



European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition

23.7.1990

SERIES A

DOCUMENT A3-195/90/ANNEX II

ANNEX

to the report drawn up by Mr FORD
on behalf of the Committee of Inquiry into
RACISM and XENOPHOBIA

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SUBMISSION BY NATIONAL OFFICIALS AND EXPERTS
AND REPRESENTATIVES OF ASSOCIATIONS AT THE HEARINGS

(English version)

PE 141.205/fin./Ann.II

A Series: Reports – B Series: Motions for Resolutions, Oral Questions – C Series: Documents received from other Institutions (e.g. Consultations)



= Consultation procedure requiring a single reading



= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment



= Cooperation procedure (first reading)



= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

ANNEX II

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SUBMISSIONS BY NATIONAL

OFFICIALS OF THE

MEMBER STATES

(Hearing in Brussels on

29, 30 and 31 January 1990)

A. Federal Republic of Germany

Mr. Titus KOKAI and Mr Jürgen HABERLAND,
both Assistant Section at the Ministry of
the Interior, Bonn

Mr HABERLAND :

Introduction

Ladies and gentlemen,

The need to combat racism and xenophobia in all their forms is a need commonly accepted by all who believe in democracy.

The constitution and ordinary laws of the Federal Republic of Germany take proper account of that need. I shall endeavour in my statement to answer your questions as best I can.

One difficulty with which I am faced arises from the fact that responsibility for the issues which you are addressing lies with local authorities, the Länder and many other federal departments. It will therefore not be possible for me to provide an immediate answer to certain detailed questions in the discussion to follow. In that case, I shall have, where appropriate, first to obtain the requisite information and, if necessary, pass it on to you in writing.

Second, I have to admit that the brevity of the period available to me in which to prepare did not allow me to do so in detail.

Question 1:

What legal or administrative measures to prevent racism and xenophobia have entered into force in your country since the adoption of the declaration against racism and xenophobia in June 1986?

Xenophobia or hostility to foreigners in the form of the rejection of other peoples on racist, religious or cultural grounds is limited in the Federal Republic of Germany to a diminishing number of small groups.

Slogans of those groups, such as "out with foreigners!" meet with little response in the population as a whole. We are nonetheless required to do everything in our power to prevent the rise of racism and xenophobia in our country.

The Federal Republic of Germany has taken in about 4.5 million foreign nationals, the majority of them foreign workers with their dependants. That figure also covers, however, more than 800,000 foreign refugees with and without refugee status under the Geneva Convention.

The Federal Government, the Länder and the local authorities are deploying appreciable financial resources in an effort to integrate permanently resident foreign nationals into our society.

The German Bundestag and Bundesrat have adopted the joint declaration of 11 June 1986 of the European Parliament, the Council, the Representatives of the Member States meeting within the Council and the Commission.

The German Bundestag unanimously adopted the declaration on 25 September 1986.

The Bundesrat also adopted it on 17 October 1986.

In adopting the declaration, both the Bundestag and the Bundesrat stressed its importance for peaceful co-existence between foreign nationals and Germans. The declaration became public knowledge as a result of being reported in the media.

The Federal Republic of Germany has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) of 7 March 1966.

The Federal Government has explained in detail, in regular reports, that the requirements of that Convention are applicable law in the Federal Republic of Germany and are indeed fulfilled in practice. The most recent such report is the 10th State Report of the Federal Republic of Germany to which I would refer you expressly.

The prohibition of racial discrimination is a consequence of the right to human dignity which is enshrined in the Basic Law of the Federal Republic of Germany. Art 1(1) states:

"The dignity of man shall be inviolable. To respect and protect it shall be the duty of all State authority."

Similarly, Art 3(3) of the Basic Law prohibits discrimination on racist or related grounds:

"No-one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, his faith, or his religious or political opinions."

The above provision is directly enforceable law by virtue of Art 1(3) of the Basic Law, which binds the legislature, the executive and the judiciary.

Police law and criminal law afford adequate possibilities of combatting xenophobia.

The penal code treats as punishable offences incitement to hatred or violence against minority groups or the extolling of violence, incitement to racial hatred, defamation, damage to property and all acts aimed at taking life or causing injury.

The Federal Government considers that the legal instruments in force are sufficient effectively to counter undesirable developments. It did not therefore take any special legislative measures in connection with the adoption of the declaration against racism and xenophobia.

Detailed information on how racist propaganda and organizations are dealt with in practice is provided in the above-mentioned report.

I would point out in particular that preventing racial prejudice is an educational issue, and in the Federal Republic of Germany that falls within the competence of the Länder.

The basic guidelines for this are contained in the "Recommendation of the Conference of Ministers of Education on the Promotion of Education in Human Rights within Schools" of 4 December 1980.

I was not able to ascertain in the time available whether further administrative measures were taken in this area after 11 June 1986.

Question 2:

Please indicate whether, during the past four years, there have, in your country, been signs of intolerance, xenophobia or the use of violence against individuals or groups because they have belonged to a particular race, religion, cultural, social or national group? What action, such as legal measures or a tightening-up of the law, has been taken to counter the emergence of such incidents?

There have indeed been signs of such incidents in the Federal Republic of Germany during the past four years. Where these were criminal acts, the prosecuting authorities have taken the appropriate action. Moreover, most recently, pages 114-149 of the 1988 report on the protection of the constitution contain a description of the activities of the far right.

The view taken under point 73 of the Evrigenis report to the effect that organized right wing extremism in the Federal Republic neither represents now nor has ever represented a political threat to the authorities, remains true.

There is no detailed statement of the incidents in question. Such a statement could possibly be drawn up but only at considerable expense.

The Federal Government takes the offensive in dealing with the extremism of the right. On the occasion of the introduction of the 1988 report on the protection of the constitution, the Federal Minister of the Interior, Dr Schäuble, declared on 4 July 1989 that the Federal Government would not hesitate in the future to apply again bans - such as that imposed on the neo-national socialist "National Assembly" in February 1989, and to implement them rigorously where necessary and appropriate.

Question 3:

Have any new racist or xenophobic groups appeared in your country in addition to those mentioned in the Evrigenis report (11.12.1985) since the signing of the joint declaration? Were legal measures taken in this connection and if not, why not?

The Evrigenis report was based on the report on the protection of the constitution for 1984.

Shortage of time means that I am able, at today's sitting, to refer only to the report on the protection of the constitution for 1988.

Should the Committee so wish, the competent authorities in the Federal Republic of Germany could in the coming weeks prepare an up-date of the information contained in the Evrigenis report.

Question 4:

What measures have been taken in your country with a view to improving the environment for the integration of people from other countries and ethnic or cultural minorities, particularly where information, education, economic and social circumstances are concerned?

The lack of time available to me for the preparation of this statement meant that it was not possible to compile a survey of the measures taken in recent times by the Länder. That applies even more so to the very many local initiatives in this area.

As far as the Federal Government is concerned, I may mention that:

The Federal Minister for Employment and Social Affairs publishes quarterly between 600,000 and 800,000 copies of a journal entitled "Arbeitsplatz Deutschland" [Working in Germany], which is distributed through employment offices and workplaces. It is addressed to German workers in the German language and to foreign workers from the countries of recruitment in Turkish, Serbo-croat, Italian, Greek, Spanish and Portuguese. It discusses current problems of integration, and its lively presentation most certainly makes a considerable contribution to better understanding between foreign nationals and Germans.

In addition, the Federal Minister for Employment and Social Affairs publishes quarterly 15,000 copies of a journal entitled "Ausländer in Deutschland" [Aliens in Germany] which is aimed at those involved in the integration process.

There is also an information service for middle of the range daily newspapers which deals specifically with problems of the integration of foreign workers.

The Federal Minister for Employment and Social Affairs has published a pamphlet called "Ausländerpolitik" [policy towards aliens] which provides Germans with information on questions relating to the employment of foreign workers as well as refugee policy.

Further information is provided by the publication "Policy towards and the law applicable to aliens in the Federal Republic of Germany", which is regularly updated by the Federal Minister of the Interior.

The Federal Minister for Employment and Social Affairs holds seminars in which German and foreign nationals participate, staged in part in collaboration with the embassies of the countries of recruitment. Questions of integration are discussed in approximately 12 seminars a year with between 25 and 30 participants, who then pass on the information to a wider audience.

I should not fail to mention the publications on foreign workers as well as on refugees issued in large numbers by, for instance, the Federal Office for Political Education.

Regular discussions take place between trade unions, employers and the ministries responsible for integration; the social affairs attaches of the countries of recruitment are occasionally asked to take part.

The process of integration is also supported by the activities of the commissioner of the Federal Government for the integration of foreign workers and their dependants. That post was established as early as December 1978. The commissioner is responsible for supporting the Federal Government in its policy towards aliens and providing guidelines for the further development of integration policy. His task is to work towards strengthening and better coordinating integration measures, principally in respect of the Länder and the local authorities but also where the different social groups are concerned.

It is also his responsibility to promote mutual understanding between Germans and foreign nationals.

He has, in this connection, to draw up proposals for the peaceful co-existence of foreign nationals and Germans.

The commissioner issues a range of publications which are distributed free of charge to interested parties.

Question 5:

Have the national authorities responsible developed a long-term policy for immigration and the integration of nationals of EEC and third countries with a view to the completion of the internal market for 1992 which will bring with it freedom of movement for persons?

The Federal Government's policy towards foreign nationals is based on two fundamental considerations

- integrating permanently resident foreign workers and their dependants;
- limiting future arrivals from countries outside the European Community.

Approximately 60% of foreign nationals living in the Federal Republic of Germany have been with us for 10 years or more. Approximately 70% of foreign children and young people under 16 years of age were actually born in the Federal Republic.

The Federal Government assumes that the majority of them will remain in Germany for a considerable period and indeed some of them permanently. That applies in particular to foreign nationals who have been born and grown up here, the so-called second and third generations.

For those people, there is really no practical alternative to integration (into the economic, social and cultural life of the Federal Republic of Germany).

On completion of schooling, a priority here is the transition of young foreign nationals into working life.

Integration is encouraged by outline conditions, laid down by statute, which safeguard residence and access to the labour market.

The Federal Government, together with the Länder, local authorities and social groups, provides children and young people in particular with many forms of assistance to help them integrate..

The information policy of the Federal Government is geared towards improving understanding between German and foreign nationals.

Integrating young foreigners is the major task here. The situation of foreign children and young people differs sharply from that of their German contemporaries.

They are growing up in a foreign country in different cultural and social circumstances, they have to cope with a foreign language and culture and therefore experience greater difficulty in their education and working life.

The "Coordinating group for foreign workers" at the Federal Ministry for Employment and Social Affairs, which brings together, inter alia, the two sides of industry, the churches and welfare groups as well as members of the German Bundestag, has considered closely the situation of young foreigners.

On 22 July 1986, it submitted new proposals for the integration of young foreigners covering, among others, nursery care, schools, leisure, preparation for working life, vocational training, language teaching and social services.

The complete professional and social integration of young foreigners is therefore one of the priorities of the Federal Government's policy towards aliens.

The Federal cabinet has, in recent years, repeatedly considered issues relating to policy towards aliens and made clear its views on integration policy in this connection.

The budgetary resources of the Federal Government and the Federal Office for Employment and Integration have been increased considerably in recent years.

Details are to be found in the publication entitled "Policy towards and the law applicable to aliens in the Federal Republic of Germany" which I can make available to the Committee in German, English and French.

A new law on aliens, currently the subject of parliamentary debate, is also designed to serve the aim of integration.

The objective of integrating permanently resident foreign nationals into the economic, social and legal system of the Federal Republic will succeed, however, only if effective limits are strictly imposed on future arrivals from states outside the European Community.

The immigration ministers, as they are called, of the EC States are also in agreement on these fundamental objectives.

ACCOUNT OF THE DISCUSSION WITH MESSRS KOKAI AND HABERLAND

In reply to questions by Mr FORD, rapporteur, and other members of the Committee of Inquiry, Mr KOKAI and Mr HABERLAND made a number of additional comments on several items.

Mr KOKAI said he had no mandate to make any statement about the position of the Federal Republic vis-à-vis Schengen and TREVI. Questions should be addressed to the Netherlands, acting chairman of the Schengen negotiations, and Ireland, acting chairman of the TREVI group.

Mr HABERLAND said he had just received the draft of the political programme of the REPUBLIKANER party. It would definitely be looked at to see whether any parts of it violated German's Basic Law.

The draft of a new German law on aliens was currently being debated by the Bundestag. It was true that one of the provisions was that any foreigner wishing to be joined by his family, thereby confirming his status as a resident, would have to satisfy the requirement of adequate and suitable living accommodation for himself and his family. This meant no change to existing legislation which had always included the accommodation criterion. Now it was being explicitly enshrined in law. It was not discriminatory. On the contrary, it limited the freedom of action of the authorities who decide on applications by foreigners, and the foreigner himself would now have an opportunity of planning his life properly by taking the initiative in finding adequate and suitable accommodation. Once he acquires such accommodation, the authorities are no longer able to turn down his application. Subjective decisions would therefore give way to objective legislation. The reason underlying the accommodation criterion was, of course, the Federal Republic's unwillingness to create foreigners' ghettos and slums which could encourage the growth of xenophobia.

The Federal Republic's view, Mr HABERLAND said, was that the Basic Law did not allow foreigners to vote in Bundestag, Landtag and local elections. The Federal Constitutional Court still had to issue a ruling on legislation passed by Schleswig-Holstein and Hamburg allowing foreigners to vote in local elections. However, it was the aim of the Federal Republic to grant young foreigners intending to become permanently resident in the Federal Republic all political and other rights once they had acquired citizenship. This being so, there was no point in separating out one right (voting in local elections) from all the other rights.

Mr HABERLAND was able only to give the 1988 figures for unemployment amongst foreigners in the Federal Republic. In that year the unemployment rate for Germans and foreigners taken together was 8.7%. For foreigners alone the rate averaged 14%. The Portuguese (8.4%), Yugoslavs (8.5%) and Spanish (8.9%) were below this level; the Italians (15.9%), Turks (14.5%) and Greeks (13.5%) were less fortunate.

The Federal Republic is scarcely in a position to detain and turn back asylum-seekers at the border. 'In fact, we have to let everyone in first'. 66% of all persons entering the EEC in search of asylum in 1988 found their way into the Federal Republic. The Federal Republic's objection to this on the grounds that the right of asylum should not tacitly become an automatic right

of immigration has a European dimension in the light of a new EC convention on asylum which is currently being drawn up and which stipulates that the Member State which a person enters in search of asylum retains responsibility for processing and deciding on the application for asylum. Under the new convention it is not possible, if an application has been turned down in one Member State, to try again in another one.

In reply to a question from Mrs ROTH, Mr HABERLAND stressed once again that foreigners and Germans in the Federal Republic were treated equally in respect of social security benefits. There was no discrimination. The fact was, however (and this was certainly not true simply of the Federal Republic), that foreigners received a lower child allowance for children remaining in the country of origin than for children living in Germany.

Acting in the spirit of the Basic Law the Federal Republic almost always grants the right of asylum to political refugees. In fact the figure is only 5% per annum. 95% of applications are rejected as 'unfounded' ('economic refugees'), but that was not to say that such persons were returned to their country of origin. 'Many people stay all the same, because they have entered Germany via a third country. They are not sent back to their country of origin.'

B. Netherlands

Mr Henk MOLLEMAN
Director, Minorities Policy, Ministry of
the Interior, The Hague

Throughout the centuries the Netherlands has acquired the reputation of being a tolerant society. In my opinion it is not wholly advantageous to have such a reputation, because it makes it difficult to exercise self-criticism. It may be that this reputation is why it is difficult to recognize and often to acknowledge the existence of racism and discrimination in the Netherlands which do not feature in the image we have of ourselves as a tolerant society. The Netherlands is two-faced with regard to tolerance. On the one hand there is a considerable degree of tolerance at government level and in social institutions such as trade unions, broadcasting organizations, the press, the churches and others towards immigrants, but on the other hand discrimination and intolerance are regularly encountered just below the surface. We can see this in firms in their recruitment of people from ethnic minorities, in education where white parents often remove their children from school if too many black children appear in class, in trams and buses, in cafés - in fact throughout public life. The official commandment is: thou shalt not discriminate. In practice, however, we do discriminate unofficially and furtively. This phenomenon has recently been described in a dissertation by Mrs Philomena Essed entitled 'Understanding everyday racism', in which she describes and compares the experiences of black women in the USA and the Netherlands.

Serious expressions of xenophobia, e.g. demonstrations against immigrants or violence with a racist background, are rare occurrences in the Netherlands. But they have occurred and they should not simply be underestimated. There have always been extreme right-wing organizations making a prominent show of xenophobia. This was the case even before the large waves of immigrants in the sixties and seventies resulting in large numbers of people from the Mediterranean countries, in particular Morocco and Turkey, and the former colony of Suriname coming to live in the Netherlands. There is a - fortunately - small number of warring extreme right-wing groups, including a number of youth organizations with violent overtones, which cannot easily be controlled by due process of law. The extreme right-wing Centre Democrats again won a seat at the last parliamentary elections. Of course, we should not exaggerate - it is only one seat - but their fellow-travellers will no doubt be encouraged by the fact that they are back in Parliament.

Advocates of intolerance usually maintain a low profile. For most of the time we are faced with an enemy whose precise numbers and whereabouts we do not know. All we know is that he is, or can become, dangerous. Veiled forms of discrimination, which are no less serious and humiliating for the victims, and would have an adverse effect on their position in society are difficult to pin down. But it is important to expose these forms of social discrimination, too, and this calls for an alert and critical attitude towards our own society.

There is no simple, objective explanation for the disadvantaged position of Turks, Moroccans, Surinamers and Antilleans on the housing market if there are genuine barriers stemming from the fact that such groups have, on average, a lower socio-economic status and larger families and they are concentrated in large cities.

The position of members of minority groups is particularly poor. 102 000 members of minority groups are currently unemployed. This means that 40% of the minorities in the Netherlands are unemployed. The fact that unemployment amongst young people varies between 50 and 66% is a matter of particular concern. The rate varies between the different groups. Unemployment amongst Turks and Moroccans is approximately 44% of the working population, while amongst Surinamers and Antilleans it is approximately 25%. Employment policy objectives currently assume an influx of 4000 unemployed minorities onto the labour market. This scarcely covers the annual increase. The objective of proportionality would be achieved if the annual figure were 20 000. To a large extent the high level of unemployment amongst minorities can be explained by the low level of education. Nor should discrimination in recruitment and on the shop floor be underestimated. The relatively high level of unemployment amongst well-educated members of minority groups (1500 unemployed graduate immigrants in Amsterdam) can only be explained through discrimination.

The realization that discrimination is practised even in the Netherlands and that there is therefore a need for urgent action is a fairly recent phenomenon. Even in 1968, when Parliament was debating the Convention Eliminating all forms of Racial Discrimination, the government of the day took the line that ratification of the convention was desirable from the point of

view of international relations, but that in the light of the situation in the Netherlands it was in fact superfluous.

In international relations the Netherlands adopts a principled attitude towards discrimination. For example, it is a signatory to a number of human rights conventions exclusively banning discrimination on the grounds of race, nationality or ethnic origins. These include, for example, in addition to the convention mentioned above, the International Convention on Civil and Political Rights of 19 December 1966, the European Convention on Human Rights and Fundamental Freedoms of 4 November 1950. The Netherlands also regards itself as bound by Articles 2 and 7 of the Universal Declaration of Human Rights. More specifically in the field of labour relations, the Netherlands is bound by the ban on discrimination pursuant to ILO Convention III and the Law of 2 December 1982 implementing the European Convention on the Legal Position of Migrant Workers, and the Conditions of Employment of Foreign Workers. The Netherlands has also ratified the UNESCO Convention banning discrimination in education.

Nevertheless, this is not to deny my theory that there is a well-entrenched tendency not to acknowledge the presence of discrimination in our own society.

In the last twenty years successive governments have realized, albeit very slowly, that even in the Netherlands there is a need to enforce the principle of non-discrimination and to make equal treatment a reality, and legislation has been tightened up.

This realization stems in part, of course, from the fact that as a result of workers migrating to the Netherlands and the immigration of many Surinamers round about the time of Suriname's independence the number of potential victims of discrimination on the grounds of race, or national or ethnic origins has grown. Other specific factors that I could mention include a number of riots and incidents with unmistakably racist overtones in Rotterdam (1972) and the publication of an academic study of the occurrence of discrimination which aroused some interest (Bovenkerk e.a. 'Omdat zij anders zijn' [because they are different], 1978).

The government's role consists simply of providing the appropriate framework. It has been doing this since 1981 with a specific policy on immigrants. As an initiator of legislation the government lays down standards and, by using these standards and implementing the policy, makes clear to society that it takes its task seriously. It is also up to society itself to take action against discrimination.

The ban on discrimination is quite clearly spelt out in the revised constitution of 1983, in which it has symbolic significance in the first article. 'All persons in the Netherlands shall receive equal treatment in equal circumstances. Discrimination on the grounds of religion, way of life, political views, race, sex or any other grounds shall be prohibited.'

Individuals may not take action directly against other individuals on the basis of this article. The ban is further elaborated in other, existing legislation. (The most important example is the Penal Code, Articles 90, 137c, d and e, 429c and d and 140. Article 140 is important because it enables action to be taken against organizations with racist objectives. Since 1971 labour legislation and the Law on Economic Competition have included stipulations outlawing discrimination). A separate legal framework exists only for discrimination on the grounds of sex.

The principle of equality is also incorporated in government policy. I am not referring solely to policy on legal action. I should point out, for example, that improving the legal position of members of ethnic minorities in Dutch society and the prevention and combating of discrimination is one of the three pillars of the minorities policy that has been pursued in the Netherlands for the last ten years. The other two are achieving an equal and proportional participation by minorities in social benefits, in order to improve their economic status, and the emancipation and participation of minorities in society. Hence, the minorities policy as a whole endeavours to improve the social position of minorities. In my opinion, enabling people to play an active role in society is one of the most important means of counteracting discrimination. After all, weak groups are easy victims.

To summarize, the standards of a tolerant society are now incorporated in legislation and policy. But this structure of recognition at official level is not the entire story.

The minorities policy has led to a number of good initiatives in combating discrimination. They had only just seen the light of day at the time of the report by Mr Evregeis, and I can now report on some further results.

Firstly, there is the operation 'minorities means fewer rights', the aim of which is to remove from Dutch legislation all provisions which make an unjustifiable distinction between Dutch and non-Dutch residents. This operation started in late 1985 and is now reaching completion. (Recent legislation still has to be reviewed). Secondly, there is the creation of the National Office for Combating Racism whose activities started in October 1985. This Office, which although in receipt of subsidies from the national government operates on an entirely independent basis, has proved a great success. It deals with complaints about discrimination but can also initiate court proceedings on behalf of victims; it organizes courses for persons giving legal aid, supports local groups and institutions concerned with combating discrimination, acts as an advisory body for the government, conducts research, maintains international contacts (for example with the Runnymede Trust), acts as a source of information, and issues publications including a series on case law. Without wishing to denigrate other activities, the most important advantage of this Office in my opinion is that its sound strategic approach has meant a steady growth in knowledge - not least amongst law-enforcement bodies - of the phenomenon of discrimination.

In recent years there has been a clear trend towards making the struggle against discrimination a social responsibility. This is one reason why it was decided not to set a separate government department concerned with dealing with complaints, as is the case in the UK or the US. The disadvantage here, I believe, is that it isolates the problem and other government departments lose interest in the issue because it is not part of their responsibility. Nor do I regard it as sensible to concentrate all know-how in one body. This does not do justice to a problem which occurs in all sectors of society.

In the Netherlands there is a wide variety of bodies concerned with combating discrimination, at various levels and from their own perspective, no doubt symbolizing the 'unity in diversity' of Dutch society. At government level there are the police and the Ministry of Justice, the national and local ombudsmen, local councils and the focal point for complaints about

discrimination in the armed forces recently set up by the Ministry of Defence. However, many initiatives have stemmed from the churches and other social organizations. Examples are the Council of Churches, the Anne Frank Foundation with all its educational activities, the trade unions, the anti-discrimination consultative body, an umbrella organization mainly involved in information on the shop floor, in schools and in the media, ethnic organizations and organizations for foreign workers, anti-fascist groups and the complaints offices and focal points set up in a number of local authorities. And of course there is the National Office for Combating Racism referred to above. Are all these initiatives effective? In my opinion this is hard to quantify. At any rate, they ensure that discrimination is at all times on the social and political agenda and at all times condemned.

In my opinion, the social responsibility aspect referred to above is one reason why increasing use is being made of the civil courts to take action against discrimination. Of course it is important for the government to retain the right to prosecute, but I am convinced that combating discrimination will not really succeed unless the victims themselves or their representatives play an active role in this process.

I should mention two developments which are related to this. The government has recognized the need for legislation simplifying access to the civil courts by victims or groups acting on behalf of victims. This will be implemented in a General Law on Equal Treatment.

Following the judgment of the Supreme Court in the Binderen case in 1983 it is possible to use statistics in court proceedings. This makes it possible to posit the presumption of discrimination. This is a legal break-through. The Binderen case was concerned with a housing association which, as the figures showed, allocated very few of its homes to foreigners compared with the number of foreigners seeking homes and in comparison with other housing associations in the same local authority. This in itself was insufficient evidence of discrimination, but it did give rise to reasonable suspicion of discrimination. The court called on the housing association to refute this suspicion. The housing association proved unable to do so. The court then ordered the housing association to pay the plaintive compensation and to allocate him a home. By analogy with this judgment statistics can also be used in proceedings against employers, for example. Comparing the

composition of the staff of a firm with a relevant section of the working population can indicate whether minorities employed by the firm have been disadvantaged. It is then up to the employer to show that there is a reasonable and objective explanation for this. This method has been used to build up a wealth of experience on the labour market concerning discrimination between men and women.

In conclusion: a positive trend can be seen. However, I would not venture to conclude that discrimination is on the wane in Dutch society. We are dealing with a changeable, slippery and intangible phenomenon. Society, too, is quite clearly not static. There are developments such as the white and black schools which ensure that white and black children do not meet in the classroom, despite the fact that this is a very important phase in their development. This may prove fertile ground for prejudice. The way in which the police act towards foreigners or people who look like foreigners is not entirely above suspicion. When new policy is being discussed, the point always needs to be brought home that a distinction between residents and non-residents is permissible only if there are reasonable and objective grounds for so doing. Policy also needs to be implemented without putting undue pressure on certain parts of the population. Even today there is every reason to remain alert and critical.

ACCOUNT OF THE DISCUSSION WITH MR MOLLEMAN

In reply to questions from Mr FORD, rapporteur, and other members of the committee, Mr MOLLEMAN confirmed that the whole question of 'Schengen' and 'TREVI' was beyond the control of the Dutch Parliament, too.

He pointed out that all persons residing in the Netherlands, whether Dutch or foreigners, were entitled to vote in local elections. The coalition agreement of the cabinet that had been in office since November 1989 states that the government will look into the question of giving all residents the vote at national level (the Second Chamber), too. However, a decision had not yet been taken, and the political parties had not yet reached agreement on this point. The turnout of foreigners in the local elections was disappointing, particularly as far as Moroccans are concerned; their Head of State had explicitly spoken out against their voting in elections outside Morocco. The response from the Turks was also disappointing. There were now some 40 local councillors in the Netherlands from the various ethnic groups.

Mr MOLLEMAN estimated the number of illegal immigrants in the Netherlands at 20 000. The authorities repatriated very few people; the situation was comparable to that in the Federal Republic where 5 % of requests for asylum are approved, but by no means all the others are sent back. Nevertheless, Dutch admissions policy was restrictive in theory.

As far as illegal immigrants were concerned, it was generally the employers who could be prosecuted, but fines were very low. There were no raids on illegal immigrants; that would be tantamount to 'hunting the coloureds'.

Unemployment amongst young foreigners was very high: 50 - 60 % amongst Turks and Moroccans aged 16 - 23. It was a symptom of the failure of the educational policy. Unemployment also led to a drift into crime, particularly in the case of young Moroccans, some of whom formed gangs.

Mr MOLLEMAN, too, said there was evidence of racism among football fans and of links with other European supporters in this respect. However, he felt able to say that violent expressions of racism were, fortunately, not very common in the Netherlands.

He referred to the spectacular growth in the number of persons seeking asylum in the Netherlands: in December 1989, the number was as high as in the previous 11 months put together. There was considerable opposition by local residents to the practice of concentrating persons seeking asylum in small villages.

In conclusion, Mr MOLLEMAN said that in the last 10 years, there had been considerable progress in the Netherlands in terms of accepting as equal foreigners and persons of different race, progress, also, in that public expressions of discrimination were becoming increasingly less frequent. But there was still a long way to go.

C. Belgium

Mr Bruno VINIKAS
acting Royal Commissioner for Immigration
Policy, Brussels

In the present government's political agreement concluded in May 1988, the following provisions were devoted to immigrants:

'2. Immigrants

- 2.1. The government will pursue a firm policy in favour of immigrants to ensure their harmonious coexistence with the Belgian population. The freeze on immigration, which was adopted in 1974, will continue. Every effort will be made to ensure that this decision is strictly adhered to.
- 2.2. The government considers its main task to be to coordinate, assist and support the policy pursued in this area in the various ministerial departments, communities, regions, and local authorities. Consistent with the respective powers, priority will be given to employment and housing problems and to education which promotes integration, including the learning of one of the national languages.
- 2.3. On the initiative of the Brussels Executive, and in collaboration with the two communities and the relevant local bodies, a Commissioner will be instructed to consider and propose the policy measures necessary to cope with immigrants in Brussels and its suburbs. Similar initiatives will be taken in other population centres.
- 2.4. The government will curb racism and xenophobia. Its policy will be accompanied by an information campaign to reduce tension in this field.'

Given the growing concern arising from the rise of xenophobic movements in different regions of the country, the provisions of Point 2.3. above, on the appointment of a Special Commissioner for Brussels, have been extended across the country by the setting up of a Royal Commission for Policy on Immigrants.

A Royal Commissioner and an Assistant Royal Commissioner for Policy on Immigrants were appointed by Royal Decree on 7 March 1989. Their task includes investigation, proposal, stimulation and coordination at all levels of power with all their various responsibilities. They report directly to the Prime Minister.

The setting up of this new body is therefore in line with the spirit of the final recommendations set out in the report on the findings of the Committee of Inquiry into the Rise of Fascism and Racism in Europe, published in December 1985.

The first half-yearly Report of the Royal Commission for Policy on Immigrants, submitted in November 1989, contains 81 firm proposals which have been

discussed on several occasions by the Interministerial Group for Policy on Immigrants, and their implementation is currently being studied by interdepartmental groups of experts.

A section of the next Report, due in May 1990, will highlight the progress made on these proposals and therefore the determination shown by the various authorities involved to implement them effectively.

The Royal Commission is developing an overall approach to the problems of immigrants which includes action on the four levels (institutional, information, education and social forces) laid down in the above-mentioned recommendations and in the Joint Declaration signed in Strasbourg on 11 June 1986 by the Presidents of the European Parliament, the Council and the Commission.

The fight against racism and xenophobia necessarily implies the elimination of discrimination and unequal treatment at all levels: political, legal, economic, social and cultural.

For these reasons, the first Report, of November 1989, contains a series of firm proposals which have been submitted to the Belgian Government and which aim, for example, to promote access for non-Belgians to certain public-sector posts, to eliminate administrative obstacles to entry to the labour market for non-EEC residents and to remove the nationality condition for minimum wages, allowances for the disabled and guaranteed income for aged relatives of foreign nationals with right of abode for an unlimited period.

Further sets of proposals deal with improvements in living conditions for immigrants and access to social housing and to property with a view to more harmonious relations between communities. With regard to education, greater importance is given to removal of marginalization phenomena which seriously affect the future of immigrant children.

However, the Royal Commission has also studied the question of the fight against racism and xenophobia. There is a chapter which deals specifically with this subject in the November Report mentioned above.

In order to put together their proposals, the Royal Commissioner and the Assistant Royal Commissioner travelled throughout Belgium and met many people. In certain neighbourhoods with a large immigrant population, they were able to identify an increased degree of resentment, and often even of fear, among some of the indigenous population. They are very aware that these feelings sometimes lead to racism and xenophobia and that the exploitation of these feelings for electoral purposes represents a danger to democracy.

The Royal Commission concluded from this that its initiatives have to be consistent in linking two objectives, namely, on the one hand, the integration of the different immigrant communities established in the country, and, on the other hand, the improvement of relations between these immigrant communities and the indigenous population, particularly in urban areas where these relations are made more difficult by socio-economic phenomena such as urban social drift, unemployment, the impoverishment and ageing of the indigenous population, and the academic and social marginalization of young immigrants.

It follows that, in areas whose character is essentially socio-economic, such as housing, employment, training and education, the Royal Commission aims to

put forward policies which would apply both to immigrants and to Belgians experiencing the same problems.

In the more specific area of the fight against racism and xenophobia, the proposals in the first Report of November 1989 comprise two elements: a preventive element and a remedial element.

I. Proposals for preventive measures

1. Every year, a lesson will be added to the school curriculum, with particular emphasis at primary level, focusing on human rights, racism and the history of immigration.
2. The Royal Commission intends to:
 - coordinate and stimulate campaigns by the major social organizations and specialized groups working to make different social groups aware of the integration of the non-Belgian communities and of the prevention of racism and xenophobia;
 - to make other sectors alive to the issue and to encourage them to do likewise.

A specific campaign will be directed at those working in public administration, teachers and those responsible for training. Moreover, the Commission has already taken a number of initiatives in this direction.

3. Legal and administrative discrimination and, more particularly, entrenched practices found in certain departments concerning the reception of foreigners, must be remedied. The employment of non-ethnic Belgians in specific departments (the recent appointment of a police inspector of African origin at Forest, in the Brussels district, bodes well for the future), but also in the media, can have a considerable positive effect. Literature distributed to new employees in public departments and undertakings, as well as the various staff publications, recommend a policy of integration and service to the public.
4. It is obvious that an appropriate local community policy, which aims to bring about harmonious relations and which goes as far as setting out the rights as well as the obligations of young immigrants, is one of these preventive measures. In the same way, the establishment of a familiar and reassuring environment for the older sections of the Belgian population is probably one of the best ways to prevent racism.

II. Proposals for remedial measures

1. The Law of 30 July 1981 'aiming to curb certain acts inspired by racism and xenophobia' must be better publicized. The local authorities, police stations, courts, clubs and associations in contact with immigrants must familiarize themselves with the options made available by this law.
2. The Minister for Justice is called on to use his powers to draw the attention of the Public Prosecutor's offices to the provisions of the Law of 30 July 1981 with a view to using this law as a means of fighting

effectively the fight against racism and xenophobia (current statistics show that few cases get past the stage of investigation by the Public Prosecutor's office, which invariably dismisses them).

3. A national centre for the integration of immigrant communities and against discrimination, similar to the 'Commission on Racial Equality' in the United Kingdom, or the 'National Bureau for the Prevention of Racism' in the Netherlands, should be set up.

This introductory statement is a reply to points 4 and 5 which your committee put to us. The first three points are dealt with in the statement by Mr Paul COOREMAN, advisor to the Minister for Justice.

ACCOUNT OF THE DISCUSSION WITH MR VINIKAS

Mr VINIKAS then took up a number of questions and comments by Mr FORD, the rapporteur, Mrs VAN HEMELDONCK, Mr ELLIOTT and Mrs ROTH. He said that the royal commissioner's office was 'awaiting with interest and some trepidation' the response to the proposal to throw open civil service posts to non-Belgians, including persons who are not EC subjects. 'We are expecting most opposition from the unions, which is rather paradoxical, since they are the very people who have embraced the principle of non-discrimination.'

As far as the situation of foreigners in Antwerp was concerned, a clear distinction had to be made between the Jews and the Chinese, on the one hand, and people from the Maghreb countries on the other. The Jews all had Belgian nationality, as did a large number of the Chinese. These two groups were already effectively integrated; they were no longer foreigners, as it were. This was quite clearly not the case with the Turks and the people from the Maghreb countries who were an economically vulnerable group, utterly dependent on fluctuations on the labour market.

Mr VINIKAS confirmed Mrs ROTH's impression that there was no connection between expressions of racism and the percentage of immigrant residents. Where there were a lot of immigrants there was often no racism at all, and places where there were few immigrants were often the very places where racism was encountered. As far as the situation in Schaarbeek was concerned, he pointed out that (contrary to what some of the questioners thought) Mr NOLS was no longer the mayor and that the regional authority had set aside the local authority's ban on distributing and posting advertisements in non-European languages.

In reply to questions from Mr FORD, Mr VINIKAS said that it was his opinion that the measures taken pursuant to '1992' ran counter to efforts to combat discrimination between Europeans and non-Europeans. 'If they were to be implemented these measures would more or less force us, in our proposal to open up civil service posts, to distinguish between subjects of EC countries and others - which is precisely what we did not and do not want to do.'

D. France

Mr Louis JOINET
Adviser in the Prime Minister's
Private Office, Paris

Mr Chairman,

Keeping to the essentials, I would inform your committee, at the outset, that my country's policy on combating racism in all its forms has been carried out in two main stages. The first has been the implementation under French law of the guidelines and regulations set out in the United Nations Convention of 7 March 1966 on the elimination of all forms of discrimination. I should say that this was, in particular, the period of legislation in my country. Then came your Declaration of 11 June 1986, which caused some readjustment, i.e. priority was no longer given to new regulations - although some are being studied and I shall return to them - but to implementing the regulations in force more efficiently. In other words, the armoury of legislation appeared adequate for an effective policy, but the whole problem was to apply the law in practice.

The legislation is in two parts. The conventional part represented by the Penal Code is mainly aimed at discrimination with regard to the supply of goods, the refusal to employ someone or any other offence of this kind. Clearly, what I might call the most active discrimination and that which causes great controversies in the press, is covered by the provisions of the 1880 press law, i.e. racial defamation, racial abuse, incitement to racial discrimination, the extenuation of war crimes, wearing Nazi uniforms, badges and insignia in public, etc. Why the press law? Because, as everyone knows, the crux of the argument is how to achieve a balance between the requirements and demands of freedom of expression and, obviously, the campaign against racism in all its forms. At the heart of this question of balance is, for example - we shall perhaps return to it later - the so-called question of reappraisal.

I have just been saying that, as things stood, the enactment of new legislation was not considered a priority. However, a debate is in progress in France on the need to extend the existing legislation to cover the following points. At present, as a result, so to speak, of the grafting of these laws on the press law, there is in my country what is termed the shortened three-month provision on freedom of expression. The anti-racist organizations are vehement in asking for the offence of incitement to racial hatred to be excluded from this provision. Second proposal: remove the publicity condition from this offence, since whether or not there is an offence depends on whether or not the person concerned is in a public place. Thirdly, give the anti-racist organizations a right of reply in respect of racial discrimination. Fourthly, give the courts the power to order loss of civic rights in connection with any existing offences and, finally, in the case of discrimination, particularly in employment or in the distribution of goods and services, establish an arbitration procedure, since mere prohibition when close everyday relationships are involved is not the solution, as tensions persist.

I come now, therefore, more directly to the action taken in response to your Declaration. In implementation of the existing regulations, following a very serious attack on a hostel for immigrants, the Sonacatra Hostel in the south of France, that same day the Prime Minister decided to set up an interministerial unit to coordinate the campaign against racist violence. Very quickly - I am myself the chairman of that unit - we realized that it was necessary not only to institute coordination between public bodies but also to facilitate greater convergence among non-governmental anti-racist organizations in respect of, let us say, energies and rivalries which sometimes result in situations of conflict. We have in my country a national advisory committee on human rights which brings together the authorities and the public as represented by associations or eminent persons recognized in this field. It is in this committee, therefore, that the Prime Minister's initiative has gradually been taken up in the light of the realities encountered. The unit is now a joint body. It is co-chaired by a member of the Council of State, who is chairman of the advisory committee, representing the public, and by myself, representing the authorities. This new format has clearly resulted in greater efficiency and we believe that we will be well under way in the next few weeks when we submit to the French Government the first report from our committee on the campaign against racism in France. I emphasize the title because it gave rise to long discussion. It was originally planned to draft a report which would simply take stock of racism. We consider that it is now always necessary to take an active stance and not to be constantly drawing up reports which, in the end, give the impression that nothing is happening. For example, the forthcoming opinion poll which we, as a unit, have asked the Government to carry out is not concerned, as previously intended, with the state of racism in France but with how the public feels about the campaign against racism.

The first time achievements of such coordination are as follows: first of all, because of the time it will take, we have priority to the establishment of a data bank common to non-governmental organizations and to the Government through an agreement reached with French legal data bank known as the national legal computer centre. As a result of sponsorship, let me say, the services of this data bank are virtually free. It seems simple, but in fact the greatest difficulty was not technical but involved persuading - almost a year was needed - each non-governmental organization to agree to waive its legal constitution in order to assemble together on the table all the relevant legal decisions. The second initiative was to coordinate criminal proceedings in a sensitive way between the State, on the one hand, and the public, on the other. Why? Because, as is the case in most countries, anti-racist associations have the right to institute criminal proceedings, i.e. to bring a civil action, provided that they lodge a deposit. Consequently, they legally participate in the exercise of public authority. Well, in my country, the public prosecutor rarely took the initiative as a result of an old tradition that in matters of freedom of expression it was up to the parties involved to act before it was even possible for the State to appeal. This, in the end, led to unease. The scope for NGOs to become involved, therefore, has been extended and, in the current state of coordination, the momentum has been reversed and the number of criminal actions brought by the public prosecutor is now greater than those by non-governmental organizations. Moreover, as soon as an association wishes to bring a civil action, it immediately informs the unit. I would even say that, whenever a serious instance of racism occurs, an association immediately informs the unit about it and one of my colleagues immediately contacts the Ministry of Justice, which gets in touch with the

relevant public prosecutor, so that an analysis of converging activity is available.

In the same spirit, a circular from the Keeper of the Seals, with regard to this unit, asked all public prosecutors to make personal contact with the heads of local anti-racist organizations so that action should not be restricted to national level. Finally, public prosecutors have also been instructed by the Keeper of the Seals to request in their address to the court that the sums which anti-racist organizations must deposit whenever they bring a civil action should be as low as possible. Lastly, this is the least spectacular measure but one whose effects are very important - the Minister for the Interior has set up a specialized intelligence service unit in connection with the campaign against racism, which has enabled us to arrest particularly dangerous people - to whom we shall revert perhaps in a question - who have been responsible for several attacks, two of which are currently being investigated. I believe that, since these arrests, the occurrence of racist violence has considerably diminished. We hope that this has been a case of cause and effect.

The last point is particularly sensitive since we are working with non-governmental organizations. It is, therefore, in the full knowledge of the facts that the NGOs have agreed to cooperate with the Ministry of the Interior. Consequently, as I was going to say, this is a common cause. Naturally, it is not intelligence work in the strict sense, it is more a problem of textual analysis, the adoption of positions and the issuing of statements and a civil servant has been specially appointed to the directorate of public freedoms in the legal directorate of the Ministry of the Interior to coordinate all this activity, which is more a question of information than of intelligence.

Mr chairman, in the limited time available to me, I have had to make a number of comments and give information perhaps on what I shall term the racist ferment. I have also spoken about the anti-racist. I should now speak about developments since the 1985 report, which I have read carefully. There are three new factors. Do you want me to deal with them during the questions or to broach them now?

Just a word then to conclude, Mr Chairman, on a final point, which is, in the end, the most worrying problem in that it is the most difficult to comprehend: discrimination in employment and discrimination in the distribution of goods and services. Here again, initially, we tended to focus on the campaign against racism in the strict sense. The Prime Minister consequently decided to include in our coordination unit, from the first of January, the representatives of the main trade union confederations so that now we have a strategy which covers discrimination. The first discussions that we have had show that both the trade unions and the authorities consider, by and large, that the problem of legislation is not a priority, the legislative framework is correct, the case law itself is relatively speaking, in line with the spirit of the legislation, if I may so describe it, and it is the Advocate General of the Court of Appeal who is speaking to you. The problem is that cases are not brought to court. They are not brought to court as a result of a widely-recognized difficulty, which is that discrimination is very hard to prove, particularly in the context of a hierarchical relationship, such as at work. The situation is aggravated in the case of unemployment, particularly where the national employment agencies (ANPE) are concerned, since some employers word job offers in a way which is not directly discriminatory.

requiring, for example, a voter registration card or an advanced knowledge of French for a manual worker. As a result, a degree of aggression has developed at the counter, so to speak, which has caused the Minister for Labour and Employment to take steps in the form of client contact training to try to defuse these situations of tension, but it is not easy.

Finally, my last point. We are hoping, and our hopes are high, to persuade the non-governmental anti-racist organizations to join in with the trade unions, as they are not involved, to any extent, in this area. I have come to the end of this very rapid survey, Mr Chairman.

ACCOUNT OF THE DISCUSSION WITH MR JOINET

Replying to Mr FORD, Mrs ELMALAN, Mrs TADZAIT and Mrs ROTH, Mr JOINET stated in particular that immigrants could now vote and stand as candidates in certain elections, e.g., for trade union posts. He added that the Prime Minister had advocated that immigrants be given local-election voting rights; under the present circumstances, however, Parliament would reject a bill to that effect. The minister responsible, Mr EVIN, had moreover recently proposed a simplified procedure for acquiring French nationality. On a number of occasions, the French Government had applied for Mr Le Pen's parliamentary immunity to be waived. Prosecution was possibly not the sole solution, however. Should not priority be given to political efforts?

With regard to discrimination in employment, reversing the burden of proof clashed with the fundamental principle of law that a person was presumed innocent. With regard to a possible correlation between the rise in unemployment and a process whereby the second generation was excluded from employment, it was difficult to provide a brief answer. Mr JOINET pointed out that racist attacks did take place and that, in many instances, prosecutions were successfully brought; anti-racist organizations were given financial support. With regard to the Schengen Agreement, the minister responsible was in contact with his Irish counterpart with a view to formulating a common position. He added that some racist attacks had been perpetrated by racist organizations and that prosecutions had been brought and sentences handed down; there was a problem with regard to family allowances in connection with attendance at courses.

E. Spain

Mr Victor MORENO CATENA, Secretary General,
(technical) of the Ministry of the Interior,
Madrid

Mr Chairman, Ladies and Gentlemen,

I should like to start by saying how pleased I am to be able to make a contribution, albeit modest, to the important work which this committee is doing in order to eradicate what is still a shameful blot on our society.

Now, two hundred years after the triumph of the French Revolution, it is difficult to believe that we have not yet managed to put the ideals of liberty, equality and fraternity into practice in all countries and all societies. It is even more difficult to understand that on the threshold of the 21st century this committee has not lost all *raison d'être* and that xenophobia and racism are a cause for concern and a subject for investigation in the societies of the developed and democratic countries of Europe, despite the legal recognition of human rights in those countries' national laws and in international instruments. The long quest for equality is not yet over.

Once Spain had recovered its lost democracy it wholeheartedly joined this quest, becoming a member of the group of countries and institutions which want to make our world more just, more equitable and ultimately more human.

Article 1 of the Spanish Constitution of 1978 recognizes equality as one of the cornerstones of our society, stating that 'Spain is hereby established as a social and democratic state, subject to the rule of law, and advocating as higher values of its legal order, liberty, justice, equality and political pluralism.'

However, it is Article 14 which unequivocally affirms the principle of equality in the eyes of the law, prohibiting any kind of discrimination 'on account of birth, race, sex, religion, opinion or any other condition or personal or social circumstance.'

This principle first of all means a prohibition on any arbitrary act by the public authorities and secondly - the most important point - the duty incumbent on them under the Constitution itself 'to promote conditions which ensure that the freedom and equality of individuals and of the groups to which they belong may be real and effective, to remove the obstacles which prevent or hinder their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life.'

The right to equality is specifically protected by both administrative provisions and provisions of criminal law. The latter are set out in the Organic Law of 25 June 1983 amending the Penal Code, the explanatory statement of which explains that 'in the context of offences committed by individuals during exercise of the individual rights recognized by law, it was deemed necessary that criminal law should help to guarantee the effectiveness of the principle of equality of all people by penalizing discriminatory behaviour for reasons of ethnic origin, race, religion or political or trade union affiliation.'

It therefore defines as unlawful associations 'those which promote or encourage racial discrimination' and it defines as criminal behaviour actions which 'with the aim of totally or partially destroying an ethnic, racial or religious national group' cause the death or serious injury of one of its members, or subjects the group or any of its individual members to living conditions which endanger their lives or seriously undermine their health; as well as the forcible resettlement of the group or its members, or any measures which interfere with the group's way of life or reproduction or transfer individuals by force from one group to another. The definition of criminal behaviour also covers the behaviour of an official or the provider of a public service who, for reasons of origin, sex, family situation or membership or non-membership of an ethnic group, race, religion, political or religious group refuses a person, association, foundation or company, a service to which they are entitled (Articles 137A, 165, 173 and 181A of the Penal Code).

Furthermore, the principle of equality and the ban on discrimination are not only binding on the public authorities in particular but must also be actually and immediately safeguarded by the courts. They are obliged to ascertain in every case whether or not a regulation is discriminatory, and eliminate any such effects intended by the parties concerned; they must also refuse to allow the application of regulations or any other provision which infringe the Constitution and bring proceedings for unconstitutionality whenever by interpretative means a rule with the status of a law cannot be fitted into the body of constitutional law (Articles 5 and 6 of the Organic Law on the Judiciary).

Citizens have two national legal forms of access to the protection of the courts - one through the ordinary courts, and the other through the

constitutional court by means of the habeas corpus procedure, which does not preclude the possibility of an individual case being brought before either the European Commission of Human Rights or the European Court of Human Rights.

In addition to these safeguard mechanisms, the Spanish Constitution established two other institutions responsible for defending individual rights, namely the Attorney General's Office and the Ombudsman.

The former is responsible for furthering the course of justice in order to protect the rights of citizens, since it is empowered to intervene in all proceedings brought on the grounds of violations of fundamental rights and freedoms.

The Ombudsman is appointed by the Cortes to supervise the activities of the authorities so as to safeguard individual rights.

Now, although legislative measures are important, in that they provide the basis for action by the public authorities, we are all aware that they are inadequate unless they are accompanied by additional measures designed to combat the actual causes of the problem.

Bearing in mind that the defence of human rights is a building which is permanently under construction, whose foundations are never sound, Spain is adopting measures to guarantee that equality is achieved and that racist or xenophobic attitudes are eliminated, although they are only isolated phenomena in our country.

These measures have a dual purpose. Firstly they are designed to protect the gypsies, who are the only national ethnic minority in Spain, and secondly, to ensure that foreigners living in our country are fully integrated.

As far as the gypsies are concerned, successive Socialist governments have pledged themselves - as part of their policy to consolidate and develop human rights as a fundamental element of government action - to encouraging the protection of the gypsy community, respecting and safeguarding its culture, and fully incorporating it in the social, political, economic and cultural life of the country, so that gypsies may exercise their rights on an equal footing with the rest of the Spanish population.

The principle behind this is respect for the cultural autonomy of gypsies in a context of gradual social integration, so that they may ultimately have the same rights, status and opportunities as the rest of the citizens of Spain, but without losing their own identity.

On this basis, during the last few years practical measures have been adopted and since October 1985 they have been grouped together under a joint programme called the 'National Plan for Gypsy Development', the general aim of which is to 'put an end to the discrimination which the gypsy people have suffered throughout history and bring them out of the state of social alienation in which they find themselves as a result of the rapid and irreversible industrial transformation of our urban society'.

The Plan combines measures by various ministries and various Autonomous Communities coordinated by two specific bodies: the Advisory Board for the Development of the Gypsy People, which discusses problems and works in a consultative capacity, and a Sub-directorate General set up for this purpose within the Ministry of Social Affairs, which is responsible for the administrative and budgetary aspects.

It is virtually impossible to list all these measures in the limited time I have available - I shall therefore only mention the most important ones.

First of all, in the field of education, since the lack of suitable cultural education is one of the reasons why the gypsy community is isolated, there are the programmes launched by the Ministry of Education and Science, most of them in cooperation with gypsy associations, to promote the schooling of gypsy children - in line with the Council Resolution on education for the children of gypsies and other itinerant people, adopted during the Spanish Presidency in May 1989 - the organizing of occupational training for pupils of 13 to 16 years of age and adult literacy programmes.

I should also mention the agreement signed by the Ministry with the association 'Gypsy Apostolate', with the aim of supporting and strengthening the 'bridging-schools' set up to facilitate the progressive integration of gypsy children into public education, and the Programme on Compensatory Education adopted by Royal Decree on 27 April 1983, designed for 'various geographical regions or groups of the population which, by virtue of their

special characteristics, require preferential treatment as regards education.' In the field of health, campaigns have periodically been organized to diagnose diseases among gypsy communities inhabiting shanty towns in various Autonomous Communities, as well as vaccination campaigns, thereby promoting the progressive integration of gypsies into the section of the population covered by social security.

Health and education measures have been supplemented by other social measures and during the last 7 years priority has been given to ethnic minorities in the social service programmes. Between 1983 and 1988 Ptas. 354 million were earmarked for this purpose and were used exclusively for the gypsy community.

The gypsy community has also been the subject of special attention in the field of housing, since it is one of the main beneficiaries under the plan to eliminate shanty towns drawn up by the Ministry of Public Works and Town Planning in collaboration with the Autonomous Communities.

Since it is more difficult for members of the gypsy community to find jobs, mainly because of their lack of qualifications, the Ministry of Labour and Social Security has drawn up special programmes for them, including the vocational training programme for unemployed young people without adequate qualifications between the ages of 20 and 25, the vocational training programme for the long-term unemployed over the age of 25 and vocational training courses specially organized by the INEM (National Employment Institute) through its local centres, for 'the underprivileged and ethnic minorities'.

Finally, in the sphere of competence of the Ministry of the Interior, the Population and Civil Rights Programme was set up in 1987 to promote the coexistence of different sections of society and guarantee the exercise of constitutional rights, tackle problems of integration and devise a policy to prevent social alienation and underdevelopment.

The Autonomous Communities have also organized special programmes for the benefit of ethnic minorities. For example, the regional governments of Andalucia and Valencia have set up special bodies to study the problems of the gypsy community and have devised specific measures for them.

The 'Andalucian Plan for the Gypsy Community', drawn up in 1987, proposes two forms of action - integrated community action in districts with a high proportion of gypsies and sectoral programmes dealing with specific issues and aspects of the problem.

The 'Valencian Economic Plan' also adopted in 1987, includes a specific programme for the gypsy community, since it is the most representative ethnic minority, designed to facilitate its access to resources in all areas of social welfare and to promote its socio-cultural development by means of cooperation.

The second category of measures introduced by the Spanish Government to guarantee full implementation of the principle of equality is designed for foreigners residing in Spain and its aim is the adoption of a series of measures to ensure their full integration into Spanish society.

It goes without saying that although the term 'foreigner' is a common denominator which indiscriminately covers all those who are not nationals, there is a great difference in terms of living conditions and integration, between foreigners from Community countries or countries of a comparable level of development and people from Third World nations.

Whilst, generally speaking, the former are treated exactly the same as Spanish citizens, the latter may suffer from discrimination, as was noted in the Commission's report of 1989 on the social integration of immigrants from third countries residing on a permanent and lawful basis in the Member States. The report says that it is not so much the fact of being a foreigner as the fact of belonging to a different ethnic group which puts non-Community immigrants in the disadvantaged categories in the host country.

The Organic Law of 1 July 1985 on the rights and freedoms of foreigners in Spain was intended to establish the basis for preventing discrimination by making the personal status of foreigners virtually the same as that of nationals, especially as regards fundamental rights and freedoms and the legal guarantees for exercising them.

Thus, a foreigner not only enjoys, without any restriction, the rights due to every human being, but may also exercise all other public rights - assuming he acts in good faith and does not abuse such rights or exercise them in an anti-social manner - as long as he has the required documents and is lawfully resident in Spain, which ensures that he is guaranteed all forms of administrative and judicial protection.

In addition to these legal measures and in order to make them effective, other social measures have been introduced which basically concern the fields of employment, culture, education and national assistance.

Among these I will mention only briefly those introduced by the Ministry of Labour and Social Security for foreigners covered by the general social security scheme and by the Ministry of Social Affairs for refugees and people who have been granted political asylum.

The former consists of a programme of subsidies for the promotion and social integration of foreign workers in Spain, which are granted to organizations which carry out activities on their behalf.

Programmes for refugees and those who have been given political asylum are financed in the context of the social services, and non-profit-making non-governmental agencies are responsible for them. By means of these programmes, the budget for which totals Ptas. 2000 million this year, economic aid is granted for housing and maintenance, for creating jobs or independent business activities, health care, scholarships etc.

This budget also finances a 'public opinion' programme whose aim is to make Spaniards aware of the problems of refugees and political asylum in Spain and the rest of the world.

I feel that I have adequately outlined this important aspect of human rights in Spain. I shall be pleased to give you any further details or explanations you may require.

However, I cannot finish without paying homage to Dr EVRIGENIS, the author of the first report drawn up by this committee, who set us all an example of dedication, generosity and love of humanity. I believe that his memory will

always be an inspiration to all of us who believe that man's spiritual development is more important than technological development and that real progress is not possible unless economic and material growth is accompanied by the development of social values and the most profound human values.

ACCOUNT OF THE DISCUSSION WITH MR MORENA CATENA

After listening to the Spanish representative, a Spanish MEP pointed out that Spain was not immune from racism. On paper, problems appeared to have been resolved but the reality of the situation did not correspond to these documents... The Spanish official said that racism in Spain was very acute but also very limited. Nonetheless, Spaniards were also victims of racism abroad, with 17% of Spanish workers feeling discriminated against in the countries where they worked.

The Spanish Government intended to attain two goals, namely the protection of the Tziganes - there are 322 480 gipsies in Spain - and the integration of foreigners. The aim was to demarginalize this group of people whilst respecting their cultural independence. This approach was appreciated by the MEPs.

Replying to a question on the possible influence of neo-Fascism in Spain, the representative said that Fascist groups in his country were a small, albeit painful, issue in Spanish politics and that these groups were not represented at all, not even by a single Member of Parliament.

F. Portugal

Mr Antonio GOMES LOURENÇO MARTINS, deputy Attorney-General, and Mr VERNELHO CURRAL, Director of the Aliens and Frontier Department of the Ministry of Foreign Affairs, Lisbon

1. The Portuguese Government received from the European Parliament's Committee of Inquiry into Racism and Xenophobia the following request:

- to give a brief outline (of about 15 minutes) of the situation in Portugal as regards racism and xenophobia;
- to describe the Portuguese legislation in force on this matter since the Joint Declaration of June 1986.

The nature of these topics led the Portuguese Government to appoint me as the person to look into them, but, subsequently, we received a request for clarification on other topics, namely questions 4 and 5 on the questionnaire forwarded by the committee.

I therefore have to put in an initial reservation and explain that, for lack of time, it was not possible to become fully acquainted with all the information available on this subject within the Community institutions, given that Portugal, as a new Member State, was not involved in the research leading up to the excellent EVRIGENIS report.

My contribution here is Portugal's first official statement in this area.

2. By its tradition and culture, the Portuguese people can fairly be said to have rejected racial discrimination for hundreds of years. Portuguese communities throughout the world - there are about 4 million Portuguese emigrants - provided a shining example of a way of life alongside other men and women where no grounds exist for discrimination on the basis of race or colour. One only has to recall that, in the first quarter of the 19th century, Portugal granted independence to Brazil, and the Brazilian people developed without any ethnic discrimination.

Similarly, the age of discoveries sparked off by Portugal at the beginning of the 15th century has left no visible traces of inordinate nationalism, but rather a spirit of great cooperation and solidarity with the new countries which were once colonies. The propagation of Christianity as a motive and spur for these discoveries was also undoubtedly a factor.

The peaceful transition to democracy in 1974 confirms the Portuguese tradition of tolerance.

As regards the country's official stance, let me point to a few constitutional principles on which the Portuguese Republic is based: respect for the dignity of the human person - Article 1 of the Constitution -, pluralism of expression and the guarantee to entitlement to fundamental freedoms and rights, explicitly referred to Article 2, and also respect for human rights, referred to in the section on international relations (Article 7).

I shall discuss how these principles are reflected in real terms at constitutional level and in ordinary legislation.

Before that, however, I should like briefly to outline Portugal's demographic situation, especially following the decolonization process which started in 1974.

3. In line with United Nations recommendations that the question of 'race' is superfluous in population censuses, official statistics do not give a racial breakdown of the population of Portugal.

Roughly speaking, about 1 million returned to or entered Portugal in 1974 and 1975, coming from the former colonies as they were granted independence. Most of these people were Portuguese who had lived and worked in these countries.

Having said that, about 50% of the foreigners resident in Portugal - totalling 79 594 in December 1985 - are nationals of the former colonies, with a heavy predominance of Cape Verdeans¹. Between 1976 and May 1986 35 326 applications for Portuguese nationality were made by nationals from the former Portuguese colonies, of which two-thirds were considered valid.

Taken together, and in descending order, nationals from Brazil, Spain, the US, the UK, Venezuela, the Federal Republic of Germany, Canada, France and the Netherlands account for about 35% of the foreign residents. The remaining 15% come from other countries or are stateless (166).

The difficulties Portugal had in coping with problems such as housing, food, clothing and employment for the complete reintegration of those returning from the former colonies are well-known. The task was really completed in little more than ten years, despite the economic crisis which Portugal was experiencing.

This sketch will make it easier to understand how Portugal responds to racist or xenophobic acts.

4. I should like to look at the legal measures and their implementation, starting with the Portuguese Constitution of 1976, which was revised for the second time last year.

According to Article 7 - already referred to - Portugal is governed by the principles of equality among states, the peaceful settlement of international conflicts, cooperation with all other peoples for the emancipation and progress of mankind. Portugal stands for the abolition of all forms of imperialism, colonialism and aggression and recognizes the right of peoples to rise up against all forms of oppression.

Article 13 states:

- '1. All citizens have the same social dignity and are equal before the law.
2. No person shall enjoy privileges or benefits, or suffer prejudice, or be deprived of any right or exempt from any duty on account of his ancestry, sex, race, language, land of origin, religion, political or ideological beliefs, education, economic position or social status'.

¹ 24 959 from Cape Verde, 3642 from Angola, 2144 from Mozambique, 1974 from Guinea-Bissau and 1423 from Sao Tomé and Príncipe.

Article 15 states the binding principle of equal rights and obligations for Portuguese nationals and foreigners or stateless persons who are staying or residing in Portugal, except for political rights and work in the public administration which is not predominantly technical, and certain other rights and duties expressly provided for in the Constitution or in Portuguese law. In this area, special more favourable arrangements are applicable to nationals from Portuguese-speaking countries. The recent constitutional revision - constitutional law No. 1/89 of 8 July - added a very important element to this subject (Article 15(4)):

"The law may grant foreigners resident on Portuguese territory, on a reciprocal basis, electoral rights for the election to posts on local authority bodies".

It adds that the binding principle of equality between Portuguese nationals and foreign residents or stateless persons is reinforced by the international outlook of another provision (Article 16(2)) which stipulates that constitutional and legal rulings relating to fundamental rights should be interpreted and incorporated 'in line with the Universal Declaration of Human Rights'.

Furthermore, constitutional provisions on occurrences of racial discrimination are directly applicable i.e. they require no additional legislation, and are binding on all bodies, public or private (Article 18(1)).

Let me give another more specific example.

Article 46 of the Constitution very clearly affirms the right to form associations freely, provided 'they are not intended to promote violence and their objectives are not in breach of criminal law'.

Paragraph 4 of the same article provides that:

'Armed associations of a military, militarized or paramilitary type, and organizations which profess fascist ideology are not permitted'.

Law No. 64/78 of 6 October deals specifically with fascist organizations.

Fascist organizations are deemed to be those organizations which adopt, uphold and seek to advertise 'the principles, leading figures, institutions and methods of fascist regimes as recorded in history, specifically bellicosity, violence as a means of political struggle, colonialism, racism, corporativism, praising the most representative personalities of such regimes' (Article 3(1)).

Other organizations deemed to profess fascist ideology are those which campaign using antidemocratic means, especially violence directed at the constitutional order, the democratic institutions and the symbols of sovereignty (Article 3(2)).

Any organizations identified as such in a court of law are declared dissolved by the Supreme Court of Justice, and their organizers, leaders or members are subject to criminal penalties provided for in that law.

The Constitution itself rules that members elected to the Portuguese Assembly - 'the representative assembly of all Portuguese citizens' - shall be deprived of their mandate if they are found guilty of belonging to organizations which profess fascist ideology (Article 163(1)(d)).

The Criminal Code (in force since 1 January 1983) includes an especially important principle. Article 189, in the section dealing with crimes against humanity, states that:

1. Anyone who, with the intention of destroying entirely or in part a national, ethnic, racial, religious or social community or group, commits one of the following acts:

- (a) murder of members of the community or group;
- (b) serious acts of physical or psychological violence against members of the community or group;
- (c) subjecting the community or group to inhuman living conditions or treatment liable to result in the destruction of the community or group;
- (d) forcible removal of a child to another community or group.

shall receive a prison sentence of between 10 and 25 years.

2. Anyone who, in a public meeting, a written text destined for publication or any of the media:

- (a) slanders or insults a person or group of persons or holds such persons up to public ridicule for reasons of race, colour or ethnic origin;
- (b) provokes acts of violence against a person or group of persons of a different race, colour or ethnic origin

shall receive a prison sentence of between 1 and 5 years.

3. Anyone who:

- (a) founds or sets up organizations or carries out activities of organized propaganda with incitement to racial discrimination, hatred or violence or encourages it;
- (b) participates in the organizations or activities referred to in the previous paragraph

shall receive a prison sentence of between 2 and 8 years.

The Criminal Code also punishes the foundation of groups, organizations or associations whose aim is any kind of criminal activity (Articles 287 and 278).

Murder which is motivated by racial or religious hatred is deemed to be especially serious and perverse and is therefore punished more severely (Article 132(2)(d)).

It should also be pointed out that Portugal has ratified the major United Nations Conventions on this subject, i.e. those on the status of refugees and stateless persons, and also the Council of Europe conventions on the abolition of visas for refugees, the legal status of children born out of

wedlock, the elimination of all forms of discrimination against women and conventions on education and employment.

Of more interest to this committee will be the fact that, since 15 September 1978, Portugal has been a party to the International Covenant on Civil and Political Rights and, on 15 June 1982, Portugal agreed to sign the Optional Protocol recognizing the competence of the Committee on Human Rights to consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

In April 1982 Portugal signed the International Covenant on the Elimination of All Forms of Racial Discrimination.

Portugal presented its detailed and accurate reports to the special committees on the situation with regard to the implementation of these conventions in such a way, if you will excuse a little boasting, as to earn the committee's wholehearted applause.

The constitutional check provided by the courts and the existence of an ombudsman guarantee a proper defence of constitutional and legal principles.

5. Having looked at the principles and legal provisions which reflect the general attitude of the country and its rulers, let us turn to the current picture of racism and xenophobia in Portugal.

5.1. According to information gathered specifically for this hearing, a number of racist or xenophobic acts have occurred in Portugal since the mid-1980's. 1985 saw the start of reports of individuals grouped together in gangs recognizable by their form of dress, military in style, their shaved heads, their support of the social-biological brand of racial supremacy and their adoption of a military and violent discipline. It was obvious that they belonged to the more widespread movement known as 'skinheads'.

Claiming to uphold so-called nationalist values, these gangs directed their hostility and violence against 'non-Europeans', which in practice meant black Africans, particularly Cape Verdeans, but also Jews and Indians.

It was clear that they intended to attack the democratic institutions, the multi-party system and to uphold the values commonly described as being of the extreme right. The type of graffiti on walls accompanied by swastikas, clearly illustrates their ideology and the targets they seek to hit:

- down with Communism
- Salazar yesterday, today and forever
- Franco, Hitler, Salazar and Mussolini - White Power
- blacks for Africa
- Portugal for the Portuguese
- death to the dogs in power
- democracy = bourgeois dictatorship

People attracted to these gangs tend to show the following characteristics:

- they frequently come from families in which the parents are in conflict;
- generally the parents belong to the middle or working class;
- most of them are students, workers in their first job or looking for it;
- they are aged between 15 and 25;
- they seek to do their military service in special units where there is greater discipline.

Militants and sympathisers taken together probably total around 400 in the entire country.

They show the following trends:

- improving their organization, currently to be found only in the major cities of Lisbon, Oporto and their suburbs, using a cellular, hierarchical and clandestine structure;
- they make their voice heard through associations set up with a semblance of legality, which means that they can put their ideas in print;
- they have connections with movements which favour violence at sporting events;
- they have connections and contacts with their counterparts in Europe.

5.2 I shall just run through some of the more serious acts attributed to these groups and which are now subject to criminal investigation;

- in January 1989, there was an attack outside a restaurant in Lisbon's Bairro Alto on a British pop group (Membranes) known to espouse an ideology considered to be left wing;
- in May 1989, the actor Joao Grosso was attacked and subsequently had to undergo surgery;
- in August 1989, at 4 a.m. there was an incident involving a group of punks on a ferry between Lisbon and Cacilhas;
- in October 1989 there was fighting in a Lisbon disco and a newspaper photographer was threatened with a knife;
- On 27/28 October 1989, a political party activist (PSR) was killed near the party's headquarters in Lisbon during a fight;
- in November 1989, at 11 p.m., two Spanish citizens were attacked over the use of a swastika;
- also in November 1989, a black citizen was attacked at a station in Oporto and thrown onto the railway line;
- on 1 January 1990, also in Oporto, two young blacks were attacked and ended up in hospital.

Media coverage of these events was prominent, resulting in three types of reaction by the gangs: withdrawal in order to organize better; demarcation from other groups; and a fall in demand to join them.

The Government, legal authorities and the police have been following the phenomenon closely. There were recently contacts between the Government and the representatives of the ethnic groups affected which were well publicized.

Apart from continuing investigations by the Public Prosecutor's Office aimed at identifying and punishing those responsible for these crimes, the Attorney General's Office has ordered investigations to be made into analysing this kind of activity from the civil as well as from the criminal point of view in order to draw up measures to put a stop to them.

The general line is to ensure that the legal measures in place work and to apply them normally and without excessive delay. It is considered that this recent phenomenon should be confronted on the basis of regulations which are fitting for a constitutional State, using not special persecution but firmness.

6. I shall make just a few comments on questions 4 and 5 put by the Committee of Inquiry.

As I have said, Portugal has about 4 million emigrant workers in countries throughout the world whereas genuine immigration, leaving aside the consequences of decolonization, is much less significant. That is why Portugal is primarily concerned with supporting those 4 million workers and their families, setting up its own official departments for this purpose. Familiarity with the laws and formalities of countries of destination, teaching Portuguese language and Portuguese culture and supporting the printed word in Portuguese are the subject of bilateral agreements with a number of countries, not to mention Portugal's ratification in 1978, of the Council of Europe Convention on the legal status of the migrant worker.

Shortage of time made it impossible to investigate these subjects in greater detail. However, for these and for all other subjects, Portugal is willing to supply any further clarification through the appropriate channels.

ACCOUNT OF THE DISCUSSION WITH MR LOURENÇO MARTINS

What were the problems which the Portuguese community is experiencing in Luxembourg, asked the rapporteur of the committee of inquiry. Luxembourg is said to have requested a derogation regarding the integration of this community into its society. What were the consequences for the EEC of the proposal to grant Portuguese citizenship to nationals from Macau?

Only 4000 people out of 40 000 in Macau were actually affected by this right of return to the home country, replied the Portuguese representative and although a significant proportion of this number wished to return to Portugal, they already had Portuguese nationality. The situation was likely to be similar to that experienced in the case of other former colonies.

The Portuguese representative asserted that there was no antisemitism in Portugal.

As regards cracking down on skinheads, whose behaviour was disturbing, he replied that this was being carried out in accordance with the law and that there was no reason to adopt exceptional measures. Furthermore, he pointed out that MAN, the nationals movement, was fronted by a pseudo-cultural association. This was a means of legally forming associations which did not in fact follow their stated aims. As regards this situation, the authorities were trying to gather information which would enable them to close down these associations.

Mr Chairman,

Ladies and Gentlemen,

As the distinguished professor and Member of the European Parliament, Dimitrios Evrigenis, noted in his report on racism, Greece has so far had the good fortune not to be seriously affected by problems associated with racism and xenophobia. I might add that discrimination on grounds of race, colour, ethnic origin, nationality, religious or political beliefs or other similar criteria is almost unknown in Greece. This is undoubtedly due to the fact that a large number of Greeks live and work abroad while the number of foreign nationals living and working in Greece is relatively small.

Consequently, Greece has every reason politically and economically to be in favour of improving the position and the rights of foreign immigrants in the Member States of the Community and other countries. This is also why it attaches particular importance to and consistently supports every endeavour to create a common immigration policy giving immigrants the fullest possible protection at Community level.

However, in addition to this basic policy, there are also reasons that are deeply rooted in tradition as to why Greece does not simply tolerate but respects and accords foreigners equal treatment irrespective of their origin. Greek hospitality is legendary and the Greeks of the Classical period had a god who protected foreigners and travellers. Greeks were and are as a rule xenophiles rather than xenophobes.

These then are the reasons, together with the fact that social conditions and historical circumstances have generally conspired in Greece's favour, why ultimately the country has not been affected by such anti-social, illiberal and undemocratic phenomena as xenophobia and racism.

However, this does not mean that we have no need to be on the alert and exercise vigilance in facing up to such dangerous phenomena as they might also emerge to a greater or lesser extent in Greece in the future. No-one can consider himself entirely immune to such dangers. Moreover, we are always concerned at the possibility of a resurgence of such phenomena, even on a limited scale, particularly in Europe.

Thus we believe that in order to combat xenophobia and racism there is a need for radical and sustained action, applying preventive and repressive measures at three levels simultaneously: the national, the Community and the international.

The main pillar of Greek legislation against racism is Article 5(2) of the 1975 Constitution which, in common with previous constitutions, expressly bans racial discrimination. This paragraph stipulates that 'all persons living within the Greek territory shall enjoy full protection of their life, honour and freedom irrespective of their nationality, race or language and of religious or political beliefs.....'.

Since 1970, Greece has also been a signatory to the 1966 International Convention on the Elimination of all Forms of Racial Discrimination (Legislative Decree No. 494/1970).

Another central piece of legislation is Law 927/1979 which prescribes penalties for acts or measures the intent of which is racial discrimination. This was supplemented by Article 25 of Law No. 1419/1984 which adds religious discrimination to discrimination on the grounds of race and ethnic origin which is covered by Law No. 927/1979. Law No. 927 provides for terms of imprisonment or a fine or both for anyone perpetrating acts involving racial discrimination.

Law 1264/1982 on the democratization of the trade union movement and the safeguarding of workers' trade union freedoms is also significant in this respect in that it applies in full and on equal terms to foreign nationals who are allowed to belong to unions in the normal way. Since then, it has been accepted in case law that foreign nationals in Greece are themselves free to form their own associations and unions.

I should add at this point that Greece is a signatory to two labour conventions prohibiting racial discrimination in respect of employment, these being:

- (a) Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (Law No. 1429/1984) and
- (b) Convention No. 122 concerning Employment Policy (Law No. 1420/1984).

Finally, I shall conclude this survey of the relevant international and national legislation with reference to Article 4 of the Greek Civil Code which stipulates that foreign nationals shall enjoy absolutely equal civil rights with Greek nationals.

ACCOUNT OF THE DISCUSSION WITH MR ECONOMIDIS

The Greek representative stated that racism had not made its appearance in Greece so far. The Members of Parliament asked him to clarify the situation of the Pakistani community, the Turkish minority and foreign seamen.

While the official number of foreigners registered in Greece was 75,000, 200,000 would be a more realistic figure. In other words, Greece also had an illegal immigration problem. After considerable efforts, Greece had managed to reduce the number of Pakistani immigrants and improve the living conditions of those remaining on its territory.

The Greek representative explained that his country accepted all asylum-seekers, even those whose applications had already been rejected by other countries, and applied the principle of non-expulsion to the country of origin, even in the case of applicants without political refugee status. There were some 5,000 applicants for asylum, of whom 3,000 came from Turkey: their living conditions were poor, but Greece was attempting to improve the situation.

The situation of seamen had improved, particularly in the case of those working on Greek-registered ships.

H. Italy

Mr Antonio CAVATERRA, head of the
Aliens Section of the Emigrations Directorate
of the Ministry of Foreign Affairs, Rome

Article 2 of the Italian Constitution recognizes and guarantees the inviolable rights of man and Article 10 states that Italy's legal system conforms with the principles of international law.

In reply to the question whether since June 1986, the date of the adoption of the Joint Declaration on Racism and Xenophobia, explicit laws and regulations to combat such phenomena have been adopted in Italy, the answer is no.

The Italian view is that the danger or possibility of such phenomena, disturbances and intolerance among the population in response to the ever-increasing numbers of foreigners from outside the Community living in Italy, must be tackled by preventing and eliminating the causes rather than suppressing the potential effects of uncontrolled immigration.

The Italian Government considers that it has recently become necessary and is now absolutely essential to draw up a policy to regulate both the numbers of foreigners already in Italy and those still arriving, in order to prevent increasingly massive numbers of foreigners in the country from aggravating the feelings of unease and intolerance which are already widespread.

The vast majority of Italians do not feel hostile towards foreigners in general, and Italy for historical, religious, social and economic reasons is not a xenophobic country. Nevertheless, it is concerned about the development of a phenomenon which, unless it is controlled, might cause serious problems in the future.

Some cases of violence reported by the media as symptoms of racial intolerance, can be explained as instances of petty criminality.

They are disturbing incidents because they are directed against foreigners who have entered the country illegally or secretly and are therefore most vulnerable to violence, pressure, blackmail, threats and infiltration by criminals who organize and promote traffic in foreign labour.

It was partly in order to eliminate this phenomenon that the Italian Government passed Law No. 943 on 30 December 1986 establishing rules for the employment and treatment of immigrant workers from outside the Community and prohibiting illegal immigration.

I will come back to this law and its ramifications later on. Now I should like to reply to Question 4 on the questionnaire drawn up for this hearing.

This question concerns racial and cultural minorities in Italy. First of all I should mention two interesting judgments by the Constitutional Court. The first, No. 555 of 1988 revokes Article 5 of Law No. 86 of 26 March 1986

concerning non-observance of the principle of bilingualism for the inhabitants of the Province of Trento. The second, more general judgment, reaffirms that the protection of linguistic minorities is a fundamental principle of Italian law deriving directly from Article 6 of the Constitution.

On the basis of this judgment Articles 20 and 21 of Law No. 210/1985 were revoked since they did not provide for the application of the rules in force in the Autonomous Province of Bolzano as regards proportional ethnic representation and linguistic equality.

A draft law entitled 'Constitutional law on the German-speaking peoples of the Aosta Valley is now being considered by the Senate's No. 1 Committee.

Parliament is also considering a draft law on 'measures for the benefit of the Slovenian-speaking peoples in the provinces of Trieste and Gorizia and those of Slavonic origin in the Province of Udine'.

There are further parliamentary initiatives (one by Senator Riz, another by Mr Ferrandi, MP) aimed at securing certain advantages for the Ladin-speaking minority.

There are also important initiatives concerning nomadic peoples.

Financial Law No. 67 of 11 March 1988 permits local authorities to contract loans of up to 50 billion lire for the purposes of setting aside areas equipped to accommodate nomadic minorities.

There are also some regional laws dealing with the same subject:

1. Sardinian Regional Law No. 9 of 9 March 1988 on safeguarding nomadic ethnic groups and their culture;
2. Tuscan Regional Law No. 17 of 12 March 1988 introducing measures for the protection of the Romany ethnic group.
3. Friuli and Venezia Giulia Regional Law No. 11 of 14 March 1988 laying down rules for the protection of the Romany people in the territory of the region.

I now come to Question No. 5, which deals with Italian immigration policy and the integration of foreigners in the country.

In the above-mentioned Law No. 943 of 30 December 1986 the Italian Parliament tried to regulate the complex matter of rules on the employment and treatment of immigrant workers from outside the Community and illegal immigration.

I should also mention Law No. 81 of 16 March 1988 which extended the deadlines for the regularization of unregistered workers.

At that time Law No. 943/1986 was the most homogeneous piece of legislation concerning foreigners. Article 1 of the Law guaranteed all workers lawfully residing on Italian territory and their families equality of treatment and exactly the same rights as Italian workers. They were also guaranteed the right to use social and health services and to maintain their cultural identity, send their children to school and have access to housing.

A council was set up to pursue these objectives and its members are as follows:

1. Six representatives of workers from countries outside the Community appointed by the main organizations representing them in Italy;
2. Four representatives appointed by trade union confederations;
3. Three representatives of employers' organizations.
4. Four experts appointed by the Ministries for Education, the Interior, Foreign Affairs and Finance.
5. Four local government representatives;
6. Three representatives of organizations providing assistance to immigrants.

The law also provided for the setting-up of a committee within the Ministry of Foreign Affairs to promote and monitor the application of the bilateral and multilateral agreements referred to in ILO Convention No. 143 of 24 June 1975 drawn up to regulate the volume of migration, prevent illegal trafficking in labour - also in the countries of origin - and reciprocal arrangements to safeguard the civil, social, economic and cultural rights of immigrant workers and their families.

Despite the beneficial effects of Law No. 943/1986 which included the regularization, albeit partial, of unregistered workers and the setting-up of the council referred to above, which is now fully operational, as a forum for the exchange of ideas between the various social organizations, certain difficulties have been encountered because of the inadequate restructuring of the administrative bodies established by law.

In order to remedy this situation and create even more favourable regulations for the protection of non-Community nationals and stateless persons, Decree-Law No. 416 entered into force on 30 December 1989. It was entitled 'Emergency regulations governing asylum, the right of entry and residence of non-Community citizens and the regularization of the status of non-Community citizens and stateless persons already residing within the territory of the Italian State'.

This Decree, which will be converted into a law, constitutes an attempt to find a just and effective response to the continuing influx of non-Community citizens into Italy, one of the aims being to prevent feelings of prejudice or even extreme intolerance, which are cause for grave concern.

Article 1 deals with the status of refugees and revokes the geographical reservation made by Italy when it signed the Geneva Convention of 28 July 1951. It states that rules will soon be issued to establish the procedure for the recognition of refugee status and until then emergency assistance measures will be implemented by the Ministry of the Interior for a period of no more than 45 days.

Article 4 paragraph 1 specifies the cases in which entry may be refused to a foreigner who intends to request refugee status.

When Decree-Law No. 416 is converted it will probably undergo substantial modifications and interpretations so as to provide more favourable guarantees for foreigners from outside the Community, especially as regards the degree of discretion police authorities may use. The more general rules on immigration will in any case be the subject of consistent legal provisions which will be submitted to Parliament during the coming year.

ACCOUNT OF THE DISCUSSION WITH MR CAVATERRA

Replying to Mr FORD, Mrs VALENT, Mrs TADZAIT and Mrs ROTH, Mr CAVATERRA stated that violence was prompted by, among other motives, racism and xenophobia and that some people were anti everyone, black and white alike. With regard to Law 943, he acknowledged that it was not being applied. He added that it was difficult to grant the same rights to the workers concerned as were granted to others. With regard to discrimination against students, he believed that there was no problem as far as duly registered students were concerned. With regard to immigrants from Eastern Europe, provision was made under the new law for them to be assigned to different reception areas; this did not reflect priorities.

I. Denmark

Mr Hans JENSEN, Head of Division,
Ministry of Justice, Copenhagen

I would like to start my contribution by explaining the situation in the area which is under discussion here today and I will in this connection answer the basic questions that have been put to us in advance.

I would like to begin by mentioning that Denmark ratified the UN Convention on the elimination of all forms of racial discrimination back in December 1971. The Convention entered into force in Denmark in January 1972 and Denmark has thus for many years been obliged under international law to combat racial discrimination and xenophobia in all its forms; the policy of the Danish government has been conducted accordingly. Denmark has, in accordance with the UN Convention, declared that the Committee on the Elimination of Racial Discrimination, which was set up under the Convention, is competent to deal with complaints from individuals concerning Denmark. Denmark has also every two years since 1973 submitted a report on the legislative, judicial, administrative and other measures that have been implemented to give effect to the Convention's provisions. The two latest reports were submitted in October 1987 and August 1989 and they contain the information mentioned for the period from October 1985 to August 1989.

In Denmark's legislation, the treatment under criminal law of the question of racial discrimination and racial hatred is to be found partly in a provision in the Danish penal code and partly in a separate law banning discrimination on the grounds of race. I can add that no changes or additions have been made to this legislation since the Joint Declaration of 11 June 1986. In the period from October 1985 to August 1989, there have been only a few instances of criminal prosecution under this legislation. For example, there have been four cases of contravention of the provision in the Danish penal code. I shall not deal with all the cases here in detail but simply, to start with, mention one, since it ended in the Danish Supreme Court where a ruling was given on the very interesting question of the relationship between protection from racial discrimination and concern for freedom of expression.

In this case, three young men belonging to a group of skinheads were sentenced for making derogatory remarks about other races, etc. in a recorded television broadcast. The accused were invited to the television recording by a journalist working for the Danish State Broadcasting Company and the journalist in question was seeking to depict different attitudes towards aliens. The recording took a total of 6 hours but, after editing, was cut down to a few minutes, after which it was broadcast on television with the consent of the programme controller. The three skinheads were found guilty of contravention of the provision in the penal code. As for the journalist and the television programme controller, the Danish Supreme Court did not find that the interests of freedom of expression on topics and events of general concern were such as to warrant acquittal when confronted with the interests of protection from racial discrimination. The journalist and programme controller were therefore sentenced for participation in the public dissemination of racially insulting statements, the penalties being fixed as fines of respectively Dkr 1 000 and Dkr 2 000.

During the abovementioned period there were 4 cases concerning contravention of the separate law on racial discrimination from 1971. They all related to the refusal by tradesmen to serve people as customers on the grounds of their ethnic origin, nationality or status as asylum-seekers or refugees.

As will be appreciated, there have therefore been only very few criminal cases involving racial discrimination in Denmark in recent years and, in the view of the Danish Government, the existing legislation provides adequate means of taking action against the fortunately only very few cases of overt racial discrimination. It is also worth noting that the cases of racial discrimination witnessed in Denmark have been the work of individuals. There have, on the other hand, been no examples of organized persecution of people by large groups on the grounds of race, etc. Should such groups arise their actions will naturally also be regulated by the provisions of the penal code and by the separate law on racial discrimination from 1971. The fact that there have been so few cases of racial discrimination in Denmark is undoubtedly due not least to the initiatives taken by the Danish Government in this area.

As your committee is possibly aware, Denmark introduced in 1973, in the light of the general economic downturn and high unemployment figures, a halt to foreign workers which is still in force. Nationals from the other Nordic countries and Community nationals who satisfy the conditions for obtaining a Community residence permit by virtue of the rules relating to the free movement of labour, the right of establishment, etc. are exempt from this provision. Also exempt are foreigners who are either covered by the UN Refugee Convention of 1951 or where, for reasons similar to those indicated in the Convention or for other weighty reasons, the foreigner in question should not be required to return to his home country. Other exempt categories are foreigners who wish to go to Denmark in order to be integrated or reunited with relatives in Denmark on the grounds of marriage whether parents/children or children/parents. In other cases residence permits are issued only very sparingly.

ACCOUNT OF THE DISCUSSION WITH MR JENSEN

Mr JENSEN, the representative from Denmark, made the following points in his reply to questions from the Committee. He was unable to say what the Danish Government intended as far as Schengen and Trevi were concerned.

He disagreed with Mr FORD's contention that there had been a marked increase in the problem of racism, especially in relation to refugees from the Middle East, particularly Iran. He inclined rather to Mr CHRISTIANSEN's view that there had been few cases of racial discrimination in Denmark. Some neo-fascist groups had 'teased and mildly harassed' foreigners for 'fun', but every political body had distanced themselves from these acts.

Since 1985 there had been an influx of refugees from the Middle East and South East Asia, so integration programmes had been established covering language and job training etc. Unemployment, however, did remain high.

He denied that the Danish Government had sharpened up its refugee policy at all. There was a need to control the influx but the Government would not renege on its international commitments. Debate on asylum policy was currently taking place.

The question of the treatment of migrants from other Nordic Council countries was being discussed by the Ministers responsible for immigration policy. The Ad Hoc Group would discuss this further.

Mr C. CROWLEY Assistant Secretary, Department of Justice, Dublin:

I am CROWLEY and my colleague, Mr MURRAY, is here, and I think that is all you have. My function is as an Assistant Secretary in the Department of Justice, which is charged with the general responsibility in the area in which you have an interest. I am also Chairman, or President, if you like, of two groups related to the free movement of persons and the Single European Act. One of them is the Rhodes Group, the Coordinators Group, which as you probably know coordinates the efforts of various groups like Ad Hoc Immigration, which I also happen to be president of, TREVI, the customs forum, animal and plant health, and drugs, various fora in Europe whose efforts in relation to the achievement of the people's Europe and the completion of the internal market has to be done by the end of 1992.

First of all let me say about the position of racism and xenophobia in Ireland that it is scarcely a problem at all on a comparative level. The history of my country for the last few hundred years has been such that immigration has not been a reality at all. Emigration is the real problem of my country. Consequently, we do not have racial minorities, we do not have ghettos, we do not have problems such as are faced in other countries. Perhaps I might give you a statistic which will indicate the size of our problem, because scale I am afraid is quite important in this area. First of all, one of our Member States had over 100,000 refugee applications in 1989, excluding Eastern European applications. We had less than 100. The population of Ireland is something in the region of three and a half million people. We have something in the region of 20,000 registered aliens in the country. So when you talk about racism, xenophobia, minority groups, asylum, and all those matters in relation to Ireland, you are talking about very very small numbers.

Nevertheless we are not saying we are exempt from the evils represented by these two words, and problems crop up from time to time. We have had legislation in this field, or related fields, recently, and I would ask Mr MURRAY to discuss one of these, the main piece of legislation which is in the area of incitement to racial hatred. I would mention three pieces of legislation, that being the main one. We also had related legislation about video nasties which provided for the banning of certain videos which would be offensive against the background that your committee regards as a zone. We also had very minor legislation in 1986 dealing with refugees, and we provided that refugees in Ireland who were applying for Irish Citizenship by naturalisation would get it without the usual fees that are payable. In effect, they can save something in the region of £180, which is a concession for poor people. But it points in the direction which we adopt in relation to refugees. Now on refugees themselves we are, naturally, parties to the Geneva Convention and the New York Protocols and we have no geographical limitation on its application. We also have a rather unique relationship with UNHCR, that is the United Nations' High Commissioner for Refugees. We have a written agreement with them on our systems, our procedures for granting refugee status. Our policies basically in relation to refugees would favour the admission of groups under control situations rather than the casual approach, and the last thing I would mention in this part of the subject is

the special relationship we have with the United Kingdom. We have in effect already a free movement of persons between the United Kingdom and ourselves, and as a result of that we are put in a special responsibility to have regard to the requirements of the other State, in other words to avoid becoming a back-door for illegal entry to the United Kingdom.

If you wish now, and I am in your hands in this regard, we could deal in more detail with the incitement to racial hatred legislation which Mr MURRAY can speak about, or, if you wish, I will go on and mention the functions of the coordinator and the Irish Presidency. (Agreed to continue with the latter)

As you know the coordinators were set up at the Rhodes Summit, in effect to bring together the various matters which are needed on a practical level to bring about the free movement of persons in Europe. I think that I ought to say at this stage that the Presidency welcomes this opportunity of discussing the matter with the European Parliamentary committee because it seems to us that for some time now there has been something of a misconception about what is happening in relation to the free movement of persons by 1992. It is possibly being overlooked that the fundamental objective of this exercise is to bring about a Europe of the people, to give freedom to people, to give the basic freedoms that are required, not to establish new walls. Article 8 of the Single European Act, of course, sets out this requirement, but in addition voices the fears that are there that we must not bring about a situation where crime gets out of hand, where there is too much freedom for the use of drugs and the passing of drugs, and that there must be some protection in relation to these matters. In other words, that the baby should not be thrown out with the bath-water. It is, I think, rather unfortunate that the public perception of what this exercise is all about has more emphasized the safeguards involved in the Single European Act than the basic purpose of the exercise, which is free movement of persons and the granting of greater freedoms to the people within Europe.

The Coordinators Group themselves, I can say, are very conscious of the part which our work is playing in creating a Europe of the people, and that of course is something which is diametrically opposed to racism and xenophobia. In fact this concept was given words in the conclusions of the Strasbourg Summit last December, when they said, all Community policies in the economic and social spheres contribute directly and indirectly to consolidating a common sense of belonging. This movement must be broadened and accelerated by the adoption of concrete measures which will enable European citizens to recognize in their daily lives that they belong to a single entity. This intention which was put into words in the Strasbourg Summit is also given words in the instruments which are being drawn up at present under the supervision of the Coordinators Group, and indeed in these instruments we do refer to the liberal traditions of Europe, particularly in relation to refugees.

I think at this stage, Mr Chairman, if you agree, and having regard to the time constraints, I would suggest that if you want to come back to the specific Irish legislation I would ask Mr MURRAY to take over there and give a short description of what that legislation was. Thank you.

Mr Paul MURRAY, Official, Department of Justice, Dublin:

I would like to give a factual account of the recently enacted Prohibition of Incitement to Hatred Act. Before doing that, I would just like to give you a short background to the legislation which will make the reasons for it easier to understand. A few years ago, a committee was set up under the chairmanship of the Irish Attorney-General and with representatives from his office and from the Departments of Foreign Affairs and Justice, with instructions to undertake an examination of Ireland's ratification of international covenants and conventions, with particular reference to the area of human rights. The committee decided to examine any problems involved in ratifying the two United Nations' covenants: the Covenant on Civil and Political Rights, and the Covenant on Economical, Social and Cultural Rights. The committee's report on these identified the need for legislation which would give effect to the provision outlawing the incitement to hatred in Article 20 of the Covenant on Civil and Political Rights, before that instrument could be ratified. Existing Irish legislation at that point did not go so far as to prohibit incitement to hatred, the legal prohibitions being confined to incitement to acts in themselves criminal. The Prohibition of Incitement to Hatred Act fulfilled that purpose and almost immediately after it became law, Ireland ratified the two United Nations' covenants.

Therefore the primary purpose of the legislation was to remove an obstacle in the way of Ireland meeting an international obligation. Although Ireland is basically a homogeneous society, minor problems can arise from time to time in the area of incitement to hatred. The opportunity afforded by the legislation was taken to make it more relevant in a domestic context by tackling these minor problems, and accordingly the Act has provisions which go some way beyond what was strictly necessary for ratification of the Covenant on Civil and Political Rights.

I now mention the main provisions of the legislation. The Act defines hatred as meaning hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation. The groups protected by this definition covers those whose inclusion is necessitated by the relevant article of the UN Covenant on Civil and Political Rights and those who are separately covered by the UN Convention on Racial Discrimination. In addition, membership of the travelling community and sexual orientation were included to protect two groups of persons who felt vulnerable to the type of hatred which the legislation seeks to prohibit, and to ask for that protection. Section 2 is the central provision of the Act. It is wide in scope and creates a new offence of publishing or distributing material or using words or behaviour or displaying written material in any place other than inside a private residence, or distributing, showing or playing a recording of visual images or sounds where these are threatening, abusive or insulting and are intended or likely to stir up hatred. The private residence exclusion is heavily qualified so that an offence could be committed under the legislation where, for example, inflammatory words were spoken inside a private residence but were heard outside that residence. An offence could also be committed where such words were spoken at a public meeting taking place inside a private residence.

Section 3 carries the principle of Section 2 into the area of broadcasting.

Section 4 creates a new offence of preparing or possessing material or recordings of a racist or such like offensive nature with a view to its being distributed or broadcast or otherwise published in the State or elsewhere. This section was included to deal with a minor problem which has arisen from time to time, that is, the preparation of racist material in Ireland for distribution in Ireland or abroad. In other words, this section should ensure that Ireland cannot be used in future as a base for the preparation of offensive material for distribution abroad. Although the section was included to deal with an actual problem that had been identified, the problem was not widespread and only manifested itself in a handful of isolated instances. So therefore Sections 2, 3 and 4 contain the most important provisions of the legislation, that is, the creation of new incitement offences. The remaining provisions are secondary and dependent and I do not think there is any need for me to go into them here.

I briefly mentioned the United Nations' Convention on Racial Discrimination. The interdepartmental committee whose report gave rise to the Prohibition of Incitement to Hatred Act is still in existence and is now considering what legislation would be necessary to allow Ireland ratify that convention. The outcome of their consideration should form the basis of their next report.

ACCOUNT OF THE DISCUSSION WITH MESSRS CROWLEY AND MURRAY

Mr CROWLEY, one of two representatives from Ireland, made the following points in his reply to questions from the Committee.

Schengen was intergovernmental not Community and Ireland was not part of it. He himself had never seen a copy of the Schengen Agreement.

Trevi was similarly intergovernmental but dealt with the free movement of persons from 1992 and also with crime policy. It was coordinated by the Group of Coordinators, but not on policing questions. There was as yet no common visa policy in the context of free movement of persons from 1992.

(Mr MURRAY then made his introductory statement.)

Mr CROWLEY and Mr MURRAY, the representatives from Ireland, made the following points in their replies to questions from the Committee.

They had no details on the questionnaire referred to by Mrs ZAIDI on the implementation of the 1987 directive on the schooling of children of migrant workers, a questionnaire sent by the Committee on Youth, Culture, Education, the Media and Sport to which Ireland had not replied. Ireland had no problems in this area but he would check up on this. There were, however, problems with the education of travelling people.

The Irish legislation already mentioned covered incitement to hatred but not racial discrimination in the widest sense.

Memorandum by the Government of the United Kingdom to the
Committee of Enquiry of the European Parliament

1. INTRODUCTION

1.1 The United Kingdom recognises the importance of the Joint Declaration against Racism and Xenophobia as a signal that these phenomena are unacceptable in modern, civilised societies.

1.2 When the Declaration was signed by the Community institutions, the UK already had strong legislation which protected people in Britain from both discrimination on racial grounds and acts which would incite racial hatred. In addition, it was no part of public policy to segregate foreigners in the UK.

1.3 The United Kingdom was also undertaking a number of policy and procedural initiatives which were generally aimed at promoting a racially fair and just society and thus carrying forward measures to eliminate racism and xenophobia in a positive way.

1.4 Since the Declaration, the United Kingdom is able to report many developments. These are described in the paragraphs that follow under these headings:

- National Legislation
- Commission for Racial Equality
- Racial Attacks and Harassment
- Support from Central Government
- Equal opportunities policies and practices

1.5 The memorandum concludes with a few general comments which seek to sum up the current situation in the UK.

1.6 The United Kingdom ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1969. The UK has regularly submitted to the Committee for the Elimination of Racial Discrimination for scrutiny the periodic reports required under the Convention.

2. NATIONAL LEGISLATION

2.1 The main legislative instrument in the United Kingdom for the implementation of the Joint Declaration against racism and xenophobia is the Race Relations Act 1976.

- 2.2 The Race Relations Act makes direct and indirect racial discrimination unlawful in the fields of employment, education and the provision of goods, facilities, services and premises. The Act gives individuals a right of direct access to the civil courts and industrial tribunals for legal remedies for unlawful discrimination.
- 2.3 The Act also established the independent Commission for Racial Equality which is described in detail in paragraphs 3.1 to 3.5.
- 2.4 Incitement to racial hatred is a criminal offence in the United Kingdom. The law has been revised since the 1986 Declaration by means of the Public Order Act 1986 which includes the following elements:
- it is an offence for a person to intend to stir up racial hatred by his actions as well as for them to be likely to have the effect of stirring up racial hatred;
 - the law extends to broadcasting, cable and other media. The Government's Broadcasting Bill will ensure that the BBC and Independent Television Commission are similarly covered;
 - there is a new offence of possessing racially inflammatory material with the object of stirring up racial hatred. The police and courts have stronger powers to deal with this material.
- 2.5 The Government considers that the existing legislation is a broadly satisfactory means of implementing the 1986 Declaration. However, the Government is always ready to consider improvements to the law and, where necessary, will seek to strengthen it.
- 2.6 Since the Declaration, the following legislative changes have been made in addition to the changes in the Public Order Act outlined above:
- it is now unlawful for a planning authority to discriminate in the exercise of its functions (Housing and Planning Act 1986);
 - racial discrimination in offshore employment (such as oil rigs) is now unlawful (Order in Council 1987);
 - the CRE has powers to issue Codes of Practice in all areas of housing (Housing

Act 1988 and Local Government and Housing
Act 1989);

- the provisions regarding discrimination in employment related training have been extended to apply to all providers of such training; and to include discrimination during the course of the course of training, instead of just access to or termination from it (Employment Act 1989).
- the provisions enabling training bodies to restrict training to members of a particular racial group when it will fit members of that group for work in which they are under-represented have been widened to allow any person, including employers, to undertake such training provision. Previously only designated training bodies could do this. The need for designation has also been removed (Employment Act 1989).

3. COMMISSION FOR RACIAL EQUALITY

3.1 The CRE was established by the Race Relations Act 1976 with the following duties:-

- (a) to work towards the elimination of discrimination;
- (b) to promote equality of opportunity and good relations between persons of different racial groups generally; and
- (c) to keep under review the working of the Act, and, when required by the Secretary of State or when it otherwise thinks it necessary, to draw up and submit to the Secretary of State proposals for amending it.

3.2 The CRE has powers to assist victims of discrimination as well as having a strategic investigative role. The CRE is also a principal source of information and advice for the general public about race relations issues, especially the legislation.

3.3 The CRE is independent of, but is funded by, the Government. The CRE's grant-in-aid from the Government since the 1986 Declaration was signed has been:

<u>Financial Year</u>	<u>Budget (£)</u>
1986-87	10,583,000
1987-88	10,845,000

1988-89	11,156,000
1989-90	11,825,000

- 3.4 The Committee's attention is drawn to the fact that in both 1988-89 and 1989-90, the CRE asked the Government for additional funds, largely to cover the increased costs of providing legal assistance to victims of racial discrimination. In both years, the Government met the CRE's request in full.
- 3.5 With encouragement from the Government, the CRE is ensuring that all its activities are focused on the strategic aims of combatting racial discrimination and promoting racial equality. Future financial allocations will be geared to supporting these important objectives.

4. RACIAL ATTACKS AND HARASSMENT

- 4.1 The Government believes that it is essential that racial attacks and harassment and the attitudes which underlie them are tackled by visible and vigorous action. The Government strongly supports the determination of the police and other agencies to provide a vigorous and sympathetic response to these incidents.
- 4.2 In 1981, five years before the 1986 Declaration, the Government produced a comprehensive study of the nature and incidence of racial attacks and harassment. This study, together with a follow-up report published in October 1989, have provided a valuable basis of information in an area where under-reporting has been a serious problem.
- 4.3 Since the 1986 Declaration, specific initiatives have included the following:
- the Home Office has issued guidance to Chief Officers of police, including a training package, as good practice in preventing, responding to and dealing with racial incidents;
 - the Department of the Environment has published good practice guidance for all local housing authorities;
 - the Government's inter-departmental Racial Attacks Group produced a comprehensive report in May 1989 which looked at the scope for increased co-operation between different agencies. The report was widely welcomed and its recommendations are being followed up;
 - the Home Affairs Committee of the House of Commons has produced reports in 1986 and 1989 on tackling

racial incidents, which have been welcomed and acted upon by the Government.

5. SUPPORT FROM CENTRAL GOVERNMENT

Generally

- 5.1 The Government believes that the needs of the ethnic minority communities should, wherever possible, be met from main public sector programmes.
- 5.2 Members of these communities are fully entitled to expect that in planning and delivering services such as education, housing and health, central and local government will take the presence of ethnic minority communities into account and make fair and appropriate provision.
- 5.3 The Government's inner cities policies are already benefiting members of the ethnic minority communities, along with others living in the areas where regeneration is taking place. Initiatives underway, including the Ethnic Minority Business Initiative, will help to improve access to employment and stimulate enterprise development.
- 5.4 In addition, the Government aims to ensure that its funding programmes such as those of the Training Agency, provide equal access for members of the ethnic minority communities. Other grant programmes for the voluntary sector also seek to provide equal opportunities for multi-ethnic or ethnic minority-run projects.

Grant Under Section 11 of the Local Government Act 1966

- 5.5 The Home Office provides financial assistance under this Act to the extent of 75% of the local authorities costs for the employment of staff to help meet the special needs of the Commonwealth immigrant communities within their areas.
- 5.6 The majority of the grant goes to posts in education but an increasing amount supports posts in other areas of local authority provision (social services, housing, youth work and business development). £89 million was paid in grant by the Government in 1988/89.
- 5.7 Improvements to the administration of the grant scheme were made after the Declaration in October 1986. The aim was to target the grant more effectively to meet the needs of the Commonwealth community, particularly in the context of the Government's inner city initiative (see paragraph 5.3).

5.8 Since that date, a further wide-ranging Scrutiny has been carried out in 1988 and a report published in July 1989. The Government is presently considering the Scrutiny's findings.

6. EQUAL OPPORTUNITIES POLICIES AND PRACTICES

6.1 The Government considers that the promotion of good equal opportunities policies and practices is as important as legislative action in order to put into effect the spirit of the 1986 Declaration.

6.2 The Government as an employer is setting an example in the development of equal opportunities policies, supported by appropriate training and development. The relevant Government Departments and the CRE work with national and local bodies to promote good practice in employment and in the provision of such services as education, housing, employment, health and social services, training and business enterprise.

6.3 Since the Declaration, specific initiatives in Government activity have included the following:

- police service has undertaken increased recruitment from the ethnic minorities, improved training and made racially discriminatory behaviour a disciplinary offence. Guidance on effective implementation of equal opportunities policies was issued in November 1989, and is being vigorously monitored by the Government;
- probation service has seen a circular issued which embodies an equal opportunities policy statement and a mechanism for monitoring progress. Work is in progress towards ethnic monitoring of staffing and workload;
- prison service issued a policy statement on race relations in 1986 and has introduced ethnic monitoring of prisoners, regime services and activities. Race relations management and training is being developed at all levels in the service;
- courts. Developments have taken place in lower and higher courts in terms of promoting policy statements, recruitment, monitoring and training of staff;
- immigration service. An equal opportunities policy statement was issued in October 1988. Training is being undertaken at all levels;
- employment. Policy statements have been issued in respect of the Youth Training Scheme, Employment

Training and the Employment Service generally. In addition, the Employment Service has recruited an inner city team to help make services accessible to the ethnic minorities;

- education has seen action to improve the response of the service to ethnic diversity through initial and in-service teacher training; the recruitment of ethnic minority teachers; the ethnic monitoring of teachers, pupils and further education students; pilot projects to promote racial harmony; the promotion of good practice in English language support teaching; and measures to improve the attainment of ethnic minority pupils, for example, by ensuring that the ethnic diversity of the school population and society at large is taken into account in the development of the National Curriculum;
- health and social services have seen continuing action to make health and personal social services more accessible and acceptable to ethnic minorities and to ensure that their needs are taken into account in the policy and planning processes; the funding of voluntary organisations working in this area, and some ethnic monitoring of staff.

6.4 The Committee will wish to know that the Government has decided to ask people for the first time to indicate their ethnic origin when responding to the 1991 Census of Population.

6.5 The results of the Census will not only provide accurate statistical information, but also enable national and local programmes to be better targeted to meet the needs of the ethnic minority communities.

7. CONCLUSION

- 7.1 The measures outlined above are designed to ensure that those from an ethnic minority background can make a valuable contribution to and enjoy the benefits of life in the United Kingdom, thereby helping the climate of relations between the different communities steadily to improve.
- 7.2 Almost inevitably, stresses and strains are present as reactions to the publication of Saïmân KUSHNÛie's book "The Satanic Verses" have demonstrated. There is further progress to be made in dealing, for example, with racial attacks and harassment. The Government is not complacent and will ensure that efforts continue to be directed towards realising the aim of a racially fair society.
- 7.3 This Memorandum has summarised some of the key developments in the United Kingdom since June 1986. The Government will be happy to supplement any information and respond to queries which the Committee may have.

ACCOUNT OF THE DISCUSSION WITH MR FRIES

Mr FRIES, the representative from the United Kingdom, made the following points in his reply to questions from the Committee.

He had no precise information on the participation of members of immigrant communities in elections. He did not say what the rules on voting rights were.

He did not answer questions on Schengen and on Trevi and the Ad Hoc Group merely remarked that there was need for controls for crime and third country nationals.

He was unaware of the particular incident referred to by Mrs TAZDAIT where a group of children from France, with members of minority groups amongst them, had been refused entry to the UK, but said that problems did arise where members of a party travelling, perhaps on a group passport, were not all EC nationals.

He could not say anything about the impact of the Portuguese Government's granting of citizenship to Macau residents.

In reply to a question about a £20 fee for visas, he said that visa policy was under discussion in the Ad Hoc Group. There was no sexism in immigration control and no element of visa policy discrimination.

In reply to questions as to what efforts had been made to combat racist attitudes in the police force and to encourage recruitment of ethnic minority group members, Mr FRIES referred to Government support to Chief Constables and to Her Majesty's Inspectorate of Constabulary.

In the employment field, ethnic minorities were being encouraged to take part in as wide a range of employment as possible by, for example, the Business Initiative Scheme and the Race Relations Advisory Service. The unemployment rate for members of ethnic minority aged 16-24 was about double the 16 per cent figure for this age group nationally.

He denied there was any discrimination against homosexuals. He admitted that there was some racist element in football violence but did not comment further.

As to the question of what was being done to protect Filipino domestic servants, Mr FRIES said that there was an immigration issue here and also one of vulnerability: ill-treatment was a matter for the criminal law and there had been a case of a conviction here recently.

He was unaware of the allegation that the Iranian Embassy in London had distributed anti-semitic material with impunity, but such dissemination was covered by Part 3 of the Public Order Act.

As to the charge that members of ethnic minority groups faced discriminatory sentencing in courts of law in that they more often had prison sentences imposed, Mr FRIES said that a recent study suggested that this was because of the nature of the offences they committed.

Introduction

Any description of the situation obtaining in a country within a given framework and a short space of time is necessarily incomplete. It has been necessary to be selective. Furthermore, all the facts given must be placed in their historical, social and cultural setting.

Bearing in mind this reservation, and before dealing with the five questions submitted to me, I should like to give a brief description of immigration in Luxembourg, since immigration is one of the central features of our demographic structure.

Indeed, Luxembourg is a paradoxical country, at least from the point of view of its demographic structures.

In addition to a slightly higher than average mortality rate, its birth rate is exceptionally low - the lowest in the world - and its rate of immigration exceptionally high. This demographic structure, which has prevailed for several decades, has led to a situation where the proportion of foreigners in the total population and the proportion of old people in the national population is currently greater than any observed in European countries. (CALOT report: Luxembourg's demographic structure, past, present and future; Luxembourg 1978, p. 3; see also STATEC's demographic forecasts 1/89).

Against this background, various statistics can be given. Out of a total of 377 100 people, 277 600 are Luxembourgers and 99 500 are foreign nationals: 29% of these are Portuguese, 20% Italian and 12.6% French, in other words almost 30% of the total population are foreigners. Foreigners account for 43% of the working population including approximately 29 000 frontier workers. Future immigration is taken into account in the country's economic and social development plans and population policy.

These foreigners belong to the same culture, and the majority of them speak more or less good French, one of the three languages used in Luxembourg along with German and Luxembourgish, which is the commonly used language (this presents a challenge for the educational system).

Since the enlargement of the Community, the bulk of migrants have been European and their status is laid down by EEC rules.

Accordingly, virtual equality of treatment exists at all levels (right to work, social security and even welfare allowances, etc.). Luxembourg is an open society (in the strong sense of the word) such that, given the origin of the immigrants, one cannot speak of racism, nor indeed fascism, which has been banned in Luxembourg since the last war. However, this does not mean that certain problems do not arise with ultra-national or xenophobic movements.

* * *

1. Since the adoption in June 1986 of the Declaration against Racism and Xenophobia, what legal or administrative provisions relative to the fight against racism and xenophobia have come into force in your country?

Luxembourg has never been a repressive country. However, it should be pointed out that, well before 1986, Parliament and the courts acted partly on the basis of general legislation and partly on specific legislation were in place.

(A) Measures taken prior to 1986

While the Luxembourg Constitution does not expressly condemn discrimination based on racism or xenophobia, it proclaims the equality of Luxembourgers (Article 11) and extends this principle, save for exceptions provided for under the law, to foreign nationals within the Grand Duchy (Article 111). In May 1989, these two articles were declared open to review by the Chamber of Deputies so that the guarantee of fundamental rights could be extended (on an equal basis) to foreigners as well as Luxembourg nationals.

In addition to the main international instruments, e.g. the European Convention for the Protection of Human Rights and Fundamental Freedoms, there is the law of 1 December 1997 ratifying the International Convention on the Elimination of all Forms of Racial Discrimination signed on 7 March 1966 in New York and the Law of 9 August 1980 which implements this convention and supplements the Penal Code by Articles 454 and 455 of the Penal Code.

'Article 454: Either a term of imprisonment lasting from 8 days to 6 months and/or a fine ranging from 2501 to 100 000 shall be imposed upon:

- (1) any person who, in offering goods or a service, refuses to carry out this offer;
 - (a) to a person on the grounds of race, colour, ancestry or ethnic or national origin;
 - (b) to a group or community on the grounds of race, colour, ancestry or ethnic or national origin of its members or some of its members,
- (2) any person who, in procuring or offering to procure goods or a service, practises discrimination against:
 - (a) a person on grounds of race, colour, ancestry or ethnic or national origin;
 - (b) a group or community on grounds of race, colour, ancestry or ethnic or national origin of its members or some of its members,
- (3) any person who publicizes his/her intention to refuse goods or a service in the cases provided for under paragraph 1 or to practise discrimination as set out under paragraph 2 of this article.

Article 455: Either a term of imprisonment lasting from 8 days to 6 months and/or a fine ranging from 2501 to 100 000 francs shall be imposed upon:

- (1) any person who, by means of words addressed to the public or pronounced in public, written documents, printed matter, pictures or emblems of any kind published, posted, distributed, sold, placed on sale or exhibited in public, causes incitement to the acts referred to in Article 454, hatred or violence towards a person, group or community on grounds of race, colour, ancestry or ethnic or national origin of that person or members or some members of the group or the community.
- (2) any person who belongs to an organization whose aims or activities consist in committing one of the acts referred to in paragraph 1 of this article.'

These provisions would appear to cover the majority of racist and xenophobic acts (on the problem of the difficulties of preventing xenophobia, see EVRIGENIS report (PE 1985), paragraph 273, p. 77 and paragraph 297, p. 84 'which in itself, does not fall within the purview of the law and legal prevention'). Consequently, these provisions are rarely applied.

* * *

The Law of 8 August 1985 on the prevention of genocide provides not only for the imposition of a penalty on the perpetrators or accomplices of genocide, but also those who conspire with a view to committing genocide.

To facilitate the complete integration of foreigners in the country, Parliament legislature has on several occasions intervened to make it easier for foreigners to acquire Luxembourg nationality. The Law of 11 December 1986 also gave mothers and fathers an equal right to pass on their nationality to their offspring and eased the age and residency conditions for acquiring Luxembourg nationality.

(B) Legal and statutory provisions taken after 1986

The Government has chiefly intervened in two particularly sensitive areas, namely education (see resolution of the Chamber of Deputies of 23 February 1983) and consultation of foreigners (at national and local level).

For many years now, major efforts have been made in the field of education. At present, Luxembourg is faced with a school population where 40% of the pupils are of foreign origin. This poses a real challenge. Accordingly, special efforts have been made in the field of language learning and to reduce the number of pupils in classes.

As far as the composition and organization of classes in schools run by the local authorities are concerned, no quota system is operated, with the result that practically all classes have a mixture of foreign and Luxembourg pupils. In some classes, the majority of pupils are foreign. To improve classroom conditions, classes have been reduced to 15-16 pupils; this enables teachers, who have followed specialized training courses in this area, to provide more intensive teaching.

Furthermore, given the difficulties that some foreign pupils encounter, the first two school years may be extended to three years in order to allow pupils to follow language courses in the language laboratories.

A circular from the Minister of National Education recommended that local authorities should incorporate in the normal timetable two lessons on the tongue and national culture of immigrant children.

In the context of the reform of secondary education, the Law of 16 November 1988 provides for courses on moral and social education as well as religious education. The Grand Ducal regulation of 27 February 1989 lays down provisions governing the composition and operation of the National Council on moral and social training. The National Council is composed of a cross section of people, and members must have particular competence in the field of human rights and social solidarity. The council draws up the programme, and it is clear that it targets problems of racism and xenophobia.

Article 176 of the Communal Law of 13 December 1988 amends the Law of 25 July 1972 concerning social action on behalf of immigrants and supplements it with the following Article 7a:

'Article 7a: In communes where more than 20% of the population is consists of foreigners, the communal council shall set up a special consultative committee with responsibility for defending the interests of foreign residents within the commune. Luxembourg nationals and foreign residents shall serve on the committee.

Provisions governing the organization and operation of these committees shall be laid down by Grand Ducal Regulation.'

This regulation was adopted on 5 August 1989. By means of a circular of 29 September 1989 (No. 1243), the Minister of the Interior drew attention to the obligation incumbent on the communes and, by means of a circular which has just been sent, the Minister of the Family together with the Minister of the Interior sent a questionnaire to the communes to monitor and check on the implementation of the Grand Ducal Regulation.

2. Could you indicate if over the last four years there have been any demonstrations of intolerance, hostility or the use of force against any person or group of persons by reason of their belonging to a particular racial, religious, cultural, social or national grouping, in your country? What measures have been taken as far as legal provisions or law enforcement are concerned to eliminate such demonstrations?

Traditionally and despite the large number of foreigners (or, perhaps because of this large number) there have been very few acts of racism or xenophobia.

Indeed, in a community with almost 30% of foreigners, Luxembourg cannot afford such demonstrations on a large scale.

Obviously, ever since men have lived together, inter-relational problems have existed.

Reading the newspapers, I noted, for example, in 1988 two cases where road signs were defaced by racist slogans. However, this must be seen in the general context (see paragraph 3 below).

In the same year, anti-semitic words were scrawled over the Jewish cemetery in Luxembourg. These events were of course unanimously condemned by the press. As far as I am aware, no action was taken because nothing was known of the perpetrators, whose exact motives were unclear (it was not clear whether these actions were committed by groups or individuals).

The right of immigrants to vote has been demanded for a long time by associations which claim to represent immigrants and are well organized in Luxembourg (i.e. ASTI, CLAI, etc.). A fragile political consensus appeared to have been found in the early 1980s. Public events organized by immigrant associations (i.e. Festival of Immigration) in support of this right to vote helped, inter alia, to create for some people a climate of unease exploited by ultra-nationalist tendencies modelled on and influenced by foreign countries. Without wishing to establish any causal link between these claims (right to vote, school problems etc.), different movements appeared: movements which call themselves nationalist, but which appear to belong to the extreme right, at least as far as the language they use is concerned.

3. Have any new groups with a racist or xenophobic aspect other than those mentioned in the EVRIGENIS report appeared in your country since the signature of the joint declaration? Have legal measures been taken to deal with them, and if not, why not?

The EVRIGENIS report refers to the 'Nouvel Acropole' sect which I never mentioned again except in a newspaper article (Zeitung 2-88 of 16 April 1988). 'The Nouvel Acropole - Culture and Philosophical Training Centre, Luxembourg, 25, rue Fresez - a branch of an extremely hierarchical and paramilitary organization (Le Monde of 22 June 1984) and whose members are in favour of an aristocratic totalitarian regime (L'Evénement du Jeudi of 7 March 1985)'.

Reference is also made to the Carcle luxembourgeois des amis de la revue Eléments which is allied to the French neo-fascist group 'Groupement de recherches et d'études pour la civilisation européenne' (GRECE) whose members include international civil servants.

In addition to these two groups which I have never heard mentioned, but of which I am informing you just for the record, there is an ultra-nationalist movement which has developed slowly since 1984.

I cannot give you its whole history, but here are a few important dates:

- On 6 October 1984 the FELES (Fédération eist Land, eis Sprooch, a.s.b.l.) was set up. The aim of the association is everywhere to promote our country and language ('iwerrall anzetrieden fir eist Land a fir eis Sprooch'). On 30 November 1987, this movement split into two; one of the branches decided to dissolve the association, the other branch, which was more extremist, went on to form with other associations (see below) a political party.

- On 5 May 1987, a second association was founded in the south of the country: 'Greng National Bewegung' (National Green Movement). Its aim is, inter alia, to defend our national identity (Luxembourg for the Luxembourgers).
- Finally, in the north of the country, on 31 October 1987, an association was established with the title 'Eislecker Fräiheitsbewegung' (Liberation Movement of the Ösling) whose motto is 'we want to stay as we are' (extract from a patriotic song).

These associations stood for election at the elections of 18 June 1989 but the results were disappointing for them. No member on the list was elected to the Chamber of Deputies. In the European elections on the same date, list 9 'Letzeburg de Letzeburger, National Bewegung' (Luxembourg for the Luxembourgers, National Movement) obtained only 2.91% of the vote. The number of supporters can therefore be estimated at only a few hundred.

In his governmental declaration of 24 July 1989, the Prime Minister said:

'However, I would not want to ignore the results of the other parties, some of whom participated for the first time in the elections. First of all, and I think that there is unanimity on this subject in this Chamber, we note with a certain degree of satisfaction the small number of votes polled by the parties of the extreme right. In a country which is greatly dependent on the outside world and has a high percentage of foreigners in the resident and active population, it is particularly important that ideas which map out xenophobia do not spread throughout the indigenous population.'

4. What measures have been taken in your country as far as information, education and the economic and social situation are concerned aimed at creating a climate in favour of a better integration of persons coming from different countries and of ethnic or cultural minorities?

The Government has been extremely cautious and moderate but also consistent with regard to xenophobic tendencies or actions so as to avoid the situation getting out of hand.

In its declarations of 1984 and 1989, the Government gave a commitment to combat all forms of xenophobia.

Governmental action is planned at two levels:

- general: immigration policy
- specific measures to combat racism and xenophobia.

(1) The Luxembourg Government has approached the problem by continuing to give priority to supporting a consistent immigration policy with a view to integrating the people concerned voluntarily and contributing to a generally favourable climate to promote good understanding between the different communities.

In this respect, it should be pointed out that in Luxembourg there are two categories of immigrants: first, those with good salaries who work mainly in the tertiary sector or as international civil servants. These are very often

widely travelled people who have the means to participate in the cultural and social life of the country if they so desire.

Second, there are immigrants, workers and their families (since 1957 family reunification has been encouraged) who often have no socio-professional status. It is towards this group that immigration policy as well as social and family policy must be fully directed.

The range of different measures is important. By way of example, a few are given here:

(a) Information

To meet the needs of these people, an information policy, has been introduced, by the Ministry of the Family in several languages to inform immigrants of their rights and available resources. At the socio-economic level, various kinds of aid are granted without any residency conditions (in particular, housing allowances which may exceed 1 million Flux.). For years, weekly radio broadcasts have been made in Portuguese and Italian. As from this year, there have been daily broadcasts in Portuguese.

However, it is not merely a matter of informing immigrants: Luxembourgers must also be given information. In this respect, it should be noted that Luxembourgers understand many languages and read many newspapers, even foreign newspapers, and are therefore extremely open-minded towards foreigners.

(b) Provision of aid and services

As regards the provision of aid, immigrants may contact free of charge and without any formality, the immigration service in the Ministry of the Family, which provides aid and support in seeking to resolve their problems. Furthermore, different services are offered to immigrants and, in accordance with the principle of subsidiarity, the State provides subsidies specially for immigrant associations. Accordingly, special projects provide additional help at school to promote integration such as, for example, the KANNERNASCHT project (club for children from immigrant houses in Weimerskirch, Eich and Dommeldange).

(c) Socio-cultural service

Likewise, the Ministry of the Family provides subsidies for a socio-cultural service (ASTI) which promotes and strengthens human relations by breaking down prejudice and barriers between communities.

(d) Education

Inclusion of mother tongue in the curriculum. Attention is drawn to:

- training and further training for teachers in foreign languages and cultures,
- courses in Luxembourgish for adults, etc. (for the rest see above).

(e) Consultation of foreigners

This is an extremely important matter. To meet the demands made by associations for the right to vote, given the resistance of the local populace

and to avoid upsetting public opinion, the Government has opted for consultation and decided not to grant the right to vote at the present time. Consultation structures have been set up so that all problems arising at the level of different communities and, especially, between different communities can be discussed and a consensus reached on important matters.

Two structures exist:

- at national level, the National Council on Immigration,
- at local level, the communal consultative committees.

(2) Specific measures

I shall mention some important dates. On 6 April 1988 (following the World Day against racism in March), the Minister of State replied to a parliamentary question by launching an appeal against racism and xenophobia to open a campaign against racism.

At the same time, ultra-nationalist associations (see above) had launched a sticker campaign with the slogan 'Ech sinn stolz e Letzeburger ze sinn' (I am proud to be a Luxembourger); in response to this campaign, another sticker campaign was organized by the JOC with the slogan 'we need each other'.

On 27 June 1988 a working party was set up to combat racism. All the traditional political parties, trade unions, churches, associations and mass media are involved in this campaign.

On 22 July 1988, in view of the process of politicization and the founding of nationalist parties, the traditional parties signed an undertaking not to exploit xenophobia and racism during the election campaign and condemned racism and xenophobia.

On 7 October 1988, a press campaign was launched with the theme 'Ech sinn houfferech ken Raciste ze sinn' (I am proud not to be racist).

The poor showing of the nationalist parties in the parliamentary elections shattered the wave of xenophobia and cooled things down.

It is not just up to the state to deal with the problem of racism and xenophobia, we are all obliged to intervene and speak out openly against the roots of evil in condemning and nipping in the bud any tendencies towards or forms of racism and xenophobia.

5. Have your national authorities established a long-term policy on immigration and the integration of persons coming from other Community countries and from third countries in the light of the free movement of persons due to be fully established with the achievement of a single market in 1992?

Given the current demographic structure - even despite an increase in the birth rate - it goes without saying that Luxembourg will need a qualified labour force in the future and therefore constant immigration ('immigration summons immigration').

The increase in the number of jobs and changes in the origin of the immigrant population call for regular changes in immigration policy.

The ideal would be to make a long-term socio-economic forecast so that an overall policy can be defined. However, I am afraid that the current situation obtaining in our countries may no longer be the case in future (opening up towards Eastern Europe, population explosion in the Maghreb countries, etc.).

However, Luxembourg will attempt to promote a voluntary integration policy for immigrants and as far as possible will attempt to restrict its immigrant population to the same culture with a language understood and used in Luxembourg. But can one choose the future immigrant population? This is a major challenge for Europe, and a small country with little influence over these matters cannot have a separate policy. Its view must correspond to the major options chosen at international and European level.

The Luxembourg Government is aware of these problems, and the Ministry of the Family has instructed Mr Gerard CALOT, Director of the INED in Paris, to draw up a new report on demographic trends in the broad sense also covering immigration problems.

It should also be pointed out that, at the opening of the first session of the National Council on Immigration at the start of the year, the Minister of the Family said that he wanted to involve it even more intensively in immigration policy.

ACCOUNT OF THE DISCUSSION WITH MR NEYENS

Replying to Mr FORD, Mrs BELO, Mr NIANIAS, Mr TADZAIT, Mrs VALENT, Mr WIJSENBEK and Mrs ROTH, Mr NEYENS stated that the Portuguese community presented no problems; Luxembourg had never pursued a policy of repatriation; the Advisory Council was genuinely representative and included, for example, a representative of Cape Verde. Foreigners who had studied in Luxembourg enjoyed the same rights as others to enter higher education. In his view, racism could not be said to exist in the Grand Duchy: there might possibly be a measure of xenophobia, however. He added that many immigrants to the Grand Duchy worked in the basic sectors of the economy or in the construction industry; in time, however, they looked for and found more highly qualified employment. In his view, the housing problems that existed could be found anywhere else. He noted that immigrant children enjoyed regular medical care and that the schools provided a sound environment for integration. To his mind, racist attacks did not take place in the Grand Duchy. He also pointed out that abortion had been legalized; figures were not available, however.

Introduction

The better to understand the situation in the Federal Republic it will be necessary to say a few words about the principles underlying immigration policy. There are two complementary principles:

The first principle states: the Federal Republic is not a country of immigration. Consequently, policy should not, and indeed cannot, be based on the assumption that people from other countries can come to this country to settle and work here in the long term. It also means however that the three main objectives of immigration policy are as follows: 1. 'Foreigners' who do live here in the longer term should be integrated; 2. Every possible incentive should be given to encourage return to the country of origin; 3. The recruitment freeze should be maintained.

The second principle is: In the Federal Republic there is no racism and no xenophobia apart from the activities of a few extreme right-wing fanatics and isolated incidents.

A consequence of these principles is that the Federal Republic has no policy on minorities, and no anti-discrimination policy. For on the assumption that no more 'foreigners' are to come into the country, and that those living here are to be so well integrated that they can no longer be distinguished from the majority population group, a policy on minorities that would encompass minority rights and anti-discrimination legislation is unnecessary.

The policy of the freeze on recruitment and closed borders is allegedly justified on the grounds that 'the lifeboat is full', and the highly-populated Federal Republic cannot afford to allow any more foreigners to come in. Alternatively, it is argued that a higher number of 'foreigners' would jeopardize the integration of those already living here and be an incitement to racism (an extraordinary leap of logic whereby the victims of racism are turned into its perpetrators). Where the first argument is concerned, it is in contradiction with the fact that the total population of the Federal Republic has fallen by about one million from 1973 to 1987, and that representatives of the business Community have reacted to the spectacular shortage of qualified labour and the advancing age-structure of the working population by acknowledging the need for fresh recruitment. At the beginning of the upsurge in immigration from the GDR, the press published projections tending to confirm that, provided immigration from the GDR reached one million, the pensions of Federal Republic residents would be more or less guaranteed until after the year 2000. Such arguments, with the greater or less willingness to accept immigrants from the GDR and elsewhere, show that the 'full lifeboat' argument is a pretext for preventing immigration by undesirable 'foreigners' rather than an argument against immigration as such.

Whereas a major press campaign against being swamped by foreigners and the abuse of the right of asylum was mounted when asylum-seekers were entering the country at the rate of 100 000 a year, when that figure rose to 700 000 with immigrants coming from the GDR and other East European countries in the last year, the only complaint to be heard was about where the money was to come from for an expanded house-building programme. And whereas 'foreigners' had been represented as a burden on the national economy, it has since been argued that immigrant Germans from the GDR and elsewhere would improve the employment structure and raise the level of pension fund resources. It is against that background that the answers to the questions asked must be interpreted.

Question 1: What legislation or administrative provisions for combating racism and xenophobia in your country have been adopted since the adoption of the declaration against racism and xenophobia and its entry into force in June 1986?

Neither before the declaration against racism and xenophobia nor since have there been any legislative or administrative provisions to combat racism and xenophobia in the Federal Republic. There is no consensus that it represents a general problem of West German society.

The Hamburg Senator for Employment, Health and Social Services, who holds responsibility for the social welfare of immigrants, is for example persuaded that there is no general xenophobia and no racism in the Hamburg authorities: 'To refer to a "racial discrimination practice by the Hamburg authorities as a whole" is to offend not only all the staff of the Hamburg administration; it is also to reveal your own ignorance of the work done by the staff of the Hamburg services, and the often limited options open to them in arriving at their decisions. ... Any isolated incidents of improper conduct by staff of the Hamburg administration in their dealings with foreign fellow-citizens should be brought to the attention of the appropriate authorities or district heads of department ...'. (The Senator for Employment, Health and Social Services in July 1989). The quotation is taken from a letter from the Senator to an anti-racist group in Hamburg, whose counselling work has demonstrated that discrimination against immigrants is a generalized phenomenon with the Hamburg authorities, which had led them to ask for municipal support in setting up an anti-racism office.

Whereas in many countries of the European Community there are laws against discrimination, or laws making it illegal to subject ethnic minorities to disadvantageous treatment, the situation in the Federal Republic is the opposite: paragraph 19a of the act on the promotion of employment stipulates that preference must be given to recruiting German workers, that only if none can be found may nationals of other EC countries be employed, and that only if posts still cannot be filled on that basis may they be offered to a 'foreigner' from a non-EC country. It should be added that in the Federal Republic there has been no significant opposition to this paragraph (insofar as people even know it exists), and that the trade unions too, for fear of their German members, have failed to criticize it.

The only official government measures against racism and xenophobia that exist are information brochures from the different ministers, at Federal and Land level, responsible for immigrants, for example Mrs Funcke at federal level, and Mrs John in West Berlin. Unfortunately the information that is given out

from these sources sometimes serves only to confirm the prejudices it sets out to break down. For example, the attempt is made to counter the prejudice that 'foreigners are swamping the country' by arguing that: 'Foreign workers have stopped coming since the 1973 recruitment freeze' (John 1988: 3). This tends to support the assumption that there would in fact be a danger of the country being 'swamped' if they had kept coming. It also means accepting that the presence of 'foreigners' (at least above a given number) poses a real problem. The same brochure seeks to answer the allegation that 'We are being turned into a country of foreigners', by asserting that 'Many Turkish and Yugoslav parents, for example, complain that their children speak their mother tongue much worse than they speak German'. This is supposed to bear out the assumption that 'Foreigners will in time become indistinguishable from the German population and that consequently the fear of being swamped by foreigners is unfounded. Implicit in this argument is an acknowledgement that the fear of being swamped if immigrants refuse to assimilate is a legitimate one.

With the formation of Red-Green alliances in West Berlin and Frankfurt in 1989 attempts have been made to improve the living conditions of the immigrant population. In West Berlin for example the initiative has been taken of introducing the right to vote in local elections for immigrants, and in Frankfurt a department responsible for multicultural activities was founded.

Finally, it should also be mentioned that under the Basic Law, disadvantageous treatment of persons on the grounds of their belonging to 'a religion, race or sex' is prohibited, but if the Basic Law is cited in criticism of discrimination, it is asserted that these basic rights cannot be allowed to restrict the right of any state to give priority to its own nationals over the nationals of other countries.

Question 2: Could you provide information as to whether in the past four years there have been demonstrations of intolerance, hostility or the use of violence against any persons on the grounds of their belonging to a particular racial, religious, cultural, social or national grouping in your country? What measures were taken to enact legislation or to enforce existing legislation to outlaw such demonstrations?

Acts of violence against persons on the grounds of their belonging to one of the above-mentioned groups are not recorded in Federal German criminal statistics. This is because there is no clause in any legislation in the Federal Republic that identifies any such offence.

The only paragraph that points in this direction, one that was drafted with the racism practised under German fascism specifically in mind, is the clause against ethnic persecution. The manner of its implementation is exemplified by such cases as the following:

In 1984 the Federal Constitutional Court in Karlsruhe ruled that a statement such as 'Turks out', was, by contrast with the statement 'Jews out', not to be understood as an incitement to acts of violence or of an arbitrary nature. In justification of this ruling it was asserted that: 'In their literal meaning, these statements must indeed be understood as calling for foreigners to be expelled from the Federal Republic of Germany. But they are not on that

account associated with generally-known historical experiences that would justify their being additionally and unambiguously interpreted as ... incitement to violence or arbitrary acts' (quoted in *Frankfurter Rundschau* for 3 May 1984). In other words, not until Turks in the Federal Republic have been made to endure the same experience as that undergone by the Jews in fascist Germany can the slogan 'Turks out' be interpreted as ethnic persecution.

In every case where 'foreigners' have been murdered, the prosecution has been successful in its efforts to have xenophobia or racism excluded as a motive. Three examples:

1. On 21 December 1984 young skinheads murdered a Turkish man, Ramazan Avci, by pursuing him, running him over with a motorcar and beating him as he lay on the ground with clubs, pickaxe handles and batons. Their kicks to his head caused a major fracture of the skull, from which he died three days later without regaining consciousness. Although two of the youths were found to be in possession of leaflets and stickers from Neonazi groups, although at least one of the accused was shown to have connections with the FAP, and although all five were proved to have belonged to the same skinhead 'scene', the Court refused to acknowledge that there was any proof that the murder could be connected with racism or xenophobia. While it was accepted that skinheads were known to be hostile to foreigners, the extent to which the accused were in fact skinheads, and the extent to which such motives were relevant to these actions was held not to have been proved with sufficient certainty. The court ruled that Ramazan Avci's death had been not premeditated murder but the consequence of coincidental circumstances. Two of the accused were sentenced to ten years and six years imprisonment respectively for joint homicide, two were sentenced to three and a half years youth custody for causing death through grievous bodily harm, and one to one year without the option of probation for grievous bodily harm.

2. On 19 August 1987 an apprentice in a Tübingen supermarket killed an Iranian refugee, Kiomars Javadi. He had caught him in the act of shoplifting (to a value of DM 54) and had, with the assistance of the branch manager, held him for some 16 minutes in a stranglehold. Despite shouts from a crowd of watchers to the effect of 'you will kill him', the two refused to let go. At an appeal hearing on 7 December 1989 the Stuttgart Land Court upheld the verdict of the Tübingen District Court of one and a half years with probation for 'causing death through negligence'. Here too it was asserted that the motive for the crime had not been 'wilful hatred of foreigners', but 'rigid conceptions' about 'law and order' and the 'protection of property' (*Tageszeitung*, 9 December 1989).

3. On 12 May 1989 Ufuk Sahin was stabbed on a public street in West Berlin after being abused by his assailant as 'Kanake'. The court sentenced the accused to five years imprisonment for 'grievous bodily harm resulting in death'. Although the evidence revealed that the accused had asserted to neighbours that he 'hated foreigners', the court insisted that the motive for the crime had been, not xenophobia, but 'the personality of the accused', who was said to 'suffered anxieties and inferiority complexes'. He had consequently sought to prove his manhood by protecting his fiancée against supposed molesting by the victim (see *Tageszeitung*, 31 October 1989).

Since there are no official statistics on racist attacks, no generally valid statements can be made as to the extent, nature or frequency of attacks and

acts of violence. (See annex for a chronological list of attacks since 1985, albeit one confined to cases reported in newspapers or to have come before the courts). One incident that happened in April 1989 will perhaps help to throw some light on the extent of day-to-day racism, and on the lack of knowledge and understanding of the German people and the German authorities of the situation in which immigrants to the Federal Republic have to live.

For about one or two weeks before 'Hitler's birthday' leaflets had been appearing in Hamburg announcing forthcoming 'celebrations' of this event in the form of a meeting to be staged in the city of extreme right-wing youth groups from all over Europe. Some of these leaflets also announced a second 'crystal night', this time to be against the Turkish people.

The immigrant population reacted with widespread fear. Many of them came to their meeting centres to ask for advice, to ask if they should stay at home and not send their children to school. Many of them decided to close their businesses and barricade their premises on that day.

That part of the German population that paid any attention at all to these threats sought consistently to reassure the immigrants: they were not to be taken seriously, the leaflets were too poorly produced for any really dangerous group to have been behind them. It was probably just a few people indulging in a sick joke. People expressed dismay, often in terms of complete incomprehension, that the immigrants were so afraid. People sought to reassure them, and at the same time advised them after all not to send their children to school on that day. A phone call to the Education Department and the Department of the Interior elicited the response that these departments did not consider themselves authorized to make any public statement about the threats (such as that they would be prepared to protect the immigrant population from possible attack). Teachers urged immigrant families to keep their children at home on that day, and the Education Department stated that parents should decide for themselves whether to send their children to school or not.

The day itself in fact passed without major incident, so that those who had insisted the fears had been exaggerated saw their position as having been vindicated, and sought generally to play down the incident.

In our opinion the events of those few weeks should not have been played down because they reveal something important about the circumstances in which ethnic minorities have to live in the Federal Republic (with a similar situation also in Berlin):

1. The leaflets were indeed highly unprofessional. The fact that they could nevertheless elicit so much anxiety and fear does not however in our opinion prove that the ethnic minorities are unable to assess correctly the dangers facing them. It demonstrates rather the extent of the uncertainty and fear unleashed by daily rejection and discrimination, not excluding direct attacks, that made these threats appear realistic regardless of their nature. The day-to-day racism to which immigrants are subjected, which can be anything from so-called Turkish jokes at the workplace, or racist graffiti in the factory toilets - featuring such slogans as 'Gas Turks!' - along with discrimination by the authorities in the allocation of social housing, routine abuse (such as a refugee being beaten up in a supermarket for allegedly stealing pork - although pork is a meat that he never eats for 'cultural reasons', and no German person intervenes), is never investigated, and consequently is never

brought to the attention of German public opinion. And with not even publicly known racist attacks being statistically recorded, minor incidents certainly are not either. With the exception of research into anti-semitism - itself fragmentary - there has been no systematic research into racism or any investigation of xenophobia, or enquiry into their forms and causes in the Federal Republic. Despite 30 years of immigration since the end of the war, it is still the immigrants and their conduct, their 'adjustment problems', that are the sole subject of immigration research.

2. The result of this state of affairs is the above reaction of the German public and the German authorities to the events of April 1989: the incomprehension of the immigrants' fears reveals profound ignorance of the threats they face every day of their lives.

3. The proposal that the immigrants should keep themselves to themselves and keep their children at home on the day also shows how far the willingness of the German public and the German authorities to stand up for the safety of the immigrant part of their population extends: it extends virtually to zero.

As the press reports of numerous incidents clearly show, racist violence has risen in recent years. Yet still no effort is being made to legislate against such incidents. In response to the increase in extreme right-wing vandalism at football matches all that has been done is to finance a few social work projects with research assistance for regular fan clubs, and to employ a few more field workers in the social work departments.

It should be added that with the disintegration of the regime in the GDR an unsuspected degree of racism has come to the surface there. The conclusions reached at conferences and by the efforts of newly-founded anti-racist groups show that racism has been a form of backlash reaction against the old regime, which while it always declared itself to be anti-fascist and anti-racist, sought to achieve its objectives in this connection by using the power of the bureaucracy against the people, in effect causing resistance to be channelled into racism against 'foreigners'. In that connection it should be realized that the measures taken against foreigners in the GDR were even more restrictive than in the Federal Republic, and included a prohibition on making any contact with the local population, and a prohibition on forming groups among themselves: years on end of accommodation in student hostels and workers' homes, where four or five persons were required to share small rooms, peremptory deportation on completion of study or work contract, even if married to a GDR spouse for several years; to mention only some salient features. These arrangements were particularly applicable to nationals from the brother countries of the so-called Third World. On the other hand, individuals who had sought asylum from right-wing dictatorships were given special treatment including priority in the allocation of housing. Under this system, as a consultant to an anti-racist group from the GDR points out, various forms of racism were allowed to develop, and the better treatment handed out to exiles came to be seen as legitimizing a generalized racism against everything foreign. According to the latest survey by the Central Institute for Youth Research in the GDR, every fourth school student and apprentice there is 'hostile to foreigners'. A fifth of young people believe that Germany should be restored to its 1937 borders (*Tageszeitung* 4 April 1990). At the same time, immigration from the GDR to the Federal Republic is stiffening xenophobia and racism there. A new attitude to German unification is beginning to take shape, one that comes down to saying that the Turks can be sent home now that there are enough Germans here to do their jobs. Since

the wall came down, immigrants in both West and East report, acts of aggression and hostile or threatening behaviour towards them have increased.

Question 3: *Have any new groups with racist or xenophobic tendencies other than those mentioned in the Evrigenis report appeared in your country since the Joint Declaration was signed? Has legislation been adopted to proceed against them, and if not why not?*

The Federal Department for the Protection of the Constitution holds files on 280 000 persons designated as extreme right-wingers. In 1989, as reported by the President of the Baden-Württemberg Department, right-wing organizations increased their membership by 10%. The December 1985 Evrigenis Report stated that organized right-wing extremism had no prospect of any medium-term electoral successes in the Federal Republic, and did not now and never had constituted a problem in terms of political power. But at the West Berlin Landtag elections the so-called 'Republikaner' were able to win 7.5% of the vote outright, and in the subsequent Landtag elections in Hessen the NPD won 6.6% in Frankfurt, giving it seven seats. In the 1989 European Parliament election the 'Republikaner' secured a federal average of 7.1%, with 8.7% in Baden-Württemberg and 14.6% in Bavaria (giving them 6 seats in the European Parliament). Between June 1987 and June 1989 the membership rose from 7 000 to 17 000.

What kind of party are the so-called Republikaner? Who are their members, who votes for them, are they actually racist and extreme right-wingers?

1. The party's extreme right-wing nature. The President of the Baden-Württemberg Department for the Protection of the Constitution, Eduard Vermander, calls the 'Republikaner' unambiguously right-wing radicals. But since they have not as yet committed any act of clear right-wing extremism, there are no grounds for an investigation by his department. North-Rhine-Westphalia and Hamburg however have decided to assign officials of their Departments for the Protection of the Constitution, who have devoted many years to surveillance of the German Communist Party, also to surveillance of the Republikaner. The evidence of the party's extreme right-wing nature is suggested by its recruitment from members of former extreme right-wing parties and groups. The following are some examples:

- The 'second man' in the 'Republikaner,' Harald Neubauer, Bavarian Land Chairman, and since June 1989 a Member of the European Parliament, was from 1969 to 1980 a member and official of the NPD. From 1974 to 1984 he worked in the Editorial Office of the 'DSZ-Verlag' (*Nationalzeitung, Deutsche Wochenzeitung*) of DVU Chairman Frey. (Funke 1989: 57 and Benz 1989: 251ff.).
- In Berlin members of the 'Free Workers' Party' (FAP), the 'Viking Youth' and former NPD members have joined the party, and taken up important positions within it: e.g. Rudolf Kendzia, Member of the Chamber of Deputies and district chairman in Neuköln, former NPD member and editor of the militant Neonazi periodical *Freie Umschau*, for which among others Wolfgang Nahrath, Deputy Chairman of the 'Viking Youth' also works (Funke 1989: 56).

- The situation is similar in Schleswig-Holstein, Baden-Württemberg and North-Rhine-Westphalia (see Funke 1989: 55-57).

Further evidence of the extreme right-wing nature of the 'Republikaner' is the importance attributed to racism in their manifesto. The chain of argument is built up as follows:

1. Foreigners threaten 'German living space' (Lebensraum) by competing on the labour and housing markets (the Germans in South Tyrol - states the *Republikaner* for September 1988 - have already been 'swamped by Sicilian workers');
2. Foreigners aggravate ecological destruction because 'those who love their homeland will not destroy it'; foreigners however, since by definition they are not in their homeland, cannot possibly love the country they are in, etc;
3. 'The basic problem ... of all environmental destruction is the overpopulation of our living space (Lebensraum)' (*Republikaner*, September 1988). Overpopulation is also one of the fundamental reasons for the claim for restoration of the German Reich, and of Lebensraum (*ibid*);
4. The Muslim religion, according to the *Republikaner*, has Koran schools that preach 'naked hatred of Germans' (*ibid*);
5. Foreigners, especially Turks, threaten Germans by their sexual conduct, since, at least according to Franz Schönhuber on Berlin regional television, Muslim Turks with their hundreds of millions of population in Europe will in short order outnumber the white races of Germans and French together: the prolific Muslims are going to win the 'war of the cradle' (*Republikaner*, July 1988);
6. All of this adds up to a major and widespread threat: those other peoples and races will win 'the war for political domination' (*ibid*) against Germans. (Funke 1989: 36-37).

As well as racism against immigrants and refugees, anti-semitism is also one of the weapons of the *Republikaner*. Apart from its favourable representation of the Waffen-SS, of which Schönhuber was a member, statements like the following are a symptom of the (continuing) latent anti-semitism of the *Republikaner*: 'We also reject the accusations of anti-semitism made by certain Jewish circles in Germany'. The rejection simultaneously reproduces the anti-semitic cliché of a 'Jewish conspiracy'. In that connection there is also an attempt to rewrite German history: 'We take the view that questioning the assertion of Germany's sole guilt for the Second World War should no longer be taboo' (*Republikaner*, December 1986).

We cannot here go into the other authoritarian and nationalist features of 'Republikaner' ideology (but see Helmut Kellershohn: *Der völkische Nationalismus der Republikaner - Ideologie und Programmatik* - Duisburger Institut für Sprach- und Sozialforschung)

2. Voting patterns

Initial press reports after the West Berlin elections insisted that the 'Republikaner' had won especially in areas of the city with a high immigrant population (here again the logic of the assertion that the 'foreigners' and their presence are the cause of racism). A closer look at the results shows these assertions to be untrue. There is no correlation between the number of

'Republikaner' voters and the number of 'foreigners' in a district. The 'Republikaner' did best in areas of the city where there was no infrastructure, where the number of unemployed youth was particularly high, where especially large numbers of skilled and lower-grade white collar workers live. Additionally, it was found that the potential 'Republikaner' vote was particularly high among young males. In West Berlin for example 14.3% of voters aged between 18 and 23 voted for the 'Republikaner' Party.

In a study based on the year 1987 (Heitmeyer 1989a) it was demonstrated that about 40% of young people tended to think along authoritarian lines, and agreed with points of view including: the death penalty, expelling young foreigners from 'German' jobs, Germany for the Germans, 'Wops (Kanaken) out' (see Heitmeyer 1989b: 552). Since so many young people at the same time also reject totally the politics of fascism, explicitly Neonazi parties like the FAP have long stood no chance of winning at an election. The upsurge of the Republikaner, giving themselves a democratic and respectable appearance, and who have somewhat intellectualized their manifesto in order to campaign also in universities, offers those who feel attracted by right-wing thinking and right-wing politics an option of articulating their political views.

The initial explanations for the Republikaners' electoral success tended to run as follows: unemployment and housing shortage have driven many to a despairing situation in which they feel they can expect no help from any of the established parties. The social contacts that tended to hold the unemployed, in particular unemployed young people, together have broken down in the affected urban areas. Trust in the established parties has been destroyed by corruption scandals and inactivity in relation to social problems. In that situation the Republikaner, with their social promises, their emphasis on law and order and their anti-capitalist overtones offer hope and refuge for declassed young men and the unemployed who have been uprooted from their social background and have no prospects.

This explanation may well apply to a part of the electorate. But it does not explain why in particular skilled and white collar workers, who are not unemployed and are unlikely to become unemployed also voted for the Republikaner.

3. Voter motivation

We think that if this phenomenon is to be explained the element of racism in the Republikaners' programme and ideology must be more strongly highlighted. If we look at the official political pronouncements of recent years relating to immigrants and refugees, the following contradiction appears: on the one hand it is stated that the Federal Republic is not a country of immigration, it is claimed that the numbers of so-called 'asylum seekers' are too high and are supposedly swamping the country, which is in imminent danger of being taken over by foreigners. Asylum seekers are represented as economic refugees and impostors, and their presence is defined as constituting the problem to be solved. At the same time many expanding business undertakings are complaining of a shortage of qualified labour and the advancing age of their employee structure, and are thinking out loud about new recruitment and about using the incoming refugees. Yet the presence of immigrants and refugees is still represented as being a problem in itself, and as the cause of numerous social problems, at the same time as nothing is being done actually to solve this 'problem', in the logic of the those campaigning to

'send the immigrants back home'. This contradiction, along with the deterioration in the social situation through health reforms, the housing situation and unemployment, is one of the reasons for the collapse of the centre-right camp (others are long-term restructuring of the party landscape which cannot be gone into here). Splinter groups are being formed on the right and voting for the 'Republikaner', who promise to solve the 'foreigner problem' as defined in these terms by the political mainstream. Thus many CSU members, including Mr Dregger ('We can't very well refuse to stand up for parts of our own manifesto') rightly complain that the 'Republikaner' have stolen large chunks of their manifesto. In responses to opinion polls a majority of 'Republikaner' voters in Berlin and Frankfurt put the issue of 'immigrants and asylum seekers' in first place (59.3% in Berlin, 63.4% in Frankfurt) of the list of what to them were the most important issues (by comparison the figures for CDU voters were 12.3% and 26.7%). This too points to the significance of racism as a motivating factor for voters. In another survey, 62% of 'Republikaner' voters said they did not accept the Oder-Neisse frontier (twice as many as in the population as a whole), and 99% agreed that there were 'too many foreigners' in the country.

4. Background to the upsurge of the Republikaner

New tendencies - new alliance policy

The election success of the 'Republikaner' must also be seen as a success for the 'New Right' strategy of bidding farewell to the old rhetoric of the extreme right and rechanneling their policies along more respectable lines.

The 'New Right' arose in the early 70s from the extreme right (NPD) which had failed in its parliamentary ambitions, and was subsequently influenced by the French *Nouvelle Droite*. Its objective was not primarily to achieve parliamentary representation, but to build a presence in intellectual circles and to campaign for cultural autonomy. The basic categories of thought used by the movement include: the assertion of inequality (of individuals and cultures), elite formation, the struggle for the right of the stronger, the necessity of a homogeneous society. This homogeneity is defined on the basis of cultural criteria that on closer inspection turn out to be biological criteria, since they define culture as a naturally given and invariable characteristic. This 'New Right' has served and continues to serve as a pivot linking neo-conservative movements and the extreme right. It had an enduring influence on the drafting of the 'Republikaner' manifesto (see Gessenharter 1989: 566 ff.) and has sought successfully to bring them respectability. The *Frankfurter Allgemeine Zeitung* (FAZ) has nevertheless attested that they are 'standing firmly on the ground of the Basic Law'.

The new manifesto mixes technical material and political demands and formulations taken from the ecology movement on the one hand, with a policy of alliance with representatives of the conservative camp on the other. The main themes taken up in the pseudo-scientific discourse of the 'New Right' include:

- Nation/decolonialization'. This is characteristic of the periodical *Wir selbst* (we ourselves)
- Scientific/ecologically oriented philosophy of life. This predominates in contributions to the periodical *Mut. Einigkeit und Recht und Freiheit* ('Courage. Unity and right and freedom').
- Foreigners question - swamping of own culture: a key argument of the 'Old Right' that reflects the continuing influence of *Nation Europa*.

- Revision of the interpretation of history. This is true of all groups and organizations with varying degrees of priority (Hennig 1985: 160).

This policy has been so successful that some publications and associations of the 'New Right' are no longer avoided by respectable conservatives. An example of how steering this new course has helped to break down the barriers between the extreme right and the respectable right is the periodical *Mut* (courage), the highest circulation periodical of the right. Until 1984 it was classified by the Department for the Protection of the Constitution as right-wing extremist. Today it is advertised in the *FAZ* literary section and publishes contributions from such authors as Hans Meier, former Bavarian Culture Minister, Marie Luise Schwarz-Schilling, Rupert Scholz (former Defence Minister), Golo Mann, and Ernst Nolte (interviewed).

Another example of the breaking down of barriers: at the 1985 Silesian meeting Bernhard Willms was a favourite speaker at NPD gatherings, together with such guest speakers as Helmut Kohl.

In interviews the CDU Land Chairman Wilfried Hasselmann (*Frankfurter Rundschau*, 1 July 1989), and CSU Chairman Theo Waigel (*Frankfurter Rundschau*, 15 August 1989) have no longer excluded the possibility of coalitions with the 'Republikaner'. The CDU on the other hand has ruled against any joint action with the 'Republikaner'.

The campaign to determine how far the political landscape in the Federal Republic will move to the right is in full swing. The new respectability is also the reason for no legislation having been adopted to act against the Republikaner. Despite their unambiguously racist and revanchist programme they are allowed to represent themselves as an integral part of the political spectrum. With the growing prospects of a unification of the Federal Republic and the German Democratic Republic, and the propagation of this unity by all parties (except the Greens) the 'Republikaner' no longer stand alone in credibly representing a 'German identity' untainted by the past. Yet they just possibility may have played themselves out; only time will tell. At the last local elections in their Bavarian citadel they lost heavily everywhere and saw their average share of the vote fall to 5.4%, whereas the CSU lost on average 8% and the SPD strengthened its position sharply in many towns. Whether this is connected with the fact that the SPD, in the shape of its new candidate for chancellor Oscar Lafontaine, has put itself forward as the custodian of Federal German interests against immigration from the East is impossible to say, given the numerous considerations that influence voting in local elections. On the other hand, the precise terms in which the different parties support German unity must be analyzed in depth. It would be wrong to accuse them all of making a rush to the right. It nevertheless gives serious cause for concern that there are very few politicians prepared to take the offensive in combining the prospect of German unity with representing the interests of the immigrant population living in both German States. A campaign against racism and fascism at European level consequently becomes all the more necessary.

Question 4: *What measures have been taken in your country in the areas of information and education, and in relation to the social and economic situation, to create conditions conducive to better integration of persons from other countries and from ethnic or cultural minorities.*

1. The right to vote

There are around 500 foreigners representation organizations of various types in the Federal Republic whose priority objective is to secure the right to vote in local elections for immigrants. These include the 'Foreigners' Councils', the local structure of which varies from one Land to another: some have their own establishment and budgetary rights; others do not; some are elected (e.g. in Kassel, Nuremberg, Göttingen, Wuppertal), others appointed; with some of them representatives of the ethnic majority, i.e. Germans, can be elected, whereas in others only immigrants are candidates. They have a consultative function only, and their proposals are at best noted. A share in decision-making, even in matters that directly affect them, is a priori excluded for legal reasons (for the specific demands of the Foreigners' Councils see annex).

Another set of institutions that carries responsibility for the interest of immigrants in the Federal Republic are the different departments responsible for foreigners. These exist at Federal Government level (e.g. Mrs Funcke) and in some Länder and their local authorities (Hamburg, West Berlin, etc.). In Bremen there is a 'department for immigrant citizens' with an establishment of eight and a half posts (only the half post is filled by an immigrant) and its own budget.

These are the basic types of organization. They all share in the common objective of campaigning for the right to vote in local elections.

The right to vote in local elections has been controversial since the mid-70s. It is the subject of conflicting views by constitutional lawyers. Some think the right to vote in local elections for immigrants is admissible under the Constitution, whereas others hold it to be unconstitutional. It is disputed whether the definition of 'people' (*Volk*) in Article 20 of the Basic Law excludes the immigrant part of the population that has settled in the country. But in that case also, so the arguments of those who advocate the right to vote in local elections run, voting by immigrants in local elections must be authorized, since these elections are not concerned with major affairs of state, as Federal and Land elections are, but simply with the pursuit of local objectives in which local people should be directly involved; and local people means both Germans and immigrants. The significance of this controversy hinges on the fact that the Federal Republic is one of the few countries in Western Europe in which the general right to vote is not explicitly linked to nationality.

Hamburg in 1989 was the first Federal Land to introduce the right to vote in local elections for immigrants from 1991. The right to vote is to be extended to immigrants who entered the country at least eight years before the election date and who are in possession of a residence authorization, a permanent residence permit or an EC residence permit. It is consequently applicable to about 85 000 people in Hamburg, or some 50% of the city's immigrant population. In relation to EC nationals the law has yet to catch up with the

EC directive stipulating that nationals of EC States resident for more than four years in the FRG must be granted the right to vote in local elections.

At issue in Hamburg however is the right to vote in elections to the District Assemblies. These are not local elections in the strict sense in Hamburg, since under the Hamburg Constitution the District Assemblies are no more than administrative committees. This means in effect that immigrants are only being allowed to vote in elections to bodies that have negligible political influence. Yet it is against this (restricted) right to vote for immigrants that a complaint has been brought by the CDU before the Federal Constitutional Court.

In Schleswig-Holstein the right to vote in local elections for nationals of six States (Ireland, Sweden, Norway, Denmark, Netherlands, Switzerland) was passed with the justification that Germans also had the right to vote in local elections in those countries. The Bonn CDU reacted to this in the lead-up to the 1989 elections in Schleswig-Holstein by applying for an injunction, which was granted by the Federal Constitutional Court on 12 October 1989. Its decision is without prejudice to the decision to be taken in the main proceedings resulting from the constitutional complaint (in November 1990). It is nevertheless seen by immigrants' organizations as auguring ill.

Another bad sign is a recent ruling by the Federal Constitutional Court in Berlin. In January 1990 it held that the right to vote in local elections introduced in Schleswig-Holstein and Hamburg infringed the Basic Law and was consequently unconstitutional. Four of the six constitutional judges found that the electorate consisted only of the people of the German state (*das deutsche Staatsvolk*), and ruled that ordinary legislators, i.e. Land governments and parliaments were not empowered to define the people from which they received their legitimation. It can be assumed that this vote will be duly weighed in the balance by the Federal Constitutional Court in reaching its decision as a 'highest-qualified opinion'.

Whereas the Länder that wished to introduce the right to vote in local elections for immigrants see this as an important contribution to integration, the CDU's internal affairs spokesman, Gerster, asserted, following the ruling, that the court had 'taken an important step towards the integration of our foreign fellow-citizens'; the ruling would, he asserted, advance people's preparedness for naturalization. (The naturalization directives require applicants to renounce their previous nationality, and stipulate a series of other conditions that cannot be met by the majority of immigrants. Not the least of these is that the fee charged for naturalization amounts to 75% of the applicant's gross monthly income; the procedure takes between six and fifteen months. Only 0.5% of those entitled actually apply for naturalization (as at January 1989). The present bill for an amended Foreigners' Act would relax the conditions for part of the immigrant population).

Apart from the advisory councils, and aside from the controversy about immigrants' right to vote in local elections, one further initiative is perhaps worth mentioning here. This is the establishment in Frankfurt of a department for multi-cultural affairs. The honorary head of department, Cohn-Bendit, is assisted by five full-time officials. The department seeks to fulfil an innovating function and to act as a mediator between the different services by persuading heads of department responsible for cultural and social affairs to face up to their multi-cultural responsibilities. It also seeks to act as an anti-discrimination department, to investigate complaints

by immigrants who have suffered discrimination and are prepared to go public. Its objective is to help to ensure that immigrants in Frankfurt 'can be assimilated with full rights and duties into the democratic process of this city', its head of department states. To this end foreigners advisory councils are to be elected, and support given to the campaign for immigrants to have the right to vote in local elections and to hold dual nationality. Immigrants are supposed to be involved in the work of the department in hearing proceedings. Yet the first hearings have already provoked criticism from immigrants' associations who felt that they had been bypassed and were not consulted until important decisions had already been taken.

2. Examples of measures taken in education

In the Federal Republic there is a policy relating to foreigners, yet there is no specific policy for ethnic and cultural minorities. The main themes of the policy relating to foreigners are, firstly integration of immigrants living here, and secondly the limitation of further immigration (see government declaration of 1982, and the 1989 bill amending the Foreigners Act). The manner in which integration is interpreted in terms of educational provision however is shown by the following statements by the government parties in the Federal Republic:

'Children aged from 3 to 6 should in principle be brought up together with German children, so that German will also be acquired spontaneously as the children's natural language.' (CDU 1984).

'Foreign children and young persons should in principle be educated together with German children in regular classes. Those who come to school without or with only scant knowledge of German should be educated in preparatory classes or in intensive language courses suitable for their age only until they are able wholly or in part to make the transfer to regular classes. ... In the schools the following supplementary aids and facilities should be provided for foreign pupils: choice of mother tongue in the place of a first or second foreign language, insofar as a sufficient number of pupils decide in favour; Islamic religious education for Muslim pupils,' etc. (FDP 1988).

In such statements and in the policy actually practised in schools it is clear that encouraging immigrant children to learn their mother tongue and retain their native culture is of interest only in relation to the possibility of return to their country of origin, not as a general human right. This appears clearly also in the use of language. There are constant references to transitional measures intended to lead to normality, i.e. integration into the regular German classes. Integration is thus put on a par with assimilation. The purpose is more to protect the German school from fundamental change rather than adapt it to cope with the particular abilities and needs of immigrant children. At numerous specialist conferences (e.g. FABER Conference, November 1989 in Hamburg) the failure of 'foreigner pedagogics' has been recognized and new methods sought.

Calls by immigrants' organizations, the churches, specialists, governments in the countries of origin, etc. for bilingual education of children have still not been reflected in measures taken hitherto. Far too little has as yet been done to incorporate EC directives and UNESCO declarations on the inclusion of the mother tongues of immigrant children into the Federal Republic's school curriculum. Such efforts as have been made have taken the form of

transitional programmes lasting usually for up to four years, and which take the mother tongue into account only to the extent necessary to ease the children's transition into the regular German class. This amounts consequently to treating the mother tongue as no more than a functional mechanism in the children's cognitive development, as distinct from acknowledging it as having an equal cultural significance and status. Nor is the declared objective under the policy on foreigners of 'maintaining cultural identity' actually pursued under the measures existing today. Mother-tongue courses continue to be run in uncoordinated fashion alongside the main curriculum in afternoon classes under the auspices of the consulates of the country of origin concerned.

Models for inter- and multi-cultural teaching are tried out in isolation and materials are developed ad hoc. Instead of education as a whole being put on a multi-cultural basis (in all such subjects as geography, biology, history, literature, etc.), a few hours are set aside each week in which inter- or multi-cultural instruction is handed down. This is tantamount to trying to deal with the fact of immigration and of the multi-cultural nature of society in a few set hours a week, whereas the remaining content of the education remains ethnocentric (see also Fremgen and GEW on the question of ethnocentrism and racism in school text books).

The much-criticised outcome of 'life between two cultures' is thus one of the products of the policy and the educational methods applied hitherto to foreigners. The unique opportunity that children of immigrant workers can have of living and growing up in (at least) two cultures and feeling at home in each, while experiencing this as an enrichment and extension of their potential, is denied to them by an assimilation policy that appears in the guise of an equal-opportunities policy. The repeated call by immigrant parents' associations (see annex) for children to be educated bilingually is confirmed by the results of multiple research.

One reason for immigrant children's failure in German schools is that despite theoretical findings pointing in the opposite direction, the ability of children to communicate in German as a second language, which is often of a high standard, is put on a par with all other aspects of linguistic capability. When immigrant children are heard speaking accent-free German and mastering communication skills in everyday situations, it is common for the conclusion to be drawn, wrongly, that they can be treated the same as German children. But there is an enormous difference between the ability to communicate at an everyday level, and the ability to use language as a means of expressing a differentiated range of thought. Not only must the latter ability be acquired, it must be acquired differently by children speaking a language as their mother tongue and those speaking it as a second language. Formal equality of treatment consequently leads to failures and drop-outs by immigrant children, especially at the higher level of education (e.g. the higher secondary schools).

Models like that for bilingual acquisition of literacy in six Berlin primary schools have been welcomed by parents and educationalists, but have hitherto been conceived only as short-term projects. Similarly, other models, such as that based on the bilingual education project at the Max-Planck-Gymnasium in Dortmund (German-Portuguese) have remained one-off experiments despite the successes recorded.

The expectation that problems of school education would solve themselves after a few generations has been shown to be an illusion. Bilingual education will remain on the agenda in the Federal Republic, even for children who are born here, and it will continue to be relevant to those who can be expected to emigrate after 1992 with the arrival of freedom of movement in the EC. There is nevertheless a serious danger that minority languages, which are not officially-recognized EC languages, but are spoken by a large part of the population (e.g. Turkish) will be further repressed by European integration. It is probably high time to consider ways of giving special protection to minority languages and introducing appropriate measures.

3. Examples of information material

To ensure better integration of immigrants a number of information brochures have been produced and widely distributed. These include publications by the department responsible for foreigners in Berlin under Mrs John. Her department has published a series of information brochures on such topics as:

- Naturalization (information on acquiring German nationality)
- Marriage between Germans and foreigners (international marriage and family rights) etc.

A further series of information brochures has been produced to help with the social and economic integration of immigrants, including brochures on:

- German-Turkish pension rights (claims and contributions - bilingual)
- Credit (options for obtaining credit - bilingual), etc.

Part of the information material is concerned with special questions intended to assist with reintegration into the countries of origin, e.g.:

- 'Save in Germany, build in Turkey', etc.

A number of video programmes has also been produced covering the above topics.

4. Information about the proposed new Foreigners Act

The Federal Government represents the proposed amendments to the Foreigners Act as a principal means of securing the integration of 'our foreign fellow citizens'. Interest groups (DGGB, ÖTV, etc.), welfare organizations (AWO, Caritas, etc.), churches, those responsible for the problems of foreigners at Federal and Land level, and immigrants' organization see it quite differently however.

In the explanatory statement to the bill for the amendment of the Foreigners Act it is stated: 'The law of the Federal Republic of Germany relating to foreigners has three functions: to provide security under the law on residence for the integration of foreigners who are long-term residents in the Federal territory and wish to settle there; to promote transfrontier international cooperation; and to restrict immigration by additional foreigners from non-EC States. ... Integration self-evidently cannot be secured on the basis of residence regulations alone. It presupposes, both on the part of the Federal Republic of Germany and of the foreigners themselves, the necessary aptitude and preparedness for integration. The Federal Republic of Germany must consequently enable foreigners to participate in its economic, social and cultural life, and, in the context of their ethnic, moral, legal

and cultural proposals, afford foreigners scope to maintain their own cultural identity ...' (explanatory statement, 27 September 1989, p. 3).

This claim has to be seen against the background of a reality characterized by refusal to authorize limited voting rights in local elections for foreigners (see above), non-recognition of mother tongue as a language of education, and the planned tightening up on residence provisions for foreigners who have still not been issued with a permanent residence permit. The amending bill, which is supposed to promote integration and confirmation of status for immigrants living here, is far from doing justice to the stated objective. That assertion will be supported by the examples that follow. The bill is assessed on the one hand in terms of the claims made in it by the government, and on the other by the action called for by interest groups and immigrants themselves.

The bill will mean an enormous deterioration in the circumstances of those immigrants who have not yet been issued with a residence confirmation, as stated by Prof. Dr H. Rittstieg in his opinion on the bill (see annex). Residence authorization is to be issued on the basis of a one-sided consideration of the interests of the Federal Republic of Germany (para. 7) - instead of the balance of interests stipulated hitherto - and to the exclusion of any claim for confirmation.

Residence for immigrants is classified under various headings according to German interests:

- Temporary and permanent residence permit (paras. 15, 17);
- Residence authorization for a specific purpose such as education, long-term visit, seasonal working, etc. under paras. 28 and 29; confirmation excluded. (This arrangement is also seen by the German Trade Union Confederation, DGB, as a backdoor method of introducing the rotation principle for foreign workers and was firmly rejected);
- Residence permission (para. 30) e.g. for refugees who for humanitarian reasons despite rejection of their claim to recognition as asylum seekers, are not to be deported; and
- Residence authorization (para. 27).

Only the (permanent) residence permit opens the way to confirmation of residence, and then only if none of the very broadly defined grounds for deportation arises in the interim (see below).

But before having any claim to residence authorization of any kind it is necessary first to have entered the country. The conditions for entry are being tightened up with a general visa requirement (not for EC nationals) being introduced as a prior condition for entry and for applying for a residence authorization (para. 58). This makes it more difficult for refugees to enter the country, and could lead in many cases to violations of the Geneva Convention on refugees. Entry can be refused at the frontier if, for example, a foreigner has a tourist visa, but frontier officials assume, on the basis of nationality, that the entrant could seek asylum.

Deportation at the frontier is thus possible if: '1. Grounds for deportation are present; 2. the well-founded suspicion exists that the stay is not for the stated purpose' (para. 60(2)). Nor will a visa be issued if the return journey has not been arranged and obstacles to deportation can be expected or anticipated. This means that people from crisis areas, who might find it impossible to return to their country of origin, could be denied a visa for

the Federal Republic. Transport undertakings are required to implement these checks, and are responsible for the return transport in the event of 'illegal entry', for a period of up to three years (see Lufthansa Opinion in annex).

A new possibility is the retrospective time limiting of a hitherto permanent residence permit (e.g. in the event of unemployment), which can result in a refusal to grant an extension (e.g. on receipt of social security). When the law comes into force holders of a time-limited residence permit who draw social security and have no claim to unemployment pay or assistance, will not be issued with any further residence authorization (para. 96 of the bill). The rules of confirmation applied hitherto will lapse since it is no longer the duration of residence but the continued possession of a residence permit that is a decisive factor in respect of confirmation (paras. 24(1) and 26(1)(1)).

In the event even of continuous residence but on the basis of other residence authorizations or under a judicial procedure (without the designation 'residence permit') no permanent residence permit or authorization will be issued. There is consequently no assured future for immigrants who are not already in possession of a permanent residence permit. The claim made in the explanatory statement concerning confirmation of the status of immigrants who have been long-term residents here is consequently not met. The explanatory statement asserts: 'The Foreigners Act may not be used as a means of creating obstacles to residence by foreigners. Its purpose is rather to facilitate and promote international exchanges ...' (explanatory statement p. 4).

Another new feature is the absence of a qualifying age for the residence authorization requirement: 'Foreigners under 16 years of age shall be treated as equivalent to foreigners who have completed their 16th year for the purposes of issuing residence authorization' (explanatory statement p. 11). In concrete terms this means that children aged six months or over will require a residence permit after the law comes into force (para. 69). This will also jeopardize the right to residence when it is realised that the possibility of confirmation of the residence permit and authorization is dependent on being able to demonstrate occupation of 'adequate accommodation' (paras. 17, 24, 27, 29 and 35). With even babies needing a residence authorization, the demand for accommodation will be all the greater; it will be impossible to meet it while the present housing shortage lasts, so that in the last analysis this could result in a residence permit or its extension being refused, leading subsequently to deportation. This means in effect that the housing shortage is to be used as a mechanism of immigration control, one that is to be applied even to those immigrants who were born in the Federal Republic. On the birth of a subsequent child the family that was previously able to demonstrate that it had adequate accommodation, could find itself in a position of illegality. With priority on the housing and labour market being given to immigrants from the GDR and other ethnic Germans, and with racism by landlords becoming increasingly routine, it could become well nigh impossible for immigrant families to find 'adequate accommodation'.

The absurdity of this rule becomes even clearer when it is realised that families that are entitled to social housing can claim accommodation only for those members of their family living in the country. But if a child or spouse is to join them from their country of origin they will be required, before authorization can be obtained, and even if all other conditions such as a regular income, etc. are met, to prove that they also have sufficient accommodation for this additional person. But the larger accommodation will

certainly not be released by the housing authority - assuming it has any at its disposal - if the additional person has not even entered the country.

Another novelty is the so-called 'household community', for the purpose of creating and sustaining which a residence permit for subsequent children or a spouse is issued. In practice this means that in the event of personal family conflict, neither teenagers nor a spouse can leave the 'household community', since doing so would infringe the terms of the residence permit. Only after four years may married couples separate (in serious cases after three years) without jeopardizing their right of residence, when they may in certain circumstances secure independent resident status (paras. 19 and 21).

A measure of relief is provided by the bill to allow the principal resident to be joined by family members: in future all waiting periods and length of marriage stipulations will be dispensed with (there was previously a waiting period for spouses ranging from three years in Bavaria to one year in Hamburg before an immigrant could be joined by his or her spouse).

As the foregoing makes clear, the rules on residence permits are about to be applied more stringently as a solution to problems of housing market policy and labour market policy. For all other forms of residence authorization - short of full entitlement - are subject for example to residence restrictions on type of employment and access to the labour market, which in some cases can be tantamount to a prohibition on finding a job. And having 'adequate living accommodation' is one of the conditions for the confirmation of a residence permit.

The annex to the chapter on confirmation of residence states in the explanatory statement: 'The bill does not provide for any right of settlement. Any such right, the possibility of which has been raised in the debate on policy on foreigners as an alternative to naturalization, and which would put foreigners on a basis of full equality with Germans to the widest extent possible under the constitution, would not have the effect of promoting integration. It would become the legal basis for the disruptive formation of a minority, since it would dissolve the link between long-term residence and integration. By contrast, the bill holds firmly to the view that foreigners should be granted assured long-term residence insofar as they adhere to the ethnic and moral, legal, cultural and social values of the Federal Republic of Germany. Foreigners may not for generations on end continue to form a group with equal rights but not with equal duties standing outside the society of the nation state. Right of settlement as an alternative to naturalization is consequently to be rejected' (explanatory statement p. 19).

This interpretation is in vulgar contrast to the long-standing demands of immigrants' organizations and their umbrella associations, as well as of welfare associations active in so-called work with foreigners, and who call both for a right of settlement and the option of dual nationality.

In the matter of naturalization, certain groups can look forward to a measure of relaxation (paras. 85-88). The minimum residence requirement for naturalization is being reduced from ten to eight years, for example. This however applies to the so-called second and subsequent generations. The justification for this runs as follows: 'Since it is among immigrants of the first generation that integration is least advanced, whereas willingness to return to their country of origin is strongest, it appears appropriate to concentrate relaxation on those foreigners who have been born and who have

grown up here (so-called second and subsequent generations).' (Explanatory statement p 20).

Applications for naturalization must be submitted on reaching the age of 16 but before reaching the age of 21, 'i.e before the decisive centre of interests in life has as a rule been chosen' (explanatory statement p. 22). For, it continues, a voluntary and lasting commitment to our state' must clearly emerge (*ibid*, p. 20). It should be noted that this age restriction in fact excludes a large part of the so-called second generation, namely all those who have already reached the age of 21.

On the other hand young persons who are not able to provide for their subsistence from their own employment are required to show proof of support payments from members of their families aged 5 and over which is somewhat unrealistic.

The fee for naturalization, hitherto 75% of a gross monthly income, is fixed in the bill at DM 100. But the most important obstacle, the renunciation of previous nationality, has not been removed. On the contrary, multiple nationality is authorized only in exceptional cases. Renunciation or loss of previous nationality is still a condition for naturalization (para. 85(1)(1)). 'The relaxations granted (e.g. conditions of application and reduction of fee payable) will be completely futile if there is not at the same time acceptance of dual nationality as a general rule ... There is also a strong case for the introduction of a *ius soli* for foreign children of the third generation', says the Berlin Senate's member responsible for foreigners, Mrs John (CDU), in her opinion on the bill. (Opinion, p. 9).

Deportation:

This too is to be made easier, with grounds for deportation being very widely drawn (paras. 45-47). Three types of deportation can be distinguished:

- Discretionary deportation: where grounds for deportation exist, due regard being had to all circumstances of the individual case, a decision on deportation will be taken in the conscientious discharge of duty;
- Statutory deportation: where grounds for deportation exist the foreigner shall be deported unless special mitigating circumstances exist;
- Mandatory deportation: where grounds for deportation exist, the foreigner shall be deported (explanatory statement p. 27 ff.).

Grounds for a discretionary deportation include endangering the free democratic basic order or the security of the Federal Republic, using threats of violence in the pursuit of political objectives. Grounds for statutory deportation include use of heroin, cocaine, prostitution, being a danger to public health (e.g. infectious diseases, aids, etc.), extremist political activity, etc. They also include long-term homelessness, reliance on social security, needing to claim assistance for education outside of the immediate family, or assistance for mature dependent children - accommodation in a home or hostel for young people (para. 46) are explicitly cited in the bill as grounds for deportation.

Immigrant families in difficulty are consequently being denied all the educational and social assistance that the welfare state makes available to its own nationals. Under such wide-ranging grounds for deportation such circumstances as a shortage of housing space (e.g. as a consequence of a failed housing policy) and resources in the country can be deemed to justify deportation as being in the interests of the Federal Republic of Germany, as pointed out by Rittstieg in his opinion (see annex). No longer is it necessary to be convicted of an offence, it is enough to have been found guilty of any minor misdemeanour or an infringement of a decision of a court or administrative department to be deemed worthy of deportation. Mandatory deportation applies only to those sentenced to a term of imprisonment of at least five years. The existing law concerning foreigners (para. 10) provides only for discretionary deportation.

A special significance attaches to these grounds for deportation since they are decisive in relation to the extension of residence permits and the claim to have residence confirmed. They are issued only on the conditions outlined above and additionally only if none of the wide-ranging grounds for deportation exists. Judges and lawyers in the public service and transport trade union (ÖTV) state in this connection: 'The deportation provisions make the existing legal position more stringent and violate the principle of proportionality. Since deportation is tantamount to a supreme punishment and can often entail the complete ruination of the person concerned, it should be applied only after consideration by the courts at the highest level in strict accordance with the principle of proportionality and only as a last resort. ... The grounds given for statutory deportation and discretionary deportation are inappropriate and disproportionate. ... In the longer run they can only create a climate of uncertainty. It is significant in this connection that in several areas the law makes confirmation of residence and improvement in the status conditional upon no grounds for deportation existing, without making this depend on whether the grounds for deportation concerned could in fact justify actual deportation in terms of the principle of proportionality. The new approach should be rejected in its entirety and will be impossible to maintain in practice ... Conflicts of constitutional law are being programmed in.' (Opinion of 2 February 1990, p. 18 ff.).

There are two important points on which we want to concentrate further in this report since they are closely connected with the foregoing and help to make the logic of the foreigners' bill more evident. These are the political activity of immigrants and the clauses governing access to computer data on foreigners.

Prohibitions and limitations on political activity by immigrants are dealt with in paragraph 13 of the bill. There are activities that are fundamentally prohibited, and those that may be prohibited. 'Insofar as foreigners are granted the possibility of engaging in political activity, it can and must be expected of them that they do not compromise the interests of the host country. For their political activity can of itself raise major legal and political problems for the host country. If it is aimed against other States or the governments of other countries, the foreign relations of the host country could be significantly compromised.' (Explanatory statement p. 25 ff.) In practice this means for example that it would be forbidden to take part in a demonstration against a dictatorial regime on, for example, the occasion of a state visit, since doing so would adversely affect the Federal Republic's foreign policy interests (para. 37(1)(2)). But even something like

a sit-down protest against an announcement by racist parties is also prohibited to immigrants since it could involve recourse to violence or expressing approval for its use (para. 17(1)(3) and (2)(3)). Moreover, political activity that 'compromises or jeopardizes political opinion-formation in the Federal Republic of Germany or peaceful cooperation between Germans and foreigners, or different groups of foreigners, in the Federal territory, or the public safety and order or other major interests of the Federal Republic of Germany', is prohibited (para. 37(1)(1)). That could mean that protests and actions against racist groups, parties or laws could be prohibited because they could compromise public opinion formation and peaceful coexistence. On public opinion formation immigrants are thus expected to make no contribution, since the right to vote - even in local elections is withheld from them, and other, non-parliamentary forms of politics could be regarded as jeopardizing the interests of the Federal Republic and be prohibited. It is extremely doubtful that the claim to 'peaceful coexistence' can be met if peace is already being disrupted by the fact that part of the population has to live under such far-reaching prohibitions laid down by the law.

Even support for freedom movements or anti-apartheid campaigns in other countries is prohibited if the courts consider that its 'objectives or means' are incompatible with 'the basic values of a constitutional law and order that upholds respect for human dignity' (para. 13(2)(4) and (5)). Infringements against these wide-ranging restrictions and prohibitions on political activity, clearly open to tendentious interpretation as they are, are grounds for deportation.

The explanatory statement to the bill nevertheless asserts: 'These options do not in any sense restrict the rights of foreigners living in the Federal Republic, but serve rather to provide for their protection. The activities of extremist foreigner groups are directed predominantly against foreigners living in the Federal Republic ... The attempts of small extremist minorities to divide foreigners living in the Federal Republic into mutually hostile foreigner groups also encourage prejudice in the German population against foreigners as a whole. It is consequently essential to be able to prohibit political activities by such foreigners ...' (explanatory statement, p. 26).

The judges and lawyers belonging to the ÖTV trade union comment on this as follows in their opinion: 'exceptional legislation on political activity by foreigners, such as that to be created by paragraph 37, should be firmly rejected. The non-specific and wide-ranging options set out in para. 37(1)(1) will allow every possible form of political activity to be prohibited. The arrangements proposed here are profoundly undemocratic, and degrade foreigners in the Federal Republic to a group of persons living on tolerance and of a lower status in principle. General criminal law provisions and the option of prohibiting political associations are more than adequate ...' (Opinion of 2 February 1990, p. 17).

The DGB trade union rejects paragraph 37 on political activity, and proposes the following formula: 'political activity by foreigners shall be governed by the same legal provisions relating to associations and meetings and criminal law provisions as are applicable to Germans.' (DGB Federal Bureau Opinion of 5 December 1990, p. 12).

Compilation of information relating to persons (paras. 75 and 76)

To determine whether any of the above grounds for deportation exists, information of the most widely varying nature is necessary. The bill provides that all local authorities and public departments can be required to declare all information known to them about foreigners. It is unclear what can be defined as 'public department' - pursuant to para. 203 of the Penal Code (StGB) public departments can for example include counselling services for marriage, educational, youth or drug addiction problems, counselling services pursuant to para. 218, doctors, dentists, psychologists, chemist shops, etc. All data that might be relevant to a possible deportation are to be declared to the foreigners department. Data that have to be declared include illegal residence, unauthorized political activity, homelessness or failure to provide 'adequate living space' in the above sense, claims for educational assistance, suffering from infectious diseases, violation of regulations, etc. 'The information is to be obtained from the person concerned. It may subsequently be communicated without the intervention of the party concerned to other public departments, foreign authorities and natural and legal persons under private law ...' (para. 75(2)). Paragraph 76 then stipulates that 'public departments', must on application communicate to the authorities responsible for the implementation of this law any circumstances that have become known to them, or (para. 76(2)) 'to inform the appropriate foreigners' department if they come to know of:

1. Residence by a foreigner in possession neither of the required residence authorization or temporary permit,
2. Any infringement of accommodation space restrictions, or
3. Any other grounds for deportation. In cases 1. and 2. above, and of other activities punishable by law, the police department responsible can be informed in place of the foreigners department ...' (para. 76(2) of government bill). In other words the complete apparatus of social administration from schools to the services of independent practitioners can be enlisted in supervising and monitoring the immigrant population with the full force of the law.

The Berlin Senator, Mrs John, responsible for matters relating to foreigners has commented on para. 76 as follows: 'Para. 76(2) should be significantly reduced in scope so that public advisory bodies can continue to operate on the basis of confidentiality and not be required by law to act as informers. This is especially so in the case of social and youth services ...' (Opinion of 6 February 1990, p. 9). Subparagraph 4 of the same paragraph states: 'The Federal Minister of the Interior shall stipulate by way of regulation with the approval of the Bundesrat that:

1. registration departments
2. nationality departments
3. passport and identity card departments,
4. social work and youth departments
5. legal, police and administrative departments
6. employment offices
7. finance and customs departments, and
8. trade authorities

shall, without application by the authorities, make known to the departments responsible for foreigners, personal information relating to foreigners ... and any other information known to them concerning foreigners, insofar as such data is required by these departments in fulfilling their duties under this act and under provisions relating to foreigners under other acts ...'

(para. 76(4)). If there is a threat to public health doctors are also expected to forward information relating to individuals (para. 76(5)).

The judges and lawyers organized in the ÖTV union comment as follows: 'There are considerable reservations as to whether the basic right of self-determination in relation to personal information is here being adhered to, having regard to the possibilities created by paras. 75 ff. of extensive data collection and exchange. ... The obligation laid down in para. 76 on all 'public departments' officially to forward all personal data to the departments responsible for foreigners is too sweeping in its scope ... The professional obligation to silence (doctors, marriage counsellors, social workers, etc.) should remain inviolate; the special rules relating specifically to foreigners should be rejected ...' (Opinion of 2 February 1990, p 29 ff.). And both immigrants' organizations and independent professionals in the social welfare sector, who are financed by State money, have joined in strongly criticizing this 'comprehensive monitoring' approach, not least because - in addition to violating laws on confidentiality of data - it threatens the whole basis of their work which relies on winning the confidence of immigrants.

These have only been a few points from the bill cited here as examples of how, if the bill is passed into law, its effect will be anything but to promote integration and equivalent living conditions between immigrants and Germans. Another factor is that extensive centralization is being sought, so that authority will be withdrawn from the Federal Länder. Whereas it has been possible in some Länder to allow spouses to immigrate by reducing the duration of marriage requirement, or to remit deportations, when the bill is passed into law the Minister of the Interior will have sole authority. Not even authorizations by the different Länder, as for example for the granting of parole or the partial or full suspension of sentences for imprisoned immigrants in West Berlin, will any longer be possible after the new Foreigners Act enters into force. The Länder will be no more than the implementing mechanisms of Federal policy on foreigners. The option of exerting political influence at Land level will be no longer available, a situation that infringes the federalist principle in the Federal Republic and disregards the principle of executive Land authority pursuant to Article 83 of the Basic Law. Instead of giving those concerned greater legal security, as it specifically claims to do, the bill in fact perfects the state apparatus available to the departments dealing with foreigners. The bill has swollen from 55 to 102 clauses containing so many special provisions, requirements for applications, etc. that even experts find it virtually impossible to find their way round it. It consequently also fails totally to live up to the objective of providing greater overall clarity for those affected.

As Mrs John asserts, 'This law makes fundamental inroads into the basic living environment of some three million people (foreign workers from non-EC countries and de facto refugees), some of whom are already third-generation residents of the Federal Republic. It intrudes into their personal and public affairs; you could almost say it plays at fate with their livelihoods. ... Most of the new provisions are also based on the assumption that the State authorities can treat the resident immigrant population on sufferance and arbitrarily subject them to surveillance. Such an approach exudes mistrust. As the courts themselves acknowledge integration cannot be achieved by residence permit regulations alone. It is bound to remain totally ineffective if the legal provisions set too narrow boundaries, and its use

will be widely viewed as deliberate harassment because certain rights can only be claimed after a demeaning series of hurdles has been cleared ...' (Opinion of 6 February 1990, p. 1ff).

The ÖTV judges and lawyers also criticise the bill as an 'attack on the concept of humanity enshrined in the Basic Law', and accuse its originators of ignorance of material circumstances and of relative numbers'. 'By comparison with the previous legal position, a massive deterioration is being introduced in many respects without any evidence being produced of its necessity as a matter of legal policy. ... The Federal Republic of Germany continues to lack a well-founded policy in relation to foreigners based on rational criteria. Despite repeated assertions to the contrary it is in fact a country of immigration of major and growing proportions. ... The bill is imbued with distrust. Authorities and courts may be too gentle and human in their dealings with foreigners. The bill aims repeatedly at excluding every possible remaining margin of manoeuvre in favour of foreigners ... (Opinion of 2 February 1990, p. 21ff).

Trade unions, welfare organizations, immigrants' organizations, churches, etc have spoken out against the bill and proposed amendments to some of its clauses. The main tendency however is to try to prevent this bill from becoming law. A number of actions have been organized to this end, with the aim of dumping the bill and putting whole problem up for discussion from scratch with all the interest-groups concerned. But there it must be said that the bill was tabled for first reading in February without major publicity and with immigrant groups being given little chance to react. The bill is now down for second and third reading on 27 April by the Bundestag, and on 11 May by the Bundesrat, when it will be finally adopted and become law.

Question 5: Have your national authorities drawn up any long-term strategy for immigration and the integration of persons from other countries of the Community, having regard to the free movement of persons which is to come fully into force with the completion of the internal market in 1992?

According to information from the Federal Ministry for Labour and Social Affairs there is no strategy in relation to any future European integration. Preliminary consideration was ended about a year ago with the increase in ethnic Germans from East Germany and elsewhere, because their numbers were very much greater than those of immigrants from other EC countries, and consequently were creating much greater problems. The majority view appeared to be how this 'influx' could be coped with, and how the borders, especially those in the East, could be controlled. With these open frontiers it was of course possible for persons from the Third World to enter without an immigration check. But no concrete response to these questions has as yet been forthcoming.

BIBLIOGRAPHY

The extreme right

Benz, Wolfgang 1989: *Rechtsextremismus in der Bundesrepublik*, Frankfurt am Main

Funke, Hajo 1989: 'Republikaner', Aktion Sühnezeichen/Freidensdienste, Berlin

Gessenharter, Wolfgang 1989: *Konservatismus und Rechtsextremismus - Nähen und Distanzen*

Heitmeyer, Wilhelm 1989a: *Rechtsextremistische Orientierung bei Jugendlichen*, Weinheim/Munich

Heitmeyer, Wilhelm 1989: *Jugend auf dem Weg nach rechts?* In: Gewerkschaftliche Monatshefte 9, 1989b

Hennig, Eike 1985: *Hinweise zur Bedeutung nationalistischer und völkisch-rassistischer Argumente in der aktuellen politischen Diskussion der 'neuen Rechten'*. In: Klaus F. Geiger (ed.), *Rassismus und Ausländerfeindlichkeit in Deutschland - Beiträge zu ihrer Erforschung*, Kassel

Kellershohn, Helmut 1989: *Der völkische Nationalismus der Republikaner: Diss-Texte Nr. 8*, Duisburg

Stöss, Richard 1989: *Die extreme Rechte in der Bundesrepublik: Entwicklungen - Ursachen - Gegenmassnahmen*, Opladen

Examples for measures in education (Question 4:2)

Memorandum zum Muttersprachlichen Unterricht in der Bundesrepublik Deutschland, In: Federal Working Party of Immigrants' Associations in the FRG and West Berlin (eds.), *Muttersprachlicher Unterricht in der Bundesrepublik Deutschland*, 1985

Cummins, J.: *Sprachliche Interdependenz und kulturelle Ambivalenz*, In: Swift, J. (ed), *Bilinguale und Multiculturelle Erziehung*, Würzburg 1982

Cummins, J, and Skutnabb-Kangas, T.: *Minority Education: From Shame to Struggle*, Clevedon 1988

Fremgen, G.: *Und wenn du dazu noch schwarz bist*, Bremen 1984

GEW (Educational and Scientific Trade Union), *Bericht über Rassismus in den Schulbüchern*, Hamburg 1984

Gogolin, I.: *Erziehungsziel Zweisprachigkeit*, Hamburg 1988

Kalpaka, A.: *Handlungsfähigkeit statt 'Integration'*, Munich 1986

Skutnabb-Kangas, T and Phillipson, R.: *Wanted! Linguistic Human Rights*,
Rolis Papir, Roskilde 1989

CDU, *Konzept zur Ausländerpolitik*, Federal Specialist Committee on Internal
Policy, 1984

FDP, *Positionen einer liberalen Ausländerpolitik*, Federal Bureau 1988

Amendment of the Foreigners Act

Bill (*Gesetzentwurf*), German Bundestag, *Drucksache* 11/6321, 27 January 1990,
Bill for the Amendment of the Foreigners Act

Explanatory Statement to the Bill, Bonn, 27 September 1989

Opinions on the Bill for the German Bundestag's Internal Affairs Committee by:

- German Trade Union Confederation (5 February 1990)
- Barbara John, responsible for matters relating to foreigners, Berlin Senate,
6 February 1990),
- ÖTV (Public Service and Transport Trade Union); Judges and Lawyers in the
ÖTV (2 February 1990)
- Prof. Dr. jur. Helmut Rittstiegl, Hamburg (22 January 1990).

N. Mr Alf DUBS

The Refugee Council campaigns for the rights of refugees and asylum-seekers in Britain and abroad.

Based in Britain, the Refugee Council has a membership of over 100 agencies and refugee community organisations. In Britain the Refugee Council provides a number of direct services. These include

- an advice service for new arrivals;
- hostel accomodation, particularly for refugees with special needs;
- an employment and training programme supported by the Department of Employment and the European Social Fund;
- a programme which supports refugee community organisations;
- a national development programme to support refugee organisations working outside London.

The Refugee Council acts as a focal point for the development of refugee policy. Through its Asia, Africa, Middle East and Latin America Committees it is able to make representations to governments and international agencies. The UK Policy Committee campaigns on issues that affect refugees in Britain.

The Refugee Council houses special projects on Sri Lanka, Afghanistan and Lebanon and Israel's occupied territories. Its public information department produces a monthly newsletter and specialist publications. Recent publications include advice leaflets in refugee languages and a booklet on refugees in Southern Africa.

The Refugee Council houses the largest collection of refugee documentation in Europe. It has extended its public education activities, reaching an extensive and varied audience. Through its combination of activities the Refugee Council is able to promote measures that will improve the lives of asylum-seekers in Britain and abroad.

Biographical note - Alf Dubs, Director of the British Refugee Council

Alf Dubs became Director of the Refugee Council in January 1989. From 1979 to 1987 he was Labour Member of Parliament for Battersea South and later for Battersea. From 1981 to 1983 he served on the Home Affairs Select Committee and on its Race Relations and Immigration sub committee. From 1983 to 1987 he was a Home Affairs Front Bench spokesperson. From 1983 to 1984 his main responsibilities were police, prisons and criminal justice; then, until 1987 he was responsible for race relations and immigration, including refugees.

Previously Alf Dubs had served 7 years as a Councillor on the Westminster City Council and was opposition spokesperson on Social Services. He served on the local Area Health Authority from 1975 to 1978, and was Chair of the Westminster Community Relations Council from 1972 to 1977. He worked for some years for the London borough of Lewisham where his main responsibilities were race relations and equal opportunity policies.

He is currently chair of the Nicaragua Health Fund and is an elected member of the executive committee of the National Council for Civil Liberties. He is author of "Lobbying - an insider's guide to the parliamentary process" published in 1988.

O. Mr W. JANSEN

Mr Chairman, members of the Committee of Inquiry,

Thank you for inviting me to address your committee on developments regarding racism and xenophobia in the Netherlands.

I have taken note of the documents you sent me, and I shall do my best in this short period of time to answer in particular the five main questions which you have put to me. I should like first to make one or two comments on my contribution.

1. The actual data on racist groups and statements can only be given in brief and thus incompletely. If required, I shall forward a more extensive summary to the committee in the near future after consulting other organizations which collect data.

2. In my address I shall lay particular emphasis on aspects of policy on immigration and integration which can in my view have a great effect on stimulating or diminishing racism and xenophobia. One reason for this is that I realized, in my capacity as draftsman of the final report for the EC Commission on the social integration of permanently resident non-EC citizens in the European Community (the so-called Hannover study, after the Hannover Summit of June 1988 at which the European Council requested this report), what differences there are in the policies of many governments on immigration and integration.

My considered opinion is that a relationship can certainly be observed between government policy on this matter and the climate for racism and

xenophobia. Since I am not here in my capacity as draftsman of the report, however, I shall limit myself to giving a brief outline of the situation in this area in the Netherlands.

3. Since the adoption of the Declaration against racism and xenophobia, an Act has entered into force in the Netherlands concerning the proscription of 'legal persons'. Under this law, a legal person whose activities are contrary to public order may be proscribed by the courts on application by the Public Prosecutor and subsequently dissolved. It is an established legal precedent that racism is regarded as an activity contrary to public order.

A bill is currently before the Second Chamber of the Dutch Parliament to supplement the Penal Code with various provisions designed to counter discrimination on the grounds of race, religious belief, ideology, sex or hetero- or homosexual orientation. The bill provides for fines of up to HFL 10 000 and imprisonment for up to six months in respect of:

- discrimination in the form of written material or the dissemination of literature encouraging discrimination;
- lending support to discrimination;
- discrimination in the exercise of an office, trade or profession.

At the beginning of this month, the Justice Minister responded to pressure from the Second Chamber by forwarding to it an amendment to the bill, whereby discrimination on the grounds of race, etc. is categorised as a felony rather than a (less serious) misdemeanour.

At the instigation of the National Office for Combating Racism, two codes of conduct have been established in the period under review, concerned with the prevention of discrimination by insurance companies and broadcasting media. The Dutch Association of Motor Insurance Companies and the General Union of Broadcasting Organizations reached agreement on these codes of conduct with the NOCR.

4. Since the signing of the Joint Declaration, extreme right-wing parties in the Netherlands, known as the Centre Democrats and the Centre Party, have obtained one seat in the elections to the Second Chamber in 1989 and 15 seats in this year's local government elections. These parties are both referred to in the report of inquiry of 1985. No legal action has been taken against them. It may be that the law I have just mentioned on the proscription of legal persons will provide a basis for action in the future. The parties and their members are regularly condemned for racist utterances.

5. Until recently, it was only possible to enter government service in the Netherlands if the law expressly so permitted. Following the repeal of this legislation dating from the last century, the opposite applies: any government post may be filled by a foreigner, unless the law provides otherwise. Such exceptions now concern only those functions in which direct public control is exercised over citizens and those related to national security. Dutch citizenship is only still required for posts connected with the administration of justice, the army and the police.

The Government has committed itself to ensuring that within a few years 3% of civil servants are non-indigenous and that there are 1000 people of Moluccan origin in government service. Recent studies have indicated that the Government is only partially succeeding in this task.

The Ministry of Foreign Affairs has carried out an intensive publicity campaign designed to show the presence of non-indigenous people in a positive light. The police and local authorities in large towns are also engaging in publicity campaigns to try to increase understanding or to recruit members of ethnic groups.

Education in their own language and culture is provided for children from ethnic groups. Much publicity has been given to this form of education, opinions on which are sharply divided.

6. Since 1983, the Dutch Government has pursued a policy on minorities based to a large extent on a 1979 report by the Government Policy Research Council (GPRC). In 1987, the Government once again asked the

GPRC to produce an opinion on this policy, as it doubted whether the approach adopted since 1983 had been correct. The main points of the GPRC's response in 1989 are as follows:

- maintenance of a restrictive policy on immigration; no limitations on families reuniting and policy on asylum;
- introduction of a law on equal treatment for foreigners with five years' legal residence and members of their families;
- citizens of third countries to be treated on the same basis as EC citizens after five years;

granting of Dutch citizenship with retention of original nationality;

- granting of a right of return to the Netherlands after (unsuccessful) remigration for those with five years' previous residence in the Netherlands;
- introduction of a law promoting employment opportunities on the lines of the Canadian Employment Equity Act, coupled with a system of contract compliance;
- maintenance of education in the indigenous language and culture, but outside the normal curriculum.

Last month, the Government responded provisionally as follows:

- there would be no specific law on equal treatment for foreigners, but a general law on equal treatment that would prohibit discrimination on grounds of race in social intercourse;
- the granting of Dutch citizenship with retention of original nationality was rejected;
- the Government would consider a strictly worded measure allowing people to return;

- the Government would consult the social partners on legislation to promote employment opportunities based on the Canadian model, but contract compliance was not under consideration;
- education in the indigenous language should be retained as part of basic education and made optional in further education.

The Government Pact drawn up after the formation of a coalition in 1989 includes the following as regards the position of foreigners:

- under the new Aliens Act, except where the law provides otherwise, foreigners will be entitled after five years' legal residence to a legal status comparable to that of Dutch citizens;
- giving full rights to foreigners who have legally resided in the Netherlands for five years or more (the right to vote in national elections) cannot be seen in isolation from the development of a Europe without frontiers.

Concluding remarks:

In recent years, the authorities have vigorously sought to curb (illegal) immigration by means of intergovernmental cooperation in a number of forums where discussion and decision-making take place behind closed doors. In the absence of an adequate means of democratic control at European level, a 'democratic deficit' is created which can hardly be made good by national parliaments.

Measures designed to curtail the rights and social opportunities of third country nationals resident in the Community emerge from the abovementioned forums and are implemented at lightning speed.

Measures which might increase the rights and social opportunities of citizens of third countries, however, are taken through lengthy European procedures and are often doomed to failure from the start. Examples of the former are the extension of visa requirements and the harmonization of procedures for obtaining asylum. Examples of the latter are the proposals for enabling

immigrants to vote in local elections and for equal treatment between permanently resident non-EC citizens and EC citizens themselves.

If the three signatory Institutions take their own Joint Declaration against Racism and Xenophobia seriously, then an awareness of the positive contribution that workers from third countries have made and can continue to make to the development of the Member State in which they reside - and of the benefits derived from it by the Community as a whole - must lead to equal treatment for all citizens of the Community before the completion of the internal market. If this does not happen, there can be no talk of a People's Europe.

P. Mr Abdelatif IMAD

INTRODUCTION

For a number of decades now, immigration has been a focal point of the political debate in France as elsewhere. The ever-increasing number of statements by politicians on this subject show a tendency towards a national consensus. There are two lines of argument:

- the first is based on the assimilation of immigrants;
- the second is based on the principle of exclusion.

In the course of this debate and polemic, it is in fact French society which is learning about itself and questioning its past as well as its future. The issue of the future of immigrant minorities has to be viewed in terms of French society and its future.

The assimilationist view, seeking homogeneity in French society, has existed throughout the history of France. It is reflected in the concept of the "national identity", the "national culture" and in the equating of "nationality" and "citizenship".

Those concepts have inevitably resulted in racism and xenophobia, in the rejection and exclusion of a large section of the French population. In consequence, immigrants have been classified as European and non-European, first generation and second generation, "good" and "bad" immigrants; the fate reserved for "bad" immigrants being insecurity and expulsion, and the reward "offered" to "good" immigrants assimilation.

The concept of assimilation into society derives from the human sciences and has developed into sociology, anthropology and psycho-sociology. The root of the word "assimilation" is in fact the term "similar", that is to say "alike", and assimilation therefore implies

"BECOMING ALIKE"

Assimilation is thus the process whereby a group of individuals, usually a minority and/or an immigrant group, blends into a new social and cultural background. The sign of successful assimilation is blending in completely, abandoning the culture of origin.

Become assimilated or leave

Faced with opposition from the immigrant population to the concept of assimilation, politicians stopped using it and turned instead to "integration". In our view, integration is a discreet and updated version of assimilation, and its entry into the field of [human] rights has resulted in two expressions:

"the right to be different" and "the right to be the same" sometimes demanded separately and sometimes concurrently.

Different from and the same as who or what, in comparison with whom or what?

Whether or not we like it, such expressions are based on the idea of a "yardstick", a "standard" to be achieved.

Compared with this integrationist view, it is the principle of exclusion which is increasingly gaining ground on the political scene, seeking a "scape-goat" and establishing a link between particular sets of ideas, and thus fuelling racist and xenophobic talk. We must stress in this connection, the danger represented by the statements of the National Front which have influenced the whole field of politics, both the left and the right.

The most recent statements of politicians demonstrate this. Take for example the "Rushdie" affair and the affair of the Islamic "headscarf" in which the equation

immigration = integralism

was the main topic of debate in France. Then there was the occasion on which the President of the Republic referred to the "tolerance threshold" to emphasize that it had been exceeded, and the Prime Minister's declaration that "France [could] not take in all the world's destitute". The right, meantime, developed, on the basis of its general statements on immigration, a way of uniting its divided factions around the slogans of the National Front, in an effort to reverse the downturn in its electoral fortunes. It came right out and demanded the abolition of social benefits for immigrants, considered to be "undesirables"...

The way in which those ideas were linked helped promote the development of a climate of racism on the one hand, and an increase in the number of racist and fascist groups, on the other.

Latterly, that climate has resulted in the racist crimes at La Ciotat, Roanne and St Florentin. That clearly is the consequence of all those immoderate and irresponsible political statements, the sole object of which is to gain votes for electoral purposes.

Faced with that rise in racism, the only response of successive governments has been to set up committees whose reports lie forgotten (the Hanoun report, the report of the Committee of Wise Men, the Dray report, the report on racism...)

It is, in short, our contention that the fight against racism must take the form of the fight for equal rights for all citizens whatever their nationality: the right to housing, to education, the right to vote and the right to vocational training etc....

1 EDUCATION

Though, at first sight, schools may seem to be a place in which inequalities are swept aside, the true state of affairs is very different.

The recent case of the "headscarf" provides striking evidence of this. In that appalling case, immigration provided the scapegoat. Politicians on the right and the left proclaimed loudly that secularism was under threat, and this included the advocates of private education.

The attitude of the Government, and in particular the Minister for Education, was very lukewarm and this has resulted in the present state of affairs. Rather than tackling the real issue and resolving the crisis affecting education in France, the flag of secularism has been brandished in the face of an enemy responsible for all ills: Islam and therefore immigrants from the Maghreb States.

The final ruling in that case gave those responsible for educational establishments full authority to make their own decisions, which may turn out to be completely arbitrary:

- in some establishments, the authorities have simply refused to enrol young immigrants;
- in others, discriminatory procedures requiring parents to prove that they are legally resident, are to be deplored;
- lastly, in Montfermeil, the local authorities have refused to subsidize one establishment, claiming that it has too many young immigrants among its pupils.

Thus, despite the Ministry of Education circular of 16.7.84, which required that non-nationals should be enrolled under the same conditions as French children, there is still discrimination but no action is taken against it by the public authorities.

Immigration and academic failure

Academic failure has always been cited as proof of the failure to integrate young immigrants into the educational system. The main argument here is cultural difference, but this helps fuel racist attitudes. Without entering into detail, an analysis of the lack of academic success of young immigrants should not be based on cultural factors but should take account of the social situation of the parents, who have to contend with all the problems of uncertainty over housing and their right of residence.

A whole range of studies has shown that, where they are of the same social class, French children and their non-French counterparts experience the same rate of failure

Taking into account the culture of origin

In the priority education zone programmes ("ZEP"), there is some emphasis on the teaching of the mother tongue. But this appears on the timetable in the same way as other extra-curricular activities (dance, tennis..) - indicating failure and resulting in the marginalization of immigrant children.

Generally speaking, there are two types of teaching method which must be denounced at school level:

- the global approach under which all children are considered to be equal in exactly the same way (taking no account of social inequality and special cultural features);
- the specific approach, which involves mentioning the culture of the others from time to time in terms of cookery, music or folklore...

In both cases, the immigrant child is either divided between two cultures (at home and at school) or he learns at school of a culture which is presented as being his culture but in much impoverished terms. The results may be tragic and one of two extremes: rejection of or the attachment of excessive value to the parental culture. Doubly excluded, in consequence of the social and cultural origin of their parents, and segregated in

schools whose function is to perpetuate social inequalities, young immigrants are bearing the brunt of the crisis within French society.

Techniques which might be found here and there to alleviate the problems will always fail, if the fundamental issues are not dealt with.

In our view, the real role of the school should be to educate children to be citizens. In order to do that, it is necessary to give substance to the term secularism, often used but meaningless, since it is defined in terms of the fight against dogma but has come itself to be used inflexibly and dogmatically.

Where secularism is given that restricted definition, schools confine themselves to taking into account only the smallest common denominator and fail to take advantage of the diversity which could enrich a whole class and, indeed, of the special qualities and contribution of all its members: the result is therefore an attempt to gloss over the differences between individuals.

We prefer a positive view of the "neutral approach" through which schools can allow the widest possible expression of differences (including religious differences), not in order to counter or foster them, but in order to teach children, our future citizens, of the life-long relationship they will have to have with each other, with the particular and the universal.

2 CONDITIONS OF ENTRY AND RESIDENCE FOR FOREIGN NATIONALS IN FRANCE

The French rules on foreign nationals are based on a twofold obsession:

- meeting the labour requirements of French industry;
- guaranteeing the demographic renewal of French society.

Over the years, and in line with the far-reaching changes in French society, both economic, social, political and cultural, French laws on entry and residence for foreign nationals have continued to be restrictive and arbitrary.

The crisis of the seventies, the composition of the foreign population in France and its, for the most part, permanent settlement were to change French immigration policy. That period marked a radical change in the arsenal of laws

applicable to foreigners, with the adoption of measures reinstating restrictions on the legal status of permanently established foreign groups.

Since 1970, French rules on immigration have undergone constant amendment, making the status of the immigrant marginal and uncertain. The same guiding principle is to be found in the Marcelin and Fontanet circular (February 1972) the "Joxe" Act and the "Pasqua" Act: the continuing economic crisis and the absence of political proposals to stem its effects have generally contributed to the development of a consensus on immigration.

Immigration is undesirable and immigrants must be encouraged to return home

Despite the difference in statements of the right and the left, this same guiding principle is to be found throughout legislation. The spread of Le Pen-type attitudes and the inability of politicians in France to establish the proper bases for a real debate has caused analysis in matters of immigration to be rooted in simplistic and unfortunate arguments, justifying in all instances the restrictions on the rights of foreigners to enter and reside in French territory.

The bases of the Pasqua Act are an example of this

The law of 6.9.86 placed greater emphasis on identity checks. Every foreigner is a potential criminal, a terrorist and an illegal immigrant. That law marked a turnaround in the attitude to immigration, which was further encouraged by the fascist ideas of the National Front and which was to result in racist attacks and violence culminating in the murders of young immigrants.

The law of 9.6.86 (the Pasqua Act) further amended the provisions of the Order of 2 November 1945. This involved

* Amendments relating to the conditions for granting a residence permit:

- The concept of obtaining a foreigner's residence permit became meaningless;
- There was a reduction in the number of categories of automatic beneficiary;
- Pre-emption of residence permits.

* An increase in the number of penalties for "illegally" entering and residing in France.

* Establishment of the principle of a twofold penalty for foreigners.

* General visa requirement.

* Increase in the arbitrary decision-making powers of the authorities, no right of appeal for those affected.

* An increase in expulsions (charters of 101 Malis).

The Joxe circulars and the impassioned debate on the question of immigration resulted in a law which, it was claimed, would give security of residence to the immigrant population. That law of 2 August 1989, called the "Joxe" Act has amended for the fifth time in ten years the Order of 2 November 1945, which is the basic text on the entry and residence of foreigners. Although some progress has been made over residence, the legal status of several categories of foreign national remains uncertain, in particular Algerians covered by the Franco-Algerian agreements of December 1986, asylum seekers, and relatives seeking to be united with the family group...etc

The revelation of the so-called affair of the unconsummated marriages, in which certain local authorities determined whether or not the union of the future couple was valid, further illustrates the bases of exclusion under French law: no account is taken of the dignity of man and the principles of human rights proclaimed in the French Revolution. Political views on all sides are profoundly influenced by the identification of immigrants as being inevitably responsible for all ills.

At European level, that same train of thought has resulted in the signing by France of the Schengen agreements which are designed to close frontiers to all immigration from the South. In the face of those agreements, the accepted right of asylum remains under threat. The courageous approach would offer solutions to the day-to-day problems of all the citizens of France, whatever their nationality, but unless there is the will to enshrine in French law respect for security of residence for immigrants, the views of Le Pen must oblige French politicians to confront the issue of racism and the resultant atrocities which have, unfortunately, been a feature of the whole history of mankind.

3 POLICE/JUSTICE

The report of the Consultative Human Rights Committee on Racism and anti-Semitism (a committee set up in secret by Pierre Joxe

at the Ministry of the Interior) focuses on ways of improving the anti-racist law of 1 July 1972 and of establishing effective means for its rigorous application. That report, which was published on 27 March 1990, proposes inter alia that xenophobia must be prevented in schools and within the police.

We must draw attention here to the increase in the number of police errors which have resulted in a climate of insecurity for citizens. These have taken the form of:

- systematic raids in districts with a large immigrant population;
- beating up young people, insulting, intimidating and humiliating them etc..
- savage attacks resulting in murder.

Taking advantage of the general climate, the police have broken all records here in the practice of racism. We should be aware that the majority of police officers who have committed racist crimes or crimes against the security of the individual go free. This acts as an encouragement to police officers to commit such crimes. It must further be borne in mind that many police officers belong to fascist or extreme right wing groups.

That attitude is fostered above all by a two-tier system of justice in which the majority of the murderers are released in the name of the law. That is an insult to the families of the victims and an incitement to further racism.

The punishment for any racist offence or crime against the security of the individual must be exemplary.

In our view, if we are effectively to combat racism, we must:

- review the law against racism of 1972 and enable it to be enforced rigorously;
- demand that all racist crime be liable to exemplary punishment;
- bring to an end the two-tier justice system;
- prohibit the free sale of weapons;
- demand that justice be done for all victims of racism;
- require that all racist organizations be disbanded;
- penalize all racist acts or statements.

That in itself will not, however, be enough to end racism, for if we are genuinely to combat it, we will clearly have to try to establish equal rights for all citizens regardless of nationality: the right to housing, to education, to work and to health care as well as political rights.

That is the only way in which we can be sure of preventing inequality and exclusion in all their forms.

Q. Mr KITICKI

This memorandum, addressed to the President of the Republic of Senegal, sets forth, in broad terms, the concerns, questions and proposals of FETAF on the difficult situation facing immigrant workers from the ACP States as a result of the Single European Act.

FETAF wishes to use this modest contribution to draw the attention of African leaders to the at present extremely uncertain situation of immigrant African workers in EEC countries. That situation is bound to deteriorate after 1992 unless the African Heads of State act decisively and negotiate with the EEC the amendment of certain provisions of the Single Act for the benefit of immigrant workers from the ACP countries.

At a time when negotiations on the next Lomé Convention are getting underway and will be covering the period of entry into force of the Single European Act, we note with regret that the provisions of that Act, in both the social and legal spheres, barely mention social problems and those relating to the ACP/EEC Convention.

The Single European Act therefore poses questions for us all:

- first, in our capacity as workers, the producers of wealth within the EEC: between 2.5 and 3 million Africans live and work in Europe, 500,000 of them from the Southern Sahara. It is not acceptable that a community of this size should be passed over.

Of the main objectives of the Single Act, three in particular have attracted our attention. These are:

- the free movement of goods and persons, freedom of establishment, and the guarantee of these;
- mutual recognition of training and diplomas throughout Europe;
- the "social fund" for the benefit of European workers in areas of job transfer and retraining.

Those three points raise questions for us also and require us to look at the bilateral and multilateral agreements entered into by our countries and the countries of Europe.

THE BILATERAL AGREEMENTS

The best examples of this are the agreements between France and the African countries where we are faced with a veritable mosaic of individual agreements in which arrangements for free movement, freedom of establishment and residence permits vary from one country to another. As a result of that patchwork of agreements with France, the rights of African workers have become increasingly uncertain and insecure.

Before the Left came to power in 1981, French legislation had trampled over the most fundamental rights of immigrants, paying no attention to the agreements signed with our States and establishing a whole system of exceptions (arbitrary refusal of entry at frontiers, administrative internment camps etc)

PROPOSALS

- Is it not time that the African Heads of State reviewed those cooperation agreements in terms of the free movement of goods and persons and particularly African immigrant workers with a view to improving their situation in the host country?
- Given that the legal arrangements in the bilateral agreements vary, should not these be harmonized on the basis of the most favourable agreement signed between one ACP State and one EEC State?
- In the event of a positive response, might it be possible to consider the joint submission by the African Heads of State of a new programme of bilateral agreements with the European countries;
- whatever the status of bilateral agreements, we take the view that preference should be given to the multilateral agreements which accord, in respect of all the ACP/EEC States, the right of establishment to all African workers who meet the requirements laid down by the host State.

THE MULTILATERAL AGREEMENTS

Let us take by way of example the ACP/EEC agreements.

Articles 116, 117 and 122 of Lomé III deal with cultural and social cooperation and training. In its annexes, Lomé III emphasizes:

- human rights (annex I);
- the treatment of migrant workers and students (annexes IX and X).

In Article 252, ACP nationals are guaranteed the right of establishment in the EEC countries and vice-versa. Without wishing to prejudge the outcome of the negotiations on the next Lomé Convention, we, at FETAF, have to pose the question of how an act as important as the Single European Act can fail to take any account of 15 million immigrant workers in the Community?

Mutual recognition of training and diplomas means for less well educated and less well qualified immigrant workers, a period of:

- increasingly fierce competition on the labour market;
- increased levels of unemployment, which will result for the governments of their countries of origin as well as for the immigrant workers, in many problems such as:

- [the need for] vocational training to provide skills for the purposes of integration and reintegration;
- return to and reintegration in the country of origin which will have to provide a proper policy of reintegration (reception facilities, repatriation programmes, assistance towards repatriation etc).

In connection with the free movement of goods and persons, we wish to see the ACP governments propose to their EEC counterparts specific arrangements applying to ACP immigrant workers in the EEC enabling them to obtain:

- a European residence permit;
- entitlement to European health benefits (social security cover in all the EEC countries);

and guaranteeing them

- the same established and new trade union rights as European workers;
- the same democratic rights and freedoms, respecting their human dignity;
- respect for their own cultural identity.

FURTHER SUGGESTIONS

We wish to see the African ACP States continue to abide by earlier bilateral agreements while, at the same time, in the context of African unity, according preference to the multilateral agreements in which the African States are subject to less pressure. We wish therefore to see the African States negotiate with the EEC, with one voice, against the background of the Single Act, the optimum working and living conditions as well as those governing residence for African immigrant workers in the EEC.

R. Mr Hakki KESKIN

Exactly a year ago a leaflet appeared that created great concern and fear among non-Germans in Hamburg. Beside the picture of a swastika it stated, with many spelling mistakes: "Führer Befiel wir folgen Dir! DER 100ste Gerburstag von Adolf Hitler wird für euch die Zweite Kristahlnacht sein." (We will obey the Führer's command! The centenary of Adolf Hitler will be your second "Kristallnacht"¹). Turks were mentioned specifically as those to suffer the second attack. This announcement was very soon made known to large sections of the population by the media. Many Turks in Hamburg asked themselves and us whether they should send their children to school or go to work themselves on 20 April, Hitler's birthday. Although the mayor of Hamburg and the senator for the interior of the Free and Hanseatic Town of Hamburg declared that there was "no evidence of a 'deployment' of right-wing extremists in Hamburg" and that measures had been taken to ensure the safety of foreign nationals,

National press office, Free and Hanseatic Town of Hamburg

Statements by Senator Hackmann of 18 April and

Mayor Voscherau of 19 April 1989

nearly all immigrant children remained at home and many of their parents were afraid to go to work. In the event, none of the announced and feared attacks by neo-Nazis occurred. But this leaflet had managed to plunge the entire non-German community into fear and indignation.

¹ Translator's note: night of 9.11.1938 when Jewish shops and synagogues were attacked.

This incident makes the state of mind of the immigrant community in West Germany all too clear. Such a situation does not arise overnight and must stem from deep-rooted feelings of fear, insecurity and anxiety, together with a sense of vulnerability and distrust.

The immigrants' fear has nothing to do with cowardice. Rather it reflects their distrust of the policy of the leadership and results from their social marginalization. Society not only does not give the minorities any protection or sense of security but actually adopts a reserved, unfriendly, at times even hostile attitude towards them.

Are the immigrants' fears justified?

The immigrants' experiences, especially since the late 1960s, justify these feelings and the attitude they therefore adopt towards politics, the government, society and the police.

A 25-year old Turkish woman called Semra Brtan committed suicide by setting herself on fire on her birthday on 30 May 1982 in order to draw attention to the increasing xenophobia among the German public. A major Turkish daily used the opportunity to devote its entire first page to call on the public, in Turkish and German, to take the necessary measures to combat xenophobia.

Milliyet, 3 June 1982

This young Turkish woman gave her life in order to persuade German politicians and society to revise their policy towards foreigners.

One month later two foreigners were shot for no reason whatsoever in Nuremberg by a right-wing radical, and three others were seriously injured.

Der Tagesspiegel, 26 June 1982

These were neither the first nor the last victims of racist attacks. In early December 1980 two young Vietnamese became the victims of racist violence in Hamburg. The "Spiegel" periodical reported this incident under the heading "Bombs and inflammatory slogans - xenophobia is growing in the Federal Republic".

Spiegel, 15 September 1980, pp. 19-26.

Since then immigrants, their homes and their businesses have become the targets of countless attacks by right-wing radical individuals and groups, especially skinheads. The latter beat up and murdered two young Turks in Hamburg at a six months' interval in 1985.

Vom Protest zum Bündnis (From Protest to Alliance)
Documents of the Alliance of Turkish Immigrants,
Hamburg 1986

Unfortunately I cannot give you the exact figures of those who have lost their lives as a result of racist attacks. These are a few examples from my files. There is no organization that deals with racism and xenophobia at federal or *Land* level in Germany or records such incidents in chronological order.

The press certainly takes notice of the most serious attacks. But the immigrants, and in particular the Turks, suffer a wide variety of xenophobic and racist behaviour, insults, abuse and humiliations on a day to day basis. Every day they see "foreigners out" or "Turks out" together with a variety of other abusive slogans in the streets and on the walls of the bus shelters.

But we must not regard right-wing radicals and neo-Nazis as solely to blame for the xenophobia and racism. A young student experienced and tried to analyse the rejection and intolerance to which foreigners are exposed every day. She dressed herself as a rural Turkish woman in a headscarf, changed her name and began to speak in broken German. Her experiences reflect the daily life of hundreds of thousands of foreign women. She writes: "As usual I go to the bus stop and wait a few minutes for the bus. People look at me, look me up and down. During the journey to the Darmstadt inner city, I pass walls and houses with "foreigners out" and "Turks out" written on them. The feeling this gives me as a "Turk" is somehow different now. These scrawled words really scare me, because they are about me now. I am one of those who is to get 'out'..." "I suddenly felt alien in my usual environment, felt like an outsider who has no say here and makes no demands."

Sozialmagazin, April 1984

The Frankfurter Rundschau paper described the experiences of this woman dressed up as a Turk as "A journey through an arena of hostility".

Frankfurter Rundschau, 23 January 1984

Günter Wallraff worked as a Turk for two and a half years and researched into the immigrants' living and working conditions. As we know, Wallraff's experiences caused a worldwide stir. Mrs Funcke, responsible for foreigners in the Federal Government, wrote her opinion of Wallraff's book: "Günter Wallraff's report 'Ganz unten' (Down under) is shocking...It is not only an indictment of abuses in the field of employment. It is also directed at society as a whole and raises the question of how it deals behaves towards people of a different nationality - people who have lived, worked, learned and resided among us for many years or decades. Must these people not feel rejected, repulsed, despised or - even worse - ignored?"

Frankfurter Rundschau, 24 October 1985

Günter Wallraff, Ganz Unten, Cologne 1985

Discrimination does not even stop at the public authorities. Immigrants are often treated roughly and inhumanely by the authorities. Many immigrants get the impression that even the police do not perform their duties in an unbiased manner.

What are the reasons and who is responsible for this trend?

The reasons for the rise in xenophobia and racism are many. The main breeding ground for racist and xenophobic ideologies and activities is certainly to be found in the unresolved economic and social problems. The continuing unemployment since the late 1970s, which has reached an average of 8% over the past ten years, the increasingly acute housing shortage, especially in the big towns, difficulties in the schools in

overcrowded areas with a high percentage of immigrants are certainly among the most critical factors. If we are to combat racism and xenophobia we must therefore urgently tackle and resolve the social and economic problems.

These factors certainly favour xenophobia and racism but need not necessarily produce them. This often occurs only when those suffering from unemployment, the housing shortage and relative poverty blame the minorities for it. Or when they conclude that "strangers, foreigners, do not have the right to be in this country or to live and work here."

And this is where politicians becomes responsible. This is where it becomes a question of whether the politicians point the finger at the minorities and blame them for these poor conditions and difficulties and make them into the scapegoat for the failure of their policies or whether they explain the situation that has arisen pragmatically and objectively to the people. And at least as important is that they should understand that the minorities have a right to be here, i.e. that they tell the people that these minorities have become a firm component of society and belong to this country, and that they create the necessary framework conditions for them.

Unfortunately, the governments of the Federal Republic have firmly adhered to a policy aimed at employing immigrants according to the needs of the labour market. Hitherto they have insisted that the non-Germans who have been living in Germany for ten, twenty or thirty years are not immigrants but foreigners. Even the children of

immigrants who have been born or grown up in Germany and constitute one third of the foreign population are called foreigners and treated as such by law. I think that compared to all the other European states it is a German phenomenon for people who have lived or were born in the Federal Republic to be described in politics only as "foreigners".

This is a deliberate policy of isolating these people from the German population. A foreigner is simply a foreigner, i.e. someone who does not belong to this country, who is staying here provisionally and may not demand any permanent rights. This policy has also been impressed on the people's attitude to minorities, i.e. they feel that in the end foreigners have no right to stay in the country when there is unemployment or a housing shortage, and that they must go!

Many of the statements made by responsible politicians actually reinforce this attitude on the part of the German population. Let me give you one clear example of this unfortunate and grave policy: in a press statement dated 1 September 1984, Lummer, the senator for the interior of West Berlin responsible for foreigners, stated: "Apart from the difficult economic situation, the critical situation on the labour market and the parlous state of public finance, the problem of foreigners is the most serious political problem the Federal Government and the Berlin Senate have inherited from their predecessors in office. This problem is characterized by an excessive number of foreigners living in Germany, their concentration in large urban conglomeration^s, their comparatively poor level of education and training, their disproportionate share in the number of unemployed and

recipients of national assistance, the above-average crime rate and their frequent lack of willingness or ability to become integrated in the way of life and customs of this country.

These factors place a burden on our economic and social system which is neither acceptable nor tolerable in the long term."

Among other things Mr Lummer called on the Federal Government "substantially to reduce the number of foreigners" in order to resolve unemployment and the resulting problems.

The Senator for the Interior, Berlin

Press release, 1 September 1984

Some politicians take this attitude so far as to quarrel with the xenophobic party of "Republicans" about who is actually taking the hardest line against the foreigners. Max Streibel, the Bavarian Prime Minister, proudly insisted: "Schönhuber continues to adopt CSU positions, especially in the field of immigrant policy. So the real imitator is Schönhuber."

Die Welt, 1 February 1989

The "Republicans" as the dominant xenophobic party

For years the following racist/right-wing radical parties have been competing in their anti-foreigner policy in Germany:

- Nationaldemokratische Partei Deutschlands (NPD) (National Democratic Party of Germany)

- Freiheitliche Deutsche Arbeiterpartei (FDAP) (Free German Workers' Party) and
- Deutsche Volkunion (DVU) (German People's Union).

They have a wide variety of publications. But in terms of electoral success they remain negligible, apart from partial successes in individual Federal Länder.

There are also lists of candidates who take part in the elections in Federal Länder, such as the "Hamburger Liste für Ausländerstop (HLA) (Hamburg stop immigration list). They too concentrate their electoral campaigns on racism and xenophobia. But they too have had little success.

Backers, U./Jesse, E.

Politischer Extremismus in der Bundesrepublik

Deutschland (political extremism in the FRG)

Bonn, 1989

The "Republicans" party founded by Schönhuber in November 1983 seems to be establishing itself as the main right-wing radical xenophobic party and is now represented in the Land parliaments of West Berlin and Hesse and in the European Parliament. At the 1989 European elections the "Republicans" obtained a federal average of 7.7% of votes. According to sociological findings, this party is likely to exceed the 5% threshold in this year's Bundestag elections and will enter the Bundestag.

SPD Information Service.

Sociological Findings on the electorate of right-wing extremist groups and the political and social conditions for the parliamentary rise of the party of the "Republicans", Bonn 1989.

This party concentrates on questions of immigration, like the others mentioned above. In their newspaper issue for the European election, printed in an edition of three million, and with the help of posters and TV commercials, they skillfully manipulated xenophobic feelings.

Der Republikaner, special edition 1/1989

This party deserves special attention because it carries out its propaganda activities in a subtle and perfidious manner with the help of the mass media.

Apart from the "Republicans", the above-mentioned right-wing radical parties are protected by the constitution. No legal measures were taken against any of them.

Racist ideologies also find support in the universities. In 1982 fifteen university professors addressed the public in their so-called "Heidelberg manifesto": "It is with great concern that we observe the infiltration of the German nation, our language, our culture and our nationhood by the immigration of millions of foreigners and their families."

Die Zeit, 5 February 1982

The necessary measures have not been taken

In the Federal Republic we need a radical revision of our policy on foreigners and our policy on cultural minorities with the aim of ensuring equal status and equal treatment of non-Germans living here. But the proposal for a revision of the aliens law put forward by the Federal Government continues the policy of marginalization pursued in the past.

The best way to give immigrants and their children equal status would be to introduce dual nationality with passive nationality of the country of origin and active nationality of the Federal Republic. This demand by the immigrants is receiving growing support from the SPD, the Greens, the FDP, parts of the CDU, the unions and churches.

To combat racism and xenophobia we need to pass a law penalizing racist and xenophobic language and conduct. That is why I welcome the French Prime Minister's initiative to that effect. Moreover, we must set up an "anti-discrimination against foreigners office" that will record all racist and xenophobic incidents and enable preventive measures to be taken.

S. Mr Bob COOLS

TEXT FOR THE EUROPEAN PARLIAMENT'S
COMMITTEE OF INQUIRY
INTO THE RISE OF FASCISM AND RACISM
IN EUROPE

I should firstly like to express my satisfaction that the European Parliament has organized these hearings. It is always essential that future generations, especially the generations of educated people, of opinion-formers, should clearly appreciate the dangers of extreme right-wing ideologies for our society. Nothing is less dangerous than indifference in the face of this phenomenon.

Allow me to make a number of observations concerning the racism and xenophobia which are prevalent in certain parts of our city. These are naturally brought to mind by my everyday contact with such phenomena. I was first confronted with them in 1975-76, when as councillor responsible for city planning, building works and urban renewal I was the first in the country to organize a series of hearings on how the people living in local neighbourhoods and districts could participate in urban renewal together with the city authorities. Time and again I saw how some people in the room showed their

disgust when it came to trying to establish a dialogue in schools and neighbourhoods with the people we then called guest workers.

I think we are now increasingly compelled to make an accurate, perhaps harsh diagnosis in order to avoid trivializing or dramatizing the phenomenon. A correct analysis should lead to some conclusions. Race, religion and community are fundamental social factors which all come or are thrust more to the fore according to political and economic circumstances and which are underpinned by the instincts of mine-and-thine. Extreme right-wing policy consists precisely of arousing such less noble feelings in people's minds, stirring them up and urging them to expel, marginalize or eliminate those who are identified as standing in the way of their own interests. Hence the success of slogans such as 'our own people first'. A clear, simple, unambiguous, demagogic language.

The problem is though that the racist has it easy. 'Out, off, no, go home' are simple slogans, whereas those who want to encourage people to live together have to make quite a speech or virtually write a book to put their argument into words.

This makes them vulnerable, since people will hardly take the time to listen to them. We have to show now that the whole of post-war economic history has proved autocracy to be wrong. If Europe wants another chance, then movement in precisely the opposite direction has to be the right answer. The economic building of Europe needs to evolve into a political construction of the whole continent, in which we hope to develop more and more clearly a European cultural identity. This is perhaps the element that is most absent in the process of European integration, but it is also precisely that element which gives us an opportunity not merely to underline our European unity and its great cultural value, but also to emphasize the variety of our existence and to demonstrate the hollowness of nationalism and fanaticism.

Extreme right-wing ideology is therefore clearly a major obstacle on the path towards an integrated Europe and hence towards freedom and well-being for us all.

'An Antwerp situation!'

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Thus exclaimed a lady on 22 March this year on hearing the election results in The Hague. The question is, what is an 'Antwerp situation' and is there a specific Antwerp situation regarding racism and xenophobia?

The local elections in the Netherlands show us two unhealthy things for democracy: the low turnout, at only 61%, and in cities like Amsterdam 50%, Rotterdam 47.8%, The Hague 49.6%, and secondly the reappearance of the extreme right, with in some places even a breakthrough: three seats in Amsterdam and The Hague and two in Rotterdam with 6.8, 6.3 and 7.1% of the vote respectively for the Centre Party 86 and the Centre Democrats. It is evidently a piece of luck that the votes were spread over two parties. In an initial reaction, the authoritative newspaper NSC Handelsblad took the view that the absence of voters was ominous, since in such a climate xenophobic protest parties could flourish in the short term, but also because it undermined the form of consensus democracy that is peculiar to the Netherlands. This is always supposed to have been aimed at reconciling conflicting interests, achieving a curious blend of ideological opposites and ensuring harmonious rule. For me it remains a fact that even in the tolerant Netherlands, notably in the cities, xenophobia has emerged. That is greatly disillusioning, because hitherto the Dutch cities have been something of a model for us in this respect. We assumed that the Netherlands had much greater experience of a pluralist society than we did in Flanders. It is therefore a pity that the Netherlands is developing towards an 'Antwerp situation'. The question is, is there such a thing as a specific Antwerp situation? Or is the situation the same as that which is emerging in France, in Denmark, in Germany, and has already emerged in Great Britain, in the Netherlands now and soon too, I hear, in Italy?

I am afraid I have to say that the situation is the same everywhere!

The same applies moreover to the extreme right-wing parties which latch on to feelings of xenophobia so as to achieve a breakthrough. When we look at who and what the 'Vlaams Blok' is, we often discover people compromised during the occupation, their children and grandchildren, and their supporters. The 'Vlaams Blok' has already broken away, for supposedly Flemish Nationalist reasons, from the more traditional 'Volksunie'. They found the fertile ground of their dreams as a result of the merging of Antwerp with its outer suburbs in 1982.

playing on the anti-Maghreb sentiment. Such feelings could be found in a number of previously autonomous communes such as Borgerhout, parts of what used to be Berchem, Hoboken, Merksem and naturally in a number of city districts such as Stuivenberg-Seefhoek and South Antwerp. They were able to arouse these feelings in former CVP voters, shall we say in the middle-class environment, in former Flemish nationalists and in former Socialist Party voters in what were known as the people's districts. This brought the 'Vlaams Blok' the votes of 17% of the Antwerp electorate in 1988. To sum up, we can say that two elements were involved: the arousing of what I call ghettophobia in the so-called cohabitation districts and surrounding areas, and playing on the fear of what we can describe as the oil-patch syndrome.

If we look at the figures, we don't even see particularly high concentrations. The highest figure for foreigners is in the Central Station area at 32.74%. This is not a Moroccan or Turkish district, however, but rather the diamond and Jewish quarter. For the immigrant areas, the highest figure is in the Helmstraat neighbourhood of Borgerhout at 26.57%, then Moorkensplein in Borgerhout at 23.95%, the Antwerp suburb of Zurenborg at 20% and Stuivenberg in Antwerp at 24%. In the Zwaantjes district of Hoboken the figure is 17.47%, and in the Moretus district 10%. Our population ultimately only includes 10% of foreigners. If we only count the Moroccans and Turks, the figure is barely 5%.

However, extreme right-wing parties work directly every day on the feelings of xenophobia which are prevalent. The favourite targets are mosques. In neighbourhoods and districts where there is talk of a new mosque being built, fliers are constantly pushed through letterboxes, an example of which I am attaching and the contents of which speak for themselves: 'We have been living here so and so many years, give us our district back'.

We must also recognize that in electoral terms the activities focused on mosques have been the most successful. If the Moslems change their tactics, however, and say that in fact they are not talking about a mosque but about an Islamic centre where young people could go, then straight away the sights are adjusted and the argument is 'We are against an Islamic centre too, because that means noise at night, children being disturbed, etc.' So they remain set against any idea put forward by the immigrants. We are therefore confronted by a typical problem of incitement based on sheer demagogy.

Some contradictions
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What often makes me angry and resentful is that people with xenophobic reactions frequently say to me: 'I've got nothing against these people, but I'm not a racist, but you're not doing anything, when is something going to be done for once, when is something going to happen, what are you going to do about it?'

It's mainly the non-extreme right-wing parties which are in opposition or the extreme left-wing parties that enjoy using all kinds of diversionary tactics, preferably overlooking the atmosphere which genuinely prevails and preferably also heaping all the blame on the Government. This naturally plays directly into the hands of the extreme right-wing parties. They ask for nothing better than to hear that there is no policy, that there is only impotence and despair. This is the real blame that we should lay at the door of the other non-governing parties. Allow me to highlight some of these contradictions. In doing so, I would point out that not daring to vote when such contradictions exist is a cause of ever-increasing feelings of xenophobia.

People are therefore in principle against ghettos or areas of concentration. But as soon as a dispersion scheme is put forward, they throw up their hands in horror, saying: 'yes, but not in our backyard!' Especially in the case of social housing complexes. There too, people say: 'No ghetto blocks'. But if you dare to transfer one Moroccan family to a building where there are not yet any Moroccans, the whole building votes for the 'Vlaams Blok'. We have seen this time and time again. So the people who are against ghettos are also against dispersion and no solution is found. This applies not only to housing patterns but also to education. Everyone is against high-concentration schools, but as soon as there is talk of dispersion, we hear: 'but they don't like to be with us'. Dispersion or concentration thus remains the greatest of dilemmas and I should very much like a ruling on it. The term ghetto obviously brings to many people's minds a terrible wartime situation, but when I see, for example, that the Jewish people in our city have gone to live near each other in a quite spontaneous way, I think that has some significance. As the saying goes, 'those who resemble, assemble'. I recently read the following, written by Mr Hubert Prévost, Secretary-General for Integration in France: 'The first condition for integration is cohabitation in the neighbourhood and at work. Where there are only immigrants, integration becomes difficult.' Yes,

but dispersion means the patch of oil, the spreading of feelings of xenophobia through the entire population. To be sure, one should make some distinction between cohabitation in an apartment building and in the same district. However, the outcome is to a large extent the same.

To sum up: in the neighbourhood, in social housing complexes, at work, at school, in the commune - everywhere - the presence or fear of a future presence of Maghreb people is a cause of voting for the extreme right, prompted by xenophobia. Anyone who tries to make a different analysis is throwing sand in your eyes or, even worse, is perhaps unconsciously - through a faulty analysis - laying the blame for voting for the extreme right at the door of the Social Democrat or Christian Democrat authorities.

Who does this? Extreme left-wing groups and the traditional right. All this on the lines of 'they saw nothing coming', 'they did nothing', 'they're doing nothing', and so on. It's not as if we, the authorities, brought all these Moroccans over to annoy all the other people living here. When you ask what they want us to do, there is no reply. Because they would very much like to say that we should throw them all out. But they don't dare to. You often hear it claimed that it is because these people all live in the poverty-stricken, down-at-heel neighbourhoods that such an atmosphere prevails. Or they really have nothing against Moroccans, but against the inadequate city authorities. Or there is no longer any difference between the traditional parties, or 'we have lost touch with our authorities, they don't know us any more, they're doing nothing for us'. These are the classic arguments we hear every day. Then there is the complaint about children being disturbed. Children play in the street, so playgrounds must be provided. When they are, people say 'when is something going to be done for us' and so it goes on. It is total jealousy. We have learnt that immigrant policy has a counterproductive effect. People don't want a policy on immigrants, they want us to do something for them. Moreover, in the districts and neighbourhoods which are supposed to be down-at-heel, we have renovated all the streets and squares. So it can't be that.

Another frequently heard accusation which needs to be analysed is that the houses in the neighbourhood will all fall in value. The truth is that in many of the districts in which Moroccans have settled, houses were already standing empty in large numbers. In many cases, the Moroccans bought them at prices that were much too high in order to refurbish them. When they do so, people immediately ask 'Where do they get all that money?' If you say that they

borrow the money, people answer 'We can't do that'. And so we are continually placed between hammer and anvil, between extreme left-wing demagogy and extreme right-wing incitement. To say that we have not seen it coming is simply untrue. Fifteen years ago in Antwerp we set up an interpreting and translation centre, took the youngsters into schools, and they made tremendous efforts to learn Dutch. The classic accusation that they can't speak any Dutch simply doesn't hold water. All the young people who live in the districts in question understand and speak Dutch naturally. In reality, we have to accept that we are confronted by a syndrome of rejection. And the 'Vlaams Blok' simply plays on this. The Moroccans and the Turks are the unloved ones. People would like to see the back of them. This makes cohabitation extremely fragile. You can't impose it, and integration even less. Integration or fitting into the neighbourhood or the city is nevertheless the only policy we can advocate. This is not a problem of A plus B equalling C, however. It is a very complex situation, as old as humanity itself. It can only be resolved with time, patience and understanding on all sides. We must nevertheless be at pains to ensure that it is tackled with insight and especially in a vigorous way. Otherwise, there is a danger of democracy being destabilized. We now have a minefield ahead of us, and we must act as minesweepers to try to give this unwanted dialogue a chance. For we are proceeding on the basis that the only way of achieving integration or fitting in is to talk to each other. I also think that we need to rid the word ghetto of its negative connotations and rather reflect on our very positive experience with our Jewish citizens. After so many years of living in Antwerp, they chose their own way of living and working. That disturbs virtually no-one. I believe that integration by means of dispersion schemes is more difficult to accept. Whatever some people may say, the reality is that as soon as just the fear exists in a particular housing complex, neighbourhood or district that Moroccans are coming to live there, a whole environment is infected with the virus of the extreme right through the incitement of the 'Vlaams Blok'. Integration presumes moreover the will of all groups to live together. This will does not, for the time being, exist. In these neighbourhoods I only hear the words 'out' or 'go home'.

As for this 'going home', we must also have the courage to say that the premium system as it exists here, as it exists with higher amounts in Germany, as also portrayed by the PVV, is in no way a really feasible card to play. Those who are persevering with it know that they are really pursuing an

impossible policy and only manipulating words that will have no further consequence.

I can in fact put forward a similar argument regarding schools. There is frequently criticism here of the high-concentration schools, and pedagogically speaking there is a lot to be said in its support. If we are talking about dispersion across all schools, however, we see that often in the private system the school doors remain closed, whereas state schools are obliged by laws and regulations to open their doors. Nevertheless, I think that schools are a very important factor, and here the Ministers of Education should recognize that the teaching staff confronted with this difficult task need to be particularly well motivated, trained and indeed remunerated. It is through school that the youngsters of immigrant origin have the opportunity to beat a path into society. In the end we know that the best means of integration is work. Everywhere, throughout the world, minorities have only gradually been able to fit into a different community by virtue of the fact that they are accepted into a system of work. Those who remain outside or who simply live off support will always be looked at askance by the native population and will naturally fall back on their own subculture and thus constitute an obstacle to integration. In other words, they must seize the chance offered them by education with both hands and dedicate themselves to learning. It is the only way to assert themselves in society. This applies all the more to women from the Islamic world who have also to achieve their emancipation.

To sum up, we might say that we have learnt from so many years' experience that the problem of the presence of Maghreb people in districts and local neighbourhoods cannot be solved by a policy on immigrants, that it is not a problem on the lines of one plus two equals three, but on the contrary a psychological problem, a problem as old as humanity itself. Not a problem of housing, streets or poverty, but a problem of cohabitation, of people who have never asked to live together, a problem with which the local authorities in the first instance have simply been confronted. For the most part, national governments have done very little to help and taken the view that the local authorities should be able to cope. Such problems demand special social structures. We have to say, however, that in our districts and neighbourhoods the social structures are often disappearing and not being replaced, and that traditional local and neighbourhood life is no longer there, given the different ways of life and given also the fact that these districts are more

often than not inhabited by elderly people. For these reasons, when our city administration came into office in 1989 it took the initiative of establishing 'Cisos' in those districts where such problems of cohabitation occur. These are centres for information and improving cohabitation, where anyone, and I stress anyone, who lives in that district and has social or other problems of any kind can sort them out. Where people can meet each other through representatives of the city authorities whose only task from morning till night is to be available to these people and help them. For the impression is all too often given that we are unaware of them or that they are being left to their fate. Nine of these 'Cisos' are currently planned in Antwerp and are slowly but surely taking shape. Through their continuing presence, they should enable us to react and dispel such impressions as 'we are living in an unsafe area', or 'there's a policy of giving preference to immigrants' or 'nothing is being done for us'. On the contrary, it should be possible to show that the policy on spending is being applied fairly; that the police must intervene where necessary and not in favour of or against anyone, taking as their only guideline the infringement of laws and regulations. It can be pointed out at every opportunity that the immigrants also have to fit into our city and show an interest in the culture of the city in which they live. We have said so often that everyone who lives in Antwerp must be able - and want - to feel an Antwerper. 'Cisos' therefore represent a municipal service at neighbourhood and district level and are aimed at the population of Antwerp without distinction. In other words, we believe that the feeling of xenophobia or of plain anger must be addressed at grass-roots level. We are trying to:

- a) clear the mines from the field of unrest which at the moment is being regularly exploited by the parties of the extreme right, i.e. avert racism by providing a constant flow of information for those who will listen;
- b) put an end to genuine social - and other - distresses;
- c) improve the atmosphere and seek a democratic consensus.

We obviously expect the government, the communes and, in particular, the cities that are confronted with these difficult problems to provide the necessary resources.

The duties of immigrants as newcomers

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If immigrants and their children wish to stay here, we must expect some effort on their part to fit into the fabric of our society. In other words, the immigrant population needs to realize that in certain areas it has unsettling effects which bring with them more and more political consequences. So if we want to remove the seed-bed for extreme right-wing ideology and encourage integration, we must lay down a number of requirements which the immigrant population has to meet. These requirements must be proclaimed ever more loudly, since we need to reach the right audience in such areas.

1. We consider it absolutely essential for everyone to learn to handle our language in a reasonable way. Previously we were confronted with the problem of French. We cannot now allow ourselves to be influenced by other languages.
2. We expect parents and children to make a reasonable effort to achieve satisfactory results at school.
3. We wish parents to pay the necessary attention to their children's out-of-school activities so as to prevent vandalism and juvenile delinquency. This is a factor which others are only too keen to exploit in order to equate the immigrant population as such with criminal behaviour.
4. We do not expect the immigrant population to adopt a provocative stance towards the indigenous population. On the contrary, they must make an effort to gain acceptance in local neighbourhoods and districts.
5. We believe that the number of mosques in Antwerp, currently 18, should be kept limited. As we know only too well, constant site conversions play into the hands of the agitators. It would be good to have some criteria on this matter from higher authorities. Moreover, we should not forget that only 10 to 15% of the Moslems living here attend mosques, i.e. a minority. It is true though that they do have to pay great attention to the after-school activities of their children.
6. It goes without saying that we must expect the immigrant population to abide by the laws and regulations that apply here - as well as our

practices and customs. The level of interest in our culture is too low. In the end, immigrants have to realize that in many cases they arouse feelings of insecurity and that this must be overcome! That is why the police naturally also have an important part to play in these matters. With this in mind, a special group has been set up in Antwerp consisting of so-called neighbourhood officers. There are still too few of them, as they are being recruited on a voluntary basis. In general terms, though, it is very important that the police steer the right course. They must intervene when laws or regulations are being broken. All too often I have the impression that the police are slightly apprehensive of intervening in immigrant affairs. I sometimes hear that, anyway. It's not easy, but I would say that that is what the police officers are there for. This idea of not wanting or not being able to intervene naturally exacerbates the feelings of insecurity. In addition, the immigrant population is sometimes confused with political refugees and other foreigners residing here legally or otherwise. In fact, one has to admit that there has often been criminal behaviour on the part of some of these foreigners living here who have little to do with the immigrant population. I can tell you that of the last 172 foreigners issued with deportation orders, 28 were from the Netherlands, 24 from Zaïre, 14 from Ghana, 12 from Morocco, 10 from Turkey, 7 from Poland, 6 from Hong Kong, 5 from Egypt and then a whole series of other nationalities.

There is also the problem of immigrant = fundamentalist = integrationist = terrorist. Once again, such a phobia increases insecurity or the feeling of insecurity. It seems to me in fact that in many cases Islam as such automatically creates fear. This results of course to a large extent from the fact that it is a religion which is alien to our citizens. Consequently, little is done by those who practise the religion to familiarize people with it. I have already pointed out that only 10 to 15 % of believers actively practise the faith. However, we believe that through their sometimes sectarian attitudes, many imams arouse sentiments which people spontaneously react against. I think these gentlemen should realize that in the end they are coming here to practise a faith with which people are totally unfamiliar and for which they have little feeling. A less conspicuous way of practising this religion could perhaps produce quite some results. Of course a suitable means of organizing the Islamic faith in this country must be sought, for instance a high council on the lines of the Jewish consistory. But such a high council

would have to be set up in a very democratic way, and not in the way such things are done at present. Moreover, the best way of making Islam acceptable here in the West would be to secularize the religion. We know though that traditions such as language and belief function to some extent as status symbols for the immigrant who feels forced back into his own subculture. It is rather the extent to which he does not seek to emphasize it that may gain him a greater degree of acceptance. I might point out in this connection that our own priests have long since abandoned clerical dress. For them too it was a fairly important change, made with a view to fitting into society.

Is this simply a local phenomenon now in Antwerp, or an episode in a new right-wing adventure for Western Europe?

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Today we cannot leave out of consideration the changes which are taking place in a different part of Europe. It is the urge for freedom, the urge to look outwards. Unfortunately, nationalism and anti-semitism are also once again coming to the surface. Nation states created in 1918 are not homogeneous. All of them, to a greater or lesser extent, include significant minorities. The danger is therefore not imaginary that this may quickly lead to authoritarian regimes. We were all conscious of a number of unpleasant incidents in Bucharest, we saw during the elections in Budapest that parties sprang up under such banners as 'God, fatherland and family', with slogans like 'pure past, sure future'. We once again hear the word 'polak' used in the GDR. We hear anti-semitic utterances in Poland, to say nothing of the turmoil in Yugoslavia or the pogroms in the Soviet Union. What might happen now is that on the threshold of the 21st century, the end of the 19th century reawaits us. Danger lurks, for example, in an alliance between petty-bourgeois East European nationalism and populist right-wing racism in Western Europe. This would undoubtedly block the mechanism of European integration and result in a series of crises, conflicts and adverse effects on prosperity.

All this would of course mean the final condemnation of Europe at world level. The key to preventing this, however, is held by the Germans. They have to set the great example. So far, the process of democratization in the GDR has gone well. Still more encouraging was the fact that on the same day as the elections in the GDR, the Republican Party lost half its votes in local elections in the state of Bavaria. I am thus only too willing to endorse the

statement by Chancellor Helmut Kohl: 'We regard the process of German reunification as a European matter. It must therefore also be seen in conjunction with the CSCE process and with European integration. The EC will have to open up towards the East; it cannot finish at the Elbe. In this way, it can become the basis for truly comprehensive European unity. Only thus will it develop the identity of all Europeans. That identity lies not only in Europe's cultural variety, but also and above all in the fundamental values of freedom, democracy, human rights and self-determination.' However, we must all work together on a cultural identity for Europe. The scheme of European Capitals of Culture was set up by Mrs Melina Mercouri with this end in view. In 1993, Antwerp will not only bear this title with pride, but will do its utmost to make a real contribution to clarifying the concept of European cultural identity. I think that in any European confederation there should not only be a chamber of representatives but also a chamber for the cultures of peoples in Europe. In that way a code of rights for minorities could be established. 'We must judge a culture by the way it deals with its minorities', as Ghandi put it.

The solution therefore consists in maintaining the democratic consensus, i.e.:

- respect for human rights, and thus also respect for the rights of minorities;
- equality of opportunity for all, i.e. preventing citizens from having the impression that others are being given greater opportunities;
- avoiding a decline from being a free society, through a false sense of insecurity, into right-wing authoritarianism.

The challenge is more than ever an economic one. 'The strong current towards greater equality and the strong desire for greater freedom are more than ever in conflict. Freedom calls for a government that governs least, equality for a government that governs most. No wonder the institutions of the free world are under strain and its citizens under stress. The theorem of democracy still holds, but all of its terms have changed in nature, especially the phrase "the people", which has been changed beyond recognition by the industrial revolution of the 19th century and the social revolution of the 20th.' ('The Theorem of Democracy' by J. Barzum, in 'Dialogue', February 1990) This article also deals with such questions as the limits of free speech, a subject which in my opinion should be urgently addressed, in particular against the background

of the threats from extreme right-wing tendencies. The problem here is when does dissent go too far? We can refer here to the Declaration of the Rights of Man of 1789: 'Freedom consists of doing anything that harms no-one'. Robespierre quickly discovered what kind of problems that brought, but he found the wrong solution - censorship. 'Speak the truth, whatever the cost' said Beuve-Mery. But when it's not the truth, and people keep on telling lies to citizens with a view to incitement, street violence and agitation, then we have to call free speech into question. That is why in Antwerp I recently decided not to make an official room available for speakers representing Mr Le Fen or Mr Schönhuber. I was then accused of hindering democracy. But I simply did not wish to disturb the peace of mind of many of our fellow-citizens by giving the floor to these gentlemen, knowing that they would interpret history in the most distorted way, such as by minimizing the holocaust. Moreover, I now feel myself to be in good company, since a few days ago my colleague Michel Noire in Lyon refused to make a room available for Mr Schönhuber in exactly the same way. I believe that if Europe is to be further confronted with extreme right-wing ideologies, we must demonstrate ever more clearly that democracy never means incitement, street violence or violence against individuals - that democracy means even less that authority is replaced by anarchy or lawlessness! But we also know that democracy is a delicate flower, a Flanders poppy, which to the British summons up the memory of those killed in the First World War. The great problem remains the dilemma of how to ensure respect for human rights without clear national legislation on the subject or without infringing a country's independence. In this respect, of course, a truly free press plays a most important role. To constantly strive for democratic consensus, to watch over respect for human rights, to stride through life as a true humanist, all demand an especially high-minded approach. It means sweeping the mines away each day, acting to reconcile and recruit, constantly pointing out rights and duties and ensuring a scrupulously fair line of conduct, in the knowledge that in these matters people will not tolerate the slightest display of preference. This naturally presumes the agreement of all parties who mean well as regards cohabitation and not the opposition of those who, in the pursuit of votes, embark upon the predictable course of exploiting temporary difficulties. But it is to the extent that the people in question living in their districts and neighbourhoods recognize these facts that we can bring about an improvement of the atmosphere. I repeat once again that this is not a problem of A plus B equalling C, on the contrary, it is a very complex problem that requires a great deal of time, patience and above all understanding. We are confronted

with xenophobia, a seed-bed for extreme right-wing ideologies. We must not let ourselves be distracted by false or misleading analyses which pretend otherwise. There are no easy, straightforward or drastic answers to such complex problems.

Nevertheless, we must all have the necessary insight to recognize that at the end of the century a great future lies before Antwerp if we can resolutely focus on an integrated Europe in the making. Our ambition is, and will remain, to become the principal gateway to North-West Europe, a source of well-being, hopefully, for all those who wish to live and work in our city. I have written directly and personally to all our citizens to this effect; an article by myself on the same lines appeared in the 'Gazet van Antwerpen'.

T. Mrs. BALBO

I should like to preface my replies to the Committee's questions by filling in the background to the situation in Italy.

If we take as our starting point the year 1986, the period we shall be considering looks like this:

1 An initial phase during which there was very little public awareness of immigrants in Italy, virtually no overt racism or xenophobia and very few proposals or measures relating to immigration.

2 A phase, between summer and December 1989, of very rapid increase in public awareness, in political debate and in the mobilization and activity of the political authorities.

3 The current phase, which may continue into the coming months or years, of overt racism and xenophobia. The subject now features on the political agenda and on the government's agenda, and there are frequent and serious instances of violence against coloured people and widespread manifestations of intolerance.

I should make a second point, by way of introduction, to place in context the experience of Italia-Razzismo, the group which I represent, in relation to these developments.

Italia-Razzismo was set up in late 1987 for the purpose of anticipating the predictable developments in the process under discussion, to draw attention to them and call for action. Within a very short time, there has been a serious deterioration in the cultural and political climate. Italia-Razzismo has been active in two ways illustrative of its views and its role:

- An important feature of the initiatives of Italia-Razzismo resides in the fact that a number of members of parliament played a major part in shaping the direction the association was to take. This therefore gave the advantage of (relatively) easier access to the decision-makers, enabling it to act as a link between the decision-making levels of parliament and the government, on the one hand and, on the other, to mobilize associations (of immigrants, political refugees, foreign students etc) and encourage research and study.

- As far as the approach of Italia-Razzismo is concerned, its activities reflect its belief that the commitment to be made in this situation has to be long-term and far-reaching, and that tackling the subjects we describe as "immigration" and "racism" means tackling those changes which are currently taking place as well as those we can anticipate for the future, throughout the whole of Italian society. We would sum up that attitude by saying that we must commit ourselves to progressing "beyond the mere rhetoric of 'sentimental' multi-racial anti-racism", and endeavour to help construct a society in which racism is the very rare exception.

1. What legal or administrative measures to prevent racism and xenophobia have entered into force in your country since the adoption of the declaration against racism and xenophobia in June 1986?

1. Despite the increase in the past two years, and in the first months of 1990 in particular, in instances of intolerance and racism, no legal or administrative measures to counter racism and xenophobia have so far been adopted. Moreover, by 30 December 1986, the date on which the Italian Parliament adopted the first law (Law No 943) for the protection of workers from non-EEC countries, no legislative provision concerning foreign nationals resident in Italy had been enacted. It has to be said that the promulgation of that measure was an act required under the terms of ratification of ILO Convention No 143 of June 1975 promoting equality of opportunity and treatment for immigrant workers.

The ever-increasing numbers of workers from outside the EEC in Italy highlighted gaps and deficiencies in legislation which dated back to 1931. This was legislation evolved for a country which was traditionally a country of emigration, and was therefore no longer appropriate: circulars and temporary provisions have been used in an attempt to cover for its inadequacies. The economic and social consequences of this legislative void and the effect on the development of public awareness of the problem, have so far proved negative. Law No 39, adopted in February of this year and which will be discussed below, is the first attempt at making fundamental provision for political asylum, entry and residence, employment and self-employment; but its application has been hampered by a lack of precision, inappropriate implementing circulars from the various ministries, the shortcomings of the public authorities, poor preparation of staff and inadequate structures.

For too many years, the problem of immigration and latent racism among Italians has been underestimated or even ignored. The recent Law No 39 may be undermined as a result of the delays caused by the absence of legislation in past years; it has even been singled out as a cause of considerable social tension and the instances of racism in the past few weeks in Florence, within days of its adoption.

The opposite is, however, the case. These conflicts are in fact a result of the delay in tackling the problem of immigration; of [the failure of] government to meet its responsibilities for

social policy and public order above all in the big cities, in which decay and social imbalances, predating immigration, have resulted in a deterioration in relations and the polarization of the weakest in society. But the most serious factor, and one which is always set aside, concerns the responsibilities of the government and its slowness to act, while it is claimed in the meantime that those exclusively responsible for the conflicts and social ills of Italy are non-EEC nationals.

2 Please indicate whether, during the past four years, there have, in your country, been signs of intolerance, xenophobia or the use of violence against individuals or groups because they have belonged to a particular race, religion, cultural, social or national group? What action, such as legal measures or a tightening-up of the law, has been taken to counter the emergence of such incidents?

2 As early as about the mid-eighties, the already permanent presence of African immigrants in some areas, such as Mazara del Vallo, in Sicily, and in the area of Volturno, in Campania, had provoked a variety of hostile reactions, but this was not widely reported. The murder of Giacomo Valent by two of his schoolmates, in 1985 in Udine, went almost unnoticed although it had marked racist overtones.

It was in late 1987, with the "revolt" of the suburbs of Rome against gypsy settlements, that the issue of racism, previously discussed primarily in terms of anti-Semitism - the massacre at the Rome synagogue, a few years previously, although a terrorist attack, provided a dreadful warning - began to be associated with the presence in the national territory of large ethnic groups.

A few months later, on a bus in the outskirts of Rome, an Eritrean woman was compelled to stand up and give her seat to a white. Instead of going into the problem and provoking discussion of the policies to be adopted, the press and television resorted to rhetoric and the beating of breasts (Mayor Signorello officiated in Campidoglio, in the presence of the Eritrean woman, over the ceremony of collective penitence), [resulting in] a widespread lack of information and awareness of the problems of immigration that had developed over the past months.

The problem of non-EEC immigration into Italy and of the attitudes of the "new racism" bound up with it, came to the fore tragically and disturbingly with the murder of Jerry Maslo, a young South African worker killed in August 1989 at Villa Literno, near Naples, where he was working on the tomato harvest.

That murder had wider implications going beyond the manner of its commission - a band of local youths did not hesitate to shoot at a group of Africans whom they had ordered to hand over their meagre earnings -; implications relating to the neglect long-suffered by Southern Italy as a result of the absence of an effective policy of State intervention, widespread violence in a social climate dominated by lawlessness, illegal earnings, organized crime, the rules of complicity and blackmail to which the local people submit, now compounded by the arrival of the seasonal workers from outside the EEC in agriculture and the fishing industry. In short, the "racism of the poor", the fear of having to share the remaining crumbs with the latest arrivals, of being overtaken in the lists for affordable housing which is not being built, for State aid which never materializes.

But the murder of Masslo signalled an important step forward in perception of the problem of racism and the immigration issue. The gravity of the case, in objective terms, resulted for the first time in the involvement of all sections of society in Italy, mobilizing, in addition to traditional lay and religious groups, numerous others who defined for the first time, their own position vis-à-vis racist statements and attitudes. The death of the young South African confronted politicians with the need, which could no longer be deferred, to bring the legislative order up to date with new laws on immigration.

On 7 October, a national demonstration in Rome of more than two hundred thousand people, forcefully drew the attention of society and the government to the problem of racism. A few months later, on 31 December 1989, the government passed Decree-Law No 416 which was to become law on 28 February 1990.

A few days before the new law was adopted, during carnival in Florence, a band of masked youths attacked a group of North Africans with iron bars. None of those present came to the aid of the North Africans while others applauded the attackers. Four of those attacked were taken to hospital with serious injuries.

The mayor of Florence, Mr Norsaies, first made light of the attack, referring to lack of self-control at carnival time (in the meantime, the courts discovered that the attack had been planned) and then resorted to anti-racist rhetoric; acceding to the protests of traders, who had for months been calling for African street sellers to be removed from the historical centre, and, fearing further inter-ethnic clashes, he went on to declare a state of emergency in Florence on grounds of public

order, not because of the serious instances of racism which had occurred, but because of an increase in crime and the spread of drugs, for which foreigners were alleged to be principally responsible. The mayor spoke of there being ten thousand illegal immigrants in the city: the press, which was engaged in a process of disinformation and alarmism, seized on the statistics given by the mayor which he later revealed to be wrong. Chief of Police Parisi arrived in Florence and, at a meeting at the prefecture, threatened representatives of the foreign community with the expulsion of non-European Community nationals in view of the forthcoming Florentine Music Festival and the World Cup.

The Chief of Police went further. He extended to all Italian cities Florence's state of emergency: he issued a circular to all police headquarters establishing records of non-EEC citizens unable to regularize their situation by obtaining a permit and ordered the expulsion from Italy of all those suspected of offences. The circular clearly conflicts with the provisions of Law No 39. That is the only measure, in the form of a ministerial regulation, to have been adopted following the serious incidents in Florence: it is signed by the deputy Minister of the Interior as well as Chief of Police, Vincenzo Parisi. In Florence meantime, the African street sellers have been moved out of the centre, the city has been placed under a state of siege and the mayor compelled to resign. Attacks against immigrants have increased and spread to many Italian cities, particularly in the north of the country, such as Milan, Genova and Torino.

3 Have any new racist or xenophobic groups appeared in your country in addition to those mentioned in the Evrigenis report (11.12.1985) since the signing of the joint declaration? Were legal measures taken in this connection and if not, why not?

3 In Italy at present, there is no national movement prepared to take responsibility for channelling and organizing racist sentiment by providing it with cultural and ideological legitimacy. The Italian Social Movement (MSI), the party on the extreme right of the political line-up, has not so far been prepared to take on that role, despite its obstructive tactics during the parliamentary debate on Law No 39. When in the spring of 1988, the immigration issue began to arise in the form of a "national emergency", the then secretary of the MSI, Fini, carried away by the wave of enthusiasm for Le Pen's National Front, started making threatening statements, but

after a few days, and as a result also of pressure from inside the party, within which there are a large number of pro-Mediterranean and pro-Arab sympathizers, he was compelled to correct his statements. Moreover, the anti-racist views expressed by Rauti, the current secretary of the party, in an interview with "Manifesto", a left-wing newspaper, again at that time, steered it towards a "third world" option. Nor is there at the moment, following the crisis period of summer 1989 and the recent events in Florence, any sign of the MSI wishing directly to administer a national protest movement capable of bringing together localist, ethnocentric and xenophobic tendencies. This cannot, however, be ruled out for the future.

The regional parties - the "Lega Lombarda", "Lega Piemontese" and "Lega Veneta" - which have in the last few years achieved considerable electoral success among the different sections of society, particularly the lower middle classes, are a different matter; they have, in addition, the capacity to mobilize and take initiatives which determine the course taken by those responsible for social policy in the major cities. There was an example of this in February in Milan, when a proposal of the centre-left coalition to set up a tent city for immigrants was withdrawn because of the strong opposition which the Lega Lombarda was able to organize by providing a focus for the protests of the inhabitants of the district in which the tent city was to be set up.

Even if these parties cannot be defined as being strictly racist, in so far as their motives vary greatly, they have nevertheless become, in recent months in particular, as a result of the rapid increase in inter-ethnic clashes, the only channels guiding and stimulating latent racism, and this may develop into open hostility. Setting aside the "loftier" motives: defence of cultural identity, traditions and dialect, the main objective of these regional movements, apart from fighting against the central authority of Rome and the Southern Italian immigrants who have taken over the schools and the public administration, has become to orchestrate the discontent being expressed increasingly openly by some groups in society over the immigration issue. No less worrying is the proliferation, dating from the time of the incidents in Florence, of named groups claiming responsibility for or applauding attacks on non-EEC citizens. These range from the "masked executioners" of Florence, the "Goebbels brigade" and the reappearance of "Ludwig", unhappily notorious in Italy because of racist crimes committed in Verona in the early eighties, to the signatures of numerous sports clubs with

their racist banners against immigrants from the south, which breed the extremists who clash, as in Florence, with immigrants.

Administrative and public order measures have been adopted to counter these activities, primarily in connection with State security.

4 What measures have been taken in your country with a view to improving the environment for the integration of people from other countries and ethnic or cultural minorities, particularly where information, education, economic and social circumstances are concerned?

4.1 Italy has not adopted any measures on information, despite the sometimes decisive part information can play in developing the proper view of or perpetuating prejudice and discrimination against ethnic groups. Unlike other European countries, Italy does not conduct reliable surveys at regular intervals on the public perception of what it considers priority social problems. As early as 1986, there were all the signs which should have conveyed to the media that immigration with its various implications at social level was going to be a major issue, in relation to which there ought immediately to have been specific investigation and a wide-ranging debate.

Now that events have brought the issue to the fore, there is, in a very few instances, a reasonable amount of information - a certain amount of newspaper or television coverage, a good weekly programme entitled "Not just black" on Italian television channel RAI2 -; but what we encounter far more frequently (apart from phases of uneven development, in the course of which periods of disinterest alternate with short or sensationalist outbursts on minor incidents, neglecting other more serious ones) is manipulation, distortion and misrepresentation for political ends etc.

In addition to that, we have the rough and ready nature of many investigations into racism and the use of estimates of numbers of non-EEC nationals, "the Babel of statistics" as it has been called, often used to reduce or increase perception of the problem. There was, for example, an initiative taken some weeks ago by "Pubblicita Progresso" and subsidized by the Italian State, in the form of an anti-racist ad for the newspapers and television. The ad, which showed a black man on a cross, was

heavily criticized; it was nonetheless the only measure taken by way of information with the object of promoting a national campaign against racism.

4.2 There are three aspects to the problem of education:

- educational programmes in Italian primary schools to promote equality and the development of multi-ethnic awareness;
- the enrolment in schools of the children of non-EEC workers, of political refugees and of ethnic minorities;
- literacy courses for adults and vocational training.

As far as the first of these is concerned, only a very small percentage of schoolchildren (and then only thanks to the awareness and experience of a few teachers) are made aware of and able to understand the problems of the third world and of economic and social inequality. Teaching staff receive their training in this area from a few non-governmental and international organizations such as Unicef, which, despite the inertia of the State, have been organizing seminars and producing teaching material based on more advanced teaching methods.

In the case of the second, relating to the integration into schools of pupils coming from ethnic minority groups, few directors of studies have allocated a quota of teachers for pupils with language and learning difficulties. There is only one example, proposed by the local authority of Reggio Emilia, where lessons in their mother tongue are provided for second generation pupils.

The public authorities have been very slow to provide literacy classes and vocational training for adults. In this area also, the voluntary sector, the trade unions and the aliens registration offices in a few communes have frequently to make up for the lack of action by the State.

4.3 The economic measures adopted relate to the general financial commitment of the State, estimated for the next three year period and fixed at about two hundred thousand million Lire. Law No 39 provides for the allocation of about seventy thousand million to assist foreign nationals seeking political asylum and for stateless persons who will be given, if they are without means of support or lodging, initial assistance for the first 45 days. That same law provides for the allocation of about 23 thousand million to guarantee social security benefits for non-EEC nationals and stateless persons who, if they are not employed workers, are not entitled to use the health services.

The most important provisions of the new law as far as employment and labour relations are concerned relate to equal treatment for Italian and foreign workers, both employed and self-employed; foreign workers being employed on the basis of contracts of employment and training. Their access to the professions and to employment in the public service is limited to some sectors - provision has been made for the employment in the national health service of non-EEC workers able to perform nursing duties -; lastly, they cover the possibility of setting up cooperatives.

As for agriculture and industry: a) there remain within agriculture serious problems of exploitation - together with serious housing, health and safety problems - despite the penalties laid down for employers who exploit their foreign workers; b) the demand for foreign workers is increasing in industry, above all in the factories of the metallurgical industry of Northern Italy. In that situation, the process of social integration is more rapid, as a result also of the support provided by local structures.

Other economic and social measures have been taken in some areas of Italy, which have adopted regional laws on this subject. The majority of the Italian regions have set up consultative groups on immigration; these include representatives of trade unions and the foreign community and are responsible for developing and drafting measures and initiatives.

(Some basic information on regional legislation is to be found in the annex).

5 Have the national authorities responsible for immigration developed a long-term policy for immigration and the integration of nationals of EEC and third countries with a view to the completion of the internal market for 1992 which will bring with it freedom of movement for persons?

5 A few provisions, contained in Law No 39, define the immigration policy adopted by Italy in relation to planning for immigration from outside the European Community and the integration of Community nationals and nationals of third countries.

Article, paragraph 3 lays down that by 30 October of every year, the ministries of foreign affairs, of the interior of finance and of employment, having consulted the National Council

for the Economy and Employment (CNEL) and the trade unions, will establish, on the basis of decrees discussed and adopted jointly, a programme of immigration into Italy of non-EEC nationals for the purposes of employment and social and cultural integration, "attempting to identify uniform criteria in the Community context also", as the text of the law states. That same decree will lay down the programme of social and economic measures designed to promote the social and cultural integration of foreigners, guaranteeing them their right to a cultural identity, to study and to housing. The first such decree is due to be issued by 30 October next.

The new law has introduced the principle of the free movement of persons throughout the national territory - it is envisaged that those lawfully in possession of a residence permit will be registered and issued with an identity card - though no measures have yet been provided regarding the free movement of persons within Europe.

The process of constructing the Europe of 1992 will have to take into account the difficulties and problems consequent on the recent changes introduced in this area in Italy.

The law further provides that all measures for the benefit of non-EEC nationals will be extended, according to the "most favoured nation" principle to Community nationals also.

In contrast to what happened in 1986 when, at the same time as it was passing Law No 943, Italy was entering into bilateral agreements with a variety of African countries, principally North African, with which it abolished the requirement for an entry visa, the new law has provided for review of those agreements, reestablishing the visa system. That measure is intended to allow better control of immigration and bring Italy into line with the policies of restriction and containment already adopted by many European countries.

With the exception of those recently adopted rules, the effective implementation of which cannot be predicted, we can state with certainty that the Italian Government has not established a long-term, wide-ranging policy for immigration and integration.

REGIONAL LAWS

Below are the most recent regional proposals for measures to help immigrants. The five sections, based on the type of measure, provide a full breakdown of what has been achieved in terms of regional legislation.

1 Social welfare measures

Health measures, reception centres, measures for the provision of municipal housing, the social integration of immigrant women and assistance for pregnant women, care for minors, the handicapped and the elderly.

Emilia-Romagna : regional law No 14 of 21 February 1990
Piemonte : regional law No 64 of 8 November 1989
Lombardia : regional law No 38 of 4 July 1988
Veneto : regional law No 9 of 30 January 1990

2 Training and vocational retraining

Vocational training courses, retraining courses with a view to access to employment and returning in the future to the country of origin, advanced courses in the Italian language, training courses for those intending to become involved in cooperation activities with the developing countries.

Veneto : regional law No 9 of 30 January 1990
Emilia Romagna : regional law No 14 of 21 February 1990
Abruzzi : regional law No 105 of 14 December 1989
Piemonte : regional law No 64 of 8 November 1989
Lombardia : regional law No 38 of 4 July 1988

3 Measures guaranteeing the right to study

Measures to help students with particular reference to university teaching, recognition of diplomas obtained following a course of study abroad, integration into the national educational system, courses in the Italian language and culture, integration courses in the mother tongue, courses in civics, the provision of grants for study to immigrant university students without financial support.

Marche : regional law No 40 of 2 November 1988
Veneto : regional law No 9 of 30 January 1990
Emilia-Romagna : regional law No 14 of 21 February 1990
Piemonte : regional law No 64 of 8 November 1989
Lombardia : regional law No 38 of 4 July 1988

4 Measures for the promotion of employment

The establishment of adequate means of information by providing documentation in several languages to guarantee all immigrants equal rights and opportunities to start work, incentives for activities in agriculture, commerce and the traditional crafts where these are performed to a level greater than 50% by former emigrants or non-EEC immigrants, measures in support of cooperatives, associations and undertakings.

Piemonte : regional law No 64 of 8 November 1989
Marche : regional law No 40 of 2 November 1988
Emilia-Romagna : regional law No 14 of 21 February 1990

5 Social and cultural measures, measures for study and research

Defending the value of the cultural identity of immigrants, protecting their social and civic rights, cultural activity designed to promote integration between the [immigrant] communities and the Italian population, initiatives designed to identify locations for the practice of religion, the distribution of notices and information on national and regional legislation, observers on the labour market, initiatives designed to promote awareness of the cultures of citizens from outside the EEC, encouragement of the formation of local groups, education on development, on the relations between North and South, studies and research.

Marche : regional law No 40 of 2 November 1988
Lombardia : regional law No 38 of 4 July 1988
Veneto : regional law No 9 of 30 January 1990
Abruzzi : regional law No 105 of 14 December 1989
Piemonte : regional law No 64 of 8 November 1989

U. Mr PÉREZ

With regard to the brief of this committee, I believe there is little doubt that as far as racist attitudes and racism in society are concerned, in the case of Spain the social group most often referred to is the traveller community. I would like to clarify a number of points, as briefly as possible, in order to establish the exact composition of the traveller community in Spain and the causes of the periodic outbreaks of racism.

The traveller community in Spain consists of some 500 000 persons; it should be noted that this community has been living in Spain for many centuries. The first document containing evidence of the arrival of travellers in Spain dates from 1425, and since then they have been continuously present. For long periods, they were also the only community in Spain characterized by cultural differences with respect to the majority population; it is noteworthy that, whereas in Spanish history groups as important as the Jews have suffered large-scale persecution and been forced to leave the country, the traveller community, while suffering discrimination and racist treatment from the beginning, has always remained in Spain.

Today there are a large number of ethnic and cultural minorities in Spain, apart from the traveller community, which form a mosaic which is currently the target of racist attitudes. Such attitudes are expressed frequently within civil society, and, unfortunately, also on occasion by the authorities. The regional map of Spain reveals that the traveller community is widely distributed across the country; however, the treatment it receives varies from region to region. It should be noted that the largest number of complaints at racist attitudes have been made against the municipal authorities - the level of government closest to the people - which have at times permitted the adoption of quite openly racist measures. Such attitudes have been rejected by large sections of society, but the phenomenon continues, unfortunately, to exist.

From the legislative viewpoint, all the cultural minorities in Spain except for the traveller community have expressed their concern at the existing law on foreign residents. These minorities obviously suffer from the same marginalization and neglect as other disadvantaged groups, but they are in Spain in almost all cases for the purpose of seeking work. It is therefore logical that these groups should be most concerned by the law on foreign residents, since under its provisions foreigners who do not fulfil the necessary requirements may be expelled from Spain. However, this problem does not affect the traveller community, whose members are Spanish citizens, protected by the Spanish legal system on the basis of equality before the law. Article 14 of the Spanish Constitution establishes that all citizens are equal before the law, without discrimination on the basis of race or sex. The situation is thus highly positive on paper; despite these provisions, however, the fact remains that disturbing outbreaks of racism are frequent occurrences in Spanish society.

It would be very dangerous to label Spanish society as 'racist' or 'non-racist'. The question is particularly delicate in the case of the traveller community in Spain since where racist incidents occur they are usually closely bound up with the deplorable conditions of poverty in which Spanish travellers have to live.

Unfortunately, time does not permit me to supply you with detailed statistics on the extreme poverty of the traveller community in Spain. I shall, however, cite a few figures. In such areas as infant mortality and life expectancy, the figures for the traveller community are at Third World levels, while 75% of travellers are illiterate. The traditional skills of the community are of little use in the Spain of 1990, and will be of even less use in the Europe of 1992; in view of the obsolescence of their old crafts, there are only three occupations open to travellers who wish to survive in present-day Spain: itinerant trading, scrap metal collection and agricultural labour (they may also occasionally obtain manual work, but only as unskilled labourers). Given the 75% illiteracy rate, one must conclude that finding employment is the most serious problem facing travellers in Spain today, and it is in this field that action must be taken. It is also essential to determine whether the occasional racist incidents in Spain actually derive from racial prejudice or are of purely economic origin, related to the poverty of travellers' living conditions.

Before the restoration of democracy in Spain, there were a number of potentially explosive laws based on racist criteria; for instance, certain articles of the code governing the Civil Guard made specific pejorative mention of the traveller community, authorizing various forms of flagrantly unjust and discriminatory treatment. However, this legislation has fortunately been repealed by the Congress of Deputies, and today no-one in Spain supposes that legal justification exists for any type of racist attitude. The central government has virtually no competences in the area of social and cultural services; such competences have been transferred to the regional authorities, which are responsible for overseeing actions at municipal level. Under a national plan to aid the traveller community, over seventy projects are currently in operation in Spain with a view to combating the neglect and social deprivation to which the community is subjected. Nevertheless, the greatest difficulties arise where, in a number of municipalities in different parts of Spain, there is an attitude of social rejection, created by unconscious factors or by the insidious influence of the racist attitudes which are in some cases propagated by the media in Spain (and, I believe, in the rest of Europe). There is a certain tendency to multiply news reports presenting ethnic minorities in an unfavourable light, and, for some reason, to include the word 'gypsy' in such reports. This tendency is extremely dangerous, since many people in Spain are led to believe that all travellers are criminals by press reports which insist excessively on the fact that a crime was committed by a traveller. Nor is it clear why such a specification has to be included, to insist on the point is, in my view, quite blatantly racist, since nothing of importance is added to the report of a crime by the repeated statement that its author was a traveller.

Similar attitudes are found in the school system. One of the most pressing problems confronting the traveller community in Spain is the education of its children. Considerable efforts have recently been made to provide school places for traveller children, but the simple provision of a school place does not mean a child will necessarily receive the education it needs; if racist

incidents derive essentially from absolute ignorance of traveller culture. Then this culture must be studied in schools with a view to preventing such occurrences. In Spain, many traveller children who begin school are unfortunately obliged to interrupt their studies, for two reasons: first, owing to purely economic motives, since they need to work to support their families; second, because they often come up against a total lack of respect for their culture at school - indeed, unless non-travellers are taught to appreciate traveller culture rather more than at present, the next generation will have the same attitudes as the present one. Today, the replies to questionnaires reveal a disturbing picture: most Spanish people, when asked to define travellers, say that they are foreigners. I have tried to explain that they have lived in Spain since 1425, but most people, if asked for their impressions of the traveller community, can only offer the image of the bullfighter, singer or dancer, and are unaware that travellers are members of an international community of millions of persons, with their own culture, language and traditions and perfectly respectable standards of behaviour. In fact, travellers just happen to be different, and it is here, I believe, that the seeds of racism lie. Spanish society is generally unwilling to tolerate the close proximity of a group of people whose lifestyle is neither better or worse, but different; it will be difficult to resolve this problem unless schools introduce a multicultural model of education which will enable children to study the differences between cultures in a spirit of respect and coexistence. Unless such action is taken, Spain will continue to suffer from outbreaks of racism.

Such outbreaks are also closely related to the question of housing. The lack of suitable housing is one of the worst problems confronting travellers in Spain. Every time a local authority tries to find housing for a traveller family, there are massive objections in the neighbourhood; residents' associations rise up in wrath brandishing placards and calling for the travellers to be expelled. This type of crude racism is, unfortunately, also met with in some mayors: to give only a recent example, in La Aldea, a small locality in Catalonia the mayor decided on his own initiative at a village meeting to expel the travellers. Similar decisions by the authorities to unilaterally expel travellers continue to occur in Spain; if they are to be prevented, society must unanimously repudiate such attitudes, but those directly affected must also be involved. One of the most encouraging of recent developments is the emergence of an organized travellers' movement, on a far stronger basis than anyone would have believed possible in Spain a few years ago. It amounts to a major achievement, in the current Spanish context, when the authorities decide to deal with a problem affecting travellers on the basis of consultations with the travellers themselves; in the past, this would have been unimaginable. Thus, action to deal with the problems of a group in the areas of housing, education or employment, involves coordination of the regional and municipal administrations, accompanied by consultation of the travellers' representatives in order to ascertain their opinion on proposals which, however well-intentioned, may jeopardize the cultural identity of their community. The traveller community has always aspired to social integration on the basis of coexistence and respect for its culture; but it does not want assimilation at the price of losing its identity, independently of any racial violence. I believe that in the present circumstances in Spain we can look forward to the future with confidence, since the racist incidents are generally few and far between and, as I have said, are usually related to the deplorable and impoverished living conditions which the traveller community has to suffer.

In the EMRøgenis Report of 1985 the very modest section about Denmark begins with the words "Right-wing extremism is not at all widespread in Denmark".

It is probably still true that Denmark is no racist country. On the other hand it is obvious in many ways in Denmark as in other European - and also the other Nordic - countries that the existing racism and xenophobia becomes more and more visible and appears in more and more forms in daily life.

This is worrying. And this is why there is a good reason to tackle the subject of Racism and Xenophobia in every European context and now follow up the "Declaration Against Racism and Xenophobia" which the EEC organs issued so justly and clearly on 11 June 1986.

The last four to five years have given us experiences and awareness in these fields in Denmark which do not correspond to the basic ideas on which we thought our society was definitely founded.

This leads to serious consideration at a time when community of every kind between nations and peoples, between people across of borders, colour, language and religions becomes more and more essential - at a time when equality and human rights ought to be part of any agenda for these human relations - and at a time when super-national institutions should gradually get more influential and contribute to ensuring a safe and equal development for all people.

If we have to recognize "counter-flows" and a strong disassociation from the basic principles and aims of our society deep down in the population. If there are ever more frequent attacks on the basic idea that all men are equal and any man has an independent, immeasurable value - some would say as a God-created being - then there is reason to regard this new situation with the utmost seriousness and analyse not only where to act but also find out how to act.

We must not build our houses on porous and fragile foundations. Not only worry, but also initiatives and political will is timely. Initiatives which will contribute to defending our cultural and political democratic fundamental ideas and prevent new crises for humanity here in Europe as in the rest of the world. The world whose ethical and moral values have hitherto largely been based on our thoughts and experiences.

To hinder the spread of racism and xenophobia may in several ways be a prerequisite for the preservation of our culture.

My background for assessing the development around these questions is that for the past 20 years I have been the leader of the Danish Refugee Council which among its national and international tasks includes the reception and integration of individuals recognized as refugees in Denmark and the responsibility for disseminating information about refugees in Denmark.

For many years the national refugee work was regarded as a purely humanitarian issue where as a matter of course Denmark took its modest part in the same spirit as we Danes undertook to help in massive refugee situations in third world countries.

But with new refugee groups in larger numbers and in particular from areas outside Europe it became much more problematic in Denmark and the support became less unanimous - it became a much more political issue.

At the same time we found that the immigrant groups from countries outside Europe which had made their homes in Denmark for many years were now also confronted much more critically. Their rights were questioned. Family reunification was hotly debated - often with clearly xenophobic arguments. All these changes happened from 1985 and onwards.

Let me start with a few figures on our alien and ethnic minority groups in Denmark. These are rather small numbers compared with the rest of the EEC-countries.

There are about 145.000 foreigners with resident permit in Denmark. It makes less than 3% of the population of 5.1 million. 55.000 of our foreign population are from EEC, the Nordic countries, USA and Canada.

30.000 are recognized refugees. Nearly all arrived during the last 7 years, mainly from Iran, The Middle East, Viet Nam and Sri Lanka plus a few African countries. And there are close to 60.000 immigrants - formerly called guest-workers - from Turkey, Pakistan, Morocco, the Philippines. 20.000 were summoned and hired by our industries during the years 1960 to 1973, when a complete stop for immigration was decided. Many of our guest-workers remained, the majority still without Danish citizenship. Many of them have, however, in the following years up till now been accompanied by their closest family members.

Let me then move on with a few words about legislation on racism and discrimination.

Denmark has ratified the UN Convention of 1965 about the abolition of any kind of racial discrimination.

International conventions are not in themselves law in Denmark, but we have in our national legislation laws and rules which largely fulfil the demands of the Convention.

A problem area in democracies which regard freedom of expression as an almost holy principle is Article 4 of the Convention. There is some tension between on the one hand the prohibition of certain expressions, agitation and statements, as prescribed in the Convention, and on the other hand the freedom of expression.

In precisely this area a number of actual statements of racist and discriminatory character have been debated and legally tried.

Denmark has great traditions of public information and the attitude has generally been that information is a better way of combating intolerance and prejudices than prohibitions and punishments would be.

An outsider might therefore be surprised to find very wide limits for what may be said in the debate of a discriminatory, occasionally bluntly racist nature without reprisals from prosecution or court.

This is a question of attitude. The principle we observe must however demand that all responsible political powers and sources of public information take their responsibilities seriously too! - and the question is exactly if this is still the case in a sufficiently marked and systematic way. The question is whether public information is used as actively to combat racism as this confidence in freedom of expression above all, really demands?

In Denmark we can also produce a number of examples showing a contrast between integration efforts (or rather efforts to mingle and distribute burdens) on the one hand and prevention of discrimination against immigrants and refugees on the other.

The main issues of the debates and individual legal cases about conditions in the boroughs have been for instance the question of the percentage of immigrant children in primary public school classes in immigrant areas and the number of immigrant families who are given council flats in the same staircase or block of flats in subsidized buildings.

The "little institutional racism" is often the real motive behind a large number of conditions, rejections and dispositions when local political organs and administrations have to decide on issues relating to the reception and situation of refugees and immigrants.

Perhaps the "little institutional racism" is not very deeply fixed or considered. But it is worrying because it may contribute to creating the basis for and legitimating what is worse. Its basis is often the following: "that it is simply too complicated to house refugees and immigrants in the borough - and moreover they are not, after all, very popular." "Most of the borough's voters are probably against it." So if it is possible to invent some practical, acceptable and not too revealing reason for avoiding them here that is by far the most preferable. For all parties! "It is probably also best for the refugees themselves (!) that they do not come to a borough which is not very used to dealing with such problems directly" - that type of arguments

is the reasoning. However it should be said that many municipalities and local administrations have been very positive and received refugees very well, and dealt with the problems without a murmur.

What has been particularly characteristic of the development in Denmark is the suddenness of the change of attitude in parts of the population - and the fact that politicians and other opinion-formers were unprepared for and failed to address it. Moreover it is probably characteristic of Denmark that the new situation and the challenges for instance in relation to asylum seekers and refugees and the increased visibility of foreigners took effect at a time while we have a very particular conception of ourselves as good-doers and humanists.

Ever since the Second World War Denmark has moved towards an increasingly homogenous society, in every respect, ethnically, socially and in relation to way of life and values. The largest differences were probably between town and country and those differences were not great in a country with so small geographical distances. But above all we had the conception of ourselves that all the basic ideas about human rights, equalities and mutual international obligations had pervaded and been accepted by the whole nation in such a way that we could allow ourselves to speak with authority on ethical obligations and demands to the rest of the world, whether apartheid, persecution or discrimination was at issue. The citizens who did not completely agree or have no well-defined attitude with regard to our own role, at least remained silent - and this was interpreted as if they tacitly accepted eg the clear-cut Nordic profile in questions of human rights and assistance to developing countries in UN-contexts.

On this background the revelation that the grandiose attitudes were not quite justified as far as the obligations and challenges of the confrontation with foreigners at home was concerned, had a particularly frustrating or even stupefying effect on many people.

It was a question of isolated incidents, violent clashes between refugees and young Danes, strong verbal attacks and lacking ability to flexibly adapt to the tasks associated with the reception and integration of the considerably larger number of refugees from distant countries with foreign cultures as Iran, Sri Lanka and the Middle East.

Being frustrated and unprepared in this way made it difficult for many people to get into sensible roles and interrelations. Not least I believe this to be the case with many politicians.

Personally I think we can find some explanations of the strong reaction, the amount of insecurity and the excessive fear that the new phenomenon with asylum seekers and refugees could not be controlled - in the way the welfare state has put a protective shell between the citizen and the existentialist conditions of life, the harsh global reality outside the shell.

Have we not after all organised life and do we not after all contribute towards the institutions through our taxes in order that they may

look after the unpleasant problems so that the individual citizen will be protected against confrontations with death, mutilation, torture, oppression and persecution. We know the victims from our television screens but have had no idea that they were to step into our own daily life in the work place or the place of residence and make any demands on us. While the welfare state and the international institutions were developed, the politicians forgot to remind their electorate of the existentialist fundamental conditions of life which would have remained the conditions for all of us without these institutions and this organisation of society. Now they are only the daily conditions for the part of the world's population who live in much less stable and good environments. The politicians have failed to prepare us for the fact that these conditions may come to us in the form of duties and demands to share, if we take seriously the ideas on which we have built the peace and mutuality of the international community.

In fact maybe the refugee as a witness from the dramatic world and the existentialist conditions of life can in the long run help in the public's understanding of the arguments for the welfare state.

The welfare state is a good thing and should be preserved, but its basis should be nourished through consciousness-raising and continued information.

Among positive elements must be counted the fact that the Danish press and medias in general are very good and engaged, both with regard to leading articles and the general attitude. This is true almost without exception and no matter what the same press must accommodate - in the name of freedom of expression - in the way of letters to the editor. And for the sake of numbers printed - of reports and sensational headlines about refugees and immigrants.

However the consensus society would turn out to have collapsed in this field as well. And the polarisation, the contrasts in the debate developed quickly.

Many of the committed became much too engaged and defensive. They felt that immigrants and refugees were misinterpreted and made scape-goats for all social problems. Out of a sense of solidarity they went to the rescue of the foreigners with totally unconditional and uncritical support and consequent stifling.

As a result of this polarisation harsh words about racism were exchanged, so that more constructive sceptics kept a fearful silence in the debate where they were the ones who might have contributed to formulating coherent solutions and keep things in perspective.

I believe one has to be extremely careful and reticent in using the word racist about somebody else, but should rather try to use any other explanation first, even of the most negative and dismissive attitudes. A person who appears racist may be influenced by his insecurity about his own identity and inadequate perception of his own place in society and of the structure of the world. It may be fear of foreigners developing into xenophobia.

If one labels a contributor to the debate: racist, one has actually fallen into the trap where one has lost the chance of influencing and arguing.

One has given the opponent a particular trump-card, with which he/she can mobilize the populist feeling which is above all nourished by the ability to declare oneself disregarded and held in contempt by the established attitudes and "opinion authorities" - "the humanistic lobby which try to dictate the ideas of good and evil in society" as some inveterate opponents describe it.

The dissatisfaction, the protest gather and by giving them the use of the word racist one has oneself contributed to pointing out their scapegoats, their image of the enemy: those who are different, the foreigners.

However, it is in order to talk about and reveal racist tendencies which society should guard against and which may develop into something which all people have a latent possibility of succumbing to.

No man can live without defining himself in relation to his surroundings if he is to live a proper life with his own identity and demands, as an ego.

But there is also an imperative need to reach beyond this ego. To realise and experience that our ego cannot develop fully unless it is a responsible part of different collectives: the family, the local community, the nation, Europe - and finally all of humanity.

Obviously the identity in these relations tends to decrease as the circle increases and every person needs to define himself exactly through the feeling of there being an "I and The Others" but also a "We and the Others".

The quite decisive point is in other words how to organise our society and ourselves so as to achieve a positive feeling of identity in such a way that our need to be able to identify some people as "the others" does not end up being a need to define some people as "our enemies".

Or in other words. The fact that we all need images of foreigners for the sake of our understanding and feeling of identity must not end up becoming a need for enemy images.

But often it is simply a question of a positive or negative conception of oneself and one's relation to one's surroundings which causes the individual to end up in the last-mentioned situation and conceive himself in relation to the enemy images.

The nation's own discovery that we were not as morally enlightened as we had believed ourselves to be in our relation to the rest of the world and that we developed doubts about our own self-value may therefore well have contributed to the fact that we in Denmark found it difficult to find a defense against forces which would produce enemy images and scapegoats.

There are populist politicians and there are contributors to the debate tending towards fundamentalism, dismissal of all idealism and altruism for religious reasons, there are persons who want the country fenced off for fear of the future of the nation.

They all offer different arguments against the universal validity of the declaration of human rights and against international moral obligations. They speak about the nearest populist political demands.

Whether they have their origin in religious fundamentalist circles or in populist political circles or simply are concerned nationalists, they do not seem to mind being quoted by and made standardbearers for the persons who nourish a petty xenophobia, by the envious and by many of those bitter persons who feel exposed to all sorts of injustices from society and the authorities.

The formulating contributors to the debate gain a certain amount of popularity from the hatred, the condemnation and all the protests and they do nothing to balance opinions. By failing to distance themselves from primitive and vulgar expressions they often indirectly give a hand to legitimize violence and racist attacks by the social groups who are their delighted audience and claue.

Here they find established and well-known people formulating the protests they have not hitherto been able to voice - feel they have the blessing to do whatever they like.

All who feel rejected and have a weak sense of identity now raise themselves and at last find an identity by being able to freely express prejudices and primitive generalisations against the foreigners. They can now direct their protests and anger against those whom it is easy to separate out in advance and make responsible for everything that has gone wrong in their own life or which they found wrong in society.

Without formulating themselves about xenophobia and racism some of these negative contributors to the already destructive debate have given space and nourishment to racist arguments in the debate and given the naked violence its own inner logic and sense in connection with a cause which now also engages parts of the recognized society.

The populists argue for the easy, the shortsighted solutions, without any long-term goals, without the visions of to-morrow's society. Thus the populists have contributed to norms and values being dissolved. Their cheap suggestions and the competition about the selling out of attitudes have contaminated many other politicians and others responsible for the development of society.

This process emphasized the general tendency of dissolution of communities. The basis of our culture, the feeling of community around culture and history tend to disappear. The joy of belonging to a nation, its history and culture be it Danish or other nationality, of belonging to a common identity, is overshadowed by uncertainty and

fear of what comes to us from outside. The arrival of a couple of thousand refugees - instead of being considered a challenge for testing, clarifying and developing our culture - is by many considered a threat of the definitive annihilation of Danish tradition, culture and will to survive.

I do not think we should talk about the blessings of the multicultural society in this situation . Time is not ripe for that. That would create further fear of the stranger and enhance polarization.

The reception of asylum-seekers and refugees, the presence of migrant workers and their families need their own independent reasoning of a humanitarian, international and commercial/social character. Furthermore, all positive aspects must be emphasized as essential contributions to society.

If we are to avoid increasing fears of the stranger - xenophobia and racism - we must lessen the "fear of touch" and gradually create the understanding that foreigners are not only nationality groups with certain things in common and special patterns of behaviour which we can only define and relate to as groups. We must find ways and means which in time create experiences and understanding of every single foreigner as an independent individual with as many unique and personal traits as other people we know and are close to.

This process calls for many initiatives and a lot of energy.

The politicians must come forward - speak up - and no longer timidly reproduce their voters' concerns, reservations and objections, but actively enlighten, mediate and promote respect for the attitudes which form the basis of the Declaration on Human Rights and our mutual relations and obligations across all races and divisions in Mankind. They must explain how these obligations should work both globally and on the grassroot level.

"All Human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

This is the first article of the Declaration on Human Rights.

If the politicians will not participate in the materialization of these goals in our societies, this is one essential reason why to-day we see new expressions of racism and xenophobia in Europe.

But the migrants and the foreigners themselves must increase their contribution. And it is no use for us to be so delicate and so understanding that we dare not formulate expectations and demands to them concerning their behaviour, their participation in and respect for the values of the societies they have come to live in. They too must be extrovert for any encounter to take place.

The Danish parliament has granted 10 mio Danish kroner to support public information about migrants and refugees in our society, in particular, however, to enhance this encounter between Danes and migrants and refugees in community organizations, at the individual grassroot level. A modest sum with a great potential.

Perhaps there is a chance that Denmark, with its limited size and the limited extent of its problems and still some flexibility can become a laboratory for the carrying out of mediation and public information in this field.

A number of different, limited, opinion polls have been carried out to take the temperature of the population's attitude to foreigners. They show that there is a lot of ignorance, uncertainty and reluctance. But also that the situation is mobile - and in many ways open.

No matter how vociferous and insistent the opponents may appear in the debates in letters to the editor and in public meetings. No matter how much they insist that they represent the silent majority - it seems as if those who really reject foreigners, who are totally negative, the real xenophobs - are still not the majority but only about 10-15% of the population.

At the other end of the scale we find the real positive about 30-35%.

But by far the majority, most probably above 50%, are wavering, reluctant, both positive and negative: Dont know.

The danger of the debate which goes on these days is that the negative continue with increased force and attack the foreigners, attack the institutions that assist them, criticize the government for not closing the border, for not telling the real number of foreigners, and the alleged expenses and negative effects to society caused by the foreigners.

Fatigue overcame the positive debaters a long time ago. They feel it is no use any longer to correct the false myths and to argue for their attitudes and opinions. But we see now that it is dangerous to let the debate continue based only on the allegations of the opponents and their hatred, without a calm and consistent rebuttal of their arguments.

Fatigue and silence about the truth has paved the road for many evils in the history of Europe!

Xenophobia has become an instrument to promote major changes in society and destruction of its philosophical basis. It is extremely dangerous to try to silence these attacks through silence. The authorities must continue to participate in the debate, to rebut false allegations and to confirm information and attitudes. Otherwise the poison will spread, and the 50% will start moving more and more in the negative direction.

I do not believe that in the years to come we shall be able to diminish the number of xenophobs to any major degree. But it is important and has a positive effect that the foreigners themselves participate individually in the life of society and the public debate with arguments, information etc. and thus limit the effects of the attacks. It is important slowly and extremely patiently to accustom the large group of 50% to listen to the argumentation, to dare being open and receptive, to wish the encounter with the foreigners, to get to know their background and personality.

But the politicians' participation, information and encounter is not enough.

For in the same way that the powerful - the authorities - must be responsible to fight xenophobia, we, too, must practically and concretely fashion our societies in a way that the weak ones no longer need xenophobia. That is, we must create societies which do not have large groups of socially dispossessed, poor and unemployed which are in need of quick and easy explanations of the misery and dejection of their existence as it is. It is always tempting to say that "it is the migrants' fault that I do not have a job or a place to live."

The larger the disproportions and the injustices are in a society, the more fertile is the soil for xenophobia.

We need a multitude of initiatives in order for fear and hatred of foreigners to almost dissolve themselves. Xenophobia is understandably unthinkable the moment the foreigner is no longer a foreigner. The concrete encounter between ourselves and the foreigners, between myself and the foreigner is, in the final analysis, the only effective way to eradicate xenophobia.

Asylum Policy in EEC.

The Danish Refugee Council works in close cooperation with UNHCR and has many international links and activities in protection of and assistance to refugees.

We participate actively in a European network of NGO refugee agencies on legal matters, advocacy, research and information, ECRE (European Consultation on Refugees and Exiles).

Among NGOs there is a concern as regards the present trend in the European refugee policy and practice. The increased numbers of asylum seekers coming to Europe in the last decade has created a situation, where governments seem to be more anxious to get full control and protect themselves against asylum seekers, rather than to find solutions to refugee problems.

Whatever restrictions they have invented on their borders to reduce a certain abuse of asylum procedures have either pushed also people in severe need of protection and genuine refugees around from one country to another or have complicated all humanitarian refugee assistance in Europe and are thereby undermining the application of Human Rights.

It has indeed added to the already growing conception among the populations that foreigners could be considered as enemies of the nation and thereby lead to xenophobia and racism.

It has in no way led to a coherent and balanced refugee policy based on our cultures traditional humanitarian attitude and the Human Rights Declaration.

The actual formulation and intention among the 12 EEC-countries on a treaty of asylum is carried out in secrecy. Until recently even without advice or participation from UNHCR, and without any access to a public debate or a debate in our national parliaments.

This is pernicious and dangerous for the understanding and support from the positive elements in the population. How can public awareness be built and public information function without knowledge and access to the subject-matter?

From the little we know of this Convention - or Treaty - on Asylum inside the EEC-borders we are highly concerned and would by far have preferred the type of cooperation which is based on Human Rights: Protection of all persons in need of protection, and based on durable solutions.

I. Racial discrimination and xenophobia do not really exist in Greece. The two Fascist regimes that have existed in Greece (the Metaxas dictatorship from 1936-1941 and the Colonels' regime from 1967 to 1974) did not involve racial discrimination or xenophobia. The present party of the extreme Right (the National Party) is insignificant, obtaining a mere 0.1% of the vote on 8 April 1990 and does not propagate a racist ideology. However, political and economic refugees and foreign workers in general suffer a certain amount of discrimination - though not racial - due to their disadvantaged position in society and Greek legislation which seeks to maintain public order and national security and to prevent an increase in unemployment among Greek nationals.

II. There are many reasons for the absence of xenophobia and racial discrimination in Greece. There is a long tradition of emigration in Greece (formerly emigrants went to Trieste, Vienna, Russia, Rumania, Egypt and the USA and more recently they have gone to Germany and elsewhere). Thus Greeks are not disturbed by the presence of foreign workers in their country and are more ready than other peoples to sympathize with their difficult lot.

2. The number of foreign workers in Greece is not very high. According to the official statistics of the Ministry of Labour in 1989 there were 24,662, including 6,255 Greeks from Albania, Cyprus and Turkey and 8,665 from EEC countries (see Table 1 attached).

The real figure is, of course, much higher since political refugees in particular but also economic refugees often work without a permit so that the authorities are - or pretend to be - unaware of their presence especially in particularly difficult cases. The real figure is rumoured to be 70,000.

3. Most refugees stay in Greece for a limited amount of time while awaiting permission to emigrate to other countries (for instance, Canada and Australia). However, it has become much more difficult to emigrate to these countries in recent years and refugees remain in Greece for between two and three years.

4. A large proportion of foreign workers in Greece perform work which Greeks themselves do not wish to do and they are not perceived as competing for jobs. Women from the Philippines and Ethiopia are usually employed as a live-in housekeepers or as nurses, jobs which Greek women do not desire for themselves. Many male foreign workers have seasonal jobs, notably in agriculture (fruit-pickers) or tourism (hotel staff, waiters, kitchen helps etc.) during the period when additional labour is needed.

5. Greeks are natural businessmen and have thus never felt threatened by minorities in Greece exercising the same trade. Thus the Jewish population in Thessalonika which was large and prosperous up to the Second World War was not discriminated against or persecuted; the population of this city included rich families and also large numbers of refugees from Asia Minor who had settled there after the Asia Minor disaster of 1922, were hard workers successful businessmen and were accustomed to living with foreigners since they themselves had long lived under oppressive Turkish rule.

6. The national and religious homogeneity of the population of Greece is not a fertile breeding-ground for national or religious fanaticism leading to hatred and persecution. The opposite occurs, for instance, in countries where nationhood is based on a separate religious identity which feel oppressed and threatened by other countries which practise a different religion.

III. However, there are some legal and practical barriers to full respect of human rights for foreigners.

Legal problems regarding foreigners and particularly refugees

(a) Greek legislation does not sufficiently protect refugees in respect of labour. Greece has ratified the 1951 Geneva Convention (Legislative Decree No. 3989/59) and the 1967 New York Protocol (Compulsory Law No. 389/68) but has expressed a number of reservations regarding Article 17 of the Convention.

(b) The procedure for granting political refugee status and asylum is relatively slow and does not provide sufficient protection in practice. Greek legislation is often interpreted in an excessively narrow way (Law No. 4301/1929) and illegal immigrants are prosecuted until their status as refugees is definitively recognized by the Greek legal authorities; this frequently occurs in violation of the relevant international provisions which, under Article 28(1) of the Greek Constitution, take precedence over national laws where they have been ratified.

(c) Under laws Nos. 4310/1929 and 1346/1983 work permits are only issued to foreigners (who are not refugees) who have been summoned from their own country. This means that foreigners already living in Greece may not apply for work permits. Work permits may only be granted after an investigation into the labour market, public order considerations etc. Where bilateral agreements exist the relevant provisions apply.

In accordance with Article 26 of Law No. 1346/83 the permits issued to domestics and nurses are non-transferable both as regards the employee and the employer and may under no circumstances be renewed beyond a period of five years. In practice, circulars lay down the same conditions for other foreign workers. Because Greek law lays down that contracts are non-transferable as regards the employer and must be signed before the employee is invited to work for a fixed period of time, it is impossible for the former to change employer in case of maltreatment. Foreign workers often suffer because of this. However, the fact is that this legislation was adopted in order to protect women - especially Asian women from Thailand etc. who are invited to Greece and then transferred from the person issuing the invitation (often a private businessman) to other persons for every kind of exploitation

(prostitution etc.) in breach of fundamental human rights, respect of the human person and dignity and the prohibition of slave labour etc.).

(d) The law provides severe penalties for employers who employ foreigners without work permits: for instance, Article No. 26 of law No. 1345/1983 provides for a minimum 3 months imprisonment a fine and payment of deportation costs; employers who continue to employ foreigners after the expiry of their work permits are heavily fined.

Problems and discrimination in practice

(a) Illegal employment of immigrants or refugees obviously creates favourable conditions for economic exploitation, i.e. lower pay, no social security etc. This is of course a clear infringement of Article 22(1), subparagraph (2), of the Greek Constitution and international labour conventions. But this is not due to racism or a desire to humiliate foreigners, it is merely due to a businessmen's tendency to drive a hard bargain. Illegal Greek workers-children and women - are treated in much the same way.

To the employees the employer justifies his behaviour by arguing that he faces severe penalties if detected.

(b) The living conditions of refugees in the refugee camp at Lavrio, (55 kilometres south of Athens) are highly unsatisfactory: refugees do not enjoy the social right of a tolerable standard of living. For instance, although the buildings were built to house 250 persons each they now house approximately 400 each and a considerable number of persons have no shelter. In 1989 the state spent 300,000,000 drachmas on this camp, which is inadequate for this purpose though not in terms of the Greek state budget.

(c) Owing to a lack of public information, certain relatively numerous categories of refugees (Kurds for instance) were ill received by the Greek population at the borders; this behaviour ceased after information campaign notably by the UN Refugee Service.

IV. Conclusions - proposals

As stated above, racial discrimination and xenophobia - especially in the context of fascism - do not pose any serious problems in Greece. However, refugees and foreign workers face problems and need greater protection.

There is no long-term policy in Greece for the immigration and settlement of persons from other Community countries and third countries. However, measures should be taken to (a) ensure that refugees are entitled to work, (b) provide a better standard of living for refugees and (c) put an end, as far as possible, to the exploitation of foreign labour.

A year ago a non-governmental organization entitled 'The Greek Refugee Council' was founded in Athens with this objective. We consider that the EC countries should adopt a joint approach to these problems. I would suggest, in particular, to provide refugees with healthier and more humane living conditions. This is particularly important because, owing to proximity, certain countries receive more refugees, who are more destitute than others (for instance Greece receives Kurds, Iranians, Turks, Pakistanis, Ethiopians etc.).

I would also suggest that relevant national authorities (Ministries of Public Order, Ministries of Labour etc.) cooperate on a systematic basis with a delegation of the UN High-Commission for Refugees in their respective countries and with non-governmental organizations concerned with this topic.

I should like to bring my brief address to a conclusion by saying a few words about our Foundation which has been concerned from the very beginning with the problem of racism (see Athens Appeal, Annex 2 and special UNESCO volume on 'Racism, Science and Pseudo-science' from the 3-day symposium held by UNESCO and our Foundation in Athens in 1981); at present it is undertaking special research, funded by the Commission of the European Communities, on the law governing, and social problems facing, foreigners in Greece.

X. Mrs MISSISTRANO

Ladies and gentlemen,

We have decided to devote our statement specifically to the activities of our association.

The main object of our deliberations and activities is to define an approach to these questions that will enable us to check the rise of racism and xenophobia.

Introductory remarks

- No new provision on racism and xenophobia has entered into force in Belgium since June 1986;
- It is worth noting the breakthrough of the Flemish extreme right at the 1988 local elections. At present the town of Antwerp is facing serious difficulties because of the general hardening of the situation with the election of numerous representatives of the Vlaams Blok to the Communal Council;
- This group, which is not a new one, is also causing great difficulties in some Flemish communes on the periphery of Brussels: disturbances to the smooth functioning of the Communal Councils, demonstrations, etc... in reaction to the fact that French speakers are often in the majority;
- In education, various incidents have been occurring in certain schools. The Human Rights League has not investigated this matter.

- The setting up of the Royal Commission for Immigration Policy is a major step forward with a view to examining the difficulties connected with the integration of Belgian and immigrant civilian society and of the political class as a whole. The debate has begun and has already produced a variety of results.

The Council of Ministers has given its assent to a draft law to facilitate access to nationality.

Similarly, there are signs of a solution as regards the setting up of a representative body for the Muslim community which will act as a spokesman recognized both by the Muslims themselves and by the public authorities.

Ladies and gentlemen,

On behalf of the Human Rights League and the International Human Rights Federation let me thank you for giving me the opportunity here to make a few remarks which we can include in the file you are putting together.

By way of introduction to the subject, it seems a good idea to define a few terms. When we see the amount of work done and the attention paid to training in the French National Front in order to formulate a language that will "hit the mark" and train the militants to speak in very specific terms, when we also see how every text drafted in the newspapers of the extreme right juxtaposes ideas and facts that are exact with lies and discriminatory remarks, we realise how fundamentally important it is to carefully consider our words and also the general situation around us.

For these reasons I will remind you here of the definition of the term "racism" given in the French Petit Robert dictionary: "theory of the hierarchy of races which concludes that it is necessary to preserve the so-called superior race from any interbreeding and that this race has the right to dominate the others". By extension, it is "a range of reactions which, consciously or not, accord with this theory".

Can we still believe with any certainty that this is the philosophy that prevails in the minds of those who are most generally described as racists, perhaps for the sake of simplicity?

In general terms, what is it we are witnessing in France and also in Belgium?

It would seem that the words used on a day to day basis, at street level, are reactions born of fear. They find expression in a general discontent, and to relieve that feeling, in the desire to exclude, more or less forcibly, if not by violence, any foreigners.

Let me emphasize that I think if we do not address people on the basis of what moves them, of what impels them to act, we have no chance of combatting and checking this growing feeling and the serious consequences to which it gives rise, with the result that some people exploit it in the way we have seen.

On the other hand, if we look at the term "xenophobia", again in terms of Le Petit Robert, we find "hostility to foreigners, to things foreign", which brings us closer to the feeling described above.

Looking at this hostility, we must also inquire into its sources:

There are four dominant feelings:

- a real and imaginary sense of insecurity;
- a real and supposed sense of loss of identity;
- the (quite imaginary) fear of material losses stemming from a loss of wealth;
- a demographic fear of the threat of extinction of a race and therefore of death.

If we add the fact that these feelings are primarily directed at people of Maghreb origin, and knowing of the centuries-long historic opposition between Christianity and Islam, it becomes clear that here lies the source of the poison that gives rise to discrimination and hostility.

In this context, let me tell you of the views of Alain Finkelkraut. Perhaps you are familiar with them. Briefly, Finkelkraut said there is no people's party in France any more. In this sense, the collapse of the Communist Party is a disaster. The Socialist Party, the "oligarchy of modernity" does not know the people and can neither listen to them nor talk to them. So the National Front has a free field to exploit, in whatever way it can, the frustrations and discontent of the people.

If immigration was the first subject seized on by that party, today we see it tackle such matters as ecology and social problems. We may be sure that this is not a matter of chance. Nor is their concern with the third world countries, a subject touched on here and there as an answer to the flows of immigration.

Fortunately, the situation in Belgium is slightly different, although not very brilliant either. The Socialist Party (the Communist Party never had more than a very small representation) remains much closer to the people, to their difficulties, their ideas, if only because their elected members are much more permanently represented in their communes and towns. As for the Liberal Party, although clearly part of the traditional democratic pattern, it reflects those trends that demand the most radical solutions. It tends to use and apply the most demagogic legal methods, contrary to certain principles of respect for human rights.

Yet the situation here looks healthier than in France, at least in the French community in Belgium.

Let us return to the four fears listed above and to very practical experiences gained by the Human Rights League.

In 1988, an easily identifiable group called "The friends of Madame Philippart" circulated a xenophobic tract during the local elections in the Schaerbeek Commune.

We wrote to it to tell it that this tract conflicted with the law against racism and xenophobia but that we thought it advisable to meet them and talk to them about it.

We did not receive a reply for several months. So we wrote again, and the terms for a meeting were set out.

Four members of the League met some thirty members of that group in a room in their commune.

The four feelings I referred to became apparent one by one, in a really dramatic way.

"We no longer dare to go to the cinema at night! Do you find that normal?"

Reply: NO

"We no longer know where to go in our area, there is not a single Belgian café! We no longer feel at home. Do you find that normal?"

Reply: "We can understand why that would be difficult to cope with".

We held a dialogue with them for three hours, quite informally, freely, and without attempting to teach them any moral lesson. We simply listened and replied, but also began to set limits when the solutions they proposed to their difficulties conflicted with respect for human rights.

To the question: "Do you regard us as racists?" our reply was "No". The huge relief they felt made them speak less angrily and one of them said that he was helping immigrant children to do their homework while another said she was a teacher and loved the children from 20 different nationalities that she had in her class...

A second meeting was fixed. I would like to read you two letters, the first is the response of the group to our first meeting, the second, from the Human Rights League, fixes the terms of the second meeting'.

This dialogue has produced a whole range of results as regards the League's reasoning in its policy on immigration and the processes of integration (which, incidentally, is now very advanced).

The text of the proposals from the League to the Royal Commission for Immigration Policy will be given separately:

The population groups we have considered, namely those of Muslim religion, form a component of Belgian society. As a result we must finally give up the illusion that they will leave, but also the illusion of their forcible repatriation (for whatever reason: deportation of offenders, measures to persuade them to return which conflict with the theory of settled populations).

Their presence within Belgian society also implies the free play of democracy, which means accepting conflicts while trying to find negotiated solutions.

We should therefore uphold, and the immigrants must also accept, the absolute need for them to become a valid part of civilian society by taking part in the associations and interest groups that have already been formed and by setting up organizations to put forward the specific demands of the foreign communities and lastly by taking part in the electoral process.

On a few sensitive points, the Human Rights League also emphasizes the importance of immigrants acquiring Belgian nationality by a simplification of the administrative procedures.

This implies a duty to become involved in the management of local affairs.

Giving or conferring the right to vote is a measure we think is doomed to failure given the internal conditions of Belgian policy and in particular the Flemish opposition.

There are many social economic and cultural implications: the importance of appropriate education, the possibility of free choice of residence (bracketed by Article 182 of the law of 15 December 1980 which forbids certain foreigners from residing or taking up their abode in certain communes)

This discriminatory measure, which is likely to be condemned by the European Court of Justice in Strasbourg, has various adverse effects.

The Human Rights League and the MRAX will condemn them on 17 April 1990, as they will condemn the discrimination of the same kind, but without any legal basis, suffered by the French-speaking population in certain Flemish communes:

We come now to jobs and security.

That is a particularly important subject. Some districts in the Brussels agglomeration have been abandoned by the forces of order (police and constabulary) except for sudden raids and attacks from time to time that are ineffectual and give rise to violations of rights.

Here too the League wants to take action. The tensions will not be relieved so long as people suffer from this state of insecurity that is quite unjustifiable. This must at the very least be recognized.

to be both pragmatic, really to tackle the difficulties and needs felt by the existing population groups, Belgian and foreign, and to be rigorous in terms of respecting human rights.

We feel the time has come (the third generation of immigrants is growing up) to set up a dialogue between equals with these communities of foreign origin on the basis of mutual respect and respect for the legally constituted state.

One argument we regard as basic, quite apart from all the vicissitudes of everyday life which remain unsatisfactory for many on both sides, is the reference to the supranational laws to which our constitutional state subscribes:

The European Convention for the Protection of Human Rights

The United Nations agreements.

There is no longer any reason to think that we can in the name of immigration go back on the range of democratic achievements which make this country a member of the international community.

This applies both to the demands by certain groups of our people, and to certain integrationist groups who think that by calling on some form of respect for differences they can overthrow certain principles which have now become universal legal norms.

We have not here considered the exponential growth in the number of applicants for asylum in Europe, which gives rise to many problems.

Moreover, foreigners legally resident in EEC countries suffer basic discrimination in their freedom of movement.

These questions are also dealt with in Annexes 3 and 4 which have been made available to you and in the documents on the Schengen agreements, on which the League has expressed the necessary reservations in relation to the rights of EEC foreigners.

Thank you.

May I first of all express my thanks to you for inviting me to this hearing, and transmit the apologies for absence of the other Secretary-General, who has an engagement in Milan.

The trade union movement is deeply concerned and aware of its responsibilities as far as racism and xenophobia are concerned. These are cyclical phenomena which should always be viewed in an economic context; in particular, unemployment and the associated marginalization and rejection tend to generate racism and xenophobia whenever they occur. The unions have always been active in the defence of the rights of workers - and when I use the word 'workers', I intend it to be understood in a context of internationalism and solidarity, even if such notions may seem a little outdated to the prisoners of fashion. In my view, internationalism and solidarity are vital concepts for the union movement.

We are wholeheartedly in favour - despite all the obstacles - of the construction of Europe on the basis of cohesion, harmonization and solidarity. It should be stressed immediately, however, that harmonization at Community level is not to be confused with standardization; the Community must not level out the different cultures on which Europe's rich heritage is based. Together with Parliament, we have conducted a major campaign in defence of fundamental social rights in the context of the completion of the internal market. The results of this campaign are still not certain, and this important point is not unrelated to the present topic of discussion. It is, however, bizarre that this process of European construction should have been based on a virtually unmitigated free-market concept of Europe; such a concept entails severe risks - including social dumping - especially in view of the continuing crisis. When we demand equal treatment for all workers within the Community, we are of course referring to workers from the Member States, but also and at the same time to all workers, who should be treated equally from the moment they begin to work in the country concerned.

However, the principle of equal treatment poses considerable problems with respect to certain legislative proposals which are likely to be submitted to Parliament this year. A case in point is the draft Community instrument - which we hope will form the basis of a directive - on transborder subcontracting. In a field like this, we must be wary of the employers' argument that it is acceptable to build the new Europe by exploiting the variations in social costs and welfare provisions among Member States. Suppose, for instance, a Portuguese construction firm is allowed to tender for a public contract to build a hospital or a motorway in Denmark, obtains the contract on the basis of lower social costs and then imports 2000 or 3000 Portuguese workers to carry out the work on the basis of Portuguese conditions: situations like this, amounting to a perversion of the construction of Europe, could provoke chauvinist reactions leading to racist and xenophobic attitudes. There is therefore a need for considerable vigilance. How would a Danish employer react to the granting of such a contract to a Portuguese public works company and the importing of 3000 Portuguese construction workers? He would tell the Danish workers: 'We have

lost the contract, so redundancies may follow; and if you want us to get the next contract, we shall have to look again at your welfare coverage, your wages and your health and safety standards, which are all beginning to look too high'. The result would be a vicious circle which would provoke protest movements by workers over the social questions involved. It follows that, in the construction of Europe, basic social rights must be considered essential to any concept of Europe based on democracy and solidarity; although social rights have traditionally taken second place to human rights, we believe that social and trade union rights form an integral dimension of human rights as a whole. No democracy can work without free trade unions. Unions are workers' associations with the right to organize, take action and negotiate freely; I know of no real democracy without free unions. These social rights are, then, essential to democracy.

With regard to political democracy, the European Trade Union Confederation believes that Community citizens should be entitled to participate in local and national elections. In the case of non-Community citizens, we believe that they should be able to participate in local elections; this is an important demand which should not be dismissed as utopian, however it may have been received in the past.

Another pressing problem is the integration of second and third generation immigrants. As I have already pointed out, unemployment tends to generate racist and xenophobic attitudes; there are currently almost 16 m unemployed in the Community, and the situation has been worsening year by year. In spite of the higher growth levels recently achieved in the Community, and certain trends towards job creation, it remains almost impossible to reduce the mass unemployment created during the years of crisis, and the unemployed tend to sink into marginalization. The 16 m unemployed include 5.5 m who have been out of work for over a year, while 35% of the unemployed have been jobless for more than two years. This situation of marginalization and poverty also affects emigrant workers, and tends to condition current reactions. There are, however, moves to extend vocational training, both by providing initial training in primary and secondary schools and by instructing people in new occupations and skills.

I would like, finally, to point out that there is a certain interrelation between international agreements. We are saddened and disturbed to note that the Council of Europe convention on the status of migrant workers, signed in 1977, has been ratified by only four Member States (France, the Netherlands, Portugal and Spain). This convention covers the rights to equal treatment, to education and training, to social security and to the integrity of the family. Certain Member States, however, including Belgium, the FRG, Greece, Italy and Luxembourg, have signed the convention but, as yet, failed to ratify it. Many fine words are spoken on integration and equality; but the fact that there are international instruments which have not been ratified by countries which have signed the convention (I say nothing of those which have not signed) is, I submit, totally unacceptable, bearing in mind the protestations of poverty certain governments, Member States and political leaders.

Mr Chairman, thank you.

2. Mr MIRANDA

I am deeply honoured to be here today to testify before the European Parliament's Committee of Inquiry into Racism and Xenophobia on behalf of the immigrant African communities in Portugal.

This European Parliament initiative could not come at a better moment: for if times are propitious for European integration and the citizens of Europe are at last fulfilling an ancient ambition to live in peace, security and prosperity and to express their liberty, identity and creativity in a society based on democracy and respect for human rights, the same cannot be said of the non-European Communities attracted to Europe by its prosperity and civilization.

An exclusive Europe?

The African, Asian and Latin American immigrants living in the European Community countries who have contributed to Europe's present prosperity fear - with some justification - that a united Europe may seek to exclude the peoples with which it entered into contact during the centuries of European expansion, peoples who form the basis of Europe's social diversity and material wealth. Worst still: the outlook for hundreds of thousands of young people who, though born in Europe and educated in European values suffer discrimination on account of their race, culture and native language is particularly alarming when political parties involved in government take over the most repulsive extreme right-wing racist and xenophobic ideas supposedly in order to protect the prosperity of native Europeans and to block the electoral progress of those parties which are banking on a resurgence of nazism and fascism.

The European ideal and European integration would lack credibility without the constant efforts being made by the European Parliament to check the resurgence of racism and xenophobia and to uncover the structural mechanism that make immigrant workers and their descendants islands of poverty amid a growing sea of prosperity. If the human race and the 'global village' which the world is today are to survive, the third millennium must be a millennium of moral progress in which the universal values of liberty, equality and fraternity are consolidated. Portugal is a country which is justly proud of pioneering European expansion and of having maintained special ties over the centuries with peoples of all races and cultures. It is also justly proud of its achievement in integrating in record time and without particular problems almost a million persons from its former colonies in the wake of decolonization, including many thousands of natives from these newly independent states who opted to settle in the former colonial capital. However, it would be wrong to conclude from this rapid and harmonious integration that Portugal was the only Community country untainted by racism and xenophobia. Many generations of Portuguese people grew up under the sway of an imperial ideology insistently proclaimed by influential institutions such as school and the church; a whole generation was sacrificed in the longest war of decolonization in Africa; although Portugal can point to the ties of peaceful coexistence formed during the centuries of trading which preceded the military occupation of the colonial territories at the beginning of this century, as something which speaks in its favour nevertheless, Portuguese colonialism - like that of other European powers - involved inhuman practices such as piracy, slave trafficking, forced labour and the cultural violation of the colonized peoples.

Portugal, like most Community countries is thus in the contradictory position of pursuing European integration based on the principles of freedom and respect for others which are proclaimed as universal values while at the same time bearing a heavy burden of backward-looking values and practices which triggered the most bloody conflict Europe has ever known.

Nazism and fascism were nothing but the application to Europeans of practices and concepts already tried out elsewhere. Colonialism, like nazism and fascism and their underlying ideology, pattern of behaviour and political practice are the negation of a universal and humanistic Europe - the idea of a united Europe as a civilization in the vanguard of human progress. And it is no coincidence that the defeat of nazism and fascism led to a powerful movement of decolonization which gave birth to the multitude of countries now associated with the European Community through the Lomé Convention. As Basil Davidson, an Englishman who fought alongside Italian and Yugoslav patriots in the war and who is today an international authority on African history stated in an interview published last year in Portugal 'the war developed according to a logic of its own and became an anti-colonial war because what the enemy wanted to do basically was to dominate the world, to dominate others'. 'The war proved that imperialism was a very bad thing for us European.' 'I developed my anti-colonialist outlook mainly out of a concern for the well-being of my own people. But I am no exception. This idea was the lodestar for my whole generation. (end of quotation).

Maria Belo, a Portuguese member of the European Parliament has already addressed this very committee, saying and I quote: 'Despite the Portuguese reputation for humanity, Portugal's turbulent history is perhaps more marked than that of other peoples by violence, often excessive violence: the traveller's tales, the discoveries, trade, the conquests and colonization are full of examples of violence.' In the same address she recalls that reputed Portuguese historians argue that the reason why Portugal is backward compared to other European countries is the internal violence meted out by the Inquisition on a population which included 30% Jews and as many Arabs, a minority to which as Maria Belo recalls Portugal owed its progress in the fields of philosophy, science and technology.

Even in Portugal, therefore, there are people who are acutely aware of the burden of the past which is threatening Europe and its humanist foundations. 1989 was the year in which Portugal suddenly became aware of xenophobia and racism, phenomena which many institutions and large sectors of public opinion sought to minimize as individual aberrances incapable of tarnishing the non-racist image which Portugal seeks to give itself. It is profoundly alarming that Portuguese society only really reacted after organizations openly proclaiming a racist and xenophobic ideology assassinated a Portuguese politician, although this was perhaps the twelfth act of violence committed by this group, most of the other targets being negroes or foreigners.

Portuguese legislation against racist and xenophobic behaviour and practices is, however, very progressive and the bilateral agreements it has concluded with the main immigrant countries are models of their kind. However, the day-to-day practice of the administrative authorities, relations at the workplace and between ordinary citizens and the patronizing attitude which tends to ignore cultural shocks and the integration problems facing migrant workers and their children create an atmosphere propitious for racist and xenophobic violence. And it must be admitted that if the organizations which are openly fascist or xenophobic are all opposed to European integration, the tolerance and humanity of which Maria Belo spoke and which enable these organizations to survive are themselves based on the mean and despicable idea that European integration entails the exclusion of non-Europeans.

The Portuguese Constitution not only establishes equality of rights and obligations - with the exception of political rights - between Portuguese citizens and foreigners and stateless persons living or domiciled in Portugal, it also punishes any discrimination by individuals and institutions as well as by associations propagating a fascist ideology. The law implementing this constitutional principle defines fascist organizations as organizations which adopt, support or seek to disseminate aggressiveness, violence as a form of political struggle, colonialism and racism. The Penal Code provides for prison sentences of between ten and twenty-five years for crimes against humanity and one to five years imprisonment for actions which through public meetings, printed material or other media, defame, insult or provoke acts of violence against persons or groups of persons of another race, colour or ethnic origin. Any person who establishes an organization or disseminates propaganda in an organized manner, participates in or assists any organization which encourages discrimination, and racial hatred and violence faces a prison sentence of between two and eight years.

The legal provisions against racism and xenophobia may thus be said to be perfect or almost perfect. The problem lies in the practical application of this legislation, given that Portuguese society and the individuals and institutions it comprises tend systematically to turn a blind eye to this type of behaviour and crime as long as they do not constitute a direct and serious threat to their own well-being. This is well illustrated by the complacency that has always been shown towards foreign organizations even when these use the Portuguese state media to call for the destruction of goods and the kidnapping and murder of Portuguese citizens and exalt violence as their principle means of political action.

A very widespread form of propaganda against the immigrant communities is the subliminal connection made between these communities and anti-social forms of behaviour i.e. acts of violence against relatives or third persons, crimes against property, alcoholism and drug taking and trafficking. The Cape Verdean immigrant community in Portugal is all too familiar of the harmful effects of this type of propaganda disseminated above all by the popular press which, while apparently giving a factual account of an incident involving the above behaviour, subliminally suggests that it is somehow typical of a given community and systematically stresses the national or ethnic origin of offenders whenever these are foreigners or Portuguese of foreign origin. The use of an objective and factual veneer to foment discrimination and of social marginalization severely tarnishes the image of our communities and further restricts equal access to education, vocational training, work and decent housing and thus constitutes a further obstacle to integration.

I would not wish to deny that the social, cultural and housing conditions in which large sections of the African immigrant population in Portugal live, the culture shock and the desire to join the Western consumer society, result in an alarmingly high crime rate; indeed, our organizations have always been aware of this and have attempted to deal with the problem with the support of the relevant Portuguese institutions. However, the most superficial analysis will reveal that the incidence of this type of behaviour is not higher among foreign communities or communities of a different ethnic origin than among Portuguese living under similar circumstances, i.e. in run-down urban areas.

It is generally acknowledged today that all citizens and legal entities are entitled to defend their reputation and our communities are studying organizational and legal forms of combating this type of defamation.

In the European Community integration is often understood as implying the elimination of specific differences of immigrant populations and their merging in the society of the host country. Not only is this approach perverse and as incompatible with the moral and political principles on which the idea of a united Europe is based as a Europe which excludes immigrants, it is also counterproductive since it makes integration more difficult and increases alienation and tension which lead to social marginalization.

For any individual, whether he lives in his own country or whether he is a first or second generation immigrant his language, religion, his moral and family values, and his cultural outlook are necessary for his self-esteem and to enable him to play a balanced and productive role in society. It is wholly undesirable that in the wave of an abstract universality of European values and standards - which are themselves the product of beneficial contacts with other values and cultures - should spawn a category of alienated individuals incapable of acquiring even the most primitive forms of social behaviour. This form of integration would necessarily be disastrous.

The African communities in Portugal have learnt, from bitter experience, what happens when the authorities fail to take into account the specific linguistic background of immigrants: their children do badly at school and professional and social inequalities are perpetuated. The Cape Verdeans, who have at least two centuries' experience of immigration and are proud of having preserved their language despite all odds to the contrary even in the oldest immigrant communities such as that which settled in the United States, at the end of the 18th Century, are a case in point.

The communities we represent in no way reject the Portuguese language. But the very widespread phenomenon in certain suburbs of Lisbon that schools with 70% or more of Cape Verdean children are taught by teachers who have no knowledge of the language which is the daily vehicle of communication between the communities to which their pupils belong and are totally ignorant of the values which shape their social behaviour results in a breakdown in communication and the alienation of pupils from school which is highly alarming. The organizations representing these communities, the Portuguese authorities and the countries of origin should get together to analyze and find appropriate solutions to this problem with Community backing.

The only immigrant communities which suffer religious discrimination in Portugal are Muslims - approximately 20 000 - almost all of whom come from Guinea-Bissau, Mozambique, India or Pakistan and the Hindu community. However these communities do not suffer greater discrimination than other religions owing to the almost official status of the Catholic Church in Portugal and the concordat with the Vatican and a tradition of identification between Church and State which dates from the Salazar dictatorship.

Fortunately, even though Portuguese society is predominantly Catholic there is no discrimination against these communities, except perhaps the habitual association of a given religion with an ethnic origin. On the contrary, Portuguese society shows a mixture of tolerance, curiosity and sympathy towards these religions, since adherence to these religions is linked to irreproachable civil behaviour, resourcefulness and a hard working and family outlook in the communities which possess these socially binding values. The Catholic Church, for its part, is strongly represented in the Cabo Verde and Angolan communities in Portugal and has played an exemplary role in promoting

integration and combating social marginalization through Judicated missionaries and a consistent social policy. No attempt to integrate these communities and to combat racial discrimination and xenophobia is possible without the Catholic Church and our associations will endeavour to engage in greater institutional cooperation with it.

Racial prejudice and discrimination generally stem from ignorance and an inadequate understanding of the everyday behaviour and rituals of individuals or communities with different religious and cultural outlooks and politically-motivated value judgments. But when communities live together more closely they invariably find that the behaviour and rituals which alienated and repelled them are merely different expressions of the same underlying human values.

If Europe wishes to integrate its immigrants it should create conditions under which the immigrant communities are able freely to practice their religions and maintain their cultural standards; moreover it can only gain through this process - as it has done in the past - since it will become acquainted with the religious cultures and practices, the artistic and scientific creation and the contribution to world history of these communities.

These measures should be taken principally by the communities themselves with the help of the institutions of the host country and the country of origin and our associations look to the European Community to fund intensive programmes and to earmark appropriations in the structural funds for combating xenophobia and racism and contributing to the further integration of non-European communities and their descendants in European society.

Before bringing this speech to a conclusion I should like to point out a highly positive development which took place at the beginning of this year: following a number of alarming outbreaks of organized racist and xenophobic violence leading to an increasing number of attacks against foreign communities in Portugal, representatives of our associations were received by the Minister of Internal Administration on 14 January. Following this meeting a Joint Committee on Racism and Xenophobia and Integration was set up, a further indication of the government's interest in this matter following the painstaking enquiry launched by the Ministry of Public Affairs and Police into the practices and organizations involved.

We are therefore optimistic and in addition to the government and the thousands of highly qualified individuals who belong to our communities in Portugal, we hope to involve the local authorities, political and religious institutions and the President of the Republic, Dr Mario Soares, a very highly respected figure in Portuguese society and institutions who is well known for his humanistic convictions and support for European integration. We - and I believe I can speak on behalf of the Portuguese Government in this case - now look to the European Communities to support this joint measure.

Thank you very much.

Zbis Written submission by Mr. Kahn.

One of the most particularly virulent forms of racism is anti-Semitism. I shall endeavour to give a brief account here of the current situation in France.

In France, public opinion polls conducted over the past 40 years have shown a steady increase in the acceptance of Jews in French society. The Jewish community has, nonetheless, to be increasingly vigilant from time to time; in periods of crisis, there is a rise in anti-Semitism.

There does not appear to be an increase in the number of anti-Semites but an increase in and more widespread expression of anti-Semite views.

Varying in form and substance, these manifestations of anti-Semitism appear in fact to be linked to events connected with Judaism, and which have often been the subject of widespread media coverage, such as the case of the Carmelites at Auschwitz or that of the Islamic headscarf (this being linked to the kippa or other external signs of Judaism), certain episodes in the Intifada, the Barbie trial and, above all, election periods.

In addition to the ever-present statements of small neo-Nazi or post-revisionist groups directed only towards small but active minorities, I should mention the anti-Semitic views expressed in the political field (particularly by the National Front) and taken up to considerable degree at national and community level. This is tending to become increasingly frequent.

These signs of anti-Semitism were covert in the late seventies and early eighties (references to "Zionists" rather than "Jews") but they have since become overt.

The following issues have to be considered:

- 45 years after the Second World War, what has become of the disapproval, both spiritual and verbal, of expressions of anti-Semitism which followed the Holocaust?
- has anti-Semitism carved out a place for itself on the political stage?
- is racism directed against the Arabs encouraging the emergence of anti-Semitic behaviour?

I shall try to provide a rapid answer to these questions:

1) Anti-Semitism in the traditional political context: the National Front

1982: electorally non-existent; in 1981 Le Pen was unable to obtain the 500 signatures needed to be a candidate in the presidential elections.

Since that time, developments have been very swift:

11% at the European elections in 1984
30 seats at the general elections of 1986
+ 20% in certain of the French departments (1986)
14.39% for Jean-Marie Le Pen in the 1988 presidential elections
11.73% at the European elections of 1989
+60% in certain areas such as Dreux and du Luc

A poll conducted for Le Figaro in January 1990 revealed that 19% of French people wish to see Jean-Marie Le Pen play a major role in the future.

Moving on from a protest vote, a vote seeking an outlet, Jean-Marie Le Pen is now picking up a section of the vote which is critical of the political classes, from an electorate concerned about the future.

Are anti-Semitic statements an accident of language or have they a strategic purpose?

Jean-Marie Le Pen set himself up as spokesman for the French "under threat", pointing immediately to the main source of that threat: non-European immigrants.

He began by denying that he was anti-Semitic and, in the beginning, refrained from speaking directly, but, in 1987, when his share of the vote was falling, he became more explicit:

- "I do not say that the gas chambers did not exist. I myself have not seen any...But I think it is a point of detail in the history [of the Second World War]".

- "Durafour crématoire" * the play on words which caused the European Parliament to waive his parliamentary immunity.

- "The cosmopolitan Jews and the Jewish international are playing a not inconsiderable part in the creation of an anti-national spirit".

- "The suspicion that Jews owe twofold allegiance: Lionel Stoléru, is it true that you have dual nationality?"

Although he may have lost in integrity and respectability, he gained publicity in the media claiming to be the victim of a witch-hunt, of the activities of the "pro-immigrant or Jewish lobby".

"We could say that it is we who are being treated in the way the Jews were treated in Germany". "Are we going to be made to wear a tricolour star?"

* An untranslatable "pun" on the name of French politician and government minister Michel Durafour and the expression "four crématoire" meaning a crematorium furnace.

Choc du Mois", "National Hebdo" with Françoise Brienneau and "Présent", a daily paper, the targets of the National Front are the major Jewish organizations, including, very often the CRIF and myself.

I shall conclude this section on the National Front with a number of points which reveal that its actions and statements are the result of a well-established strategy.

- 1) It is targeting an increasing number of electors;
- 2) It is benefiting from the disintegration of the traditional political class and the lack of public confidence in the system;
- 3) Condemnation by the courts of its xenophobic or anti-Semitic statements do not deprive the National Front of legitimacy in the eyes of its electors;
- 4) It is tending to reinforce its position as leader of the European far right.

Let us now move on to part two of this brief survey.

2) Memory of the past - revisionism

Revisionism has become a subject common to the whole of the extreme right, openly combining negation of the Holocaust with an anti-Jewish offensive from all sides.

In addition to the arguments of Robert Faurisson, of which there would seem to be a general awareness, there are negationist activities which have their own special press coverage in the publications of the National Front: "Présent", "National Hebdo" or in letter-writing campaigns and the distribution of tracts.

A recent example illustrates, and there is none better, the linking together within a single proposition of xenophobia, racism, anti-Semitism and negation of the Holocaust.

An academic at the University of Lyons III, Mr Notin, had an opportunity of placing, by subterfuge, an article in an official publication "Economy and Society" published by the Institute of Mathematics and Economics and the National Centre for Scientific Research and the Banque de France. He denounced the "Nobel's Band" holidaying in Paris at the instigation of the Jewish entourage of the President of the Republic and the poisonous sophism of the existence of the gas chambers, the "barely credible" sight of which raised doubts as to whether they really existed; "furthermore, does it really matter".

This is not an exclusively French phenomenon: is there not an International Centre for Historical Research and Information with offices in Oxford, Los Angeles, Paris, Brussels, Vienna, Stockholm, Milan and Arolsen, which publishes tracts and brochures.

Finally, there are those who are described as post-revisionist (the monthly publication "Revision") which boasts of being the only anti-Jewish paper serializing the Protocol of the Elders of Zion.

In this connection, Alain Guionnet, a long-standing negationist (writing under the pseudonym of the "Black Eagle") has just been sentenced to one month's imprisonment by the Paris criminal court for disseminating negationist literature. In Metz, two negationists have also recently been given two month suspended prison sentences.

In addition to the National Front and the revisionists, there are also, of course, the supporters of the active extreme right such as the French and European Nationalist Party which is racist, anti-Semitic and neo-Nazi with its skinhead contingents, sometimes violently attacking immigrants, coloured people, dropouts and, naturally, Jews.

There is also the Islamic fundamentalist movement (which should not be confused with the Muslims living in France) which draws its inspiration from Middle East activists who disseminate the Protocols of the Elders of Zion (anti-Semitism dating from the time of tsarist Russia) and sometimes attack Christians also (for instance, the statements of Fouad Ali Saleh to the Paris courts).

Apart from this, following the Israeli-Arab-Palestinian conflict and certain of the incidents resulting from that conflict, Jews who support Israel have borne the full force of the anti-Zionism which has developed in certain sectors and which has got out of control and become pure anti-Semitism.

To conclude

While we should not underestimate the sometimes contagious influence of the awakening of nationalism in Eastern Europe with its xenophobic and often anti-Semitic overtones, we should not forget either the way in which Jews are presented in France - after being praised for their acknowledged difference, they are now cited as a model of successful integration. There is thus a risk that will find themselves thus both inside and outside the national community at one and the same time. With all the unfortunate consequences that that would entail.

What are the answers to these extremely difficult questions?

First, we should welcome the recent proposals of French Prime Minister Michel Rocard, including the proposed establishment of the offence of negating genocide.

Several proposals have been made in this connection: 2 by Licra and one from the Socialist Party.

We should also mention the positive aspect of the action taken by the French Minister of Justice, Mr Arpaillange, who has urged the courts automatically to take action against racist offences.

Then there is Areski Dharmani's idea that penalties for incitement to racial hatred should be accompanied by the loss for a certain time of rights of citizenship: ineligibility to hold office, for example.

As far as the media are concerned, they should refrain from constantly repeating information obtained from, for instance, opinion polls which, as was very recently the case in France, have been conducted vis-à-vis officials of the National Front, putting questions such as: "Do the Jews hold too much power?"

Publishing information of this kind could provoke disquiet, and the media should reflect on the unwitting part it is thus playing in spreading racist or anti-Semitic attitudes.

We are trying to work closely with human rights' groups such as Licra, the League of Human Rights and the MRAP and with organizations which look after the interests of immigrants or North Africans such as "SOS Racisme" and "France Plus".

And so, for example, we are entitled to ask, in the interests of our common cause, why following the serious misconduct of Mr Jacques Medecin, the mayor of Nice, which concerned both his political conduct and the statements he made, only three Jewish councillors resigned from the Nice city council and none of the others considered it appropriate to follow their example.

That brings to mind the following point. We have to be able to think in terms of anti-racist legislation at European level. How can it be that certain European Community countries do not have legislation similar to the French law of 1972? If we are to create an economic, political and monetary Europe, it must also have an ethical and anti-racist foundation common to all the Member States.

All the young people of Europe must be taught in the same way: if a history book which is the same for the whole of Europe is to be written, it must include respect for one's fellow men.

But it is necessary also to educate the educators, that is to say the teachers of all the countries of Europe, and I propose the establishment of a European university, able to provide training at a high level.

These are just a few of many general suggestions which we would make in order to guarantee that the Europe, which we so wish to see, never becomes a Europe of exclusion.

We should not lose sight of the fact that the fight against racism and anti-Semitism is not just a matter for coloured people and Jews, it concerns all who believe in democracy.

Action should be taken by all sections of society.

For example: the Christian churches
the human rights groups (Licra, MRAP)
associations representing immigrants or North
Africans

These are some small suggestions designed to ensure that the Europe to which we aspire develops in a moral climate of tolerance and respect for others.

BASIC QUESTIONS TO BE ANSWERED

1. Since the adoption in June 1986 of the Declaration against Racism and Xenophobia, what legal or administrative provisions relative to the fight against racism and xenophobia have come into force in your country?
2. Could you indicate if over the last four years there have been any demonstrations of intolerance, hostility, or the use of force against any person or group of persons by reason of their belonging to a particular racial, religious, cultural, social or national grouping, in your country? What measures have been taken as far as legal provisions or law enforcement are concerned to eliminate such demonstrations?
3. Have any new groups with a racist or xenophobic aspect other than those mentioned in the EVRIGENIS report appeared in your country since the signature of the joint declaration? Have legal measures been taken to deal with them, and if not, why not?
4. What measures have been taken in your country as far as information, education and the economic and social situation are concerned aimed at creating a climate in favour of a better integration of persons coming from different countries and of ethnic or cultural minorities?
5. Have your national authorities established a long term policy on immigration and the integration of persons coming from other Community countries and from third countries in the light of the free circulation of persons due to be fully established with the achievement of the single market in 1992?