



European Network Against Racism  
Réseau européen contre le racisme  
Europäisches Netz gegen Rassismus

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# ENAR g y

## Monthly NEWSLETTER

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### Table of Contents

#### IN THIS ISSUE:

- 1 **Media responsibility**  
(*Bashy Quraishy*)
- 2 **ENAR Stands Firm in Constitutional Whirlwind**  
(*Sophie De Jonckheere*)
- 2 **ENAR Discusses Religious Discrimination**
- 3 **A notice to Board Members**
- 4 **Landmark Day With Not Much To Landmark: The ENAR/Moraes Hearing**
- 7 **ENAR ventures into Hungary**

### ENARlysis - editorial

#### Media responsibility

The modern means of information through media have a very powerful influence on forming people's attitudes and perceptions of ethnic minorities. This limitless power fortunately places a heavy responsibility on the shoulders of the media industry to be a partner in bringing about and contributing to develop a socially sustainable society, where the process of change is smooth and integration painless. In short, media can help in social integration of ethnic minorities in the host societies.

Unfortunately, the way a large segment of European media portrays ethnic groups is increasing the gap of misunderstanding by focusing on differences that divide people, religions and cultures, instead of bridging the divide which separates people.

#### The will to build bridges

The mainstream media has the means and technology to build bridges between the majority and the ethnic minorities living in the EU. All it lacks is willpower as well as a helping hand from those who has expertise, goodwill and a determination to make a difference by eliminating stereotyping based on religion, culture, gender, race, class, nationality and ethnicity.

With the support of ENAR member organisations and other actors, EUMC and Mira Media (an independent co-operative body of the major national migrant organisations in the

Netherlands) have taken an initiative to coordinate a week of media activities, which will include "A day of monitoring", where researchers and NGOs will document and analyse the media's coverage of minorities in their respective ways. Meetings with editors, media workshops, empowering seminars and much more will be arranged.

12 June 2003 was used as a trial run. It proved to be a good forerunner. In November 2003, the actual mapping will be performed.

On the European Day of Monitoring, volunteers from minority and other organisations will for one day monitor the media output on its representation of ethnic minorities and the multicultural society. The goal is to highlight the extent to which minorities are mis- or under-represented, and the impact this has on the perceptions and reactions of media audiences, minority audiences in particular.

The results of this monitoring day will be shared with EU institutions, journalists and NGOs, not as a directive or a pointed finger towards media world. It will be merely a suggestion. Through this collected information and factual knowledge, media and NGOs can share the responsibility and try to come closer. It is up to an individual to decide on how to use it.

*Bashy Quraishy*  
*ENAR Chair*

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**ENARlysis - editorial**

## ENAR Stands Firm in Constitutional Whirlwind

Ever since the 15 Heads of States decided in Laeken to rewrite the founding Treaties of the European Communities into one comprehensive constitution, ENAR has been there to make sure that equality issues are duly taken into consideration.

But soon enough it became clear that many people perceived this historical momentum as *the* occasion to remove a number of existing EU competences to act.

### Where ENAR is heading

Putting pressure on Convention members, on members of the European Parliament, of national parliaments and on governments, ENAR started a massive lobbying campaign to make sure that the *acquis communautaire* on equality, non-discrimination and preventing and combating racism and xenophobia would not get lost amidst the huge discussions about the sharing of power between EU institutions or in the difficult negotiations on border control or migration policy. Although the Convention was delivering, on many an occasion, mostly pure rhetoric, quite a lot of convention members still truly engaged in strenuous discussions on the importance of supporting a coherent and strong anti-discrimination policy and of underlining equality as one

## ENAR Discusses Religious Discrimination

Discrimination on the grounds of religion or belief has become an increasing problem throughout the EU, especially after 11 September 2001. The target groups of religious discrimination often coincide with the target groups of racism. ENAR has therefore decided to convene a Seminar and Forum on "**Religious Discrimination in the European Union**" on 24-25 October 2003 in Amersfoort (the Netherlands). This will provide an opportunity for ENAR member organisations to familiarise themselves with the concept and with the EU Council Directive on Equal Treatment in Employment and Occupation (Employment Directive) in particular. The discussions will inform the development of an ENAR policy on religious discrimination and on the transposition of the Employment Directive.

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of the founding values of the Union. As many other NGO networks at European level, ENAR would often only have a few days to convince as many Convention members as possible to table amendments in support of our objectives, since deadlines were always tremendously short and convention members horribly busy. Some of them actually even complained of being "over-lobbied" by NGOs. The pressure was indeed sometimes very high. But so were sometimes the results.

ENAR lobbied the Convention mainly asking for these 3 different points:

- a reference to the value of equality and the objective of non-discrimination as a strong message in the first articles of the Constitution, as well as the preservation of the legal basis for Article 13, with extension to qualified majority voting;
- the development of a new concept of European citizenship based not only on nationality but also on residence;
- keeping "prevention and combating of racism and xenophobia" as one of the key policies to achieve an area of freedom, security and justice.

### ENAR making headway

Although the first and even the second draft of the Convention praesidium did not reflect any of these demands, our intensive lobbying campaign, and the excellent working relationships we had established with a high number of Convention members, ensured for ENAR quite impressive results in the end.

The first articles in the final constitutional draft do indeed refer to equality and non-discrimination as core values on which the Union is built. The Constitution does acknowledge that non-discrimination is one of the objectives the Union seeks to attain. Finally, Article 13 is kept as a fundamental Union policy, although strong opposition from a small number of Convention members blocked overall consensus on the extension of qualified majority voting procedure to this policy.

As to our demands concerning a new concept of citizenship, ENAR did manage to convince a considerable number of Convention members to file amendments on this subject. Although that did not lead to a change of the Constitutional draft, we have however made a big step forward, because it gives a clear signal that the Union needs to address the issue. Discussions in and around the Convention have shown that a lot of people are supportive to the idea and that this is a concept that needs to be deepened further.

Finally, as regards prevention and combating of racism and xenophobia, it really seemed for a while that this policy was deliberately being excluded from the future Constitution. The most incredible rumours were spreading on the strong stand of certain praesidium members against such a policy. This was not only shocking because we had to fight all over again a battle we had already won in Amsterdam, but also because you would not expect any respectable member of the Convention praesidium to stand up and openly voice his or her opposition against an anti-racism policy! The closed-doors policy of secretive praesidium discussions did not help to know precisely who we had to pressure or to shame on this but, as a result of an excellent coordination of simultaneous media, political, and ENAR lobbying pressure, we did in the end manage to have the praesidium change their mind – and that happened just 24 hours before the final draft of the Constitution was issued!

#### No chickening out

Still, let's not count our chickens before they are hatched! Although a consensus between 116 representatives of European institutions, national governments and national parliaments does of course mean something, the door is still open for the Intergovernmental Conference, which will start in October, to make major changes to the draft

Constitution. One thing is however certain, especially because we have rather limited expectations of the Italian Presidency: if changes are made, they will most probably not be made for better.

Even if the Intergovernmental Conference is a far less transparent process than the Convention's workings, the clarity of our demand should however make easier our lobbying work as a network. What we want is qualified majority voting for article 13 – or, as we chanted jointly with the three other big anti-discrimination networks<sup>1</sup> at one of the last plenary sessions of the Convention:

**“a veto to non-discrimination is a veto to a Europe for all. Don't let it happen!”**

*ENAR warmly thanks all the people who supported us in our effort to achieve a better protection against racism, xenophobia and discrimination in the Convention's Constitution. Let's continue our efforts together!*

**Sophie De Jonckheere**  
**ENAR Policy Manager**

<sup>1</sup> The European Disability Forum (EDF); the International Lesbian and Gay Association (ILGA Europe) and AGE, the Older People's Platform - our partners in fighting for better anti-discrimination policies in Europe.

### A notice to Board Members

In the next coming 6 months our network will be holding major structural meetings. In order to allow an informed discussion, the secretariat will send you the following documents:

- **Draft Work Programme 2004/2005:** in order to make the most efficient use of the next budget (2004/2005), the secretariat will send you soon the next work programme, which outlines the main policy concerns and activities for the upcoming budget period. This text will be discussed at the 18<sup>th</sup> Board meeting and adopted at the Annual European Assembly in Palermo in November 2003.
- **Draft Strategic Plan 2004/2006:** to assure a coherent and strategic policy approach over a longer period of time and to express ENAR's mid-term policy vision, it was decided to draft a Strategic Plan. This Strategic Plan will be dis-

cussed and adopted in the General Assembly in Lisbon in March 2004.

- **Draft Operating Manual of ENAR:** this document is one of the outcomes of the Review process ENAR went through and aims to bring together all working principles for ENAR in one comprehensive document. It will be discussed during the 18<sup>th</sup> Board meeting and adopted in the General Assembly in Lisbon in March 2004.

We will also send you an **Experts list questionnaire** (under preparation by the secretariat), aiming to identify the pool of expertise that ENAR can draw on.

**Date change:** the 18<sup>th</sup> Board Meeting will take place on 26/27 Oct. 2003 (Sunday/Monday) in Amersfoort (the Netherlands), right after the ENAR Seminar and Forum on “Religious Discrimination in the European Union”. The agenda will include, among others, the Strategic plan 2004/2006, the draft work program 2004/2005, and the draft budget for 2004/2005.



## ENA(R)genda

### Landmark Day With Not Much To Landmark: The ENAR/Moraes Hearing

On 8 July 2003, a public hearing in the European Parliament (Brussels) was convened by ENAR, in cooperation with Claude Moraes MEP (Vice-President of the Intergroup on Anti-Racism and Equality). About 80 representatives from EU institutions, anti-discrimination NGOs, voluntary organisations, trade unions and other interested parties from various EU member and accession states came together to discuss the progress of implementation of the EU Race Directive 2000/43/EC prohibiting discrimination against people on the grounds of racial or ethnic origin.

In preparation for this conference, ENAR put together an update of the progress each member state had made in transposing the Directive into national legislation:

<http://www.enar-eu.org/en/brnews/docs/Implementation%20update%20July%202003.pdf>

The groundbreaking new anti-discrimination laws were due to come into force across the European

*From the left: Claude Moraes MEP, ENAR Chair Bashy Quraishy, MEPs Richard Howitt, Kathalijne Buitenweg and Michael Cashman, ENAR Director Vera Egenberger.*

Union on July 19 2003. However, as the deadline approached, new research from ENAR revealed a systematic failure by Member States to implement the Directive. One of the objectives of the hearing was to expose and highlight this lack of progress in implementation and the level of apathy found in many EU countries to live up to their moral and legal duty.

#### Back to 2000, Back to Future

By way of introduction, MEPs Michael Cashman, Kathalijne Buitenweg and Richard Howitt – who have been backing the Directive from early on – outlined the development and content of the Directive.

The legislative process began in 2000, at a time when the political right had come into government in Austria. This gave a **good window of opportunity**, as politicians were eager to prove that they were serious about the issue of discrimination. **A new level of penalties** was established with more stringent penalties being associated with a breach of law. One of the most significant proposals was to **shift the burden of proof**: if there is evidence of discrimination, it is now the employer accused of discrimination who is obliged to prove that no

discrimination has taken place. A **definition of indirect discrimination** was also introduced, explicitly covering harassment and victimization. **Civil society involvement** was also built in: specialised bodies and organisations have right to be involved in planning how the Directive will work at national level.

As for **future legislation**, the MEPs warned about the risk of it being weakened if anti-discrimination legislation is to be agreed by unanimity in the Constitution. Also, the Commission may be reluctant to propose further legislation when pressed to do so in the future if current legislation is being implemented too slowly.

### Two sides of the 15-sided coin

Jackie van Damme (Ministry of Employment and Labour, **Belgium**) and **German** MEP Dr. Sylvia-Yvonne Kauffmann outlined the current state of anti-discrimination legislation in their countries, with Belgian practice labelled as “best” and German practice branded as “poor”. Countries like **Hungary** also have to transpose the Race Directive in view of their EU accession. Zoltán Lékó (Ministry of Justice) gave an insider’s view of the new Hungarian law on anti-

discrimination. His contribution can be accessed under: <http://www.enar-eu.org/en/brnews/docs/leko.shtml>

### The “league table”: Everybody lagging behind

ENAR’s Policy Manager Sophie de Jonckheere proceeded to give an overview of the transposition of the Directive as of 8 July 2003. An **implementation “league table”** composed by ENAR gives a quick overview of the state of progress in transposition by each member state:

<http://www.enar-eu.org/en/brnews/docs/Implementation%20update%20July%202003.pdf>

A summary of her presentation can be found under:

<http://www.enar-eu.org/en/brnews/docs/pressophie.shtml>

### Step up the pressure

Some points brought up in the ensuing open discussion were:

- The Directive does not simply forbid discrimination but also **promotes equal treatment** in general. This is something unique in international instruments on anti-discrimination and originates from the gender model of anti-discrimination legislation.
- The next 12 months will be crucial for **continuing pressure**: a coalition has to be developed between the Commission, the European Parliament and anti-discrimination NGOs; we will also need to create media awareness and media pressure.
- We must also consider the possibility of regression or a reduction in the quality of anti-discrimination even in member states with a strong history of legislation in this field. **Standards have to be maintained.**
- **Acceding states** should be held to transposing the Directive. Their problem is often not so much the legislation in itself but the need to change deeply rooted attitudes.
- **NGOs and Trade Unions** have an important role to play in promoting awareness and in ensuring that new laws are practiced properly and that effects are felt in the workplace.
- Although the issue of **institutional racism** is not sufficiently covered by the Directive, there was a



Dear friend,

We changed from a hut to a palace but kept the same postal address. How did that happen?

### Come and find out!

The cider will be chilled, the snacks ready and we will be happy to welcome you and enjoy some time with you. Please join us for ENAR’s House warming celebration.

Wednesday, September 10<sup>th</sup>, 2003  
5.00 PM till 8.00 PM  
Rue de la Charité, 43  
4<sup>th</sup> floor  
1210 Brussels

- provision included to combat this, which states that the Directive shall apply to people in the public and private sectors, which includes public bodies.
- The presence of a **specialised body** in a given country seems to be closely linked to successful transposition of the Directive, whereas the absence of such a body appears to be a major factor in the lack of commitment.

**Do not let them drag their feet**

Under the rules for implementing European legislation, member states must inform the Commission of the steps they have taken to integrate the provisions of a Directive into national law. On the eve of the deadline, the Commission had not received a single notification of complete transposition of the Racial Equality Directive.

At the opening address of an Italian Presidency conference on fighting discrimination in Milan, 21-22 July, Commissioner Anna Diamantopoulou expressed her dismay at this failure, saying, "Let us not forget that this Directive was agreed unanimously by the Council three years ago... Europe cannot present itself as a fortress against all immigration, indeed Europe needs it."

Member states who have not already notified the European Commission of steps taken to implement the Directive have three months from the implementation deadline to write to the European Commission laying out the specific actions they will be taking to complete the transposition of the Directive.

Parliamentarians, NGOs and anti-discrimination organisations present at the public hearing in the European Parliament emphasised the importance of their continuing role in maintaining the momentum and pressure on those governments who are dragging their feet, to ensure minimum standards are respected, that specialized bodies are given wider scope and strong powers to tackle individual cases of discrimination and that consultation with NGOs is improved and made transparent. Pressure will also need to be kept on the Commission to ensure that it follows through with infringement proceedings against those member states who persist in refusing to tow the line.

*(Based on minutes by Emily Aryeetey, Research Assistant for Claude Moraes MEP, to both of whom we extend our warmest thanks for their collaboration and their support in the preparation of the hearing.)*

**Join the ENAR mailing list**

If you want to be kept up to date on current developments and innovations on our website, you can sign up to the ENAR mailing list. Once you have joined the list, you will receive e-mail notification about our updates.

**Mailing list with updates in English:**

<http://www.enar-eu.org/en/brnews/maillinglist.shtml>

**Mailing list with updates in French:**

<http://www.enar-eu.org/fr/brnews/maillinglist.shtml>

**Mailing list with updates in German:**

<http://www.enar-eu.org/de/brnews/maillinglist.shtml>

**ENAR offspring guaranteed**

Congratulations to ENAR staff members  
 Jeannette  
 Nchung Uru and  
 István Ertl...



...on the arrival of their new babies. Though not brothers, **Randy** (born on 18 June, above) and **Dorián** (2 August) are without doubt the first ever ENAR staff babies....

 **EN(AR)largment -  
News from accession countries**

**ENAR ventures into Hungary**



**E**NAR's very first member organisation in an accession country is the Roma Press Center (Roma Sajtóközpont, RSK) in Budapest. The RSK operates with a handful of computers in just two small rooms, on the rundown Nefelejcs utca, the very street that symbolically stands for the whole Hungarian capital in Nobel-prize winner Imre Kertész's novel *Fateless*.

The Roma Press Center is one of just three centres in the former Eastern Bloc which concentrate on the education of Roma journalists and their gradual integration into the national and local mainstream media. (The other two are the Roma Press Agency in Slovakia and Dzeno in the Czech Republic.)

RPC is a non-profit grassroots NGO news agency, established in December 1995, with the main goal of providing professional, non-biased and accurate journalistic coverage of Roma issues to the mainstream print media, as well as increasing public awareness of issues and problems of the Romani community.

The RPC staff consists of local Romani and non-Romani journalists and network correspondents located throughout the country. To date, 60 percent of RPC's newsletter stories have appeared in the national daily papers, and about 250 of its feature length articles have been printed by the mainstream media.

The RPC provides news to nearly seventy local and national radio stations throughout Hungary. RPC even produces a weekly newsletter in the English language featuring the week's three most important Roma-related news stories and one in-depth article. This is distributed to local NGO's who need to be kept aware of the real issues as they happen.

Launched in 1996, RPC's Roma Mainstream Media Internship Project is the first newsroom diversification project in Central and Eastern Europe. This program provides talented young Roma with secondary education degrees with the opportunity to participate in a rigorous one-year print and broadcast media journalism training program. The Roma Press Center's radio program also staffs interns from the Media Internship Program and produces a manual on reporting diversity in radio journalism. Since establishing cooperation with the Center for Independent Journalism in Budapest in 1997, this program has gained both success and a good reputation.

RPC is currently working to create a media monitoring service. The Roma Press Center continues to receive international recognition for its work. In 1997, it was awarded the Tolerance Award in the category of Print Media from the Foundation for Self-Reliance (Autonómia Alapítvány). In 1998, it was nominated for the Hungarian EU-US Democracy and Civil Society Award.

The Roma Press Center:  
<http://www.romapage.hu/english/>

*(Thanks to Esther Holbrook from the RPC for completions and update.)*

**Editor's notes**

*In the previous issue of ENARgy, our photo caption on Page 3 should of course have read: "5 June 2003: Activists from ENAR, from the European Disability Forum and the International Lesbian and Gay Association protesting in the Convention's premises."*

*We apologise for the delay in publishing this July-August issue of ENARgy. It is intended to get back to more regular publication rhythm as soon as possible. The next issue will appear under the editorship of the new Information Officer of ENAR.*