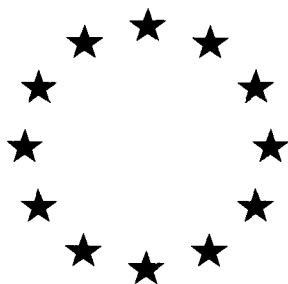


COUNCIL
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CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

CMD008326



Strasbourg, 9 August 1994

Restricted
CM(94)108 Addendum

For consideration at the 516th meeting
of the Ministers' Deputies
(September 1994, item 1.5a, A level)

**EUROPEAN COMMISSION
AGAINST RACISM AND INTOLERANCE**

ADDENDUM

**Questionnaire on combating racism, xenophobia,
antisemitism and intolerance
in the member States of the Council of Europe**

Introduction

At its second meeting (Strasbourg, 7-9 June 1994), the European Commission against Racism and Intolerance examined a draft questionnaire drawn up by its Working Group on Policies and Other Measures with the aim of obtaining detailed information on the situation in member States in respect of the problems dealt with by the Commission.

The Commission entrusted its Bureau with the task of drawing up a final questionnaire, to be transmitted to the governments of member States as well as to a number of non-governmental bodies (NGOs, national mechanisms responsible for monitoring, research institutes).

This Addendum reproduces the final version of the questionnaire, as drawn up by the Bureau of the European Commission against Racism and Intolerance, and thus supersedes the version which appears at Appendix IV to CM(94)108.

QUESTIONNAIRE ON COMBATING RACISM, XENOPHOBIA, ANTISEMITISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

INTRODUCTION

I. BACKGROUND

1. This questionnaire has been drawn up by the European Commission against Racism and Intolerance which is a Council of Europe body set up by the Summit of Heads of State and Government of the member States of the Council of Europe (Vienna, 8-9 October 1993).
2. The Commission was established in the framework of the Plan of Action on combating racism, xenophobia, antisemitism and intolerance which was adopted by the Vienna Summit. Its task is to work towards reinforcing guarantees against all forms of discrimination.
3. The terms of reference given to the Commission by the Vienna Summit were to examine and evaluate the effectiveness of the range of measures (legislation, policies and other) taken by member States to combat racism, xenophobia, antisemitism and intolerance.
4. The Commission was also given the task of proposing further action at local, national and European level. It is to formulate general policy recommendations to member States and study the international legal instruments applicable in the matter with a view to their reinforcement where appropriate.
5. The Commission wishes to base its work, in particular the formulation of its future recommendations, on detailed information concerning the situation in the member States in respect of the problems it deals with. With this aim in mind, it has drawn up the attached questionnaire.

II. ADDRESSEES

This questionnaire is addressed:

- A) to the **governments** of member States of the Council of Europe: you are asked to answer under all the headings of the questionnaire;
- B) to a limited number of non-governmental bodies, mainly NGOs working in the field of combating racism, xenophobia, antisemitism and intolerance, watchdog bodies and research institutes: you are asked to reply to whichever of the questions you wish, indicating to which questions your answers refer. Please note however that the Commission would specifically like to have replies from NGOs on the questions concerning manifestations of discrimination (especially institutional discrimination) and those concerning the evaluation of policies.

III. PRACTICAL DETAILS CONCERNING YOUR ANSWERS TO THE QUESTIONNAIRE

6. You are requested to give your replies to the questions as well as relevant documentation:

IN ENGLISH OR IN FRENCH.

7. They should be sent to the Secretariat of the European Commission against Racism and Intolerance at the following address:

**COUNCIL OF EUROPE
HUMAN RIGHTS DIRECTORATE
F - 67075 STRASBOURG CEDEX
Fax: (33) 88 41 27 93**

8. Your replies to this questionnaire should be sent before

**30 SEPTEMBER 1994
(at the latest)**

9. The Secretariat of the European Commission against Racism and Intolerance is at your disposal for any additional information you may require about the questionnaire (persons to be contacted:

Mrs Isil GACHET Tel: (33) 88 41 23 48 - Fax: (33) 88 41 27 93

Ms Louise BLACKWELL Tel: (33) 88 41 20 00 Ext. 42 36 - Fax: (33) 88 41 27 93)).

10. You are also kindly asked to fill in the form appended to the questionnaire and to send it along with your replies to the questionnaire.

*
* *

The European Commission against Racism and Intolerance thanks you in advance for the information you provide when replying to this questionnaire.

QUESTIONNAIRE

- NB *
- YOU MAY FIND IT HELPFUL TO READ THROUGH THE WHOLE QUESTIONNAIRE BEFORE BEGINNING TO COMPLETE IT.
- *
- PLEASE ANSWER THE QUESTIONS AS FULLY AS POSSIBLE BUT PROVIDE BRIEF ADDITIONAL DOCUMENTATION IF YOU WISH

A. EXISTING KNOWLEDGE OF MINORITY GROUPS IN THE COUNTRY

1. Which are the main groups of minorities and foreigners in your country? (Please indicate all groups who may be targets of racism and intolerance, eg immigrants/ economic migrants; refugees/asylum seekers; indigenous/national minorities; cultural/ religious/ethnic minorities, etc).
2.
 - a. What are the main sources of statistics on these groups?
 - b. What is the basis for the categories used in collecting these statistics?
 - c. Please provide current statistics on the size, general characteristics (eg age, family composition) and social/economic position of these groups (eg unemployment rates, level of educational attainment).
 - d. Please indicate, if possible, any changes over the last ten years (but in particular recently) in the picture shown by the statistics provided under c.
3.
 - a. Who is responsible for collecting statistics on these groups?
 - b. Please indicate with what frequency these statistics are:
 - i. collected
 - ii. published
4. Please describe any problems which have been identified:
 - a. with the collection of these statistics
 - b. with their reliability
 - c. with the ways in which they are analysed and interpreted.
5. Please indicate any changes made to the collection of these statistics over the last ten years and any changes currently under consideration along with the reasons for these.

B. EXISTING KNOWLEDGE OF THE MANIFESTATIONS OF PROBLEMS

6. Please describe the main manifestations (including covert as well as overt forms) of:
 - a. racial/ethnic, antisemitic or xenophobic violence and harassment
 - i. organised
 - ii. non organised
 - b. apart from violence and harassment, the main additional manifestations of racism, xenophobia, antisemitism and intolerance (eg support for extremist groups, propaganda and other forms of public expression of racism, etc);
 - c. main forms of direct and indirect racial/ethnic discrimination (please give any relevant information on immigration status, nationality law, criminal justice and legislation in the social field, with particular reference to employment, housing and health);
 - d. main forms of institutional racism (eg laws and practices which are not intended to discriminate but which nonetheless have a discriminatory impact, by affecting minority groups to a disproportionate degree).
7. What statistics are collected on a,b,c,d above? Please indicate if they show any changes over the last ten years (but particularly recently).
8. If statistics are collected, please indicate (separately for a,b,c,d above):
 - i. who is responsible for collecting the statistics?
 - ii. with what frequency are the statistics collected?
 - iii. are they published (and if so, how often)?
 - iv. what use is made of these statistics (especially in policy formulation)?
9.
 - a. In addition to any sources already referred to, what other major research studies do you know of which have been undertaken in your country on the relationships between different groups, minority/majority attitudes, interethnic relations and problems of intolerance? Please give references.
 - b. Have any of these studies been funded by government?

C. LEGISLATION

International Conventions

10.
 - a. Which of the main international legal instruments listed in the appendix to this questionnaire have not been ratified by your government?
 - b. What are the obstacles to their ratification? Are these obstacles of a constitutional, legal, administrative or policy nature?
 - c. Is it intended to ratify any of the instruments referred to at paragraph a.?
11.
 - a. What are the reasons for any reservations or observations made by your government in respect of international legal instruments which it has ratified?
 - b. Have any of these reservations been challenged (either at the national or international level)? Please give details.
 - c. At present, do you anticipate maintaining these reservations?
 - i. If so, please explain why the reservations are being maintained
 - ii. If not, please give the reasons for this change.
12.
 - a. What measures - if any - has your government taken directly in contemplation of or as a consequence of ratifying these instruments?
 - b. What possibilities do individuals have to bring a complaint on the basis of these instruments?
 - c. What difficulties, if any, does your government encounter in the implementation of these instruments?
 - d. Have any steps been taken to monitor the implementation of these instruments?

National legislation

13. With respect to national legislation to address the problems listed at question 6:
 - a. What are the main criticisms which have been made of this legislation (eg by academics, parliamentarians, NGOs)?
 - b. Are any changes currently under active consideration? (Please give details).
14.
 - a. Please describe any restrictions (explaining the legal and other reasons for them) concerning the rights of national minorities/immigrants/foreigners:
 - i. to vote in (local and national) elections
 - ii. to political representation
 - iii. to hold posts in the public service
 - iv. to organise themselves politically and culturally.
 - b. Are any changes to these rights - or to the nationality and immigration laws to which they are related - currently under active consideration?

D. POLICIES**Policies concerning the prevention of discrimination and the promotion of equal opportunities**

15. What is the underlying philosophy of the policies concerning the prevention of direct and indirect discrimination and the promotion of equal opportunities to participate in a multi-ethnic society, for example with regard to:
- the balance and relationship between legal and non-legal approaches;
 - the choice between using general policies and policies which specifically refer to discrimination;
 - in respect of balancing the need to ensure integration with the right to be different;
16. Please illustrate how this philosophy is reflected in terms of policy, especially in the fields of **education, training, employment, housing, health and criminal justice**.
17. Please describe the administrative arrangements for implementing these policies overall and for the specific policy areas referred to above. Give details (as relevant) of the respective responsibilities of:
- a. special bodies (whether or not set up by government);
 - b. national government/authorities/administration;
 - c. local government/authorities/administration;
 - d. others (including the voluntary/non-governmental sector, churches, minority group organisations etc).

Policies concerning racial/ethnic, antisemitic or xenophobic violence and harassment

18. Please describe the general thrust of your policies in the following areas, drawing out (as appropriate) the links between these and the underlying philosophy described in your answer to question 15.
- a. extreme manifestations of the problem (eg attacks on and by groups, inter-ethnic conflict etc);
 - b. the promotion of hostile attitudes (whether through propaganda and other organised activities or by individuals);
 - c. other forms of persistent harassment of minorities (eg minor vandalism, graffiti, name-calling and other verbal abuse).
19. Please describe the administrative arrangements for these policies. Give details of the respective responsibilities of:
- i. special bodies (within the public sector or outside)
 - ii. national government - authorities/administration
 - iii. local government - authorities/administration
 - iv. others (including the voluntary/associational sector, churches, minority group organisations etc)

Links between policies to combat racism and intolerance and immigration policies

20. Have the **principles** described in your answer to question 15 (underlying philosophy of policies concerning the prevention of discrimination and the promotion of equal opportunities to participate in a multi-ethnic society) influenced the development and implementation of your immigration policies?

Please describe how.

21. a. Which agencies are responsible for immigration control?
- b. What measures are taken (including guidelines, disciplinary procedures, training) to ensure that the personnel in these agencies perform their task in a non-discriminatory way?
22. What are the main criticisms which have been made of the impact of immigration policy and its implementation on questions of racism and intolerance (eg by academics, parliamentarians, NGOs)?
23. Are any changes to immigration policies and their implementation currently under active consideration?

Policies concerning the attitudinal climate of the general public, key professionals and opinion leaders (mass media)

24. What are your policies concerning the special training (codes of conduct, guidelines, etc) for teachers, social workers, journalists, police, employers and other key groups with regard to tolerance for cultural and ethnic diversity? Is there any systematic training of professional groups (on a national and local level) dealing with ethnic/cultural minorities?
25. Are there systematic efforts to promote large-scale understanding and tolerance for refugees and asylum seekers, and for cultural and ethnic diversity in general among the population? Please give examples of how this is done.
26. Is advocating racial hatred or intolerance towards ethnic/cultural minorities in the mass media prohibited by law, systematically observed or systematically countered?

E. EVALUATION OF POLICIES AND IMPLEMENTATION OF RECOMMENDATIONS

27. What evaluation, if any, has been undertaken of the impact of the policies specified at questions 16 and 18? What were the results of these evaluations? What concerns, if any, have been expressed about their effectiveness?

28. Have any such evaluations:

- a. been undertaken in direct response to recommendations from the Council of Europe or other international bodies;
- b. taken specific account of recommendations from the Council of Europe or other international bodies?

(If the answer to either a. or b. is "yes", please provide details).

29. What have been the key changes in policy and/or practice as a result of such reviews? (Please specify in particular any changes incorporating Council of Europe recommendations).

30. Are any key changes currently under active consideration?

*
* *

31. **FINALLY:** in addition to the above, we would be grateful for any examples you can give us about the experience of implementing specific policies and initiatives to eliminate discrimination, to ensure equality of treatment of minorities and to tackle racial violence and harassment.

APPENDIX

MAIN RELEVANT INTERNATIONAL LEGAL INSTRUMENTS (Cf. question 10)

- United Nations Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention of the International Labour Organisation concerning Discrimination in Respect of Employment and Occupation
- UNESCO Convention against Discrimination in Education
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)
- European Social Charter
- European Convention on the Legal Status of Migrant Workers
- European Charter for Regional or Minority Languages
- Convention relating to the Status of Refugees of 1951

FORM TO BE JOINED TO THE REPLIES TO THE QUESTIONNAIRE

The replies have been provided by:

Name

Country

Organisation

Description of your responsibilities in relation to the subject of the questionnaire:

.....
.....

Name of any other person/body consulted in compiling answers to this questionnaire, and description of their responsibilities in relation to the subject of the questionnaire (**if necessary, please reply on separate sheets of paper which should be attached to your answer**):

.....
.....

Would it be possible to contact you if necessary for further information about any of your replies:

☐

No

☐

Yes

Tel:

Fax:

Address:

.....