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COMMUNICATION FROM THE COMMISSION

COUNTERING RACISM, XENOPHOBIA AND ANTI-SEMITISM  
IN THE CANDIDATE COUNTRIES

COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN COUNCIL MEETING IN COLOGNE 3-4 JUNE 1999

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INTRODUCTION

In the conclusions of the European Council Meeting in Vienna on 11 and 12 December 1998, the Commission was invited to *'draft proposals for the Cologne meeting for measures to counter racism in the candidate countries'*. The Council also invited the *'Member States to consider taking similar measures inside the Union'*.

The Amsterdam Treaty which entered into force on 1 May 1999, recalls that the Union *'is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States'*. Indeed, for the first time, action can be taken in the event of serious and persistent breaches of fundamental rights occurring in any Member State. The rejection of racism, xenophobia and anti-Semitism is an integral element of these rights.

As members of the UN and of the Council of Europe, the candidate countries are, in the same way as existing EU Member States, parties to a wide range of international and regional instruments.

The definition provided by the UN is a valid reference point when considering racism in the perspective of the candidate countries. The United Nations was the first international forum to assess and address racial discrimination in a comprehensive manner. The United Nations International Convention on the Elimination of All Forms of Racial Discrimination (1965) defines this 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."* For the candidate countries, the issues of national and ethnic origin are particularly relevant.

At regional level, the Council of Europe is firmly committed to countering racism. It sets a general framework for non-discrimination in the European Convention on Human Rights and pays special attention to national minorities in the Framework Convention on the Protection of National Minorities. Whilst most candidate countries have ratified this instrument, Latvia, Lithuania, Poland, and Turkey have not yet done so.

This Communication aims to give an overview of measures which can contribute to countering racism in the candidate countries.

It does not suggest the creation of specific new initiatives for the candidate countries. Consistently with the strategies to prepare the candidate countries for membership of the Union, it sets out how candidate countries are involved in EU activities and makes some suggestions as to how this could develop in future.

## II. THE ENLARGEMENT CONTEXT

The European Council meeting in Copenhagen in 1993 formulated political criteria to be met by countries applying for membership of the European Union. It stated that '*membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.*' The concepts of respect for and protection of minorities constitutes a key element of combating racism and xenophobia in the candidate countries.

On the basis of these criteria, the Commission assessed the requests for membership of the ten candidate countries of central and eastern Europe in its Opinions presented in the framework of Agenda 2000 in July 1997. The Commission also reviewed progress achieved by the ten candidate countries from Central and eastern Europe, Cyprus and Turkey in its regular reports of November 1998, and in its special report of February 1999 on Malta's request for accession.

The scale of the minorities problem was illustrated in Agenda 2000 in the following terms: '*Minorities account for 44% of the population in Latvia (where 34% are Russian), 38% in Estonia (30% Russian), 20% in Lithuania (9% Russian, 7% Polish), 18% in Slovakia (11% Hungarian, 5% Roma), 14% in Bulgaria (9% Turks, 5% Roma) and 13% in Romania (8% Hungarian, 4% Roma).*' In view of this, the Opinions and regular reports published by the Commission pay special attention to minorities issues.

In the '*Accession Partnerships*<sup>1</sup>' of March 1998 for the ten candidate countries of Central and Eastern Europe, priorities are set for these countries, in the light of the analysis made by the Commission in its Opinions. Priorities related to the fulfilment of the political criteria of membership are identified in most Accession Partnerships. For example, the Accession Partnerships with Bulgaria, the Czech Republic, Hungary and Romania identify the further integration of Roma as a priority; the Latvian and Estonian Accession Partnerships highlight that the integration of non-citizens should be accelerated. In Slovakia, priority is placed on fostering and strengthening the policies and institutions protecting the rights of minorities.

The Commission will make a further review of the progress made by each of the Candidate countries in its *Regular Reports* to be produced in autumn 1999, which will include a full evaluation of preparations to meet the Copenhagen political criteria. The priorities in the Accession Partnerships will be revised accordingly.

Whilst the situation of minorities in the CEEC candidate countries has generally improved in recent years, considerable further efforts still need to be made as far as the Roma minorities are concerned. As regards the Kurdish issue, which is one of the reasons for which Turkey does not meet the Copenhagen political criterion, no notable improvements have been made since the Commission's report. The annex presents in more detail the situation in the candidate countries, in particular on the basis of the Opinions and Regular Reports.

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<sup>1</sup> Council Regulation 622/98 – OJ L 085 of 20/03/98.

This communication does not deal with the problem of dispossession which certain minority groups experienced in some of the candidate countries under the old regimes as this is mainly a matter for the jurisdiction of the candidate countries themselves or the European Court of Human Rights. Discrimination against refugees, who are particularly vulnerable to human rights abuses and often unable to protect their rights, is not covered here either.

### **III ACTIONS TO COMBAT RACISM, XENOPHOBIA AND ANTI-SEMITISM**

#### **EU support in the context of enlargement**

On accession to the Union, new Member States will be bound by the principles of the Treaty, which refer inter alia to respect for human rights and fundamental freedoms. It should also be recalled that respect for human rights as guaranteed by the European Convention for Protection of Human Rights and Fundamental Freedoms is a general principle of Community law.

In the context of enlargement, the candidate countries are expected to address the issues presented in the Commission's Opinions and Regular Reports and to implement the priorities set out in the Accession Partnerships.

Whilst these efforts are primarily the responsibility of the candidate countries themselves, the EU has been providing support to help them adopt the necessary measures. This support is channelled mainly through the Phare programme for the Central and Eastern European countries and the Meda programme for Turkey. Projects under the Phare programme are financed in the framework of individual Phare national programmes for each CEEC, and of multi-country programmes, such as Lien and the Phare Democracy Programme which has now been integrated in the 'European Initiative for Democracy and Human Rights'<sup>2</sup> - which cover all CEECs. Concrete examples of support given under these programmes are provided in the annex.

The candidate countries have adopted government plans or programmes to protect and promote minorities and tackle racism, but need to continue to make further efforts to improve the situation of minorities by implementing the policies adopted, ensuring that appropriate budgetary provisions are made and monitoring enforcement of these not just at national but at regional and local levels.

#### **Tackling these issues with the candidate countries**

Racism is a global problem that has also been addressed actively in the Member States of the EU for a number of years. The experience acquired in tackling racism at EU level can be shared with and extended to the candidate countries.

Also, consistent with the strategies to prepare the candidates for EU membership, efforts should focus on, wherever possible, opening community programmes, agencies and activities to the participation of the candidate countries.

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<sup>2</sup> Chapter B7-70 of the EU budget.

### *The Action Plan against Racism<sup>3</sup>*

The Plan prepares the ground for more ambitious action at European level under the new provisions of the Treaty on non-discrimination, in particular in terms of legislation, the mainstreaming of the fight against racism in Community policies and programmes and the development and the exchange of new approaches. The Commission will publish a report highlighting progress achieved and evaluating the impact of the action plan which sets a medium term framework for the fight against racism at European level before the end of 1999. The report will provide an assessment of the approach to mainstreaming the fight against racism in Community policies, including an overview of the measures taken by the Commission towards the candidate countries in addressing the issue of racism.

### *The European Monitoring Centre on Racism and Xenophobia*

The Monitoring Centre on Racism and Xenophobia set up in Vienna following a Council Regulation in 1997<sup>4</sup> has as a principal objective the study of the breadth, the development, causes and consequences of racism, of xenophobia and of anti-Semitism within the Union.

The Centre will work in close co-operation with organisations in the Member States, international organisations, and in particular with the Council of Europe. To this end, an agreement formalised recently the co-operation between the Monitoring Centre and the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. Given the wider geographical coverage of ECRI, this will enable common activities to be carried out within the EU and in the remaining 25 countries of the Council of Europe, including all the candidate countries. The European Community and the Council of Europe signed this agreement on 10 February 1999.

As a first practical measure to implement the agreement with the Council of Europe, the Monitoring Centre has proposed a joint project on the situation of the Roma people, aiming in particular to identify the best examples in Europe of tolerance and successful co-habitation.

The Commission is required to prepare an evaluation report next year on the activities of the Centre, together with proposals, if appropriate, to modify or extend its tasks<sup>5</sup>. These might include the extension of the co-operation between the Monitoring Centre and the candidate countries. In the meantime, the possibilities for establishing informal co-operation between the Monitoring Centre and the candidate countries could be explored. This could consist of the identification of appropriate bodies in the candidate countries which might co-operate and exchange information with the Monitoring Centre, and the sharing with the candidate countries of expertise and best practice.

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<sup>3</sup> COM (1998) 183 final, of 25 March 1998

<sup>4</sup> Council Regulation EC 1035/97 on the Monitoring Centre on Racism and Xenophobia of 2 June 1997 – OJ 151 of 10 June 1997.

<sup>5</sup> Article 16 of Council Regulation EC 1035/97.

### *The implementation of the non-discrimination provisions of the Amsterdam Treaty*

The Treaty of Amsterdam provides for the first time a legal base for the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 13 of the EC Treaty).

Since the signature of that Treaty and following wide consultation with all relevant actors, including the Member States, the social partners and the NGO community, on the means to give effect to Article 13, a broad consensus has emerged on the need for legislative measures on both racial discrimination and on the other grounds of discrimination cited in Article 13, together with a programme of practical action to support measures to promote non-discrimination. The legislation would include obligations on Member States to prohibit discrimination on grounds of racial and ethnic origin in a range of social and economic fields, to sanction discriminatory behaviour and to provide effective redress for the victims. Based on this consensus, the Commission intends to come forward soon with proposals to implement Article 13.

Any legislation to combat discrimination will of course form a part of the Community acquis, and as such, the candidate countries will be required to implement equivalent provisions before accession. This will make a substantial contribution to increasing the protection afforded to the victims of discrimination in the candidate countries. To support this development and to reinforce practical action to combat discrimination, any programme of action to support the efforts of Member States in this field should be open to participation by candidate countries.

The Commission has also indicated that it is exploring the possibility of proposing incentive measures to combat social exclusion under Article 137 of the EC Treaty. Such measures could also be opened to participation by candidate countries. Finally, to support the monitoring of developments in the candidate countries, future Eurobarometer surveys in the candidate countries could include questions about attitudes to racism and xenophobia in the same way as surveys within the Union.

### *Education, Vocational Training and Youth programmes as instruments in the fight against racism and xenophobia in candidate countries*

The fight against racism is a horizontal concern common to Education, Vocational training and Youth programmes. These programmes are already open to candidate countries and may provide financial support to a wide range of initiatives tackling racism and xenophobia. The Commission has proposed to step up its initiatives to combat racism, xenophobia and anti-Semitism in its current proposals for new education, youth and training programmes<sup>6</sup>.

### *Social partners and Civil Society*

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<sup>6</sup> Socrates II proposal: OJ C 314 of 13/10/98 – Leonardo II proposal: OJ C 309 of 09/10/98 – Youth programme proposal - OJ C 311 of 10/10/98.

Action to combat racism cannot rely solely on measures taken by Governments. Experience in the EU has shown that the contribution of the social partners and of civil society is essential at all stages of the process. The social partners in the candidate countries also need to be encouraged to take their responsibilities in this regard.

NGOs are principal actors for change in society and the European Commission will continue to support the development of civil society in candidate countries. However, governments should also be encouraged to involve NGOs in all aspects of their work to combat racism.

### **Working with other international organisations to combat racism**

In order to have a real impact on the ground, avoid duplication and ensure consistency, co-operation between the European Commission and the other international organisations involved in the fight against racism should be strengthened - such as the Council of Europe, the UN and the OSCE.

#### *Council of Europe*

The Commission will continue to work on the basis of joint programmes to strengthen the Commission's co-operation with the Council of Europe in the fight against racism. The agreement between the Council of Europe and the European Monitoring Centre on Racism and xenophobia will also contribute to the exchange of information and experience between the two organisations.

#### *Preparations for the World Conference on Racism (2001)*

The preparations at European level, which are co-ordinated by the Council of Europe<sup>7</sup> provide a good opportunity for the EU to work closely with the candidate countries to counter racism. Every effort should also be made to lend support to the NGOs from the CEECs in order to ensure their full participation in the preparatory process.

The Commission will continue to work in close cooperation with the relevant UN bodies on the issue of racism, and more particularly with the Office of the High Commissioner on Human Rights.

#### *OSCE*

The Commission will continue to maintain close working contacts with the OSCE High Commissioner for National Minorities in its work on questions concerning ethnic relations and minorities in the candidate countries.

### **CONCLUSION**

The Commission will continue to support the candidate countries in their efforts to protect and promote minorities and address racism through the Phare and Meda programmes and the European Initiative for Democracy and Human Rights.

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<sup>7</sup> A European Conference should be held in Strasbourg at the end of 2000.

In line with the strategies to prepare the candidate countries for membership, the Commission could propose to open future relevant EU programmes and instruments to the candidate countries. Moreover, the candidate countries will also have to prepare to comply with any new *acquis* in the field of non-discrimination. An extension of the co-operation between the European Monitoring Centre on racism and xenophobia and the candidate countries could be envisaged.

In addition to EU support, the candidate countries must step up their own efforts by ratifying relevant international instruments, and by ensuring implementation of government plans or programmes to protect and promote minorities and tackle racism.

The Commission will continue to strengthen its cooperation with other international organisations, and more particularly the United Nations, the Council of Europe and the OSCE, on the basis of shared values and a common commitment to address the issue of racism. The World Conference on racism will provide a forum for the EU to work in close co-ordination with the candidate countries.

The Commission will make a further review of the progress made by each of the Candidate countries in its *Regular Reports* to be produced in autumn 1999, which will include a full evaluation of preparations to meet the Copenhagen political criteria. The priorities in the Accession Partnerships will be revised accordingly.

The European Council is invited to take note of this communication.



COMMUNICATION FROM THE COMMISSION  
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ANNEX

This annex gives a brief overview of:

- the international legal instruments to fight against racism and xenophobia;
- the situation in the candidate countries;
- EU support to counter racism and xenophobia in the candidate countries.

**I. INTERNATIONAL LEGAL INSTRUMENTS**

*a) United Nations*

Article 2 of the **Universal Declaration of Human Rights** (1948) provides that *'everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'*

Article 4 § 1 of the **International Covenant on Civil and Political Rights** provides that measures taken by the States parties should not *'involve discrimination solely on the ground of race, colour, sex, language, religion or social origin'*. Article 2 §2 of the **International Covenant on Economic, Social and Cultural Rights** (1966) states that the rights enunciated *'will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'*.

The **International Convention on the Elimination of all forms of Racial Discrimination** (1969) contains detailed provisions specifying the meaning of equality before the law and enumerating legal and practical measures necessary to combat racism and related intolerance and promote a positive image of racial, ethnic and cultural diversity. It has been ratified by 150 states, including all the candidate countries with the exception of Turkey.

The principle of non-discrimination is also covered by two General Assembly Declarations on the **Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief** (1981) and on the **Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** (1992).

*b) Council of Europe*

Article 14 of the **Convention for the Protection of Human Rights and Fundamental Freedoms** ("European Convention of Human Rights" of 1950) which is the most legally binding of international human rights instruments in view of its effective monitoring mechanism, states that: *'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'* Its Protocol 11 that

provides for right of individual petition to the new European Court of Human Rights. All the candidate countries have adhered to the Convention and to the Protocol.

Given that the most exposed group to discrimination on the grounds of race are the national minorities, a number of Council of Europe texts provide them with special protection, and more particularly the **Framework Convention on the Protection of National Minorities** (1995). This Convention states that: *'Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to national minorities and those belonging to the majority'*. With the exception of Turkey, all the candidate countries have signed the Framework Convention. Latvia, Lithuania and Poland have signed the Convention, but not ratified it.

The Council of Europe's **European Commission against Racism and Intolerance (ECRI)** was set up in 1994 following the first summit meeting of heads of State and Government of the member states of the Council of Europe (Vienna, 8-9 October 1993). Its mandate is to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. In commenting in 1998 on the legal situation in the East European Countries, ECRI stressed that there was little legislation specifically designed to combat racism. Because of the existence of many national minorities, the legislature concerned preferred to adopt a different approach, that of laws on minorities. Priority was given to safeguarding their political, cultural and linguistic rights. In its country-by-country spot-check reports, which are to be published on all 41 of the Council's member states, ECRI identifies problems and their causes and offers advice and solutions. The reports play a key role in the ongoing dialogue between the Organisation and its member states on curbing racism, xenophobia, anti-Semitism and intolerance. Follow-up reports are planned over the next four years, with the aim to publish reports on 10 countries a year.

c) *OSCE*

The **Helsinki Final Act** in 1975 associated with the formation of the Organisation for Security and Cooperation in Europe (OSCE), encompasses a wide range of commitments on principles governing relations between participating states, on measures designed to build confidence between them, on respect for human rights and fundamental freedoms.

The Document of the **Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE** (June 1990) states that *'the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.'*(5.9). Moreover *'participating states clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone, as well as persecution on religious and ideological grounds. In this context, they also recognise the particular problems of Roma'*

The **Charter of Paris for a New Europe** (November 1990) affirms that *'the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.'*

The **OSCE High Commissioner for National Minorities**, established in 1992, maintains close working contacts with the European Commission in its work on questions concerning ethnic relations and minorities in the candidate countries.

The **Pact on Stability** signed in Paris in May 1995, focussed the attention of the candidate countries on the importance for the European Union of the respect for human rights, including those of minorities, as the guarantee of a stable and democratic Europe. It also highlighted the importance of regional co-operation and the strengthening of democratic institutions through co-operation arrangements.

## II. EU AND EC TREATIES

The Treaty on European Union that entered into force on 1 November 1993, states that one of the main objectives of the Union's Common Foreign and Security Policy is "*to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms*" (Title V, Article J. 1(2), fifth indent). Similarly, with regard to development assistance, it states that "*Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms*" (Art.130u.2).

The Amsterdam Treaty, which came into force on 1 May 1999, introduces further provisions relating to respect for fundamental human rights. The Union, according to Article 6 (1) of the Treaty on European Union '*is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States*'.

According to Article 6(2), '*the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.*'

For the first time, on the basis of Article 7 (TEU), any Member State violating human rights in a 'serious and persistent' manner risks the suspension of some of its membership rights under the Treaty.

Moreover, the new Article 13 of the EC Treaty enables the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, to '*take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation*'.

Article 29 of the Treaty on the European Union as introduced by the Treaty of Amsterdam concerning the new provisions on police and judicial cooperation in criminal matters states that "*Without prejudice to the powers of the European Community, the Union's objective shall be to provide citizens with high levels of safety within an area of freedom, security and justice by developing common action among Member States in the fields of police and criminal cooperation in criminal matters and by preventing and combating racism and xenophobia*".

Finally, Article 49 of the TEU concerning accession to the EU states that '*any European state which respects the principles set out in Article 6(1) may apply to become a member of the Union.*'

### **III. THE SITUATION IN THE CANDIDATE COUNTRIES**

In the context of enlargement, the candidate countries are expected to address the issues presented in the Commission's Opinions and Regular Reports and to implement the priorities set out in the Accession Partnerships regarding the problem of minorities.

#### **III.1 National minorities in the CEECs**

This section describes the situation of minorities in Estonia, Latvia, Slovakia and Romania. However, the presence of other minorities from certain EU Member States in the CEECs must be also noted. This is the case of the German-speaking minority in Poland towards whom the policies of the Polish authorities have been constructive. This minority now has electoral representation and the creation of a region (Opole) has strengthened its integration.

##### *a) Minorities in Estonia and Latvia*

The Commission opinions revealed the complex situation of minorities in Estonia and Latvia who make up a large proportion of each country's population. Although some had acquired Estonian, Latvian or Russian citizenship, most were former citizens of the Soviet Union who had no citizenship at all.

The opinions found that the mainly Russian-speaking minorities in Estonia and, to an even larger extent, in Latvia, were frequently denied citizenship, notably because of the restrictive and excessively slow naturalisation procedure and shortcomings in the teaching of the national language, knowledge of which is a precondition for naturalisation.

In Latvia in particular, the opinion commented on the substantial delays in the naturalisation procedure caused by measures covering the period up to 2003 which bracket the number of people who can apply for Latvian nationality by age. It also referred to cases of discrimination against the Russian-speaking minority in Latvia as regards access to certain occupations.

Both the regular reports published in 1998 and information obtained since point to positive trends with regard to the minorities concerned. These have subsequently been confirmed. Indeed, several measures recommended by the Commission in connection with international organisations such as the OSCE have been adopted.

Following a referendum in Latvia, which produced a 53% vote in favour, the measures restricting the granting of citizenship by age bracket were abolished and others adopted granting citizenship at birth to stateless children born in Latvia. Further steps have been taken to improve teaching of the national language and abolish most of the restrictions on the Russian minority's access to certain professions while provision has been made for the abolition of the remaining restrictions. A programme for the social integration of minorities is also being prepared.

Estonia on the other hand was criticised in the regular report for its delay in adopting the necessary measures for the naturalisation of stateless children. However, on 8 December 1998, the Estonian Parliament adopted an amendment to the Nationality Act providing for a procedure to grant Estonian citizenship to stateless children born in the country after 26 February 1992. 6500 children were affected by the adoption of this measure, which had been recommended by the Commission. Also adopted were measures to improve teaching of the national language, a programme to integrate non-Estonians into Estonian society, introduce Ombudsman legislation, and a language strategy.

Although some progress has been made, more needs to be done by both countries to speed up the integration of minorities. In this context, linguistic training for non-citizens should be pursued. Given that the adoption (in Estonia: in February 1999; in Latvia: in the process of being adopted by Parliament) of laws designed to impose the use of the national language in the private sector is particularly alarming, and that neither the adopted nor the planned measures comply with international standards, efforts should be made to ensure compliance with these standards and with the European agreements.

*b) Hungarian minorities in Romania and Slovakia*

The Commission opinions commented on the 1995 amendment to the law in Slovakia prohibiting the use of a minority language for official communications in any town or village where the minority represented more than 20% of the population. Reference was also made to decisions reducing the subsidies granted to Hungarian cultural associations and prohibiting bilingual school reports in Hungarian schools.

The opinions on Romania did not find problems of the same nature there. They noted that the minorities were represented in Parliament and that relations with the Hungarian minority had improved appreciably since the signing of a bilateral treaty with Hungary and the inclusion in the government of representatives of the minority's party. They also pointed out that persons belonging to minority groups were allowed to deal with the administration and obtain birth, marriage and death certificates in their own language in areas where they accounted for over 20% of the population, i.e. 1624 places, 1379 of them inhabited by the Hungarian minority.

Recent developments demonstrate a positive trend as regards Hungarian minorities. With regard to the Hungarian minority in Romania, it is desirable that the Hungarian-German university which is under discussion can soon be established. In Slovakia, tensions regarding the situation of the *Hungarian* minority have decreased considerably since the change of the Slovak government. The Hungarian minority is now represented in government and a new bill is under discussion on the use of minority languages in official contacts. However, the bill has still to be submitted to Parliament. It is a measure which should be adopted at the earliest opportunity.

**III.2. National minorities in Turkey**

In accordance with the Lausanne Treaty, three minorities are officially recognised by Turkey: Armenians (50 000), Jews (25 000) and Greeks (5 000). Each freely manages its own churches, schools and hospitals. The three recognised minorities are required to register with the authorities and the interior ministry has a department dealing with them. However, the constitution does not recognise Kurds as a national, racial or ethnic

minority. The population of Kurdish origin is estimated at between 8 and 15 million, depending on the source.

The Commission set out its position on Turkey's attitude to the Kurdish minority in its 1998 regular report. The Commission noted that the Kurdish minority was experiencing the consequences of the war waged by the Turkish authorities on the PKK in the south-east of the country where the Kurds were mainly concentrated (evacuation of villages, human rights abuses perpetrated by the state security forces under special powers granted as part of the state of emergency still in force in six provinces, school closures etc.).

Although the current and former Governments have stated their intention to support the social and economic development of the south-eastern region, no concrete measure has yet been adopted.

Turkey's current handling of the Kurdish issue was one of the reasons, in the Commission's opinion, for Turkey's failure to meet the political conditions for membership. A non-military solution to the issue needs to be found. This could include the recognition of certain forms of the Kurdish cultural identity, greater tolerance vis-à-vis the means of expressing this identity, to the extent that this does not play in the hands of separatism or terrorism.

Since the Commission's report was submitted, no significant improvement in Turkey's handling of the Kurdish question has been observed, although there has been one notable event. Parliament's recommendation of 25 February 1999 that all political parties (including HADEP, the Kurdish party) be allowed to participate in the April elections has been followed up, enabling HADEP to win some sizeable constituencies. HADEP's results at the last general election (less than 5%) were not enough for it to be represented in Parliament, however, given that the national threshold required is 10%. These elections also saw a resurgence of the ultra-nationalist MHP party, thus allowing queries to be raised about the chances of improving the Kurds' situation.

### **III.3. The Roma**

The Roma are distinct from other national minorities in the candidate countries because they have no country of origin to which they can lay claim and because the scale of the problems they face is so large.

Their population is estimated at 5 to 6 million in Central and Eastern Europe. Of the candidate countries, Romania, Bulgaria, Hungary, Slovakia and the Czech Republic have the largest numbers of Roma; Poland, Slovenia and the Baltic States are also home to smaller Roma communities.

The Commission opinions noted widespread discrimination against the Roma in their everyday lives in the candidate countries, especially in Bulgaria, Hungary, the Czech Republic, Romania and Slovakia. Discrimination against the Roma can be encountered in the labour market, where unemployment rates are particularly high, and in their access to education, housing, health care and public services in general.

Such discrimination may be accompanied by physical violence (sometimes leading to death), normally at the hands of extremist groups. The Roma do not receive adequate police protection against these attacks and the police themselves are sometimes responsible for acts of violence against them (punishment raids or beatings of those in

custody). Often the legal system fails to ensure that the victims receive impartial treatment.

Looking beyond this broader picture reveals situations peculiar to certain countries, such as discrimination in the granting of citizenship in the Czech Republic and street children in Bulgaria. The Commission concluded in its 1998 reports that there had been no significant improvement in the situation of the Roma minorities in the candidate countries. Although their legal status and rights theoretically remain stable, the Roma continue to suffer discrimination, physical violence and social exclusion in their everyday lives. The Commission has held meetings on the subject with the candidate countries and representatives of the Roma communities

Some of the candidate countries have taken steps to remedy the problem. The Czech Republic, Hungary, Slovakia and Bulgaria have adopted action plans or programmes to improve the situation of the Roma communities. The same four countries together with Romania have set up new or reinforced existing government structures responsible for Roma issues (inter-ministerial committees, government councils, plenipotentiaries or advisors), so as to make general provision for their consultation or representation. However, without adequate national funding, any such action plans cannot be implemented. Any policies regarding the Roma should address their situation at the local and district level.

#### **III.4 Anti-Semitism**

The Commission opinions paid special attention to the problem of anti-Semitism in the candidate countries, noting the initiatives taken by some countries (e.g. Poland and the Czech Republic) to tackle the issue.

However they also highlighted the need in other countries (especially Lithuania and Slovakia) for more effective action in this area, looking at some of the criticisms made against them. For instance, they noted criticism of the Lithuanian authorities' attitude to Nazi war criminals and referred to the broadcast by public television networks in Slovakia of anti-Semitic material.

In Romania, the Prosecutor-General initiated proceedings in 1997 for the legal rehabilitation of former Nazi collaborators sentenced after the war. Protests by the country's Jewish community, Jewish organisations throughout the world and the US Congress forced the authorities to abandon the proceedings.

More recently, in Lithuania, proceedings have started against certain Nazi war criminals but in some cases the Code of Penal Procedure would have to be amended for the trial to proceed "in absentia" as the defendants have cited medical grounds for not appearing.

An exhaustive survey of the practice of anti-Semitism outside the realm of statutory protection is impossible.

It would be appropriate for the candidate countries to step up their efforts in the field of the fight against anti-Semitism.

#### **IV. EU SUPPORT**

The EU supports the candidate countries in adopting the necessary measures mainly through the Phare programme for the Central and Eastern European countries and the Meda programme for Turkey. Projects under the Phare programme are financed either in the framework of individual Phare national programmes for each CEEC and multi-country programmes, such as Lien and Phare Democracy, which cover all CEECs.

a) *Phare national programmes*

The design and programming of *individual Phare national programmes* is now driven by the preparation for EU membership: they follow the priorities and conditions defined in the Accession Partnerships on the basis of gaps identified in the Commission Opinions and Regular Reports. The project selection aims at helping the candidate countries in fulfilling the Copenhagen accession criteria through the adoption of both legislative measures and other measures required to strengthen their administrative and judicial capacity to implement and enforce legislation ('Institution Building' measures). The individual national Phare programmes in many candidate countries are financing projects for the integration of minorities. Some examples of actions undertaken or foreseen in the context of the Phare programme are indicated below.

In Latvia, the EU is the most important contributor to the national programme for Latvian language training, which aims to promote social integration by improving language training for minorities which do not speak Latvian. A total of € 1.5 million have been provided through Phare so far, and an additional € 0.5 million is foreseen. This multi-donor programme was launched by the UNDP and is financed by bilateral donors as well. The programme provides training to teach and to train further teachers. Between 1996 and 1998, 2700 minority teachers have been trained, and about 12000 adults and students have received Latvian language lessons. Between 1998 and 2000, it is foreseen in particular that 650 additional teachers and 20 trainers for elementary school teachers will be trained.

In Estonia, the EU is also contributing through Phare with € 1.4 million to a language training programme which was launched in November last year and is managed jointly with the UNDP. This programme includes language training to adults including refunding of training fees in private schools, language training within the education system, the organisation of summer camps and stages for Russian children in Estonian families, and public awareness campaigns in order encourage further Estonian learning among non-Estonians.

In Slovakia, between 1993 and 1998, 44 minority projects of Slovak NGOs have been carried out with support of € 0.185 million from the Phare funded Civil Society Foundation. For example, through these projects, 450 teachers were trained to apply a new method of teaching the Slovak language for children at schools, in which Hungarian is the first language. As a result children are now learning Slovak as a second language much easier and faster. Moreover, the Commission intends to finance under the Catch-up facility<sup>1</sup> a special fund for minority projects run by Slovak NGOs. The Commission also intends to sponsor a media campaign of the Slovak government under the heading

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<sup>1</sup> Special EU financial assistance given to Latvia, Lithuania, Slovakia, Bulgaria and Romania for projects aimed at accelerating EU accession preparations in certain areas.



'Tolerance' aiming at making the Slovak society more sensitive for national minorities and related issues.

Regarding the Roma, approximately € 4 million were allocated for the integration of this minority under the various Phare national programmes in the CEECs concerned.

In Slovakia, the 1998 Phare programme contributes € 0.45 million to a joint project with the Dutch and Slovak governments aimed at improving the housing standards, the cultural and educational level and the working opportunities of the Roma in certain areas. In Romania, € 2 million are allocated to a Phare project aiming at helping the government set up by the year 2000 a strategy to improve the situation of the Roma, and test and implement the policy defined. Large projects for the Roma are also expected under the 1999 Phare national programmes in particular for the Czech Republic and Slovakia. In this latter country, a project is foreseen aimed at improving Roma education in schools.

Under the Phare national programmes, funds in support of the Roma communities have been channelled through the Civil Society Development Foundations set up by Phare in Bulgaria, the Czech Republic, Romania and Slovakia. In each of these countries, on average € 0.1 million have been granted in the years to 1998 to support projects for the Roma in the cultural, educational, media, legal, and human rights fields. In addition, in 1998 a total of € 0.9 million are being granted in the Czech Republic to local NGOs developing projects to improve the integration of the Roma community (via education and training activities, legal and advisory support, public awareness and communal tolerance actions).

b) *Phare Democracy and Lien*

Considerable support has also been made available to fight against racism and xenophobia integration through grants awarded to local and European non governmental organisations through *Phare Democracy*. This programme was launched in 1992 to contribute to the consolidation of pluralist democratic procedures and practices as well as the rule of law, with a view to supporting the overall process of economic and political reform in the countries of central and eastern Europe by encouraging NGOs to act to boost civic society and democracy. In 1998, this programme was integrated into the *European Initiative for Democracy and Human Rights* which brings together a series of budget headings specifically dealing with the promotion of human rights world wide<sup>2</sup>.

Until 1997, the Democracy programme supported activities which operate in the area of promoting and monitoring human rights, and minority rights, equal opportunities and non-discrimination practices. From 1993 to 1996, approximately € 4.5 million were focused on projects to help the Roma population in the years to 1998.

The Central European Romani Education Program undertaken in the Czech Republic; Slovakia; Hungary; and Bulgaria aims to develop opportunities for equal education for Roma children and involves the setting up of a Regional Roma Education Resource Group to conduct research, placing Roma teaching assistants in "mainstream" schools

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<sup>2</sup> Chapter B7-70 of the EU budget.

with a high percentage of Roma students; seminars to exchange experiences with partner organisations; confidence building, networking and youth activities.

Since 1998, small sized projects managed by Commission Delegations in central and eastern Europe have been given greater prominence under the European Initiative for Democracy and Human Rights. Their aim is to make the resources available under the Initiative more accessible to local applicants and to target grassroots NGOs. Many projects in support of the Roma and other minorities can be financed through this facility.

A wide range of projects for the Roma in candidate countries have also been financed through the *Lien* programme which provided funds to non-governmental organisations (NGOs) in the social sector to strengthen their capacity and to stimulate citizens' in favour of disadvantaged groups of the population. Under this programme, approximately € 1.9 million focused on projects for the Roma communities between 1995 and 1997.

c) *The Meda programme*

In the framework of the Meda programme, the projects are defined on the basis of the priority sectors identified jointly by the Commission and the Turkish authorities, taking into account economic needs as well as social and cultural aspects.

Regarding the Kurdish issue, the social and economic development of the south-east region of Turkey is an essential element of a civil solution to this question. Therefore, out of € 236 million which had been committed by the end of 1998 under the current Meda programme for Turkey, € 200 million have been allocated for projects which have benefited directly or indirectly this region, in sectors like education, health, environment or promotion of civil society. In addition, in the framework of the European strategy for Turkey, the Commission also intends to support projects in the field of human rights and the protection of minorities. Such a possibility will depend on the availability of appropriate funding. To this effect, the Commission adopted, on 21 October 1998, two regulations which are at present being examined by European Parliament.

**V. STRENGTHENING RELATIONS WITH OTHER INTERNATIONAL ORGANISATIONS TO COMBAT RACISM**

a) *Council of Europe*

Since 1993, the Council of Europe and the European Commission have established Joint Programmes for the benefit of several countries of central and eastern Europe. These programmes, which to date have concentrated on legal systems, the setting up of human rights protection mechanisms, the promotion of local self-government and the promotion and protection of national minorities, have complemented the European Commission's and the Council of Europe's co-operation and assistance programmes with these countries.

A top level quadripartite meeting in October 1996 voiced a strong commitment to intensify further and develop the common endeavours for strengthening democratic institutions, human rights and the rule of law in central and eastern Europe. This commitment has since been reflected in increased Joint Programme co-operation between the European Commission and the Council of Europe.

The first Joint Programme "Minorities in Central European Countries", established in 1996, came to an end in March 1998 (EU contribution € 180.000). Activities in this field, which allowed for the establishment of co-operation mechanisms among governmental offices responsible for minorities' issues, will continue in the framework of a second Joint Programme for "Minorities in Europe" to start in 1999 (EU contribution € 306.000).

*b) Preparations for the World Conference on racism*

The UN World Conference on 'racism, racial discrimination, xenophobia and related intolerance' will be held in 2001 to review progress made in the fight against racism world-wide, to consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, and to formulate concrete recommendations to further action-oriented, national, regional and international measures to combat all forms of racism.

The Council of Europe is entrusted with the preparation of the world conference at European level and is planning a conference in Strasbourg at the end of 2000. The European input should be comprehensive, forward-looking, practical and action-oriented. At the 55<sup>th</sup> session of the Commission on Human Rights in Geneva (March 1999), Germany, as holder of the Presidency of the Council of the EU already spoke on behalf of the EU and the candidate countries on the subject of '*racial discrimination, xenophobia and all forms of discrimination*'.

## **VI. TACKLING RACISM WITH THE CANDIDATE COUNTRIES**

*a) The Action Plan against Racism*

The European Year against racism (1997) allowed concrete progress in the common action of the European Union and the Member States and created new prospects for cooperation. It gave a new impetus to the fight against racism in Europe, in revitalising the already existing initiatives as well as in giving rise to numerous others. A consensus emerged on longer-term action as a follow-up to the Year.

In March 1998, the Commission presented its Action Plan against Racism<sup>3</sup>, which is based on the results of the Year and establishes a medium term framework for the fight against racism at European level. The Plan prepares the ground for more ambitious action at European level under the new provisions of the Treaty on non-discrimination, in particular in terms of legislation, the mainstreaming of the fight against racism in Community policies and programmes and the development and the exchange of new approaches.

*b) The European Monitoring Centre on Racism and Xenophobia*

The Council adopted in June 1997 the Regulation "on the creation of a European Monitoring Centre on Racism and Xenophobia"<sup>4</sup>, the seat of which was established in Vienna. The Monitoring Centre has as a principal objective the study of the breadth and

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<sup>3</sup> COM (1998) 183 final, of 25 March 1998.

<sup>4</sup> Council Regulation (EC) N° 1035/97, of 2 June 1997, published in the Official Journal L 151 of 10 June 1997.

the development of racism, of xenophobia and of anti-Semitism within the Union, as well as analysis of the causes, consequences and effects of these phenomena. Consequently, it is charged with the gathering and analysis of reliable and comparable information and of data.

The Monitoring Centre will set up and co-ordinate a 'European Information Network on Racism and Xenophobia' (Raxen) and will publish an annual report on the situation in the Union. It will work in close cooperation with organisations in the Member States, international organisations, and in particular with the Council of Europe. To this end, the European Community and the Council of Europe signed an agreement on 10 February 1999 formalising the co-operation between the Monitoring Centre and the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. Given the wider geographical coverage of ECRI, this will enable common activities to be carried out within the EU and in the remaining 25 countries of the Council of Europe.

c) *The Education, Vocational Training and Youth programmes as instruments in the fight against racism and xenophobia in candidate countries*

The SOCRATES programme (1995-1999) on education, and more particularly its COMENIUS chapter, which supports transnational co-operation between schools and teacher training institutions, contributes to inter-cultural awareness and the fight against attitudes and stereotypes underlying racism. COMENIUS projects have a direct thematic focus on the fight against racism and Action 2 targets more specifically the Roma. COMENIUS Action 2 promotes participation, integration and equality of opportunity in all school activities for those groups of children that are at particular risk of being marginalised, at school and in society in general.

The Leonardo da Vinci (1995-1999) training programme includes the promotion of equal opportunities for migrant workers and the fight against racism amongst its aims.

Youth for Europe (1995-1999) is an informal education programme aimed at promoting active citizenship amongst young people through a variety of activities where they are the key actors. One of the programme's main concerns is raising awareness amongst young people on the dangers of racism, xenophobia and anti-Semitism. The fight against these scourges and the promotion of tolerance amongst young people are the specific themes of a wide range of projects supported by the programme.

The European Voluntary Service<sup>5</sup> (1998-1999) aims to provide young people with a qualifying experience that can contribute to their social and professional integration. A significant number of projects focus specifically on the fight against racial discrimination and the promotion of tolerance. The European Voluntary Service presents an enormous potential for young people to actively contribute in the prevention of racism and xenophobia.

The Tempus II-bis programme (1998-2000) is a very pragmatic grassroots trans-European scheme, which has been successfully helping 26 Phare and Tacis countries to

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<sup>5</sup> The programme is not open to associated countries. EU volunteers can be hosted in these countries in through the third country strand of the programme, but there is no reciprocity. It is foreseen that the participation of these countries becomes effective with the new Youth programme.