notes that the question of erecting and/or renovating memorials to war victims has recently caused tension between the authorities and representatives of the German minority, particularly in the Opole region but to a lesser extent also in Silesia. The Advisory Committee recognises that this is a difficult and sensitive issue which resurrects painful episodes in Polish tragic history and that diverging perceptions of these historical events may sometimes be hard to reconcile. Cases of this kind pose complex and delicate questions, in particular as to the acceptability of certain symbols and certain place names, the translation of inscriptions, the question whether victims' names and identities should be displayed and the further question whether a distinction should be drawn between soldiers and war victims. Issues of this kind have also been reported in connection with the Ukrainian minority's erecting and/or renovating memorials in various places like Bircza, Liszna, Kalisz or Łańcut, despite a 1994 bilateral treaty between Poland and Ukraine on the Protection of Memorial Sites and Resting Places of Victims of War and Political Repression.

The Advisory Committee underlines the importance of the work by the Council for the Protection of Memory of Fighting and Martyrdom, which is endeavouring to establish principles and guidelines to settle these issues in a manner that accommodates the interests of all parties. The Advisory Committee welcomes the setting up, in the province of Opolskie, of a special committee, made up, *inter alia*, of members of local authorities and representatives of the German minority to find acceptable solutions in problem cases. Care should be taken not to make reciprocity with neighbouring states a condition for settling these issues. The Advisory Committee however appreciates the steps taken by the Polish authorities in connection with the erection and/or renovation of memorials by means of promoting a continuing dialogue including in this dialogue representatives of the national minorities concerned and by adopting a non-discriminatory approach particularly as regards language requirements pertaining to inscriptions.

According to information from various sources, it appears that effective action against production and dissemination, in electronic or written form, of works that are insulting or offensive to particular national minorities or which incite racial hatred is not always being taken. Similarly anti-Semitic publications are said to be readily available from numerous book-sellers, against whom the prosecuting bodies apparently seldom take any action. The Advisory Committee is deeply concerned about this information and urges the authorities to pay greater attention to it and, if need be, strengthen legislative and other measures in this area. In this connection the Advisory Committee notes with satisfaction that the *Sejm* is currently considering proposals to complete Article 256 of the Criminal Code so as to extend and strengthen penalties for the production, acquisition, possession or distribution of works inciting racial, ethnic or religious hatred and which would make it easier for the authorities to confiscate such works. The Advisory Committee hopes

that these proposals will be enacted in the near future.

The Advisory Committee's attention was also drawn, during its visit to Poland, to the concept of "insignificant social consequences of an act", which prosecuting authorities can apply as a ground for not prosecuting the author of a criminal offence or for discontinuing criminal proceedings in case these have already been initiated (see Criminal Code, Article 1, paragraph 2 and Article 17, paragraph 1, item 3. According to information submitted to the Advisory Committee, in the case of hate speech or public insult directed at particular national minorities or vulnerable groups, as well as in the case of publication and dissemination of works that are clearly anti-Semitic or hostile to particular national minorities, criminal proceedings are discontinued or often not even initiated, precisely on the ground that the social consequences of the offence are considered insignificant.

The Advisory Committee welcomes that this problem was openly discussed with the authorities during its visit and that a detailed additional report on the issue was subsequently sent. According to this report from the Ministry of Justice the statistics record that there have been a significant number of prosecutions, namely 44 in 1999, 53 in 2000 and 25 in 2001 for incitement to racial hatred or racial violence, under Articles 118, 256 and 257 of the Criminal Code. These figures, however, do not make it possible to determine in how many cases prosecutions have not been initiated on the ground of an alleged absence of significant social harm. No clear trend can therefore be identified concerning the importance of these phenomena in practice, even though the Ministry of Justice explained that fewer proceedings are discontinued on the ground of absence of significant social harm.

The Advisory Committee is of the opinion that criminal provisions on absence of significant social harm should be handled with extreme caution in cases of behaviour insulting to national minorities or incitement to hatred. Even though there are not always individually identifiable victims or economic interests at stake in this type of case, the possible effects on the spirit of tolerance, mutual respect and understanding among all persons, irrespective of their ethnic, cultural or religious identity, must not be underestimated.

In respect of Article 6

The Advisory Committee *finds* that Roma are discriminated against in the fields of employment and medical care. The Advisory Committee *considers* that the authorities should step up their efforts to counter persistent discrimination of this kind by taking action as regards both the legislative framework and its implementation in practice.

The Advisory Committee *finds* that negative stereotypes which contribute to stigmatising some national minorities persist in Polish society, in particular as regards the Roma but also the Ukrainians and Germans. In this context, the Advisory Committee *considers* that there is a need for the authorities to promote intercultural dialogue at all levels, including in the media and within the school curricula, so as to sensitise pupils to national minorities' existence and as far as possible endeavour to promote dispassionate treatment of painful historical events.

The Advisory Committee *finds* that the question of erecting and/or renovating memorials to war victims has recently caused tension between the authorities and representatives of the German minority, particularly in the Opole region but to a lesser extent also in Silesia. The Advisory Committee *considers* that the Polish authorities should be encouraged to deal with erection and/or renovation of memorials by means of promoting a continuing dialogue including in this dialogue representatives of the national minorities concerned, and by adopting a non-discriminatory approach particularly as regards language requirements pertaining to inscriptions.

The Advisory Committee *finds* that information from various sources suggest that effective action against production and dissemination, in electronic or written form, of works that are insulting or offensive to particular national minorities or which incite racial hatred is not always being taken. The Advisory Committee also *finds* that anti-Semitic publications are said to be readily available from numerous book-sellers, against whom the prosecuting bodies apparently seldom take any action. The Advisory Committee *considers* that the authorities should pay greater attention to these phenomena and, if need be, strengthen legislative and other measures in this area.

The Advisory Committee *finds* that information from various sources suggest that in the case of hate speech or public insult directed at particular national minorities or vulnerable groups, as well as in the case of publication and dissemination of works that are clearly anti-Semitic or hostile to particular national minorities, criminal proceedings are discontinued or often not even initiated, on the ground that the social consequences of the offence are considered insignificant. The Advisory Committee *considers* that criminal provisions on absence of significant social harm should be handled with extreme caution in cases of behaviour insulting to national minorities or incitement to hatred.

28. PORTUGAL

The Advisory Committee takes note of the general climate of tolerance and openness prevailing in Portuguese society. It also notes that Portugal made a rapid move from being a country of emigration to becoming a country of immigration. The Advisory Committee welcomes the fact that, since the 1990s, successive governments started to put the issue of integration of immigrants higher on their agenda. Efforts have been made by the authorities to facilitate the integration of newcomers, combat discrimination, accommodate diversity and promote intercultural learning through the development and implementation of integration policies.

New institutional arrangements have been put in place to respond to the need to promote integration and equal opportunities. ACIME had its mandate enlarged and its capacity reinforced in 2002, in order to manage new challenges linked to growing diversity in Portugal. A Consultative Council for Immigration Issues (COCAI) was created in 1998, tasked with representing immigrant organisations in policy-making on integration and immigration-related legislation.

Moreover, a new law on nationality was adopted in 2006 that widens possibilities for children of immigrants to obtain Portuguese citizenship, which could bolster the effects of ongoing integration policies. The Advisory Committee welcomes these positive developments.

The legislative and institutional framework to combat discrimination and to promote integration was usefully complemented by a series of government-led practical and innovative projects, such as *inter alia* the creation of a support unit for immigrants who are victims of racial or ethnic discrimination (UAVIDRE); a nation-wide network of information in various languages; a call centre for immigrants; and an Observatory on immigration, in charge of carrying out studies on the situation of immigrants, racism and stereotypes.

Information provided to the Advisory Committee indicates that these efforts seem to have a varying impact on different groups of immigrants depending on their country of origin and date of arrival in Portugal. The Advisory Committee therefore invites the authorities to monitor the consequences of integration policies for different groups of immigrants.

The Advisory Committee notes that the legislation on education stipulates that education has, as a mission, to promote the value of diversity and ensure equality of opportunities for all. The role of intercultural education is increasingly emphasised in the Portuguese educational system. In this context, the Advisory Committee welcomes the creation of the Office “Entreculturas” (“between cultures”) in 1991 in order to disseminate knowledge on minority cultures among the population at large, with a view to helping the Portuguese society adapt to growing cultural diversity and to promoting better relations between different groups. “Entreculturas” is also working towards integration in school of Roma children and children of immigrant families.

The Advisory Committee also commends the creation, in 2000, of posts of socio-cultural mediators with a view to facilitating relations between persons belonging to ethnic minorities and schools, social and health services and services dealing with immigrants. Nevertheless, the Advisory Committee was informed that the possibility to recruit mediators is underused and many of the posts of mediators remain vacant because of the precarious conditions attached to them. The Advisory Committee urges the Portuguese authorities to find remedies to the current problems encountered by socio-cultural mediators, so as to make full use of this potentially worthwhile tool to improve community relations, particularly with regard to the Roma minority.

However, despite efforts made by the authorities and a number of NGOs active in the field of education, information provided to the Advisory Committee shows that intercultural education is still not sufficiently developed in the educational system. The Advisory Committee notes that, often, teachers are not adequately trained to deal with multiethnic audiences and that textbooks do not contain enough elements on minority cultures, especially concerning Roma culture and traditions, although efforts are being made in this respect. Research, academic studies and project evaluations which were brought to the attention of the Advisory Committee highlight the deficit in intercultural education as one of the root causes for under-achievement in the school system of Roma and immigrant children. As a consequence, the Advisory Committee encourages the Portuguese authorities to continue to promote intercultural learning in the educational system, including by making textbooks more sensitive to ethnic diversity and by introducing further teacher training in this respect.

The Advisory Committee welcomes initiatives led by ACIME to raise awareness on cultural diversity through the media, such as the TV programme “Nós”, whose objective is to disseminate knowledge on the various cultures present in Portugal. The Advisory Committee is also informed that the private TV station “SIC” broadcasts a weekly programme for immigrants (“Etnias”) and that programmes in Russian and Ukrainian languages are broadcast on local radio stations. There is also a substantial number of newspapers prepared by and for the immigrants and ethnic communities in Portugal, although to the knowledge of the Advisory Committee, no public support is provided for the creation of minority media outlets or programmes.

In the light of the information available to it, the Advisory Committee observes that persons belonging to the Roma minority have reduced access to the media and that their preoccupations do not seem to be adequately covered by existing programmes. The Advisory Committee therefore invites the Portuguese authorities to look for appropriate solutions - including financial support - in order to give Roma better access to the media.

The Advisory Committee also notes that limited attention is paid to the preservation of Roma culture and that, consequently, measures to support the preservation and development of Roma culture, language and traditions are very limited. Therefore, the Advisory Committee invites the authorities to consult the persons concerned on their possible needs in this respect and to envisage providing support to the efforts of persons belonging to the Roma minority to preserve their culture.

The Advisory Committee is deeply concerned by the fact that the ethnic identity of alleged perpetrators of criminal acts is often unnecessarily mentioned in press articles, especially in cases involving persons of Roma and immigrant origin. The Advisory Committee is also informed that, in general, immigrants, whether from African countries, Brazil or Eastern Europe and Roma are very often negatively portrayed and associated in the media with crime. Roma, in particular, are very often associated in the media with drug dealing. The Advisory Committee believes that such practices are reinforcing stigmatisation and prejudices against Roma and immigrants. It therefore strongly supports the public statement issued by ACIME in April 2006 inviting law enforcement agencies and the media to refrain from releasing information on the ethnicity, nationality or religion of suspects or perpetrators. The statement encourages the media to reflect on the relative importance and the treatment they give to the subject of irregular immigration. It also tasks the Commission for Equality and against Discrimination to remind those contravening the statement of the principles contained in it. The Advisory Committee encourages the authorities to pursue and further develop similar actions, in line with Committee of Ministers' Recommendation N° R (97) 21 on the media and the promotion of a culture of tolerance. The Advisory Committee also calls on the authorities to consider ways of counteracting the dissemination of prejudices against Roma in the media, for instance by promoting the introduction of specific training on Roma culture in journalism schools.

Information provided to the Advisory Committee reveals that, although they are not very numerous in Portugal, racist and skinhead movements have been increasingly active in recent years, fomenting racial hatred and sometimes committing racially-motivated violence. The Advisory Committee also takes note with concern of reports indicating the existence, both among the population and on the part of certain authorities, of attitudes of rejection and hostility, often stemming from stereotypes and prejudices, especially based on the colour of the skin and towards Roma. The Advisory Committee invites the authorities to carefully monitor the development of racist and extremist movements and to make full use of existing legislative provisions to tackle this problem and prevent the movements from strengthening further. The Advisory Committee also invites the authorities to continue to design and implement information programmes aiming at countering stereotypes and prejudices against persons of immigrant and Roma origin.

Moreover, the Advisory Committee takes note of the absence of official data on racially-motivated crime, which indicates, on the one hand, that racially motivated violence and crime remain relatively rare in Portugal but can, on the other hand, hinder proper monitoring of this phenomenon. Therefore, the Advisory Committee urges the authorities to put mechanisms in place to ensure the proper recording and data collection of racially motivated violence and crime and to ensure that these crimes are thoroughly investigated. It also supports ECRI's recommendation in 2002 to adopt a provision rendering racial motivation an aggravating circumstance for all types of offences.

The Advisory Committee is concerned about reports of often tense relations between persons belonging to ethnic minorities and law enforcement officials. Cases of harassment, ill-treatment and excessive use of force by the police in relation to persons of immigrant and Roma origin continue to be reported despite efforts made by the authorities to improve police training on human rights. Therefore, the Advisory Committee strongly urges the Portuguese authorities to identify appropriate remedies to these problems and to pursue their efforts to improve training of law enforcement personnel on the use of firearms, the prevention of ill-treatment and torture. The Advisory Committee also urges the authorities to ensure that cases of abuse by the police are thoroughly and independently investigated and adequately punished and to further promote respect for the code of ethics of the police. It also recommends the adoption of measures to improve relations between the police and persons belonging to ethnic minorities, through *inter alia* making wider use of social mediators and recruiting persons belonging to ethnic minorities in the police forces.

The Advisory Committee is concerned by the fact that, according to the information it received, a large proportion of the Roma population, as well as persons from immigrant background, continue to live in segregated urban areas, often in substandard conditions, despite efforts made through successive rehousing programmes. The Advisory Committee is also disconcerted by reports concerning repeated attempts by local authorities to forcefully evict Roma and expel them from town centres using various forms of pressure and without providing adequate alternative accommodation. The Advisory Committee strongly urges the Portuguese authorities to ensure thorough investigation of such incidents and to promote adequate solutions to Roma housing problems in consultation with the persons concerned. It stresses the importance of Recommendation Rec(2005) 4 of the Committee of Ministers on improving the housing conditions of Roma and Travellers in Europe, including its provisions pertaining to evictions and the need to provide alternative accommodation in eviction situations. The Advisory Committee also invites the authorities to further develop awareness among the local authorities on human rights issues and to provide advice and assistance wherever needed in order to solve problems in the field of community relations.

The Advisory Committee is also deeply concerned by reported cases of exclusions of Roma children from classes and schools, under pressure of other pupils' parents, or their being placed in a separate class (see also remarks in respect of Article 4). The Advisory Committee stresses that the exclusion of children from classes based on their ethnicity is unacceptable and it urges the authorities to continue to strongly condemn any such incidents and to take adequate measures to prevent them from re-occurring.

Furthermore, the Advisory Committee stresses that in cases of conflicts at local level regarding accommodation or schooling, it appears that the Roma concerned were not constructively involved in the search for solutions to the problems. In fact, the Advisory Committee notes that the social and economic problems facing persons belonging to the Roma minority, coupled with attitudes of hostility and rejection, make their effective participation in public affairs as well as in the social, economic and cultural spheres very difficult. Although they are represented in participative structures, such as the councils of communities in the cities of Lisbon and Porto, and despite ACIME's co-operation with Roma associations, they are not sufficiently involved in decision-making, including on issues which affect them. Therefore, the Advisory Committee invites the authorities to set up, at national and local level, appropriate and efficient consultation and participation arrangements in order to ensure effective participation of the Roma in decision-making concerning them and more generally, in public affairs and socio-economic life.

In respect of Article 6

The Advisory Committee *finds* that considerable efforts have been made by the authorities to facilitate the integration of immigrants, while combating discrimination against them and promoting the values of multiculturalism, especially in the education system. However, the Advisory Committee *finds* that the lack of sensitivity within the education system to diversity is still perceived as one of the main causes of under-achievement among children of immigrant and Roma background. The Advisory Committee *considers* that efforts to adapt schools to Portugal's increasingly diverse society should be actively pursued.

The Advisory Committee *finds* that immigrants and Roma are often negatively portrayed in the media and associated with crime and that the ethnicity of perpetrators, when they are of Roma or immigrant origin, is often made public in the media. Therefore, it *considers* that ACIME's public statement issued with a view to combating stigmatisation of ethnic minorities in the media is a

commendable initiative and that the authorities should continue and further develop similar laudable initiatives, paying particular attention to fighting prejudices against the Roma. Furthermore, it finds that the latter have very limited access to the media and *considers* that the authorities should seek ways of improving this situation.

The Advisory Committee *finds* that attitudes of rejection and hostility towards minorities are present in the Portuguese society, especially based on the colour of the skin and towards Roma; it further *finds* that racist movements are increasingly active, although reported racially-motivated violence and crime remain rare. The Advisory Committee also *finds* that lack of data on racially-motivated crime hinders proper monitoring of this problem. Consequently, the Advisory Committee *considers* that the authorities should further develop and strengthen programmes aiming at countering prejudices against persons belonging to ethnic minorities and should put mechanisms in place to ensure the proper recording and data collection on racially motivated violence and crime and to ensure that these crimes are thoroughly investigated.

The Advisory Committee *finds* that police abuse against persons belonging to minorities and, in general, tense relations between such persons and law enforcement agents are still reported, despite measures taken by the authorities to tackle this problem. The Advisory Committee *considers* that the authorities should continue to seek ways of remedying this problem and of improving relations between the police forces and persons belonging to minorities.

The Advisory Committee *finds* that a number of Roma and immigrants continue to live in segregated urban areas, often in substandard conditions. It further *finds* that persons belonging to the Roma minority are sometimes evicted and expelled from cities, often under pressure of the local population. Therefore, the Advisory Committee *considers* that the authorities should promote adequate solutions to housing problems faced by persons belonging to the Roma minority and should develop further awareness on human rights issues among local authorities.

The Advisory Committee *finds* that participation of persons belonging to the Roma minority in public affairs, as well as in the social, economic and cultural spheres, is very limited. It therefore *considers* that the authorities should set up efficient consultation and participation arrangements in order to ensure effective participation of the Roma in decision-making concerning them and, more generally, in public affairs and socio-economic life.

29. ROMANIA

The Advisory Committee recognises that, as a result of the regulations adopted and policies pursued by the Romanian authorities, inter-community relations have become markedly less tense in recent years and that a climate of greater tolerance has developed. It notes with satisfaction the improvements achieved, *inter alia*, between the Hungarian minority and other parts of the population of Romania. It also welcomes the recent decision taken by the Government to establish in Cluj an Institute for the Study of National Minority Issues.

The Advisory Committee believes, however, that a number of problems raised in this document show that intercultural dialogue is still insufficient. In particular, it is convinced that, although progress has been recorded in this respect, a better understanding of Roma culture by the public at large and by state employees would help to prevent discriminatory actions and attitudes. This understanding could be facilitated by the Roma sharing information on their culture. The Advisory Committee considers important that the Government devises new initiatives to promote intercultural dialogue, and welcomes the projects of this kind already launched. It is of the opinion that, in the

implementation of the Plan, sufficient attention should be paid to countering the widespread stigmatisation of Roma.

In the media field, the Advisory Committee notes that information is still being presented in a manner which is likely to strengthen the stereotypes associated with members of certain minorities - particularly Hungarians, Roma and Jews. Despite a marked improvement in recent years, several daily newspapers and one private television station are still regularly presenting Hungarians in a negative light. As for the Roma, many newspapers draw on defamatory stereotypes. Moreover, in reporting crimes of which Roma are accused, some newspapers regularly mention ethnic origin, thus reinforcing the prevalent clichés. In this connection, the Advisory Committee is deeply concerned to see that, according to some press articles, this information comes directly from the police. As for Jews, some newspapers are still publishing intolerant articles, and anti-Semitic slogans have been reported. More generally, the Advisory Committee is concerned by a recent increase in hostility towards Jews and expresses the hope that the authorities will address this issue with sufficient attention.

In view of the above and given the central importance of the media to promote a spirit of tolerance, the Advisory Committee is of the opinion that the Government should support professional exchange programmes for journalists, as well as special programmes to present questions relating to minorities in an accurate and fair manner, in the spirit of the principles set out in the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance. In this context, it is important that public sound radio and television broadcasting also deal with minority issues.

The Advisory Committee notes that according to the OSCE, the pre-election phase in November 2000 in Romania was characterised by a general absence of inter-ethnic tension and anti-minority campaigning, but the period leading to the second round was marked by the introduction of a nationalist and xenophobic rhetoric by one political party drawing attention to anti-minority sentiments. The Advisory Committee expresses the hope that the Romanian authorities will strengthen their efforts to promote a political dialogue based on the principles of respect and tolerance and eradicate any form of anti-minority rhetoric.

With respect to Article 6 paragraph 2 of the Framework Convention, the Advisory Committee is deeply concerned about the persistence of numerous acts of discrimination in Romania, many of them directed at members of national minorities, especially at Roma. It believes that fuller integration of the Roma cannot be confined to a strictly social approach, but requires, first of all, recognition and elimination of all the forms of discrimination which they face.

The Advisory Committee notes, for example, that there is open social and economic discrimination in Romania. Newspapers publish advertisements for jobs or housing which expressly exclude Roma, and neither editors nor advertisers incur any sanctions. Credible allegations also point out that a public agency operating within the Ministry of Labour and Social Protection recently published on its notice board a similar discriminatory advertisement drafted by a private company. Also, as the People's Advocate notes in his Special Report, Roma are sometimes refused admission to certain places of entertainment. The Advisory Committee hopes that the new anti-discrimination legislation (see comments under Article 4) will make it possible to combat discrimination of this kind more effectively. It also expresses the wish that the Romanian authorities will closely monitor the effectiveness of this piece of legislation.

The Advisory Committee notes with satisfaction that, although some isolated cases are still being reported, serious acts of group violence against Roma committed by villagers taking advantage of police passivity have diminished in recent years. It welcomes this positive development and encourages the Romanian authorities to maintain their vigilance in this respect.

As concerns acts of police violence against Roma, it appears that these are also decreasing and the Advisory Committee considers that the authorities should step up their efforts to ensure that this trend continues. In spite of this progress, however, the Advisory Committee notes, like other international bodies, that members of the Roma community are still, proportionally, exposed to police brutality far more often than members of other minorities or the majority. Cases of ill-treatment by the police are still being reported, and the proceedings brought against the officials under suspicion are protracted and frequently dropped. The Advisory Committee is of the opinion that the Romanian authorities should ensure that these proceedings are properly conducted.

In view of various submissions made during its visit to Romania and in the light of information made available to it, the Advisory Committee is particularly alarmed by the fact that police searching Roma homes or arresting Roma suspects sometimes use undue force. Various sources report that night-raids by police, marked by a massive use of force - and sometimes gas - and verbal and physical violence indiscriminately directed at suspects and neighbours, still happen in Romania. These practices, some cases of which are also cited in the Special Report of the People's Advocate, have disastrous psychological effects on the persons concerned and are bound to undermine the community's confidence in the police. While the Advisory Committee welcomes the efforts already initiated by the Romanian authorities, notably in the field of human rights training, it believes that the Government should consider further measures to improve relations between minorities and the police, as well as to increase tolerance among police. Such measures could include, *inter alia*, special efforts to recruit persons belonging to minorities to serve as police officers.

In view of this situation, the Advisory Committee considers that the Government has still not done everything it can to protect persons exposed to intimidation, discrimination, hostility or violence because of their ethnic, cultural, linguistic or religious identity. In relation to the two preceding paragraphs, the Advisory Committee is therefore of the opinion that the present situation is not compatible with Article 6 paragraph 2 of the Framework Convention.

In respect of Article 6

The Committee of Ministers *concludes* that, although inter-community relations have become markedly less tense in recent years and a climate of greater tolerance has developed, intercultural dialogue is still insufficient and *recommends* that the Government devise new initiatives to promote this dialogue.

The Committee of Ministers *concludes* that certain media outlets report in a manner that strengthen existing negative stereotypes associated with certain minorities, in particular the Hungarians, the Roma and the Jews and *recommends* that Romania consider support for journalists' professional exchange programmes as well as special programmes to present questions relating to minorities in an accurate and fair manner, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (97) 21 on the Media and the Promotion of a Culture of Tolerance.

The Committee of Ministers *concludes* that even though the pre-election phase in November 2000 was characterised by a general absence of inter-ethnic tension and anti-minority campaigning, a nationalist and xenophobic rhetoric by one political party drawing attention to anti-minority

sentiments appeared before the second round of the Presidential election. The Committee of Ministers *recommends* that the Romanian authorities strengthen their efforts to promote a political dialogue based on the principles of respect and tolerance.

The Committee of Ministers *concludes* that there is reason for concern about cases of ill-treatment of members of the Roma community by the police and that the present situation is not compatible with Article 6 paragraph 2 of the Framework Convention. It *recommends* that the Romanian authorities ensure that the proceedings brought against officials under suspicion are properly conducted.

The Committee of Ministers *concludes* that police searching Roma homes or arresting Roma suspects sometimes use undue force and that violent night-raids conducted by police are still frequent in Romania and that the present situation is not compatible with Article 6 paragraph 2 of the Framework Convention. The Committee of Ministers *recommends* that the Government stop these practices and consider further measures to improve relations between minorities and the police, as well as to increase tolerance among the police.

30. RUSSIAN FEDERATION

The Advisory Committee notes that, in a number of regions, a spirit of tolerance and inter-ethnic dialogue generally prevails. Both federal and regional authorities have designed a number of initiatives in this sphere, such as the inter-agency programme “Shaping of tolerant conscience and prevention of extremism in the Russian society”. At the same time, serious inter-ethnic problems have emerged in a number of regions, most notably in the Northern Caucasus but also in other parts of the Russian Federation, and the expansion of initiatives to promote and facilitate inter-ethnic dialogue *inter alia* between Ossetians and Ingush is clearly needed, including at the local level.

The lack of inter-ethnic tolerance has been particularly pronounced in the conflict in Chechnya. Serious human rights violations and terrorist acts committed in that context have also contributed to other actions and attitudes that do not reflect the principles contained in Article 6 of the Framework Convention.

The Advisory Committee is concerned about the research results indicating that societal attitudes towards persons belonging to specific national minorities are extremely negative. This pertains in particular to Chechens and persons belonging to other minorities originating in the Caucasus and in Central Asia as well as to the Roma. Similar problems have been encountered by persons belonging to more recent minorities in particular those of African and Asian origin. In this connection, the Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, covering also asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned.

The Advisory Committee is particularly concerned about the violent attacks on persons belonging to the aforementioned minorities at markets and other public places by persons belonging to racist and extremist groups. While these incidents have been denounced by certain political authorities, the number of investigations and prosecution of such cases appears low when compared to the reports of human rights groups and other independent bodies monitoring developments in this sphere. This suggests that many cases are not reported to law-enforcement officials, which may at least in part reflect lack of confidence in the work of the police and other law-enforcement bodies. This lack of confidence is fuelled by reports indicating that some law-enforcement officials have themselves harassed persons belonging to the minorities concerned (see also related comments

under Article 4). The Advisory Committee deeply regrets that there appears to be some reluctance within the law-enforcement bodies to acknowledge and examine these problems, including within their own ranks, and to recognise racist motivations behind attacks against persons belonging to minorities. It urges the authorities to increase the vigour with which these incidents are investigated and prosecuted. Furthermore, the Advisory Committee believes that additional human rights training activities in this sphere for law-enforcement officials could contribute to the consistent enforcement of the applicable legislation and help to counter these phenomena.

The Advisory Committee welcomes the fact that the highest federal authorities have made certain statements underlining the importance of inter-ethnic tolerance, but their impact has been undermined by regrettable statements made by some politicians in the city of Moscow, Krasnodar region and in a number of other regions, strengthening negative stereotypes, including ones in which persons belonging to specific national minorities have been portrayed *en masse* as being responsible for criminal activities in the region at issue.

The Advisory Committee is also deeply concerned about the fact that the authorities in Krasnodar and some other regions have associated themselves with certain organisations representing Cossacks while some representatives of the latter have pursued their activities in a manner that undermines inter-ethnic relations in the areas concerned and contradict the principles of the Framework Convention. The Advisory Committee has taken note of the authorities' information that the law-enforcement bodies in the Rostov region have taken some measures against Cossacks who have called for the deportation of specific minorities from the region, but the Advisory Committee considers that both federal authorities and the authorities of all the regions concerned need to counter such manifestation of intolerance more vigorously and consistently (see also related comments under Article 16).

Although there are a number of examples of media attempting to foster inter-ethnic tolerance, the Advisory Committee regrets that a number of media outlets continue to report on issues pertaining to certain national minorities in a manner that undermines tolerance and inter-ethnic dialogue. It welcomes the fact that some authorities have taken certain measures to counter reporting of this kind and that a number of warnings have been issued by the relevant Ministry in accordance with Articles 4 and 16 of the Federal Law on the Means of the Mass Media. Furthermore, criminal proceedings have been instituted on the basis of Article 282 of the Criminal Code prohibiting incitement of national, racial or religious hatred including in relation to publication of alleged anti-semitic articles. However, the number of cases pursued by the authorities remains very modest when compared to the results of the independent media monitoring initiatives, which indicate that, despite some positive tendencies especially in the media with coverage throughout the Russian Federation, the strengthening of negative stereotypes is fairly common in particular in local and regional media. This is particularly so with respect to reporting on persons belonging to minorities from the Caucasus and Central Asia as well as Jews and Roma. Against this regrettable background, the Advisory Committee considers that a more comprehensive approach, which fully respects freedom of expression, is required in this sphere. In addition to full implementation of the relevant legislative provisions, the Advisory Committee considers that further training initiatives on reporting concerning minorities would be needed, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance.

The Advisory Committee takes note of the new federal law of 31 July 2002 on preventing extremist activities. The Advisory Committee believes that this law may further the implementation of Article 6 and other provisions of the Framework Convention but only if its implementation is carefully limited and pursued in a manner that does not hinder any legitimate activities of persons

belonging to national minorities. In this connection, the Advisory Committee also underlines that the potential of other existing legislation in this sphere could be better utilised through more effective monitoring and investigation of “hate crimes” and other related problems.

The Advisory Committee regrets that there have been some cases of vandalism of cemeteries and religious sites of minorities, notably those of Jews, in various parts of the Russian Federation. The Advisory Committee welcomes the statements made by the federal authorities against such acts and expresses the wish that the authorities pay careful attention to the prevention as well as investigation and prosecution of such incidents.

The Advisory Committee notes that the recent terrorist attacks, as well as the conflict in Chechnya, have in some cases hardened societal attitudes towards Muslims. The Advisory Committee welcomes the fact that the authorities recognise this as a matter of concern and considers that increasing attention should be paid to the prevention of inter-confessional tension and that the on-going initiatives of such nature should be expanded and consolidated further.

In respect of Article 6

The Advisory Committee *finds* that a spirit of tolerance and inter-ethnic dialogue generally prevails in a number of regions of the Russian Federation, but, at the same time, serious problems have emerged in other regions in inter-ethnic relations. It *considers* that the expansion of initiatives to promote and facilitate inter-ethnic dialogue is needed, including at the local level.

The Advisory Committee *finds* that the conflict in Chechnya has contributed to actions and attitudes that do not reflect the principles contained in Article 6 of the Framework Convention. It notes that societal attitudes towards persons belonging to specific national minorities are extremely negative and that violent attacks on persons belonging to the aforementioned minorities have taken place. At the same time, there appears to be some reluctance within the law-enforcement bodies to acknowledge and examine these problems, including within their own ranks. The Advisory Committee *considers* that the authorities should increase the vigour with which these incidents are investigated and prosecuted and expand human rights training activities in this sphere for law-enforcement officials.

The Advisory Committee *finds* that some politicians have made statements strengthening negative stereotypes concerning persons belonging to specific national minorities and that some regional authorities have associated themselves with organisations whose representatives have undermined inter-ethnic relations in the areas concerned. It *considers* that both federal authorities and the authorities of all the regions concerned need to counter manifestation of intolerance more vigorously and consistently.

The Advisory Committee *finds* that a number of media outlets continue to report on issues pertaining to certain national minorities in a manner that undermines tolerance and inter-ethnic dialogue. It *considers* that the authorities need to take a more comprehensive approach to counter reporting of this kind and that, in addition to the full implementation of the relevant legislative provisions, further training initiatives on reporting concerning minorities would be needed.

The Advisory Committee *finds* that a new federal law has been adopted on preventing extremist activities. It *considers* that the implementation of this law needs to be limited and pursued in a manner that does not hinder any legitimate activities of persons belonging to national minorities.

The Advisory Committee *finds* that there have been some cases of vandalism of cemeteries and religious sites of national minorities and *considers* that the authorities should pay careful attention to the prevention as well as investigation and prosecution of such incidents.

The Advisory Committee *finds* that the recent terrorist attacks as well as the conflict in Chechnya have in some cases hardened societal attitudes towards Muslims and *considers* that increasing attention should be paid to the prevention of inter-confessional tension and that the on-going initiatives of such nature should be expanded and consolidated further.

31. SAN MARINO

As is mentioned in the Report, San Marino has experienced the phenomenon of immigration in recent years. The Advisory Committee thus attaches importance for the authorities to promote a spirit of tolerance and mutual respect between all persons living on the territory of San Marino.

32. SERBIA AND MONTENEGRO

The Advisory Committee notes with satisfaction that Article 56 of the Union Charter of Human Rights and Minority Rights and Civil Freedoms underlines the importance of promoting tolerance in education and other contexts and that the authorities have, on a number of occasions, emphasised the need for tolerance and for intercultural dialogue. Such messages are of utmost importance in Serbia and Montenegro, where inter-ethnic relations are still seriously affected by the aggressive policies of the past regime and the legacy of the resulting conflicts (see also General comments above). It is of utmost importance that this approach is consistently reflected in the statements and acts of authorities, including those operating at the local level. In addition to the authorities, a constructive stance by other relevant actors, such as the religious institutions operating in Serbia and Montenegro, is essential to solidify a spirit of tolerance and intercultural dialogue.

While violence against persons belonging to national minorities has decreased significantly in recent years and is not sanctioned by the current political leaders, certain disconcerting instances of hostility are still reported. Such manifestations of hostility have on a number of occasions been targeted at Roma but also at Croats and persons belonging to other national minorities. The Advisory Committee is deeply concerned about the tension that remains in some parts of Serbia and Montenegro that have recently experienced a conflict, notably in Southern Serbia, where, despite a range of commendable efforts of the authorities and marked progress, violent incidents have recently been reported. Furthermore, it notes with concern that certain manifestations of tension between Serbs and Bosniacs – rightly denounced by the authorities – have been reported in Sandzak.

Against this background, the Advisory Committee finds initiatives aimed at promoting a spirit of tolerance and intercultural dialogue – such as the media campaign “Tolerance” launched in 2001 – highly valuable. There is a need to strengthen and expand further such initiatives, including at the regional and local level, with a view to increasing the public’s appreciation of and respect for the diversity that exists in Serbia and Montenegro.

The Advisory Committee notes that problems in the implementation of Article 6 have not solely involved relations between a national minority and the majority but that there have, occasionally, been tensions also between different minority communities. In particular, displaced Roma from Kosovo have at times met with resentment as they have moved to regions inhabited by persons

belonging to other national minorities. The Advisory Committee believes that there is a clear need to launch initiatives that, instead of concentrating on one national minority only, are inclusive and promote inter-cultural dialogue between various minorities as well as with the majority population.

One forum that could be used to promote such inclusive exchanges and initiatives is the “Federal” Council of National Minorities, envisaged in Article 18 of the federal Law on the Protection of Rights and Freedoms of National Minorities, including representatives of various national minority councils. The Advisory Committee therefore urges the authorities to set up the said body as a matter of priority. Also, the local level councils for inter-ethnic relations envisaged in Article 63 of the Law on Local Self-Governance of the Republic of Serbia could develop into tools for the promotion of the principles contained in Article 6 of the Framework Convention, but this will largely depend on the composition and working-methods of the councils, which are to be decided upon at the municipality level.

The Advisory Committee stresses that the performance of the police and other law-enforcement authorities on issues related to national minorities merits particular attention. The Advisory Committee is concerned about reports indicating that some law-enforcement officials have prejudices against persons belonging to national minorities, including Roma, and about the resulting lack of confidence in these authorities that seems to be rather common amongst some national minorities. There is an apparent need to increase sensitivity of these issues within law-enforcement authorities and to ensure that ethnic discrimination and other problems faced by persons belonging to national minorities are addressed more vigorously. The Advisory Committee welcomes in this connection the information received from the Ministry of Interior of Serbia that new instructions concerning police ethics emphasise the principles of non-discrimination and the protection of national minorities. Furthermore, it is imperative to ensure adequate police training as well as mechanisms to supervise the work of law-enforcement, bearing in mind, *inter alia*, that there have been allegations of abuse of Roma committed by law-enforcement officials.

The Advisory Committee notes with satisfaction that the introduction of a multi-ethnic police force in Southern Serbia has, despite a range of challenges, largely been considered an important initiative for the inter-ethnic relations in the area, and the Advisory Committee urges the authorities to consider similar measures in other relevant regions in Serbia and Montenegro (see also related comments under Article 15 below).

Furthermore, the Advisory Committee considers that in order to create an atmosphere of mutual respect and co-operation it is essential that the past practices of hostility and violence towards persons belonging to national minorities, including alleged cases of serious human rights violations by the law-enforcement authorities, are addressed in an adequate manner, without further undue delays. This concerns, *inter alia*, the reported police violence and other incidents against persons belonging to the Bosniac minority in Sandzak during the Milosevic regime. Similarly, the Advisory Committee considers it essential for the implementation of Article 6 of the Framework Convention that the issue of addressing war crimes, both through the domestic courts and through co-operation with the International Tribunal for the former Yugoslavia, as well as questions relating to missing persons, are treated by the authorities increasingly effectively.

In the field of media, there have reportedly been certain improvements in the reporting pertaining to national minorities and some promising initiatives to give balanced coverage for minority issues have been launched in selected mainstream media. In spite of these positive developments, some print and electronic media still report in a manner that strengthens existing negative stereotypes of certain national minorities, in some cases amounting to incitement to racial hatred. The Advisory Committee notes that there have been only a few convictions on the basis of criminal law provisions

on the incitement to national, racial and religious hatred, and it considers that the authorities should pay careful attention to the implementation of these provisions. Furthermore, the Advisory Committee believes that local NGO monitoring of the reporting on issues pertaining to national minorities is of particular importance in curbing such tendencies.

The role of a legitimate Broadcasting Council is also essential in ensuring balanced reporting on minority issues, and therefore the Advisory Committee regrets the persistent delays in the launching of the operations of the said body in Serbia. At the same time, it welcomes the fact that the coalition of NGOs dealing with the protection of national minorities has a representative on the Council of Public Service Radio and TV of Montenegro in accordance with the by-laws of the said body.

The Advisory Committee is deeply concerned about the phenomenon of human trafficking and its negative impact on the protection of persons belonging to national minorities. While reliable data is difficult to obtain in this domain, the authorities of Serbia and Montenegro note that Roma women are often victims of human trafficking and other sources suggest that Roma children are trafficked through Serbia and Montenegro. The Advisory Committee finds it essential that decisive measures are taken to prevent, investigate and prosecute such cases, including on the basis of the criminal law provisions pertaining to trafficking introduced recently, and that initiatives are launched to raise awareness of these issues amongst Roma women and other potential victims and to protect the victims.

The Advisory Committee is concerned about the vandalism of Jewish religious sites and other manifestations of anti-semitism that have been reported in Serbia and Montenegro. The Advisory Committee appreciates the fact that the authorities have clearly denounced cases of this nature and it calls on them to pay particular attention to the prevention as well as investigation and prosecution of such incidents.

In respect of Article 6

The Advisory Committee *finds* that inter-ethnic relations are still seriously affected by the aggressive policies of the past regime and certain disconcerting instances of hostility against persons belonging to national minorities are reported. The Advisory Committee *considers* that promotion of tolerance should be consistently reflected in the statements and acts of authorities and other relevant actors and that initiatives aimed at promoting a spirit of tolerance and intercultural dialogue need to be expanded further, through, *inter alia*, the local level councils for inter-ethnic relations and the “Federal” Council of National Minorities.

The Advisory Committee *finds* that there is a need to ensure that ethnic discrimination and other problems faced by persons belonging to national minorities are addressed with increasing vigour by the law-enforcement authorities and *considers* that such important initiatives as the introduction of a multi-ethnic police force in Southern Serbia should be expanded further.

The Advisory Committee *finds* that in order to create an atmosphere of mutual respect and co-operation it is essential that the past practices of hostility and violence towards persons belonging to national minorities are addressed in an adequate manner and it *considers* that these issues need to be treated by the authorities increasingly effectively.

The Advisory Committee *finds* that some media report in a manner that strengthens existing negative stereotypes of certain minorities. The Advisory Committee *considers* that the authorities should pay increased attention to the implementation of the provisions on the incitement to national, racial and religious hatred and that local NGO monitoring and the launching of activities of a

legitimate Broadcasting Council are also essential in ensuring balanced reporting on minority issues.

The Advisory Committee *finds* that human trafficking has a negative impact on the protection of persons belonging to national minorities in Serbia and Montenegro, and the Advisory Committee *considers* it essential that decisive measures are taken to prevent, investigate and prosecute such cases and to protect the victims as well as to raise awareness of these issues amongst Roma women and other potential victims.

The Advisory Committee *finds* that certain manifestations of anti-semitism have been reported in Serbia and Montenegro and *considers* that particular attention should be paid to the prevention as well as investigation and prosecution of such incidents.

33. SLOVAK REPUBLIC

The Advisory Committee notes with satisfaction that there has been a significant improvement in attitudes towards the Hungarian minority and that there is an attempt to improve attitudes also towards Roma. Nevertheless, the Advisory Committee finds that a certain lack of a spirit of tolerance and of intercultural dialogue underlines many problems raised in the present opinion. In particular, the Advisory Committee is convinced that a fuller understanding of Roma culture by the public at large and by officials, which can only be gained if Roma themselves are willing to provide input, would help to counter discriminatory acts and attitudes. In this connection, the Advisory Committee also notes that studies suggest that the attitudes of the majority towards the Hungarian minority are most positive in the regions where Hungarians constitute a relatively high proportion of the population and where there is constant interaction between the majority and the said minority. With a view to the foregoing, the Advisory Committee believes that it would be helpful to design further initiatives aimed at promoting inter-cultural dialogue and welcomes related plans that are already underway.

In the field of media, the Advisory Committee is concerned about the fact that certain outlets report in a manner that strengthens existing negative stereotypes of minorities, in particular of Roma. The Advisory Committee is of the opinion that support for journalists' professional exchange programmes and other measures aimed at promoting accurate and balanced reporting on minority questions would be helpful, bearing in mind freedom of expression and the principles contained in the Committee of Ministers' Recommendation No. R (97) 21 on the Media and the Promotion of a Culture of Tolerance.

The Advisory Committee welcomes the fact that the Government has, on a number of occasions, called for increasing tolerance in society. The Advisory Committee, however, regrets that such a stand is not consistently reflected in statements of officials on specific issues and that, for example, in connection with the discussion on Roma who left Slovakia to seek asylum, some senior officials challenged *en masse* the stated motivations of these individuals and thereby possibly contributed to the climate of intolerance in Slovakia.

The Advisory Committee is concerned about the continuing occurrences of racially motivated violent crime, often targeted at Roma but also at other ethnic groups, including persons belonging to small immigrant groups. The situation is exacerbated by the fact that, as is recognised by the Government, most of these offences are not reported to police authorities. This regrettably low rate of reporting reflects, at least partially, a prevailing mistrust between police and the minorities concerned and the negative attitudes that many police officers are perceived to have towards these

minorities, which in its most extreme and disturbing form has allegedly amounted to abuse of minorities by the police themselves, as reported *inter alia* by the European Commission against Racism and Intolerance (ECRI) in its Second Report on Slovakia, adopted on 10 December 1999. The Advisory Committee therefore considers that further efforts should be made to improve relations between the police and national minorities and to foster tolerance within the police. Furthermore, the Advisory Committee notes with satisfaction that the above-mentioned Strategy recognises related training needs in the Police, and the Advisory Committee finds it important that the Ministry of Interior pays particular attention to the implementation of this task.

The Advisory Committee welcomes the commitment made by the Minister of Interior to increase the vigour with which racially motivated crime is investigated and prosecuted. The Advisory Committee expresses the hope that this commitment will be fully implemented in practice. This increased emphasis is clearly needed since relatively few cases of racially motivated crime that eventually reach the police have at times been addressed in a manner that, in the opinion of the Advisory Committee, is problematic from the point-of-view of the Framework Convention. In particular, police appear to be over-hesitant to qualify alleged crime as racially motivated. The Advisory Committee believes that further measures should be considered to address this issue (including in the context of the analysis mentioned above under Article 4). If necessary, such measures could include amending existing legislation with a view to ensuring that Roma, as well as other minorities, are fully and consistently protected against crime committed as a result of their ethnic identity.

In respect of Article 6

The Committee of Ministers *concludes* that certain media outlets report in a manner that strengthen existing negative stereotypes of minorities and *recommends* that Slovakia consider support for journalists' professional exchange programmes and other measures aimed at promoting accurate and balanced reporting on minority questions, bearing in mind freedom of expression and the principles contained in the Committee of Ministers' Recommendation No. R (97) 21 on the Media and the Promotion of a Culture of Tolerance.

The Committee of Ministers *concludes* that the Government has unequivocally denounced certain manifestations of intolerance and *recommends* that Slovakia continue to react, in an appropriate manner, to such manifestations.

The Committee of Ministers *concludes* that there are problems related to the implementation of non-discrimination legislation and it *recommends* that Slovakia monitor and react to cases of discrimination in a more effective manner.

The Committee of Ministers *concludes* that racially motivated violent crime continue to occur in Slovakia and that most of these offences are not reported to police authorities. The Committee of Ministers *recommends* that Slovakia increase its efforts to improve relations between the police and national minorities and to foster tolerance within the police.

The Committee of Ministers *concludes* that police appear to be overly hesitant to qualify alleged crime as racially motivated and *recommends* that Slovakia implement its plans aimed at increasing the vigour with which racially motivated crime is investigated and prosecuted.

34. SLOVENIA

While persons belonging to the Hungarian and Italian minorities reportedly live in harmony with the majority population, the situation of the Roma minority and many other ethnic communities is less satisfactory.

Although a certain improvement has been noted in recent years, the Advisory Committee notes the persistence of attitudes of rejection and hostility towards the Roma on the part of the majority population, especially in the Dolenjska region where, in a historical perspective, they have settled more recently than in the Prekmurje region. It appears that on several occasions residents have organised petitions against the presence of Roma families or petitions requesting their departure, sometimes without the local authorities having sufficiently reacted to reduce tensions. In some cases, Roma families have had no option but to leave as a result of neighbourhood pressure.

Some representatives of the Roma minority report, in addition to the above-mentioned acts of discrimination in housing, the persistence of discriminatory practices on the labour market and in education (see comments relating to Article 12). Although such cases rarely lead to proceedings before the Ombudsman or in the courts, the Advisory Committee considers that the Government should take steps to assess their frequency with greater precision and to adopt the necessary measures to remedy these, especially by raising awareness of Roma culture. The Advisory Committee also draws attention to its comments on the need to complete the legal framework in order to fight all forms of discrimination (see related comments under Article 4).

In the field of media, the Advisory Committee notes that some newspapers continue to draw on negative stereotypes contributing to hostile attitudes towards the Roma minority, certain ethnic communities and to immigrants and refugees in general. The Advisory Committee recalls in this context that Article 6 of the Framework Convention has a wide personal scope of application covering also immigrants, refugees and persons belonging to other groups not traditionally resident in the country concerned.

In view of this situation, the Advisory Committee invites the Slovene authorities, bearing in mind the principles contained in Committee of Ministers' Recommendation (97) 21 on the media and promotion of a culture of tolerance, to step up their efforts to raise the media's awareness of the need for fair articles about minorities, with due respect for the media's editorial independence. These measures seem particularly necessary since in Slovenia media self-regulation procedures would need to be further developed.

The Advisory Committee stresses that, according to credible sources of information, the German-speaking minority is still subject to various forms of hostility and intolerance on account of deep-rooted historical prejudices. It considers that the authorities should pay more attention to this problem and enhance a spirit of tolerance towards persons belonging to this minority.

The Advisory Committee welcomes the fact that, in accordance with the Ministry of Culture's guidelines for funding the cultural programmes of ethnic communities other than the Hungarian, Italian and Roma minorities, a programme designed for these other communities was introduced in 1992 in line with Article 61 of the Constitution. This programme, which *inter alia* allows publishing activities and broadcasting in the languages of these communities to be funded, is open to a large number of groups, including those made up of non-Slovenes from former Yugoslavia. This programme deserves stronger support, as it is instrumental to the promotion of the intercultural dialogue.

The Advisory Committee notes that representatives of the Serbian, Croatian and Macedonian communities have expressed an interest in obtaining greater support from the authorities in the field of printed media, radio and television programmes and teaching of their languages. Although, according to information provided by the Ministry of Culture, few, if any, formal requests for support in the field of media are made by non-Slovenes from former Yugoslavia, the Advisory Committee considers that the Slovene authorities should pay more attention to non-Slovenes from former Yugoslavia so as to better identify their cultural needs and address them more appropriately.

The Advisory Committee is of the opinion that the Government should pay more attention to requests from non-Slovenes from former Yugoslavia and from persons belonging to the German-speaking minority for support for the development of teaching of their languages within the school system. For these persons such a teaching is a key to the preservation of their identity. The Advisory Committee accordingly welcomes the already existing facilities for teaching the Macedonian language in some schools but notes that such facilities are apparently rarely if ever available for Serbs and Croats although the latter groups are far more numerous (see related comments under Article 13).

The Advisory Committee notes the repeated unsuccessful requests by persons belonging to the Muslim community to build a mosque in Slovenia and it encourages the authorities to address this issue.

In respect of Article 6

The Advisory Committee *finds* that there are persisting attitudes of rejection and hostility towards the Roma on the part of the majority population, especially in the Dolenjska region. It also *finds* that representatives of this minority report about discrimination in housing, as well as discriminatory practices on the labour market and in education. The Advisory Committee *considers* that the Government should take steps to assess their frequency with greater precision and to adopt the necessary measures to remedy these, especially by raising awareness of Roma culture.

In the field of media, the Advisory Committee *finds* that some newspapers continue to draw on negative stereotypes contributing to hostile attitudes towards the Roma minority, certain ethnic communities and to immigrants and refugees in general. It *considers* that the authorities should step up their efforts to raise the media's awareness of the need for fair articles about minorities, with due respect for the media's editorial independence.

The Advisory Committee *finds* that credible sources of information report that the German-speaking minority is still subject to various forms of hostility and intolerance on account of deep-rooted historical prejudices. The Advisory Committee *considers* that the authorities should pay more attention to this problem and enhance a spirit of tolerance towards persons belonging to this minority.

The Advisory Committee *finds* that representatives of the Serbian, Croatian and Macedonian communities have expressed an interest in obtaining greater support from the authorities in the field of the printed media, as well as for radio and television programmes. It *considers* that the authorities should pay more attention to these groups so as to better identify their cultural needs and address them more appropriately. It also *considers* that the authorities should pay more attention to requests from these groups and from persons belonging to the German-speaking minority for support for the development of teaching of their languages within the school system.

35. SPAIN

In the light of the information available to it, the Advisory Committee believes that Spanish society is characterised by a general climate of mutual tolerance, respect and understanding. The Advisory Committee is however concerned by the persistence, both among the population and on the part of certain authorities, of attitudes of rejection or hostility towards certain persons, especially Roma and, despite some improvement in the situation recently, immigrants, particularly Africans. The Advisory Committee points out in this connection that the scope of application of Article 6 of the Framework Convention is wide and that it also covers immigrants, refugees and persons belonging to other groups which have not lived traditionally in the country in question.

The Advisory Committee welcomes the fact that media coverage of questions linked to racism and xenophobia has been constantly monitored in recent years, particularly by non-governmental organisations, but notes that their reports mention persistent shortcomings in this field. These reports state, *inter alia*, that instead of helping vulnerable groups to integrate into Spanish society, certain media continue to present information in such a manner as to reinforce existing negative stereotypes with regard to such groups. Thus Roma representatives believe that the negative image often associated with the Roma identity is in part due to the media, which continue to convey images of marginality and delinquency in respect of them. The Advisory Committee recalls in this connection the principles laid down in Committee of Ministers Recommendation No. 97 (21) on the media and promotion of a culture of tolerance, and invites the authorities to take them into account when taking action.

The Advisory Committee welcomes the measures already taken by the authorities to foster a climate of tolerance and intercultural dialogue. For example, it welcomes the specific training given to professionals working with Roma and the agreements entered into by certain administrations with the media concerning media treatment of these issues, as well as consciousness-raising among research institutes and State cooperation with the NGOs working in this field. The Advisory Committee also notes the publication and broad distribution of a series of periodic reports on intolerance in Spain as part of a wide-ranging project launched in 1999. Similarly, it takes note of the campaign to foster intercultural coexistence and combat racism and xenophobia launched in 2002 by the Institute for Migration and Social Services. However, it needs to be pointed out that, despite these actions, studies and public opinion polls still reveal the persistence of racist and xenophobic attitudes in Spain. The Advisory Committee considers that additional efforts are needed in this field and urges the authorities to address more suitable measures to the circles concerned.

As far as education is concerned, the Advisory Committee welcomes the introduction into secondary education of a compulsory subject covering diversity and intercultural dialogue. At the same time, the Advisory Committee encourages the review of the whole school curricula with a view to ensuring that it properly reflects the cultural diversity of the Spanish society.

The Advisory Committee takes note of the closure in February 2003 of the only daily newspaper published wholly in the Basque language (“Euskaldunon Egunkaria”), in the context of an investigation into possible links between members of its editorial board and terrorist circles. The Advisory Committee is of the opinion that the authorities should demonstrate a balanced approach and take all necessary precautions in such circumstances in order to ensure that the measures taken are proportionate to the aim pursued. In the Advisory Committee’s opinion, it is vital, when such measures are taken, to preserve the spirit of tolerance, intercultural dialogue and mutual respect in which the media, like culture and education, are a fundamental factor.

The Advisory Committee notes that there exist in Spain, albeit in isolated cases, "skinheads" and other extremist groups which are clearly active and are at the origin of violent acts of racism and incite such acts via the Internet or by other means. The Advisory Committee notes that certain sources report an increase, in recent years, in the number of members or sympathisers of these movements. The Advisory Committee considers that the authorities should pay special attention to this phenomenon and endeavour to counter it through appropriate preventive measures and sanctions.

The Advisory Committee observes at the same time that official information on the number of racially or ethnically motivated acts of violence is insufficient, and urges the authorities to take additional measures in order to ensure that this information is properly gathered and processed. Nevertheless, instances of violence committed by persons belonging to the local majority against members of minority communities (Roma or immigrants from Africa), and even public statements reflecting a xenophobic attitude on the part of members of local authorities, are still being reported in practice, albeit more and more infrequently (see also the comments in respect of Article 4 above). There are also reports of instances of religious intolerance which have led in some cases to incidents with the local population, particularly in connection with the building of mosques. The Advisory Committee is concerned by these events and urges the authorities to take all necessary steps to counter them.

The Advisory Committee is deeply concerned about reports of persistent hostile and abusive behaviour (checks on a discriminatory basis, verbal and/or physical insults and violence) by members of the police forces against Roma, which, if true, would not be compatible with Article 6 of the Framework Convention. Furthermore, in relation to aliens, *inter alia* in Ceuta and Melilla, allegations of procedural irregularities, inconsistent application of relevant legislation and ill treatment by certain police officers, have been made. The Advisory Committee is especially concerned by cases in which these irregularities affect unaccompanied children. The Advisory Committee urges the Government to identify suitable remedies to the dysfunctions reported, including through the overall programme to regularise and coordinate questions relating to foreign residents and immigration into Spain, adopted in March 2001.

The Advisory Committee is also concerned at the dysfunctions which, according to some sources, are reported in the investigation of these abuses by the police, in the rare cases where complaints are lodged. The Advisory Committee is of the opinion that in order to combat these phenomena, the authorities should step up training in human rights and multiculturalism in the police forces, including by encouraging recruitment into the police of persons from the most vulnerable groups, particularly Roma. It is moreover essential to strengthen the existing supervisory mechanisms and make sure that independent monitoring mechanisms are also available.

The Advisory Committee further notes that, as compared with the number of incidents of racial discrimination reported by various sources, a racial motive for acts committed is recognised in very few cases coming before the courts. The Advisory Committee urges the Government to take all necessary measures to increase awareness of these problems among those working in the justice system (see also the comments in respect of Article 4 above).

In respect of Article 6

The Advisory Committee *finds* that attitudes of rejection or hostility towards Roma and immigrants are still found among the population, as well as in the media and on the part of certain authorities. The Advisory Committee also *finds* that, although they are increasingly rare, racially or ethnically

motivated acts of violence continue to be reported by various sources. The Advisory Committee *considers* that further steps are required in order to remedy these shortcomings, with regard both to the gathering and processing of relevant information and to awareness raising in the relevant circles such as the media, the police and the courts. With regard to the work of the police, the Advisory Committee *considers* it essential to strengthen the existing supervisory mechanisms and make efforts to ensure the existence of independent monitoring mechanisms.

36. SWEDEN

The Advisory Committee notes that a spirit of tolerance generally prevails in Sweden including as regards persons belonging to national minorities. Whereas in the past there were some negative attitudes towards Swedish Finns, the situation today is in this respect markedly better. However, shortcomings remain, including as regards attitudes *vis-à-vis* Roma and Sami.

The Advisory Committee notes with concern that, as is recognised in the Government's Action plan to combat racism, xenophobia, homophobia and discrimination, Roma are the victims of strong prejudice in Sweden. Regrettably, certain media have contributed to this state of affairs by reporting on Roma in a manner that only strengthens negative stereotypes, although such reporting appears to be decreasing. It is therefore commendable that the Government has funded journalists' training on diversity and that the Ombudsman against Ethnic Discrimination has pursued specific initiatives on Roma and media.

A report commissioned by the Ombudsman against ethnic Discrimination in 1998 suggested that a high number of Sami considered Swedish society to be hostile towards them. The Advisory Committee is concerned that in northern Sweden inter-ethnic relations between Sami and non-Sami appear subsequently to have deteriorated further in some areas and certain incidents of hostility towards Sami have been reported. The Advisory Committee understands that these problems are often related to the sensitive issue of land-use and that they stem partially from the continuous lack of legal clarity in this sphere. Therefore, the Advisory Committee recalls the importance of urgent action on the part of the authorities to address the issues pertaining to the use of land in the area (as detailed above under Article 5). Furthermore, there is a clear need for additional initiatives to encourage inter-ethnic dialogue in the areas concerned. The Advisory Committee therefore welcomes the launching by the authorities in 2001 of an information campaign on the Sami and their culture, which could be of use in this context, especially if it includes confidence-building projects bringing together both Sami and non-Sami. The Advisory Committee also welcomes similar initiatives that have recently been launched to raise awareness of cultures of other national minorities, including Roma.

Sweden has introduced important initiatives to promote respect for and understanding of the culture and traditions of the Jewish minority, including the framework of the "Living History" project. There is however some anti-semitism in Sweden, and according to representatives of the Jewish community there has recently been an increase in anti-semitic vandalism and other similar incidents. The Advisory Committee is concerned about such information and encourages the law-enforcement authorities throughout Sweden to pursue their efforts to prevent and address such cases.

The Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, also covering asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned. The Advisory Committee notes with concern that intolerance towards some immigrants and asylum-seekers appears rather common and that there

have been cases of violence and other manifestations of hostility towards persons belonging to these minorities, despite the fact that a number of initiatives have been launched by the authorities to improve the situation. There are also reports suggesting that islamophobic incidents increased following the events of 11 September 2001. It is particularly regrettable that negative attitudes are also targeted at children: a recent study of the National Board of Education on relations in schools (Rapport 2002-11-12) suggests that a rather large percentage of children with foreign backgrounds experience ethnic insults in schools in Sweden. The Advisory Committee urges the authorities to continue to address these problems as a matter of priority, including by fully implementing and monitoring the relevant initiatives contained in the National action plan to combat racism, xenophobia, homophobia and discrimination.

The Advisory Committee is of the opinion that the attitudes and actions of law-enforcement officers are of particular relevance for the implementation of the principles of Article 6 of the Framework Convention. It is therefore concerned about reports suggesting that in some areas police pursue their work in a manner that unduly target Roma. This is likely to limit further the confidence placed by Roma in the work of law-enforcement bodies. The Advisory Committee considers that there is a need to examine these reports carefully and to ensure that initiatives in this sphere are taken in consultation with representatives of Roma. Where necessary, increased training and other initiatives aimed at ensuring that the standards of the Framework Convention are consistently taken into account in the work of law-enforcement bodies could also be introduced.

In respect of Article 6

The Advisory Committee *finds* that despite the generally prevailing spirit of tolerance as regards persons belonging to national minorities, there remain shortcomings as regards attitudes *vis-à-vis* Roma, Sami and Jews. It *considers* that the authorities should encourage further confidence-building dialogue and introduce additional training and other appropriate initiatives in the media, law-enforcement and other pertinent fields to address these concerns.

The Advisory Committee *finds* that intolerance towards some immigrants and asylum-seekers appears rather common and there have been manifestations of hostility towards these persons. It *considers* that the authorities should continue to address these problems as a matter of priority.

37. SWITZERLAND

In the light of the contacts which it had during its visit to Switzerland and based on the information at its disposal, the Advisory Committee notes with satisfaction that a large measure of tolerance is characteristic of relations between German-, French-, Italian- and Romanche-speakers. The Advisory Committee however recalls that the personal scope of Article 6 of the Framework Convention is wide and that it also includes persons belonging to other groups that have not been traditionally residing in the country concerned, including non-citizens, refugees and asylum-seekers.

The Advisory Committee notes that manifestations of anti-Semitism, which underwent a certain resurgence in the late 1990s against the background of claims for the restitution of funds in dormant bank accounts belonging in particular to Jews who were victims of the Shoah, appear today rather isolated. The Advisory Committee takes note of the numerous measures which have already been taken by the authorities to combat these manifestations and encourages them to remain vigilant in this regard.

The Advisory Committee notes with concern that Travellers are not yet regarded by the population as being an integral part of Switzerland. This manifests itself by widespread ignorance of the – albeit centuries old – tradition of their presence in the country and of the essential elements of their identity. Numerous representatives of the Travellers assert that there is a lack of official recognition of their existence and that all too often there is a lack of respect for them on the part of some authorities. They also point out that they are the subject of negative stereotypes in some of the media. The Advisory Committee deplores the persistence of stereotypes and other clichés when municipal referenda are held on the establishment of stopping places. If these stereotypes are not vigorously fought against by the authorities, all too often they result in a refusal to create such places, as witness recent instances in French-speaking Switzerland.

Against this background, the Advisory Committee considers that the Swiss authorities, in consultation with those concerned, should design and launch new measures, in particular in the field of education and with regard to public information in general. Such measures should make the population aware that the Travellers constitute an integral part of Switzerland and that they too, through their culture and history, contribute to the cultural wealth of the country.

As far as public opinion is concerned, there is a tendency to associate asylum seekers with crime and, more specifically with drug trafficking, and to overestimate the financial burden which they represent. This type of erroneous perception is occasionally strengthened by certain statements made by politicians. While noting that there is a significant proportion of asylum-seekers in Switzerland, the Advisory Committee takes the view that the authorities should further their measures designed to secure balanced information of the public about all matters connected with asylum, as they did recently in connection with the vote of 24 November 2002 on the last popular initiative in this field.

As regards combating racism and intolerance, the Advisory Committee notes with satisfaction the positive role played by the Federal Commission against Racism and the recent creation of a Service for Combating Racism, attached to the Federal Department of Home Affairs. It urges the authorities to give all necessary support to those bodies and to consider with due attention the proposals that they make in order to step up the fight against racism and intolerance. The authorities should also step up their efforts to raise awareness so as to combat prejudice about persons different from the majority population, in particular non-citizens and asylum seekers.

The Advisory Committee welcomes the fact that the Federal Government has presented to Parliament a draft for the revision of the Nationality Act which would provide for a right of appeal against arbitrary or discriminatory decisions on naturalisation, and the fact that the said draft has been favourably received by the competent parliamentary committee. The Advisory Committee expresses the hope that this right of appeal will rapidly enter into force, and considers that the competent authorities, at all levels, should seek to improve the functioning of naturalisation procedures in Switzerland without delay. The present situation gives indeed rise to concerns from the point of view of Article 6(2) of the Framework Convention: generalised refusals to grant naturalisation to applicants from certain countries have been reported in recent years at the time of ballots held in certain municipalities. Such instances can but seriously affect the spirit of tolerance, intercultural dialogue and mutual respect and understanding. They are also problematic from the point of view of the prohibition of discrimination, since an applicant who considers that his or her request for ordinary naturalisation has been rejected in a discriminatory or arbitrary manner has, in the very great majority of cantons (and consequently before the Federal Tribunal as well), no legal remedy permitting the respect for his or her fundamental rights to be reviewed.

In respect of Article 6

The Advisory Committee *finds* that a large measure of tolerance is characteristic of relations between German -, French-, Italian- and Romanche-speakers, but that Travellers are not yet regarded by the population as being an integral part of Switzerland. It *considers* that the persistence of stereotypes and other clichés when municipal referenda are held on the establishment of stopping places should be vigorously fought against by the authorities. It also *considers* that new measures should be designed to make the population aware that the Travellers, through their culture and history, contribute to the cultural wealth of the country.

The Advisory Committee *finds* generalised refusals to grant naturalisation to applicants from certain countries have been reported in recent years at the time of ballots held in certain municipalities. It *considers* that such instances can but seriously affect the spirit of tolerance, intercultural dialogue and mutual respect and understanding. It also *considers* that they are problematic from the point of view of the prohibition of discrimination, especially in the absence of a legal remedy.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Advisory Committee acknowledges that promoting tolerance and intercultural dialogue is a complex task given the impact which the 2001 conflict had on interethnic relations. The Advisory Committee notes in this respect that restoring confidence among the various ethnic groups is among the main aims of the governmental work programme (see also General remarks above) and that this priority is also reflected in the official statements issued by the Government. The Advisory Committee considers that unconditional commitment to tolerance on the part of both national and local authorities is essential: it therefore urges the authorities to continue their efforts and to show relentless determination in their quest to establish a proper dialogue between the different sections of society in the country. It also considers that, as well as the governmental authorities, all policy-makers and prominent public figures should play their part in developing interethnic relations free of tension and insinuation.

The Advisory Committee notes that among the basic principles of the Ohrid Agreement there is included “the need to preserve the multi-ethnic character of Macedonia’s society”. The Advisory Committee notes, however, that the numerical threshold of 20% of the population introduced in the operative parts of the Agreement (Annex A and B) for obtaining an increased level of protection has generated a widespread feeling among many persons belonging to the numerically smaller minorities (in particular Turks, Serbs, Roma, Vlachs and Bosniacs) of being sidelined from the process of development of the society. The Advisory Committee hopes, therefore, that the authorities will make a point of allaying these fears and take the necessary steps to ensure that the numerically smaller minorities are included in the intercultural dialogue.

The Advisory Committee considers that the low level of social interaction in everyday life between the various ethnic groups and in particular, between Macedonians and Albanians, remains a source of deep concern: it appears, indeed, that overall, the different communities are living side by side without necessarily having much contact with one another. The Advisory Committee notes that this has led each community to become more inward-looking, an attitude that is particularly apparent in the education sector (see also under Articles 12 and 14 below).

The Advisory Committee is deeply concerned by the radical reaction displayed by many young Macedonians and Albanians to the plans and measures to introduce integrated education. A number of incidents connected with the introduction of extra classes in Albanian in Macedonian schools or the functioning of ethnically mixed schools have escalated into open conflict, polarising young

people along ethnic lines. These displays of intolerance and this rejection of mixed education have been condemned by the authorities. It is, however, essential, in the view of the Advisory Committee, that the authorities consider what can be done at both local and national level, in the short and long term, to counter this problem and foster mutual understanding. The Advisory Committee considers it important that the measures envisaged in this area be accompanied by some effort to explain the objectives pursued and discuss how they are to be achieved. The Advisory Committee believes that, by encouraging debate, such an approach would help to counter the perception, still widespread within the majority community, that any moves to address the specific needs of a particular community in the education sector means an erosion of the rights and resources enjoyed by the majority population.

As mentioned in connection with Article 4 above, the Advisory Committee finds that the Roma are still discriminated against in numerous areas (notably housing, education, employment, access to social assistance) and are the victims of prejudice, including in the media (see also under Article 9 below). The Advisory Committee notes persons belonging to the Egyptian community apparently face similar problems. It considers that the authorities should take all the necessary steps, including under the national strategy for the Roma where relevant, to eradicate discrimination and prejudice of this kind.

The Advisory Committee is deeply concerned about reports of violence and ill-treatment inflicted on persons belonging to minorities (in particular persons belonging to the Roma and Albanian communities) by law enforcement agencies. It is concerned to learn that in most of these cases, proper legal action was not taken. The reasons for this are numerous and include notably the victims' lack of confidence in the police and the justice system. The Advisory Committee urges the authorities to carry out a detailed inquiry into the handling of complaints of police brutality, the way in which investigations are conducted and the prosecutions to which they give rise, and into allegations of prejudice towards certain minorities in the police force and prosecution service. The Advisory Committee further urges the authorities to take the necessary general measures to remedy the failures observed and, in particular, to act on the specific recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment with a view to ensuring that any allegations of ill-treatment are registered by the judge, who should immediately order a medical forensic examination and take the necessary steps to ensure that the allegations are properly investigated .

In these circumstances, the Advisory Committee also notes the importance of measures to recruit and train persons belonging to minorities, which are currently being introduced with the support of the OSCE in order to form a multi-ethnic police force. While the Advisory Committee urges the authorities to continue their efforts along these lines, it also invites the authorities to ensure that all minorities are involved in this exercise and that as well as the existing human rights training, awareness-raising on the cultural, religious and ethnic differences also forms an integral part of the professional training given both to new recruits and to serving police officers (see also under Article 15 below).

As regards the media, the Advisory Committee notes that despite some commendable initiatives such as the setting-up of a Council of Honor by the Association of Journalists to ensure that journalists observe the code of conduct, the image of national minorities conveyed in many sections of the media remains tainted by prejudice and that minority issues frequently receive only biased coverage, thereby contributing to ethnic tension. The attention of the Advisory Committee was also drawn to the fact that in some cases the ethnic origin of persons who have committed crimes is unnecessarily disclosed when the individuals in question belong to the Roma minority. In the light of the incidents mentioned under paragraph 51 and bearing in mind the specific role which the

media have in the promotion a culture of tolerance, the Advisory Committee considers that further training measures should be taken to improve the professionalism and impartiality of the media. The Advisory Committee further notes that rhetoric tantamount to hate speech is seldom prosecuted under Article 319 of the Criminal Code. While aware of the need to respect the freedom of expression and the editorial independence of the media, the Advisory Committee considers it important that the authorities ensure that the provision aimed at combatting hate speech is duly implemented in accordance with Committee of Ministers' Recommendation No. (97) 20 on "Hate Speech".

The Advisory Committee finds that, generally speaking, religious tolerance prevails in the country. In view, however, of reports of tension between the Macedonian and Serbian orthodox churches, the Advisory Committee urges the authorities to exercise vigilance in order to ensure full respect for freedom of religion and in particular of religious communities related to minorities. The Advisory Committee learnt that a draft law on the Church and religious communities is being prepared and hopes that the process leading to the adoption of this law, which should involve representatives of various religious communities, will help to strengthen inter-religious dialogue.

The Advisory Committee notes that "the former Yugoslav Republic of Macedonia" has taken in a large number of Roma, Ashkali and Egyptians who have fled Kosovo in successive waves since 1999. Most of these individuals live with families or, in the case of some of them, in camps near Skopje. Like the local Roma population whom they live alongside, they live in precarious conditions. Because of their uncertain status, they do not have adequate access to a number of fundamental social rights and find themselves relegated to the fringes of society. In these circumstances, the Advisory Committee welcomes the adoption of the Law on Asylum in August 2003, which now provides a legal framework for determining the legal status of non-nationals present in "the former Yugoslav Republic of Macedonia". The Advisory Committee hopes that the implementation of this law will enable persons belonging to this group, on a case-by-case basis, to enjoy a status that affords them equality before the law and equal protection of the law in accordance with Article 4 of the Framework Convention.

In respect of Article 6

The Advisory Committee *finds* that the legacy of the armed conflict is still felt within society and makes the restoration of trust and inter-ethnic understanding more complicated. The Advisory Committee *considers* that both central and local authorities should make sustained efforts to promote tolerance and peaceful interethnic relations.

The Advisory Committee *finds* that there is a low level of interaction between the various ethnic groups, in particular between Macedonians and Albanians, and *considers* that it is essential that the authorities take a range of measures to counter the phenomenon of polarization of the society along ethnic lines, in particular, in the field of education.

The Advisory Committee *finds* that there have been worrying cases of violence and ill-treatment inflicted on persons belonging to minorities, in particular the Roma and Albanians by law enforcement officials and that legal action on such cases is rarely taken. The Advisory Committee considers that the authorities should monitor the situation and fully investigate the handling of complaints of violence and ill-treatment by the police.

The Advisory Committee *finds* that minority issues are given a biased coverage in some media reports. The Advisory Committee *considers* that further measures are needed to increase the media's ability to ensure a balanced reporting of minority issues and that the authorities should pay

increased attention to the implementation of the provisions on incitement to national, racial and religious hatred.

The Advisory Committee *finds* that a number of Roma, Ashkali and Egyptian refugees who have fled from Kosovo are living in extremely poor conditions which relegate them to the fringes of the society. The Advisory Committee *considers* that the implementation of the law on asylum should enable persons belonging to these communities to enjoy a status that gives them equality before and equal protection of the law.

39. UKRAINE

The Advisory Committee notes that, in general, a spirit of tolerance and inter-ethnic dialogue prevails in Ukraine. Nevertheless, disputes related to language issues have caused tension in Ukraine and stirred statements and actions, including by certain politicians that do not reflect the principles contained in Article 6 of the Framework Convention. This pertains in particular to the debates surrounding inter-relations between the Ukrainian language and the Russian language and to the debates on legislative initiatives in this sphere. The Advisory Committee believes that the authorities' attitudes, statements and measures vis-à-vis the language issues can be instrumental in promoting a measured approach to the questions at issue.

The Advisory Committee notes with concern that societal attitudes towards Roma remain negative, and sociological studies suggest that the prejudices towards Roma are markedly more widespread than towards persons belonging to other national minorities. The Advisory Committee believes that it would be helpful to design further initiatives aimed at promoting inter-cultural dialogue between Roma and others.

The Advisory Committee notes with concern that there have been incidents of discrimination and ill-treatment of Roma, including by law-enforcement officials, which have been reported *inter alia* by the Parliamentary Ombudsman. It is also concerned about credible reports about discrimination and hostility, including by law-enforcement officials, concerning asylum-seekers and other persons who have arrived in Ukraine relatively recently. In this connection, the Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, covering also asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned. The Advisory Committee deeply regrets that there appears to be some reluctance within the law-enforcement bodies to acknowledge and examine these problems, and it urges the authorities to increase the vigour with which these incidents are investigated and prosecuted.

The Advisory Committee regrets that there have been some cases of vandalism of religious sites of minorities in various parts of Ukraine. While acknowledging that this is not a widespread phenomenon, the Advisory Committee expresses the wish that the Government continues to pay careful attention to the prevention as well as investigation and prosecution of such incidents. The Advisory Committee also notes that there is a certain amount of inter-confessional tension in Crimea, which merits continuous vigilance from the authorities concerned.

In the media field, the Advisory Committee notes that, despite reported improvements, information is still being presented by some media outlets in a manner, which is likely to strengthen the stereotypes associated with Roma, Jews and persons belonging to certain other minorities. At the same time, the Advisory Committee welcomes the fact that, at least in some instances, sanctions have been imposed upon newspapers publishing anti-semitic articles. The Advisory Committee

considers that training activities should be expanded in this field, bearing in mind the principles contained in Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance.

In respect of Article 6

The Advisory Committee *finds* that a spirit of tolerance and inter-ethnic dialogue generally prevails in Ukraine, but disputes related to language issues have caused tension. It *considers* that the authorities' attitudes, statements and measures *vis-à-vis* the language issues can be instrumental in promoting a measured approach to the questions at issue.

The Advisory Committee *finds* that societal attitudes towards Roma remain negative and *considers* that it would be helpful to design further initiatives aimed at promoting inter-cultural dialogue between Roma and others.

The Advisory Committee *finds* that there are reports of discrimination and ill-treatment, including by law-enforcement officials, of Roma as well as discrimination and hostility concerning asylum-seekers and other persons who have arrived in Ukraine relatively recently. The Advisory Committee *considers* that the authorities should increase the vigour with which these incidents are investigated and prosecuted.

The Advisory Committee *finds* that there have been some cases of vandalism of religious sites of minorities and that there is a certain amount of inter-confessional tension in Crimea. The Advisory Committee *considers* that the authorities should pay careful attention to these issues.

The Advisory Committee *finds* that, despite reported improvements, information is still being presented by some media outlets in a manner, which is likely to strengthen the stereotypes associated with Roma, Jews and persons belonging to certain other minorities. The Advisory Committee *considers* that in order to address this issue, training activities should be expanded in this field.

40. UNITED KINGDOM

The Advisory Committee notes the efforts made by the United Kingdom Government to promote a climate of tolerance, mutual respect and co-operation in general. In particular it recognises the contribution of the Race Relations Act (1976) as well as the Amendment Act (2000) in this process along with the establishment of the Commission for Racial Equality, which has a duty to promote equality of opportunity and good relations between persons of different groups. The Advisory Committee similarly recognises the more recent contribution of the Race Relations (Northern Ireland) Order (1997) and the Commission for Racial Equality for Northern Ireland and its successor the Equality Commission.

The Advisory Committee notes that the central most important development in this area over the recent years has been the follow-up to the Stephen Lawrence Inquiry mentioned under Article 4. This Inquiry was set up to look into matters arising from the death of Stephen Lawrence, who was murdered in Greenwich in April 1993, and to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes.

The Inquiry report was published on 24 February 1999 and went beyond the terms of reference laid down by acknowledging that institutional racism exists not only in the police but also in British institutions generally. The Advisory Committee notes that the Lawrence Inquiry has influenced the debate on racism and discrimination within the United Kingdom in ways which go much further than the immediate police context. In the light of the Inquiry and its 70 recommendations, the Government has adopted an Action Plan overseen by a Steering Group, and in Scotland an equivalent group oversees the Scottish Executive's Action Plan for devolved matters. The Advisory Committee recognises the importance of the Lawrence Inquiry and its follow-up and considers that the Government and the devolved Executives should be encouraged to keep up the momentum created by the Inquiry in tackling institutional racism in the United Kingdom.

The Lawrence Inquiry paid particular attention to reporting and recording of racist incidents and crime. The Advisory Committee takes note that according to the Second Annual Report on Progress (2001) following the Stephen Lawrence Inquiry, there is still a way to go on tackling racist incidents and tackling resistance to embracing the rationale for recording these incidents. In Scotland, the situation is similar. The Advisory Committee therefore encourages the Government to continue to work to improve the reporting and recording of racist incidents.

The Advisory Committee notes that one of the other key areas of concern raised under the Stephen Lawrence Inquiry is the issue of "stop and search" and the disproportionately high number of persons belonging to ethnic minorities (particularly from the African and African Caribbean communities) that are being stopped and searched. While there has been an overall decrease in the "stops and searches" in 1999/2000, it is important that further progress is made if confidence in the police by the ethnic minority communities is to be restored. The need for further work in this area has been recognised in the Second Annual Report on Progress (2001) on the Stephen Lawrence Inquiry as well as by the Scottish Executive Stephen Lawrence Inquiry Steering Group (Review 2001). "Stop and search" has similarly been mentioned as a problem in Northern Ireland by the ethnic minority communities and by the Police Ombudsman for Northern Ireland, in particular in relation to the Irish Travellers. The Advisory Committee therefore urges the Government to continue its efforts to ensure that "stop and search" powers are used fairly and effectively and that persons belonging to ethnic minorities are not disproportionately stopped and searched.

The need for an independent police complaints system has been raised, including as one of the recommendations of the Stephen Lawrence Inquiry. The Advisory Committee notes that the Government is sympathetic to the principle of independent investigation of serious complaints against the police and that there is a current proposal for a new independent body – the Independent Police Complaints Commission with its own investigating teams, independent from the police. The Advisory Committee hopes that once this has been created it will do much to bolster public confidence. The Advisory Committee is similarly encouraged to note that, on the basis of the results of a consultation scheduled to be completed in 2001, the Scottish Executive will introduce an independent element in the police complaints procedure in Scotland.

The Advisory Committee furthermore welcomes the recent establishment of the Police Ombudsman for Northern Ireland. The Advisory Committee notes that the Police Ombudsman's office is now operational and carrying out its mandate and that it has an important role in securing the confidence of all communities in Northern Ireland in the independent examination of complaints about the police.

The Advisory Committee has taken note of the introduction of the Crime and Disorder Act (1998), which creates new offences of racially aggravated violence, harassment and criminal damage. The Act also gives statutory force to the case law, which requires judges to consider evidence of racist motivation for any offence as an aggravating factor in sentencing. The Advisory Committee welcomes this legislation, but notes that the provisions of the Act do not apply to Northern Ireland. This is a matter of some importance to the ethnic minority communities in Northern Ireland who are experiencing an increase in racially motivated incidents. They furthermore fear that these incidents will increase as sectarian violence diminishes. The Advisory Committee therefore encourages the Government to extend these provisions under the Crime and Disorder Act (1998) to Northern Ireland.

The Advisory Committee is concerned about reports it has received about the negative portrayal of some minorities in the media, an issue also discussed in the media itself. The Advisory Committee is concerned about attacks in the media on asylum seekers, which often create a hostile climate towards the ethnic minority communities. The Advisory Committee is also concerned about “Islamophobia” in the media. A further concern of the Advisory Committee is the negative portrayal and anti-Roma / Gypsy and Irish Traveller statements in the media. Taking into account the above concerns, the Advisory Committee notes two possible recourses open to those affected by such negative portrayals in the media. The first is the use of provisions under the Public Order Act (1986) relating to incitement to racial hatred and the second is the use of the Press Complaints Commission.

Under the Public Order Act (1986), it is a criminal offence in Great Britain to incite racial hatred. Part III of the Act prohibits the use of threatening, abusive or insulting words or behaviour with intent or likelihood to stir up racial hatred. The Advisory Committee understands that these provisions are rarely used and that in the year 2000 there were only four charges brought under this legislation. The Advisory Committee understands that some of the reasons that may contribute to this include a reluctance by the Crown Prosecution Services to prosecute, the necessity to have the approval of the Attorney General before prosecuting and the high threshold required for proving an offence.

The Press Complaints Commission has a Code of Practice, which states, under Article 13, that the Press must avoid prejudicial or pejorative reference to a person’s race, colour, religion, sex, or sexual orientation or to any physical or mental illness. The Advisory Committee understands that the Press Complaints Commission is only able to take up complaints when they relate to identified individuals who then themselves complain. This therefore means that there is a vacuum in which press reports that may contain generally pejorative or prejudicial statements, and may be inaccurate, racist and personally harmful to individuals or the group concerned, cannot be objected to, as they are not directed at a particular person.

The Advisory Committee therefore considers that the Government, along with the relevant authorities or bodies, should be encouraged to reflect further on the effectiveness of both the criminal law provisions concerning incitement to racial hatred and also the effectiveness of the Press Complaints Commission in order to reduce inflammatory attacks in the media against certain minorities.

In relation to Roma/Gypsies and Irish Travellers, the Advisory Committee has received calls from different quarters, and in particular from Northern Ireland, on the need for further campaigns and initiatives to raise awareness about these groups, their lifestyle and problems amongst, *inter alia*, the police and the media. The Advisory Committee agrees that further campaigns and initiatives

will not only encourage a greater spirit of tolerance and understanding but that they will also contribute to the further protection of this group from discrimination, hostility and violence. The Advisory Committee is of the opinion that the Government should consider further ways to encourage additional steps in this area.

In respect of Article 6

The Advisory Committee *finds* that in the light of the Stephen Lawrence Inquiry much has been done to tackle institutional racism in the United Kingdom, but that problems persist in areas such as the reporting and recording of racist incidents and crime and in the application of “stop and search” of persons belonging to ethnic minorities. The Advisory Committee *considers* that the United Kingdom should be encouraged to keep up the momentum created by the Stephen Lawrence Inquiry and continue to work to improve the reporting and recording of racist incidents ensuring also that “stop and search” powers are used fairly and effectively.

The Advisory Committee *finds* that the introduction of new offences of racially aggravated violence under the Crime and Disorder Act (1998) is to be welcomed and *considers* that this legislation should also be applied to Northern Ireland.

The Advisory Committee *finds* that provisions relating to incitement to racial hatred under the Public Order Act (1986) and complaints to the Press Complaints Commission have not proved effective mechanisms for reducing inflammatory attacks in the media against certain groups and *considers* that the United Kingdom and relevant authorities or bodies should reflect further on how these mechanism could be made more effective.