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For consideration at the 554th meeting
of the Ministers' Deputies
(8-11 January 1996, A level, item 4.1)

**EUROPEAN COMMISSION
AGAINST RACISM AND INTOLERANCE
(ECRI)**

6th Meeting
Strasbourg, 5-8 December 1995

ABRIDGED MEETING REPORT

Introduction

1. The European Commission against Racism and Intolerance (ECRI) held its sixth meeting from 5 to 8 December 1995 at the Palais de l'Europe, Strasbourg, with Mr Frank ORTON (Sweden) in the Chair.
2. The list of participants appears in Appendix I. The agenda as adopted is contained in Appendix II.
3. This abridged report contains a list of the items discussed and of the decisions taken at the meeting.

Items 1 and 2: Opening of the meeting and adoption of the agenda

4. See introduction.

Item 3: Communication by the Secretariat

5. ECRI was informed by the Secretariat concerning recent developments in the Council of Europe. It took note of the Final Communiqué of the 97th Session of the Committee of Ministers (Strasbourg, 9 November 1995) in which the Ministers, *inter alia*, renewed their encouragement for the work of ECRI and stressed the importance of co-ordination between the Council of Europe and the European Union in the fight against racism and all manifestations of intolerance.

6. ECRI was also informed that the abridged reports of its 5th and 6th meetings would both be discussed by the Ministers' Deputies at their 554th meeting (8-11 January 1996).

Item 4: Report on the hearing of the Chair of ECRI with the Ministers' Deputies

7. The Chair made an oral report on his hearing with the Ministers' Deputies in Strasbourg on 17 October 1995.

Item 5: Discussion on and adoption of a policy document from ECRI

8. ECRI finalised a basic document containing a succinct description of its work to date, together with its guiding principles and elements pertaining to its future role.

9. The document, as adopted by ECRI, is contained in the Addendum to this abridged meeting report for transmission to the Committee of Ministers. ECRI agreed that the document should be declassified for transmission to the Governments and that it should be made available to anyone who might request it.

Item 6: Exchange of information on the state of progress of work in the country-by-country working groups (CBC)

10. The co-ordinators of the CBC working groups of ECRI gave information on the progress of work in the various groups.

Item 7: Discussion on collecting information on "good practices"

11. The work conducted by ECRI had repeatedly demonstrated that it would be useful, particularly in relation to the country-by-country approach, to have access to information on "good practices" providing examples of practical solutions to the problems identified; accordingly, an in-depth discussion was held concerning possible methods for collecting such information in order to accumulate a "basket of good practices".

12. It was agreed to begin work in the matter by asking all members of ECRI to give two or three examples of "good practices" in their countries. ECRI instructed its Secretariat to carry out supporting research in order to compile examples of "good practices" based on work by other Council of Europe bodies dealing with questions of relevance to the problems of racism and intolerance.

13. ECRI set up a working group whose task would be to analyse by the next plenary meeting (5-8 March 1996) the material thus collected and to prepare ECRI's subsequent work on the production of the "basket of good practices".

14. Further to its discussions concerning the collection of information on "good practices", ECRI held an exchange of views on ways to make the data collected in the course of its overall work readily accessible, perhaps by means of a database.

15. The discussion concerning a possible database highlighted a number of categories of information which would be useful for the advancement of ECRI's work as well as for other European bodies involved in fighting racism and intolerance.

16. The exchange of views also indicated that such a scheme would be dependent on availability of the financial and human resources needed to carry it out. ECRI instructed its Secretariat, assisted by two of ECRI's members (Ms LIEBKIND (Finland) and Mr SICINSKI (Poland)), to make a thorough analysis of all matters relating to the installation of a possible database and to present it with the findings for discussion at its next plenary meeting (5-8 March 1996).

Item 8: Discussion on the presentation of the decisions of ECRI based on the country-by country (CBC) work

17. ECRI held an in-depth discussion on procedures for presenting the results of country-by-country work. It decided that they would be presented in the form of country-specific recommendations, ie specific proposals geared to specific circumstances and addressed to each individual country.

18. Concerning the presentation of its country-by-country recommendations, ECRI agreed to present the initial results of its country-by-country work only after harmonising, finalising and adopting texts on a number of countries.

19. As for those countries which had not replied to the ECRI questionnaire, the CBC groups responsible for the study of those countries would set a deadline after which they would commence preparation of recommendations concerning those countries, even in the absence of a reply to the questionnaire.

20. ECRI recognised that as far as reasonably possible, harmonisation should be achieved for the results of the country-by-country work. As regards the final recommendations for each country, it was agreed that the procedure would be to initiate discussion within ECRI on a draft text for a specific first country and to harmonise the texts as this discussion proceeded.

21. ECRI asked each CBC group to complete the review of at least a first and second country for its next plenary meeting (5-8 March 1996).

22. It was stressed that ECRI's discussion of each draft text should provide the Secretariat with guidelines for producing a final text to be subsequently submitted to ECRI.

23. On the basis of a proposal prepared by a working group chaired by Ms Eva SMITH-ASMUSSEN (Denmark), ECRI held an in-depth discussion on the procedure to follow when presenting its country-by-country recommendations. The procedure adopted by ECRI is set out in Appendix III to the present abridged meeting report.

Item 9: Discussion on the texts prepared by the CBC working groups

24. ECRI held an initial discussion on a draft text concerning Finland and formulated comments on the text.

Item 10: Working group on draft general recommendations

25. ECRI appointed its working group to prepare draft general recommendations to be submitted for adoption by the Committee of Ministers.

26. It was pointed out that these draft general recommendations should be based on ideas contained in the draft framework Convention against racism submitted by the Turkish Government and the results of other work by ECRI, and that the working group should draw inspiration in particular from the document on the guiding principles of ECRI and from the country-by-country reports when preparing more specific and concrete recommendations in those areas which it identified as being the most important. The working group should especially identify those areas where transversal questions arise, calling for common European solutions.

27. It was agreed that this working group should identify the areas in question for the next plenary meeting of ECRI (5-8 March 1996) and submit proposals for its future activities, with a view to receiving terms of reference from ECRI.

Item 11: Co-operation with the Consultative Commission on "Racism and Xenophobia" of the European Union in the context of the establishment of a European Observatory on Racism and Xenophobia

28. The Chair and the Secretariat reported on the contacts with the Consultative Commission on "Racism and Xenophobia" of the European Union concerning the feasibility study for the European Observatory on Racism and Xenophobia, which the Consultative Commission had been instructed to carry out in close co-operation with the Council of Europe.

29. ECRI firmly reiterated the importance of viewing this Observatory as a "joint venture" between the Council of Europe and the European Union.

Item 12: Preparation of ECRI's 1996 programme of activities

30. On the basis of the discussions held at its 5th and 6th meetings, ECRI drew up, subject to budgetary considerations, a provisional timetable for its activities in 1996. This timetable is contained in Appendix IV to this abridged meeting report. The composition of the various working groups set up by ECRI is also included.

Item 13: Contacts established with other committees of the Council of Europe interested in the questions dealt with by ECRI

31. ECRI held a brief exchange of views with the Chair of the Higher Education and Research Committee (CC-HER), who informed it of the conclusions of the 1995 Forum Role Conference on "higher education for tolerance in Europe" held in Ljubljana on 18-20 October 1995. Following this exchange of views with the Chair of the CC-HER, ECRI agreed, subject to a further decision to be taken by the CC-HER,

that it would be expedient to set up a joint working group comprising respectively two or three members of ECRI and the CC-HER with a view to fostering the establishment of a network for research institutions and the like on questions linked to racism and intolerance.

32. The Secretary of the European Committee on Migration (CDMG) provided ECRI with information about recent developments in the activities of this committee. The importance of cross-fertilisation between work carried out by ECRI and by the CDMG was stressed.

Item 14: Information on the European Youth Campaign against Racism, Xenophobia, Antisemitism and Intolerance

33. ECRI was informed by the Director of the European Youth Campaign against Racism, Xenophobia, Antisemitism and Intolerance on activities planned for the evaluation and follow-up stage of the Campaign, and held an exchange of views on this subject.

Item 15: Other business

34. ECRI held an exchange of views on the question of encouraging follow-up to its detailed report on the reinforcement of the non-discrimination clause (Article 14) of the European Convention on Human Rights (ECHR). ECRI stressed the importance it attached to the follow-up that the Committee of Ministers would give to the request formulated by ECRI at its 5th meeting (26-29 September 1995): that terms of reference be given to an appropriate Council of Europe body explicitly requesting it to prepare a draft additional Protocol to the ECHR, as ECRI was convinced that such a Protocol was both desirable and feasible. Moreover, ECRI reiterated its readiness to co-operate with the body instructed by the Committee of Ministers to prepare the draft additional Protocol.

APPENDIX I

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APPENDIX II

Agenda

1. Opening of the meeting

2. Adoption of the agenda

Working documents

- Draft agenda [ECRI (95) OJ 3 prov.]
- Annotations to the draft agenda [CRI (95) 25]

3. Communication by the Secretariat

**4. Report on the hearing of the Chair
of ECRI with the Ministers' Deputies**

Working document

- Annotations to the draft agenda [CRI (95) 25]

**5. Discussion on and adoption of a
policy document from ECRI**

Working documents

- Annotations to the draft agenda [CRI (95) 25]
- Abridged report of the 5th meeting of ECRI [CRI (95) 22]

**6. Exchange of information on the state of progress
of work in the country-by-country working groups (CBC)**

Working document

- Annotations to the draft agenda [CRI (95) 25]

**7. Discussion on collecting information
on "good practices"**

Working document

- Annotations to the draft agenda [CRI (95) 25]

**8. Discussion on the presentation of ECRI's decisions
based on the country-by-country (CBC) work**

Working documents

- Annotations to the draft agenda [CRI (95) 25]
- Report of the 5th meeting of ECRI [CRI (95) 23]

**9. Discussion on the texts prepared by the
CBC working groups**

Working documents

- Annotations to the draft agenda [CRI (95) 25]
- Document containing the texts prepared by the
CBC working groups [CRI (95) 24]

10. Working group on draft general recommendations

Working documents

- Annotations to the draft agenda [CRI (95) 25]
- Report of the 5th meeting of ECRI [CRI (95) 23]

**11. Co-operation with the Consultative Commission
on "Racism and Xenophobia" of the European Union
in the context of the establishment of a
European Observatory on Racism and Xenophobia**

Working document

- Annotations to the draft agenda [CRI (95) 25]

12. Elaboration of the programme of activities for 1996

Working documents

- Annotations to the draft agenda [CRI (95) 25]
- Report of the 5th meeting of ECRI [CRI (95) 23]

**13. Contacts established with other committees of the
Council of Europe interested in the questions
dealt with by ECRI**

Working document

- Annotations to the draft agenda [CRI (95) 25]

**14. Information on the European Youth Campaign
against racism, xenophobia, antisemitism
and intolerance**

15. Other business

APPENDIX III

PROCEDURE CONCERNING COUNTRY-SPECIFIC RECOMMENDATIONS

1. PREPARATION OF *PRELIMINARY DRAFT COUNTRY-SPECIFIC RECOMMENDATIONS* IN COUNTRY-BY-COUNTRY WORKING GROUPS (CBC GROUPS)

- *Task of CBC group:* to prepare, on the basis of a variety of information, preliminary Draft Country-specific Recommendations for ECRI.
- *Composition of CBC group:* each group consists of four or five ECRI members, none of whom are nationals of the countries being examined by that CBC group.
- *Working methods of CBC group:* each CBC group develops its own working methods, which will nevertheless include the following. Regarding sources of information, the CBC group takes into account information provided in the reply of the government of the member State to ECRI's questionnaire, if received, and prepares a bibliography of other sources. The CBC group is at liberty to contact NGOs and others in the course of its work, but shall not transmit the Draft Country-specific Recommendations to anyone outside ECRI. The ECRI member from the member State concerned is invited to provide his or her comments before the preliminary Draft Country-specific Recommendations are transmitted to ECRI.

2. DISCUSSION AND AGREEMENT ON *DRAFT COUNTRY-SPECIFIC RECOMMENDATIONS* BY ECRI

- ECRI aims to arrive at a consensus concerning the Draft Country-specific Recommendations. Where this is not possible, decisions are taken by vote. No dissenting opinions are recorded.

3. TRANSMISSION OF *DRAFT COUNTRY-SPECIFIC RECOMMENDATIONS* TO THE GOVERNMENT OF THE MEMBER STATE CONCERNED

- Draft Country-specific Recommendations are sent directly to the government of the member State concerned by the Chair of ECRI via the Permanent Representative of that member State in Strasbourg.
- Draft Country-specific Recommendations are accompanied by a covering letter and an appendix.

The covering letter includes the following items:

- a. The government of the member State is invited to submit its written observations concerning the Draft Country-specific Recommendations to ECRI within a time-limit of four months. The government may request a two-month extension of this time-limit.
- b. It is indicated that if written observations are received from the government of the member State, ECRI will take these into consideration when preparing its Final Country-specific Recommendations.
- c. It is indicated that the written observations by the government of the member State will, if and to the extent that the government of the member State concerned so wishes, be published as an appendix to the Final Country-specific Recommendations.
- d. It is indicated that if no written observations are received within the time-limit, ECRI will assume that the information in the Draft Country-specific Recommendations is correct and that the government of the member State does not wish to comment on the Draft Country-specific Recommendations. It is stated that ECRI, following the expiry of the set time-limit, considers itself at liberty to publish its Draft Country-specific Recommendations as Final Country-specific Recommendations.
- e. The government of the member State is requested to nominate a National Liaison Officer, who should be based in the country concerned and who should not be the member of ECRI from the member State concerned. The National Liaison Officer is to be the point of contact between ECRI (or its subordinate bodies) and the government of the member State.
- f. It is indicated that the National Liaison Officer may be requested by ECRI (or its subordinate bodies) to clarify, where necessary, any written observations made by the government of the member State. Furthermore, it is stated that the National Liaison Officer may be consulted concerning the publication of the written observations submitted by the government of the member State.
- g. It is stressed that strict confidentiality has been observed and will be observed by ECRI until the time of publication of the Final Country-specific Recommendations. This also implies that the Draft Country-specific Recommendations for a member State will not be brought to the attention of other member States of the Council of Europe.

The appendix to the Draft Country-specific Recommendations will include the following items:

General information concerning ECRI and its country-by-country approach and a description of this Procedure concerning Country-specific Recommendations.

4. IF THE GOVERNMENT OF THE MEMBER STATE SUBMITS WRITTEN OBSERVATIONS:

(i) THE CBC GROUP TAKES THE WRITTEN OBSERVATIONS INTO CONSIDERATION AND PREPARES *DRAFT FINAL COUNTRY-SPECIFIC RECOMMENDATIONS* FOR ECRI

- Where necessary, the CBC group shall seek clarification from the National Liaison Officer on the written observations submitted by the government of the member State concerned.
- The National Liaison Officer shall be consulted regarding the publication of the written observations submitted by the government of the member State, in the light of any changes that the CBC group may propose to the draft Final Country-specific Recommendations as a result of these written observations.

(ii) DISCUSSION AND AGREEMENT ON *FINAL COUNTRY-SPECIFIC RECOMMENDATIONS* BY ECRI

- ECRI aims to arrive at a consensus concerning the Final Country-specific Recommendations. Where this is not possible, decisions are taken by vote. No dissenting opinions are recorded.
- If appropriate, consultation may take place with the National Liaison Officer in order to obtain further clarification.

(iii) ECRI DECIDES ON TIMING OF PUBLICATION

IF THE GOVERNMENT OF THE MEMBER STATE DOES NOT SUBMIT WRITTEN OBSERVATIONS:

(i) ECRI DECIDES ON TIMING OF PUBLICATION

5. PUBLICATION

ECRI decides on modalities.

6. FOLLOW-UP

ECRI decides on modalities.

APPENDIX IV

PROVISIONAL TIMETABLE OF MEETINGS IN 1996
(Subject to the availability of budgetary resources)

Plenary meetings of ECRI

- 7th plenary meeting: 5-8 March 1996
- 8th plenary meeting: 3-7 June 1996
- 9th plenary meeting: 30 September - 4 October 1996
- 10th plenary meeting: 2-6 December 1996

Bureau

- 2 days in February 1996 (Paris Office)
- 2 days in June 1996 (Paris office)

Working group on "basket of good practices"

This group will hold 2 meetings in 1996

Date and place of the first meeting: 12-13 February 1996 (Paris Office)

Composition: Ms ASGEIRSDOTTIR (Iceland), Mr AYBAY (Turkey), Mr DREFVELIN (Norway), Mr HABERLAND (Germany), Mr HUMPHREYS (Ireland), Mr MUSCAT-AZZOPARDI (Malta), Mr SANT'ANGELO (Belgium)

Chair: Ms ASGEIRSDOTTIR (Iceland)

Working group on draft general recommendations

This group will hold 2 meetings in 1996

Date and place of the first meeting: 27-28 February 1996 (Paris Office)

Composition: Mr EMILIOU (Cyprus), Ms MARJASA (Latvia), Mr MEYER-LADEWIG (Germany), Mr MIJNSSEN (Netherlands), Mr SANT'ANGELO (Belgium), Mr SICINSKI (Poland), Ms SMITH-ASMUSSEN (Denmark), Ms VALDES-BOULOUQUE (France),

Chair: Mr MEYER-LADEWIG (Germany)

Country-by-country working groups (CBC)

Each CBC working group will hold 2 meetings in 1996

Composition of the CBC working groups*:

- CBC 1:** Mr FRANGAKIS (Greece)
 Mrs ASGEIRSDÖTTIR (Iceland)
 Mr ORTON (Sweden)
 Mr STOICA (Romania)
- CBC 2:** Mr KOULICHEV (Bulgaria)
 Mrs BIGI (San Marino)
 Mr BRUNHART (Liechtenstein)
 Mr VOYAME (Switzerland)
- CBC 3:** Mr MUSCAT-AZZOPARDI (Malta)
 Mr BARD (Hungary)
 Mr DREFVELIN (Norway)
 Mrs MARJAŠA (Latvia)
 Mrs PUHAR (Slovenia)
- CBC 4:** Mrs VALDES-BOULOUQUE (France)
 Mrs D'HONDT-VAN OPDENBOSCH (Belgium)
 Mr FERREIRA RAMOS (Portugal)
 Mr UNGARI (Italy)
- CBC 5:** Mr AYBAY (Turkey)
 Mrs DIAZ-AGUADO (Spain)
 Mr HUMPHREYS (Ireland)
 Mr YARMOLENKO (Lithuania)
- CBC 6:** Mrs SMITH-ASMUSSEN (Denmark)
 Mr EMILIOU (Cyprus)
 Mr SICINSKI (Poland)
 Ms ŠORMOVÁ (Czech Republik)
- CBC 7:** Mr MEYER-LADEWIG (Germany)
 Ms FITZGERALD (United Kingdom)
 Mrs LEPIK (Estonia)
 Mr LINSTER (Luxembourg)
 Mr MYFTARI (Albania)
- CBC 8:** Mr MIJNSSEN (Netherlands)
 Mr KARNER (Austria)
 Mrs LIEBKIND (Finland)
 Mr ŠVEC (Slovakia)

* The names of co-ordinators are underlined.