



Combating Racism while Fighting Terrorism

ECRI General Policy Recommendation No. 8: Key Topics

” Terrorism is an extreme form of intolerance and it is the duty of the State to fight against it. The response to terrorism should not itself, however, encroach upon the very values of freedom, justice and the rule of law that it aims to safeguard. The fight against terrorism should not become a pretext under which racism, racial discrimination and intolerance are allowed to flourish. This General Policy Recommendation seeks to help member States of the Council of Europe combat racism, racial discrimination and intolerance, and combat terrorism simultaneously.

KEY MESSAGE

- Member States must ensure that actions taken to combat terrorism do not also directly or indirectly promote racism, racial discrimination and intolerance. The fight against terrorism should not have a negative impact on any minority group.
- Member States must also ensure that their public institutions act firmly and swiftly in handling cases of racism, racial discrimination and intolerance.

SELECTED RECOMMENDATIONS

1. Review legislation and regulations related to the fight against terrorism to ensure these do not discriminate directly or indirectly against any persons or groups of persons, even in time of emergency, and to abrogate any such discriminatory legislation.
2. Refrain from adopting any new discriminatory legislation and regulations related to the fight against terrorism.



3. Guarantee the freedoms of association, expression, religion and movement.

4. Ensure that no discrimination ensues from legislation and regulations – or their implementation – governing the following areas:

- ▶ Checks carried out by law enforcement officials and border control personnel;
- ▶ Administrative and pre-trial detention;
- ▶ Conditions of detention;
- ▶ Fair trial and criminal procedure;
- ▶ Personal data protection;
- ▶ Protection of private and family life;
- ▶ Expulsion, extradition, deportation and the principle of non-refoulement;
- ▶ Issuing of visas, and residence and work permits;
- ▶ Acquisition and revocation of citizenship.

5. Ensure that adequate national legislation is in force to combat racism, racial discrimination, racially motivated crimes and racist expression, and that it is effectively implemented.

6. Ensure the existence and functioning of an independent specialised body to combat racism and racial discrimination, competent in assisting victims in bringing complaints of racism and racial discrimination arising as a result of the fight against terrorism.



ECRI – USEFUL LINKS

ECRI General Policy Recommendation No. 8: Combating racism while fighting terrorism.
<http://hudoc.ecri.coe.int/eng?i=REC-08-2004-026-ENG>

ECRI General Policy Recommendation No. 7: National legislation to combat racism and racial discrimination
<http://hudoc.ecri.coe.int/eng?i=REC-07rev-2003-008-ENG>

ECRI General Policy Recommendation No. 6: Combating the dissemination of racist, xenophobic and antisemitic material via the Internet.
<http://hudoc.ecri.coe.int/eng?i=REC-06-2001-001-ENG>

ECRI General Policy Recommendation No. 5: Combating intolerance and discrimination against Muslims.
<http://hudoc.ecri.coe.int/eng?i=REC-05-2000-021-ENG>

FACTS AND FINDINGS

“The fight against terrorism since the events of 11 September 2001 has in some cases resulted in the adoption of directly or indirectly discriminatory legislation or regulations, notably on grounds of nationality, national or ethnic origin and religion and, more often, in discriminatory practices by public authorities.”

“Certain groups of persons, notably Arabs, Jews, Muslims, certain asylum seekers, refugees and immigrants, certain visible minorities and persons perceived as belonging to such groups, have been particularly vulnerable to racism and/or racial discrimination across many fields of public life including education, employment, housing, access to goods and services, access to public places and freedom of movement.”

“Asylum seekers have experienced increasing difficulties in accessing the asylum procedures of the member States of the Council of Europe and progressive erosion of refugee protection as a result of restrictive legal measures and practices connected with the fight against terrorism.”

Explanatory Memorandum to ECRI General Policy Recommendation No. 8