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## **Social approach to the fight against racism at local and regional level**

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Explanatory Memorandum  
Committee on Social Cohesion

### Summary:

The counteracting of racism in its various forms, whether in the form of racist violence and hate crimes or the more subtle forms of racial or ethnic discrimination, is a fundamental cornerstone for the development of social cohesion and social inclusion.

While the struggle against racism is a legal and political obligation of states and regional and international intergovernmental organisations, the reality of racism is often most apparent at the level of local and regional governments.

Local and regional governments are increasingly recognising their duty as well as the opportunities open to them to develop strategies and policies to counteract racism, discrimination and related inequalities.

This report shows that they often have substantial powers in this regard as employers and service providers, as purveyors of public procurement contracts, as local legislators that implement various licensing policies, as the developers of guidelines for schools without racism, and as funders of awareness-raising and outreach programs and of support to the targets and victims of racism.

A number of actions are presented that can be undertaken at local and regional level in preventing racism and promoting racial equality together with examples which may inspire other municipalities, towns and regions.

R : Chamber of Regions / L : Chamber of Local Authorities  
ILDG : Independent and Liberal Democrat Group of the Congress  
EPP/CD : Group European People's Party – Christian Democrats of the Congress  
SOC : Socialist Group of the Congress  
NR : Member not belonging to a Political Group of the Congress



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## 1. Introduction – The role of local and regional governments

Racism<sup>2</sup> in its various forms continues to raise barriers against the development of its individual or group victims, corrupts those who practise it, and divides communities and nations. It is a serious threat to peaceful coexistence and exchange between communities that share the same space, and imperils democratic and participatory citizenship. Racism entrenches and aggravates inequalities within society.

The targets of racism can often consist of ethnic minorities that have a long history within a specific country, see e.g. the Russian Federation. They can also be groups that have a connection with the colonial history relevant to the specific country (see e.g. the Netherlands, the United Kingdom and France). These ethnic minorities can also be composed persons representing immigrants in a more general sense. It can also be important to point out that the targets of racism can also be a numerical majority as was the case in South Africa. Racism is not a question of majority/minority but rather a question of oppression and discrimination in one form or another that is related to the term race or ethnicity in a broad sense.

While the struggle against racism is a legal and political obligation of States and regional and international intergovernmental organisations, it is becoming increasingly apparent that the reality of racism is often most apparent at the level of towns and regions.

Local and regional governments are increasingly recognising their duty as well as opportunities to develop strategies and policies to counteract racism, discrimination and related inequalities. The fulfilment of this duty is not only essential in complementing national adherence to international treaties, it is also an essential factor in promoting social cohesion.

Local and regional governments are often close to their citizens. They often have a degree of autonomy, resources, and support and solidarity networks. They thus have the capacity to launch initiatives that can be effective against racism on the ground.

Local and regional authorities have a key role in mobilising forces, even in areas that are not technically within their administrative competence, and in implementing anti-racism and anti-discrimination policies that can make a real difference.

Local and regional governments often have substantial powers in this regard as employers and service providers that can develop co-ordinated equality policies. They also have broad powers as providers of public procurement contracts to ensure contractors risk losing their contracts if they violate the laws against discrimination. They can emphasise the issues of anti-racism and non-discrimination as the developers of guidelines for schools without racism. As local and regional legislators they can often introduce anti-discrimination either directly or by implementing anti-discriminatory licensing policies. As funders and promoters they have an important role to play in terms of awareness-raising, outreach programs and the provision of support to the targets and victims of racism. It is important that those with broader legislative powers use them to

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<sup>2</sup> The definition of racism used here is the broader one found in international texts which involves discrimination or prejudice based on 'race' or racialised characteristics as well as to the belief that race accounts for differences in human character or ability and that a particular race is superior to others. It is also important to point out that footnote 1 of the European Commission against Racism and Intolerance (ECRI) general policy recommendation N°7 on national legislation to combat racism and racial discrimination specifies that 'Since all human beings belong to the same species, ECRI rejects theories based on the existence of different 'races'. However, in this Recommendation ECRI uses this term in order to ensure that those persons who are generally and erroneously perceived as belonging to 'another race' are not excluded from the protection provided for by the legislation'. See [http://www.coe.int/t/e/human\\_rights/ecri/1-ECRI/3-General\\_themes/1-Policy\\_Recommendations/intro.asp#TopOfPage](http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General_themes/1-Policy_Recommendations/intro.asp#TopOfPage) .

establish equal rights as a rule.<sup>3</sup> Local and regional governments can also exchange ideas across national borders.

The aim of this report is to present a number of examples of actions that can be undertaken by local and regional governments in accordance with the powers mentioned above.

## 2. Historical background and international context

According to the European Commission against Racism and Intolerance (ECRI):

The overall picture as regards contemporary forms of racism and racial discrimination is complex and worrying. Throughout Europe, these issues assume an increasing level of political and social sensitivity. Intensified manifestations of racism and intolerance can be observed in member States. Faced with this situation, and armed with its experience, ECRI advocates the strengthening of legal protection against racist acts and discrimination on the grounds of “race”, colour, language, religion, nationality or national or ethnic origin. However, legal protection must be supported and complemented by a real political will to fight effectively against racism and racial discrimination.<sup>4</sup>

Racial discrimination is defined by the International Convention on the Elimination of all Forms of Racial Discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. As such, racial discrimination is banned by the international community as a serious human rights violation. Racism plays a major role in the social processes that give rise to and entrench such racial discrimination.

In its practical manifestations, racism includes “racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality. It is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts”.<sup>5</sup>

Counteracting racism is not only important to social cohesion, it is important as a manifestation of the importance of human rights at the local and regional levels.

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<sup>3</sup> Co-rapporteur Viatcheslav Rogov (Russian Federation), at the Hearing on the social approach to combating racism at local and regional level in Umeå (Sweden), 7 November 2007, states that ‘For example, article 8 of the statute of the city of Pokrov grant all its inhabitants who are citizens of the Russian Federation the same rights of local self-government, irrespective of sex, race, nationality, language, origin, social and occupational situation, attitude to religion, beliefs or membership of non-governmental organisations.’

<sup>4</sup> Annual report on ECRI’S activities covering the period from 1 January to 31 December 2006. Other relevant definitions of racism and racial discrimination are to be found in the ECRI general policy recommendation N°7 on national legislation to combat racism and racial discrimination (9 December 2007). Other relevant instruments from the Congress are *Resolution 181 (2004) on a pact for the integration and participation of people of immigrant origin in Europe’s towns, cities and regions* and *Recommendation 11 (1995) on “Towards a tolerant Europe: the contribution of Roma (Gypsies)”*.

<sup>5</sup> Article 2 of the UNESCO Declaration on Race and Racial Prejudice of 1978

### **3. Possible actions from within different areas of local and regional power**

#### **3.1 Equality policies**

Local and regional governments need to realise that there may be a democratic deficit relating to the targets of racism and discrimination whether they are classified as e.g. ethnic minorities, national minorities, immigrants or some other classification. In some cases, this may even be formalised by the State. While there may be an official lack of rights concerning such issues as voting, in regard to social inclusion as well as other factors this should provide an even greater incentive to local and regional governments to establish processes in which the voices of the targets can be heard. Less than equal treatment of various parts of the local population risks establishing an ongoing pattern of social exclusion which local and regional governments presumably want to avoid. It is therefore important that the participation of the targets of racism and discrimination in the political life of society at the local and regional levels is encouraged given due regard to the powers that exist at those levels.

Local and regional governments are major service providers. Some examples of their areas of responsibility are social services, health care, child care, schools, care for the elderly, policing and housing. The specific mandate varies from country to country and region to region. Nevertheless their service responsibilities are broad. In this regard they are also large employers, quite often one of the largest employers in the area, if not the largest. Their ability to deliver non-discriminatory service is in part a reflection of their ability to be a non-discriminatory employer, and vice versa.

In some countries such as the United Kingdom there is a direct legal obligation on local governments to promote racial/ethnic equality. However, it is important to remember that local and regional governments have substantial powers on their own and can, and often have, acted in this field without a legal duty established by national law. Even on the basis of their existing democratic mandate they can determine that they shall take an increasingly active role in promoting equality, counteracting discrimination (including racial discrimination), challenging hate crime and contributing to social cohesion.<sup>6</sup>

More and more such equality policies focus on all relevant discrimination grounds. In part this is a recognition of an human right to equal treatment without regard to such factors as race, ethnicity, religion, gender etc. There seems to be a more comprehensive trend at the national levels as well. This is also a recognition of the interplay of discrimination grounds. In one situation a woman may be discriminated against due to her ethnicity.<sup>7</sup> In another situation it may be her gender. And in a third situation, it can be a combination.

In order for services to be delivered in an effective manner to the local and regional population it is important that the population has faith and trust in the service providers, particularly when they are in the public sector. Due to its democratic nature, the public sector can be said to have a higher duty in this regard.

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<sup>6</sup> See for example the presentation by co-rapporteur Sherma Batson (United Kingdom) at the Hearing on the social approach to combating racism at local and regional level at Umeå Folkets Hus, Idun theatre, Umeå (Sweden), 7 November 2007, where she pointed out that the Equality Act 2006 calls for the establishment of a single equality authority – the Commission for Equality and Human Rights. The point of the Commission is that a more comprehensive approach to equality, covering all discrimination grounds, will provide more effective protection regardless of whether the discrimination has a connection to a single ground or has a connection to an interplay of the different grounds. Another example is that in 2008 Sweden is expected to adopt a comprehensive equality act and establish a single comprehensive equality body (or anti-discrimination ombudsman).

<sup>7</sup> Ibid.

Equality policies, with a particular focus on anti-racism and discrimination, developed by the public sector concerning its role both as a service provider as well as an employer can have a substantial impact, not only in regards to their daily practices but also as role models for other employers.

Such policies should in particular be based on a consultation process with the targets of racism and discrimination. This is considered to be a necessity in regard to the 10 point action program developed by UNESCO and the European Coalition of Cities Against Racism (ECCAR).<sup>8</sup> Naturally local and regional governments can join the coalition, but more importantly the 10 point program provides an overview of the various fields within which local and regional governments can take action as well as providing various examples under each of the 10 points.

One important part of such a policy is making sure that responsibility starts at the top. The heads of departments should be made responsible for ensuring that discrimination does not occur within their fields of responsibility. If they are also told that their ability to counteract discrimination and promote equality will be one of the factors taken into account in calculating their future salary increases and/or renewal of their employment contracts, this should help to ensure that they keep the issue in focus.

Awareness raising among heads of departments could be initiated by ensuring that self-testing of underlying prejudices is applied.<sup>9</sup> Research using such testing has shown that people with openly racist opinions have about the same levels of underlying prejudices as “non-racists”. If they realise that they might be part of the problem, it will be easier for department heads to understand that they need to be part of the solution. This can also make it easier to understand that the main focus of anti-racist policies should not necessarily be on racists driven by an open ideology.

Another important part of the policy would be to establish disciplinary measures within the routine functions of the government in regard to racist or discriminatory behaviour by city employees. Rewards recognising particularly good practices established within different parts of local and regional government could also provide a positive incentive.

### **3.2 Local and regional governments as employers**

In their policies and practices as employers, local and regional governments have substantial powers concerning the promotion of equality and counteracting of discrimination.

One example is the policy established by the Greater London Authority (GLA) in the United Kingdom. The Authority has taken positive steps to ensure that the workforce reflects London's diversity.<sup>10</sup>

The GLA has had arrangements in place for implementing its duty to promote equality since 2002. These monitoring tools enable the Authority to continue to identify issues around recruitment, advancement and retention within the organisation.

To this end, the GLA monitors the staff, staff training, the applicants for employment, training and promotion, the grievance procedures, the disciplinary procedures and those who leave the GLA, by ethnic group.

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<sup>8</sup> See the 10 point program developed by UNESCO and the European Coalition of Cities Against Racism (<http://unesdoc.unesco.org/images/0014/001453/145364e.pdf>) which points out the importance of a consultation process with the targets of racism in the preamble.

<sup>9</sup> Harvard's Implicit Association Test (<https://implicit.harvard.edu/implicit/demo/>). This test is available today in a number of languages. Research using such tests has shown that people with openly racist opinions have about the same levels of underlying prejudices as “non-racists”.

<sup>10</sup> See *The Greater London Authority's Race Equality Scheme - 2005-2008*  
[http://www.london.gov.uk/mayor/equalities/docs/race\\_equality\\_scheme\\_full.pdf](http://www.london.gov.uk/mayor/equalities/docs/race_equality_scheme_full.pdf)

As a part of this work the GLA has in particular set an employment target that at least 25 per cent of the workforce should be from an ethnic minority background for all levels and pay grades, including the top five per cent. Again the purpose is to develop a workforce that reflects London's diverse population. Over the life of the GLA's first Race Equality Scheme, the Authority has met and exceeded this target.

Over the years 2002-2005, London's ethnic minority population increased from 25 to 29 per cent. In order to continue to have a representative workforce, the GLA has continued reviewing its race employment targets and will also establish recruitment, retention and promotion targets.

### **3.3 Public funds and non-discrimination**

#### **Anti-discrimination clauses in public contracts**

Many businesses have an interest in winning contracts with governments, including local and regional governments, concerning goods and services. One way of promoting proactive non-discriminatory actions by private actors is the inclusion of anti-discrimination clauses in such public contracts. Regardless of the prejudices a business owner may have, most would reconsider their behaviour if they know that they risk losing public contracts due to the implementation of such prejudices.

One type of model clause can be found in Appendix.<sup>11</sup> There are four basic requirements:

- The contractor agrees to follow the applicable laws against discrimination.
- The contractor agrees to apply the clause to sub-contractors.
- The contractor agrees to supply within a week after it is requested written information concerning compliance with the laws.
- The contractor is put on notice compliance is of utmost importance to the city and that the city therefore retains the right to cancel the contract if such a breach of contract occurs.

There are a number of reasons for such clauses:

1. The clauses are legal. The clause in Annex 1 complies with both European Union and Swedish law.
2. The clauses strengthen equality. They provide the local population with an assurance that their tax funds are not going to companies willing to discriminate against them. This was one of the arguments that the early civil rights movement in the United States used for the introduction of such clauses. Today, in one version or another, they are used by cities in the United States, Canada, the United Kingdom, Austria and Sweden.
3. The clauses promote quality. The main thrust of modern anti-discrimination laws is that they require that the most qualified job applicants shall not be disregarded due to irrelevant factors like gender, ethnicity, religion, disability, sexual orientation or age. If a business wants to retain the possibility of taking into account such irrelevant factors while disregarding the most qualified applicants, probably are not sufficiently focused on the quality of their products or services.
4. The clauses are proactive. According to studies in Canada and the United States anti-discrimination clauses have led to positive results for minorities and women in companies that have such clauses. At the same time few contracts have been cancelled.
5. Including such clauses also raises the awareness of the companies participating in the contract process concerning the anti-discrimination laws as well as the importance that local and regional governments place on the issue.

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<sup>11</sup> Also see Paul Lappalainen, *Det blågula glashuset: strukturell diskriminering i Sverige* SOU 2005 :56 (Swedish government inquiry 2005 :56 *The Blue and Yellow Glass House : Structural Discrimination in Sweden*).

These clauses can also be complemented with policies including certain factors. The local and regional government can point out that it only wants to deal with suppliers who have a commitment to equality for their workforce and their customers. The local and regional government may in particular encourage the breaking down of larger contracts into smaller portions in order to promote competition for these contracts from small and medium size enterprises. Quite often such smaller enterprises are the ones run by ethnic minority entrepreneurs.

### **Anti-discrimination clauses in public subsidies to civil society organisations**

Local and regional governments participate in local society not only through public contracts, but also through the subsidies provided to local and regional non-government organisations. Even such subsidies can be made subject to a non-discrimination clause. Organisations receiving such funds should, at a minimum, agree to not violate the applicable anti-discrimination laws. They should also be put on notice that discrimination may lead to a cancellation of funding or ineligibility concerning future funding. In some localities, such non-governmental organisations wield a great deal of influence, both directly and indirectly.

### **Anti-discrimination policy and banking**

One problem that some ethnic minorities and immigrants experience is discrimination by banks in terms of lending. To counteract this a local or regional government could adopt a policy stating it only wants to do business with banks that do not discriminate, and that if the bank (or banks) with which it deals discriminate in terms of, for example, lending practices, the government will feel obliged to move its business to another bank. Given the volume of financial transactions that can often be related to local and regional governments, many banks will probably not only try to ensure that they do not violate the laws against discrimination but will also institute proactive policies to try to reach out to ethnic minorities and other discriminated groups.

### **3.4 Licensing powers**

Discrimination in nightlife is often one of the first introductions to adult life that many young minorities.

Some local and/or regional governments have licensing powers concerning alcohol service permits for restaurants. This power can be used to promote non-discrimination. This can be done by including an anti-discrimination condition in the permit where the permit holder agrees to ensure that discrimination will not occur within the licensed premises, and that violation of this clause can result in revocation of the permit.

Permit holders could also be required to post notices outside of their clubs indicating the requirements for entry concerning such issues as membership cards and clothes. They can also be put on notice that the inspection authorities are considering testing the occurrence of discrimination.<sup>12</sup>

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<sup>12</sup> The City of Stockholm introduced an anti-discrimination condition into its alcohol serving permits a few years ago. Permit holders were put on notice that they risked losing their permit if discrimination occurred. They were also told that they should put up signs informing all those in line of the entry requirements. Such requirements can concern everything from clothing standards (e.g. no blue jeans, no tennis shoes) to membership cards to reservations for dinner. The extent to which these rules have actually been implemented is unclear.



### **3.5 Housing**

Racism and discrimination concerning housing are major concerns. There are clear links between housing and other areas of social life e.g. between a lack of housing and/or being confined to housing in poorer, segregated areas and employment, education and health status.

Local and regional governments can promote non-discrimination in housing through various means. They often have an ownership interest in housing. Here is particularly important that they as owners ensure that discrimination does not occur. This is important as a signal both to the public sector as well as to the private sector. Quite often local and regional governments have arrangements with private owners to provide housing. Non-discrimination can be a condition. Local and regional governments that have legislative powers can adopt laws banning discrimination in housing.

In the spring of 2006, the Congress of Local and Regional Authorities of the Council of Europe, the City of Stuttgart and the European Foundation for the Improvement of Living and Working Conditions came together to form a 'European network of Cities for Local Integration Policies for Migrants' (CLIP). The CLIP network has brought around 30 large European cities together in a joint learning process over several years. The network seeks to support the social and economic integration of migrants, combat social inequalities and discrimination, and to help migrants to preserve their cultural identity. Some of the network's analyses and recommendations were presented in the report published in 2007 entitled *Housing and integration of migrants in Europe*.

Some of the recommendations that are relevant in this context:

- regular round tables and meetings with external experts and representatives of civil society tackling housing and migrants' integration issues;
- establish indicators to evaluate migrants' access to housing, such as the waiting period for social housing of migrants versus that of indigenous population groups, and systematically monitor it;
- critically assessing and, if possible, abolishing existing formal regulations or informal practices in housing associations, which discriminate against migrants in favour of indigenous population groups – for example, waiting lists requiring a long period of residence or provisions for inheriting residence rights;
- establishing a low-threshold office collecting complaints in the form of an ombudsman, for example, and systematic monitoring discrimination against migrants on the housing market;
- target discrimination against migrants in the private housing market, by taking an approach that protects the interests of migrants without alienating private house owners as a whole;
- establishing a structured and continuous dialogue between police and migrants – for instance, by involving migrants' representatives in police training courses on intercultural competencies;
- setting up low-threshold provisions for reporting of hate crime against migrants, and providing an independent place separate from the police station where people can report such crimes, in order to overcome the problem of migrants being too fearful to go to the police station;
- local policy often puts too much emphasis on measures to control the inflow of migrants into certain areas instead of positively influencing the retention of the middle-class native population in areas with higher concentration of migrants;

- allocation of public institutions and services, such as childcare services, schools and sports facilities, into segregated areas will enhance the integration of this area into the city as a whole and hence reduce segregation patterns.

### **3.6 Schools and racism and discrimination**

Local and regional governments often have influence over the schools within the area. A broad spectrum of measures for combatting racism and discrimination in schools can be found in *ECRI General Policy Recommendation N°10 on combating racism and racial discrimination in and through school education*. A number of them are relevant to the control exercised by local and regional governments. The following are more specific suggestions.

#### **Racism and discrimination as a part of local/national history**

One way that this influence can be used is ensuring that the schools teach about racism and discrimination as a local/national issue. Too often the issue of racism and discrimination is dealt with as a problem somewhere else, for example in South Africa or the USA, rather than as a part of local and national history. It is an important part of European history and in one way or another an important part of the local and national history throughout Europe. For example, schools in Sweden should be teaching students about Sweden's history of racism and discrimination concerning the sami, the roma and the jews, the role of race biology as a science and, concerning the recent past, the difficulties in adopting legislation banning race discrimination.

Discrimination related to anti-semitism, the roma, and other ethnic minorities has long been a part of European culture. Added to this is the history of colonialism of various countries and the racism this entailed. In addition, more recently we have the treatment of various immigrants and the discrimination that they experience. While each country has its own specific history of racism and discrimination, all too often it is that specific history which is not taught in schools. In order to understand the current racism and discrimination within a country, it is important to understand the country's own history with racism and discrimination.

Another way of bringing this issue into the schools is by examining the teaching materials and texts that are currently in use. All too often it can be found that the materials are racist or xenophobic in and of themselves. They often present a negative picture of e.g. persons from Africa, the Middle East, Arabs, Muslims and/or Asians. Even when the more obviously racist texts have been removed, those that were often the norm through the 1950s and 1960s, the more subtle materials have often been retained.<sup>13</sup>

#### **Schools without racism**

This influence could also be used to encourage something along the lines of School Without Racism: an European project to combat racism.<sup>14</sup> Each national organisation develops the project according to its own specific circumstances. Some countries have already gained a lot of experience from the project. Others are just starting. Exchanging all those different experiences is very rewarding. European co-operation gives young people the opportunity to get to know different cultures and to put their own in context. Co-operating in projects also lets them learn about the similarities.

By becoming a School Without Racism, a school takes a clear stand against racism and discrimination and gives an unmistakable signal to society that racism and discrimination can not be tolerated. A School Without Racism says No to racism and Yes to intercultural coexistence.

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<sup>13</sup> See Paul Lappalainen, *Det blågula glashuset: strukturell diskriminering i Sverige* SOU 2005 :56 (Swedish government inquiry 2005 :56 *The Blue and Yellow Glass House : Structural Discrimination in Sweden*).

<sup>14</sup> See <http://schoolwithoutracism-europe.org/>

The call to action can be adapted to the local situation, but is built on the following five points:

A School Without Racism is a school:

1. Where scientifically correct information is provided on racism, ethnic minorities, immigrants, immigration and other cultures.
2. Where discrimination and exclusion are opposed.
3. Where racist remarks and propaganda and racist organisations are averted.
4. Where initiatives are taken each year against racism and discrimination and for the creation of a society in which people respect each other and have equal opportunities and rights.
5. Where meetings are organised to foster mutual respect and anti-racism.

### ***3.7 Awareness-raising, information and training***

#### **Cultural events**

Local and regional governments are often involved in the promotion of local and regional culture. It is important to recognise and respect the full and diverse range of cultural expression and heritage of local residents in the cultural programmes, collective memory and public spaces of the city authority and promote interculturality in city life.

This can be done through facilitating the production, in partnership with professionals from the groups affected by discrimination, films, documentaries, programmes, etc. that help enable them to express their experience of and aspirations for their city.

Local and regional governments can fund cultural projects and meeting places that represent the diversity of city dwellers and provide opportunities equally participate in official local and regional programming.

#### **Support to networks of local and regional actors**

Local and regional governments often provide support to local and regional civil society organisations representing various interests. Providing support to networks of local and regional actors that are the targets of discrimination is an important way of helping them develop the needed advocacy skills needed to become effective participants in local and regional consultation processes.

#### **Hate crime networks**

One particular idea is the establishment of hate crime networks. It is important to recognize and respond to hate crimes quickly and effectively. Hate crimes can include such events as hate speech as well as crimes involving racist-motivated violence. One thing local and regional governments can do is establish a hate crime network that ties together different actors that are relevant in recognizing and responding to hate crimes. Such a network could include the police, the health authorities, schools, social services etc as well as representatives from the groups that are the local targets of racism. A local and/or regional civil servant can be given responsibility two major tasks:

1. The coordinator should get the different actors together to raise awareness of the nature of the hate crimes. This should take place in particular in cooperation with the targets of hate crime.
2. Planning for responses to such hate crime.

With this type of network it can be hoped that hate crimes will be recognized at an early stage and be dealt with appropriately. By getting the actors together in advance, they will not only learn

about the crimes themselves but also the other actors who are relevant to an early and effective response.

### **3.8 Outreach programmes**

Local and regional governments can establish outreach programmes in regard to the parts of the local and regional population that are subject to exclusion rather than inclusion.

This can be done by setting up a monitoring, vigilance and solidarity network against racism at the local and regional level.

One example of a way to do this is the establishment of a mechanism for consultation with the various social actors (young people, artists, NGOs, community leaders, the police, the judiciary, etc.) in order to take regular stock of the situation as regards racism and discrimination.

Another example is setting up, in collaboration with civil society organisations, a monitoring and rapid response system to identify racist acts and hate crimes/speeches and bring them to the attention of the competent authorities.

Another means of focusing on outreach is by putting racism and discrimination on the agenda of the various consultation mechanisms that exist within the city (e.g. youth parliaments, elders' councils, NGO focus groups).

The city of Galway in Ireland brings up outreach work as a key issue in the Galway City Partnership *Strategic Plan*. The Partnership, composed of various actors, is intended to tackle disadvantage and combat social exclusion.<sup>15</sup>

Outreach programmes were one of the topics mentioned recently at the 28th Conference of European Ministers of Justice concerning "Emerging issues of access to justice for vulnerable groups, in particular: - migrants and asylum seekers; - children, including children perpetrators of crime". The Bulgarian representative brought up the outreach programmes for juveniles in order

to prevent and eliminate antisocial behaviour or crime and inclusion in activities that facilitate normal development and education; programmes for their education and social integration as well as outreach programmes for parents whose children have committed misdemeanours or offences.<sup>16</sup>

### **3.9 Support to targets/victims of racism**

Local and regional governments have the ability to provide to the victims and targets of racism and discrimination through various means. In particular it is important to strengthen their capacity to defend themselves against racism and discrimination.

#### **Anti-discrimination bureaus**

This can be done through the provision of support to victims to organise themselves in seeking remedies, and undertaking initiatives (counselling, monitoring, etc.) and preventive measures in counteracting racism and discrimination. Some cities do this by providing support to the

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<sup>15</sup> See <http://www.gcp.ie/strategicPlan.html>

<sup>16</sup> Lanzarote (25-26 October 2007). [http://www.coe.int/t/dg1/legalcooperation/minjust/mju28/MJU-28\(2007\)04Erev-Bulgaria.pdf](http://www.coe.int/t/dg1/legalcooperation/minjust/mju28/MJU-28(2007)04Erev-Bulgaria.pdf)

establishment of local and/or regional non-government organisations known as anti-discrimination bureaux. These organisations can have a variety of tasks :

- provide advice and assistance concerning individual cases of discrimination;
- provide monitoring and reporting of racist incidents;
- help to organise consultation processes with groups representing the targets of racism;
- provide constructive criticism to the local and/or regional governments concerning actions to be undertaken in related fields;
- give voice to local and/or regional community concerns related to racism and discrimination;
- be given the capacity and mandate to provide support to local and/or regional entities which provide legal and psychological support to victims of racism and discrimination.

#### **Local and/or regional government anti-discrimination committee/ombudsman**

Local and/or regional governments can establish a formal capacity within the government such as an ombudsman or an anti-discrimination committee to deal with discrimination complaints related to the functioning of the local and/or regional government, ideas for counteracting discrimination and providing a forum for discussion of related issues as well as their solutions. Such a committee could also have a mandate in regard to the monitoring, implementation, following up and revision of the local or regional government's plans for promoting equality and counteracting discrimination.

## **4. Conclusion**

Various examples of actions that can be undertaken by local and/or regional governments in counteracting racism and promoting racial equality have been discussed above. These should develop means for analysing local and regional needs, in particular through consultation processes involving the targets of racism, as well as developing an overall action plans and strategies that take into account the issues brought up in the overall analysis. The overall analysis will provide some indications as to the types of powers that the local and regional government in question can and should use to promote equality and non-discrimination. A local and regional environment where equality is the norm, where local and regional authorities recognise and demonstrate that they are counteracting racism, will thereby be promoting social cohesion, human rights and democracy.

## **5. Recommendations**

The counteracting of racism, whether in the form of racist violence and hate crimes to more subtle forms of racial/ethnic discrimination, is a fundamental cornerstone of developing social cohesion and social inclusion.

The recommendations that follow concern the following areas: policy and its implementation in the form of action plans (including consultation processes with the targets of racism), the development of specific actions related to the various roles of local and regional governments (including anti-discrimination related to their roles as a service provider, an employer, the provision of public procurement contracts, the funding of local and regional civil society organisations and outreach programs and as creators of local and regional legislation) and follow-up, evaluation and revision of the measures that have been undertaken.

## 5.1 Policies and action plans

Effective policies and action plans, in other words, those that aim to promote equality and counteract racism, can be implemented on the basis of the following recommendations:

- An overall analysis is needed that is based on the current issues related to racism affecting the particular local and regional level. It is vital that representatives of the local and regional targets and victims of racism are involved in a consultation process as a part of this analysis. From an internal perspective, situation testing/discrimination testing<sup>17</sup> is needed to test the quality of existing equality policies. Local organisations representing the targets could be asked to participate in testing for indications of discrimination in the employment and/or service delivery practices of local and regional governments.<sup>18</sup> Such testing could help to ensure more effective implementation of current and future non-discrimination policies.<sup>19</sup>
- On the basis of the overall analysis, a comprehensive action plan should be developed that takes into account local and regional needs. It is important that specific measures are developed and implemented, rather than documents that in practice are limited well-meaning policy statements. Again, the targets and victims need to be part of the process of examining and deciding on the measures needed as well as the priorities that are assigned.
- The action plan may need varying implementation frameworks related to time. Some actions can be implemented fairly quickly. Some will need more time due to financial or legislation considerations.
- It is important that the financial support provided to non-governmental organisations representing the targets of racism is effective in that the focus is on helping them to establish and develop their advocacy role. This means that policymakers need to realise that these organisations will be developing the capacity and competence enter into a dialogue with as well as criticise local and regional governments, that this should be expected and that this will, in the long run, lead to a more effective implementation of the anti-racism measures that are undertaken.

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<sup>17</sup> Situation testing / discrimination testing involves for example comparing the reaction of employers to job applications where the applicants basically only differ in regard to their names – a foreign sounding name as opposed to a native sounding name. The ILO, in its recent report *Equality at work: Tackling the challenges - Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2007*, mentions several national studies. See [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms\\_082607.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf). The ILO concludes that such studies have led to a significant impact on the reforms implemented in a number of countries (p 114). Such studies would presumably also have a significant impact at the local level as well.

<sup>18</sup> See Paul Lappalainen, *Det blågula glashuset: strukturell diskriminering i Sverige* SOU 2005 :56 (Swedish government inquiry 2005 :56 *The Blue and Yellow Glass House : Structural Discrimination in Sweden*). This inquiry proposes the use of situation testing in three different ways. One is using testing in regard to research. The second is using testing to prove discrimination in court proceedings. The third is the use of testing as a way of testing the quality of the non-discrimination policies and measures that are in place. Testing the quality of non-discrimination policies is something that both national as well as local and regional governments can and should carry out. Indications of problems with discrimination will mean it is that much more important to ensure that equality measures are effectively implemented.

<sup>19</sup> An example of this is taking place in Stevenage, Hertfordshire in the United Kingdom. A process of scrutiny is underway (2008) which will test the robustness of the Equalities Standards through Equality Impact Assessments and Scrutiny of Recruitment and the Customer Service Centre.

- The analyses and action programs that are established should at least be compared with the 10 point program adopted by UNESCO and the European Coalition of Cities Against Racism (see above under “equality policies”). The 10 points can be divided into several fields of focus: prevention and positive action, monitoring and vigilance, empowerment, mediation and punishment.
- When it can strengthen the purposes of such plans, it is important to promote equality on all grounds and combat all forms of discrimination.

## 5.2 Specific types of actions

The overall analysis above as well as the plan above needs to result in specific measures and actions that promote equality, counteract racism and discrimination and contribute to social cohesion.

- **Anti-discrimination in services.** Local and regional governments are important service providers. Implementation of non-discriminatory measures to counteract discrimination and promote equality send an important message to both the targets of racism and discrimination as well as to other actors. They can establish local or regional anti-discrimination committees that can oversee and contribute to the implementation and development of the work against racism and discrimination.
- **Anti-discrimination as employers.** Local and regional governments are important as employers. The implementation of non-discriminatory measures to counteract discrimination and promote equality also send an important message. In order to provide the best possible service to the community it is important that employees to some extent reflect the local and regional population.
- **Purchasing power and anti-discrimination.** The purchasing power of local and regional governments is an important power that can be used to underline the determination and seriousness of governments in relation to the promotion of equality and counteracting discrimination. Anti-discrimination clauses should be included in their public contracts. This can be done in most places regardless of what the national government is doing. Anti-discrimination clauses in the public subsidies provided to non-governmental organisations send a similar message. An anti-discrimination policy concerning the removal of funds from banks that discriminate would serve a similar purpose.
- **Regulatory powers and anti-discrimination.** Local and regional governments often have important legislative and/or regulatory powers that can be used to counteract discrimination. They need to examine the extent of these powers, and even test their limits. For example, if permits to serve alcohol in restaurants are issued by local or regional governments, they can presumably attach non-discrimination conditions to those permits that indicate to the permit holder that discrimination can lead to withdrawal of the permit. In a similar way, local governments may be involved in the issuance of general business permits. Anti-discrimination conditions could be attached to these.
- **Schools and anti-racism.** Local and regional governments often have important powers concerning local and/or regional schools. The history of racism and discrimination within the country can be put onto the agenda. Schools can adopt plans that ensure that they can be considered to be *Schools without racism*.
- **Empowerment, awareness raising, information and training.** Local and regional governments are important in terms of empowerment, awareness raising, information and training. They can provide support to hate crime networks. They can provide support to networks of local and regional actors representing the targets of discrimination including

NGO-controlled anti-discrimination bureaus. It is important that the targets of racism have a major influence concerning such bureaus. They can establish outreach programs. They can even provide support to cultural events celebrating the diversity of the local and/or regional community. An important key here is the promotion of empowerment so that the targets of racism become a part of the process of change needed to counteract racism and discrimination.

- **Anti-discrimination committees and/or ombudsman.** The political responsibility for the initiation, analysis, monitoring, implementation, following up and revision of the local or regional government's plans for promoting equality and counteracting discrimination of the local and/or regional anti-discrimination policies, e.g. those mentioned above, should be placed in the hands of a local and/or regional committee. This committee could even have attached to it an ombudsman responsible for examining discrimination complaints concerning the local/regional government.

### 5.3 Evaluation and revision

Finally, it will be important to establish various means for evaluating, following up and revising the action plans and action programmes.

One example can be seen in the major programme to mainstream equalities developed by Birmingham City Council of the United Kingdom. The Equality and Diversity Division of the City Council was formed in 2004 with the aim of developing a more holistic approach to tackling inequalities based on faith, race, gender, sexuality, age and disability. Birmingham's objectives – "consolidating good and excellent practice, progressing equality, recognising the diversity of all of Birmingham's communities and enabling staff of the organisation to become more sensitive to the needs of those communities".<sup>20</sup> A key to this work is the Corporate Equality Scheme Review and the Equality Impact Assessment.<sup>21</sup> Birmingham's plan is to identify all of the local government functions, policies, plans and strategies which have a race equality dimension and to carry out an impact assessment against these. The aim of Equality Impact Assessment is to find out whether the local government is appropriately taking into account the needs and concerns of people from different racial groups, women and men, and people with disabilities. Concerning gaps and adverse impact, action plans have been developed and included in the annual service plans and work programmes. In addition, monitoring and feedback mechanisms are established to obtain assessments concerning the carrying out of the plans. These also lead to revision of the existing plans.

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<sup>20</sup> See

[http://www.birmingham.gov.uk/GenerateContent?CONTENT\\_ITEM\\_ID=1195&CONTENT\\_ITEM\\_TYPE=0&MENU\\_ID=10611&EXPAND=240](http://www.birmingham.gov.uk/GenerateContent?CONTENT_ITEM_ID=1195&CONTENT_ITEM_TYPE=0&MENU_ID=10611&EXPAND=240)

<sup>21</sup> See

[http://www.birmingham.gov.uk/GenerateContent?CONTENT\\_ITEM\\_ID=57340&CONTENT\\_ITEM\\_TYPE=0&MENU\\_ID=13850&EXPAND=13498](http://www.birmingham.gov.uk/GenerateContent?CONTENT_ITEM_ID=57340&CONTENT_ITEM_TYPE=0&MENU_ID=13850&EXPAND=13498)



## APPENDIX

### An anti-discrimination clause for public contracts

This is the anti-discrimination clause that the Swedish government inquiry entitled *The Blue and Yellow Glass House: Structural Discrimination in Sweden*<sup>22</sup> recommended to the Swedish government for adoption in all government contracts.

§ 1 The supplier shall throughout the contract period, in his business activities in Sweden, follow the applicable anti-discrimination laws. The laws currently referred to are Article 141 of the EU Treaty, 16:9 of the Swedish Penal Code, the Swedish Gender Equality Act (1991:433), the Act on measures against ethnic discrimination in working life (1999:130), the Act banning discrimination in working life against persons with a disability (1999:132), the Act banning discrimination in working life due to sexual orientation (1999:133), the Act on equal treatment of university students (2001:1286), and the Act prohibiting discrimination (2003:307).

§ 2 The supplier, during the contract period, has a duty, at the request of the contracting entity, to provide a written report concerning the measures, equality plans etc., that have been undertaken in accordance with the duties specified in § 1. The report shall be submitted to the city within one week after a request is made unless some other agreement has been reached in the individual case.

§ 3. In his or her contracts with sub-contractors, the supplier shall apply the same duty to them as is specified in § 1. The supplier shall be responsible to the contracting entity for a sub-contractor's violation of the anti-discrimination laws specified in § 1. The supplier shall also ensure that the contracting entity can upon request be informed of the sub-contractor's measures, plans etc. in accordance with §2.

§ 4 As it is of very substantial importance to the contracting entity that its suppliers live up to basic democratic values, a violation of the duties in §§ 1-3 shall constitute a significant breach of the contract. The contracting entity therefore has the right to cancel the contract if the supplier or a sub-contractor violates the conditions in §§ 1-3. However, the contract will not be cancelled if the supplier immediately remedies the situation or undertakes other measures with the purpose of achieving compliance with the laws specified in § 1, or if the violation is considered to be insignificant.

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<sup>22</sup> *Det blågula glashuset: strukturell diskriminering i Sverige* - SOU 2005:56