White Paper on Tolerance

CONCEPT FOR A WHITE PAPER ON TOLERANCE

FOREWORD

The ideas and proposals presented in this document are put forward by the European Council on Tolerance and Reconciliation as a Concept for a White Paper on Tolerance.

This may be used for guidance and discussion of how to approach this complex issue. The final White Paper will be a valuable resource for political leaders and all those involved in promoting tolerance in society at the grassroots level. It will also be a message of hope for all victims of intolerance who have suffered physical attacks and attacks on their dignity.

"There will be no peace on this planet as long as human rights are violated somewhere in the world."

René Cassin

Sad memories of slavery or religious wars; terrible images of '*Kristallnacht*'; cries from a Warsaw or South African ghetto; ruins of the World Trade Centre towers; desecrated graves in a Jewish cemetery in Alsace or blood spattered mosques: examples of intolerance can be found around the world. History continues to show us how bigotry, ignorance and misunderstanding bring fear. Fear exacerbates hatred, hatred generates violence and violence leads to death.

"We must learn to live together as brothers, or we'll all die together as fools."

Martin Luther King

More than ever, it is urgent that people learn tolerance. It is also urgent that we be tolerant with one another. But we must also be particularly vigilant, because there the word 'tolerance' can be interpreted many different ways.

"Tolerance becomes a crime when it is used to legitimate evil."

Thomas Mann

Although often controversial, the concept of tolerance has become trite as a subject of discussion, so much so that almost everyone believes that he or she is tolerant. But real life refutes this, for the meaning of the word 'tolerance' is not the same for everybody.

"I do not like the word tolerance, but I can't find a better one."

Gandhi

However, there are well intentioned men and women constantly struggling to stop the intolerable from being tolerated. It is intolerable that some people are 'more equal than others;' it is intolerable that a few discriminate against those whose skin is a different colour, who speak another language, who come from a foreign country, from 'somewhere else'. This intolerance thrives on fear of others, because they are different and we do not know them.

"The tolerance which refuses to understand intolerance is what makes man's humanity."

Thomas Mann

Our world is a diverse place and the differences between us are numerous. There are treasures to be found in diversity. But just take a look at the European continent and you'll realise how being different can disturb the status quo. Intolerance in the face of these disturbing differences deprives some people of opportunities to become equal. Even so, this equality is guaranteed by international conventions, charters and constitutions worldwide and remains a promise for all people without exception.

Intolerance remains an unbridgeable gap on the road to prosperous freedom. This freedom is guaranteed by charters, conventions and declarations. It permits each individual to live according to his or her customs, beliefs and religion. Equal rights are promised to all with respect for diversity: what have we done with these rights?

"In a democratic state, the right to be different exists, but not the right to have different rights."

Fernando Savater

It is therefore urgent that policymakers implement a true 'culture of dialogue,' bringing worldwide recognition of the right to be different, for diversity and variety are the sole concepts capable of promoting tolerance. Knowledge improves understanding and acceptance of differences. Education, teaching and dialogue construct the concept of respect. Only respect can provide a solid foundation for true tolerance, helping to preserve peace between people and nations.

"Tolerance is a virtue making peace possible. A society which tolerates evil becomes its accomplice."

Kofi Annan

There is an urgent need to fight all forms of the intolerance that has corrupted our society for centuries. Thus, it is necessary that states adopt adequate means to monitor, measure, analyse and prevent intolerance and its various manifestations. Encouraging people to be tolerant is perhaps the most effective way to fight intolerance. We must find a way to understand and analyse the phenomenon using a stable and reliable scientific base.

Civil societies must demand a political tool facilitating commitment and coordinated action against intolerance – a Framework Convention uniting all member states on the major aspects of tolerance and all forms of intolerance. This Framework Convention must be extended to all the countries of Greater Europe and to all areas concerned by intolerance.

In this regard, a European Observatory for monitoring intolerance and promoting tolerance would be a valuable instrument enabling the effective implementation of international legal texts. The Observatory would help to develop appropriate national laws and be effective in the fight against all forms of intolerance.

In an era when intolerance is on the rise, the foundations of democracy are shaken and world peace is threatened, all the forces of our continent must be mobilised. With the final White Paper on Tolerance, the European Council on Tolerance and Reconciliation would like to pay a special tribute to the commitment of all those who, like René Cassin, are working for peace through the defence and promotion of fundamental rights, guaranteeing each human being equality and freedom, words which are synonyms with TOLERANCE.

CHAPTER I
THE CONCEPT OF TOLERANCE

True tolerance and human rights both spring from the same roots – truth and freedom. Contrary to what our sad and often bloody past seems to tell us and to what we are reminded of in numerous recent events, true tolerance is not an enemy of conviction.

People must clearly understand that there is no conflict between truth and human rights. It is also no longer possible to assume that anyone with an opinion different from mine is wrong.
And this is where fundamentalism, especially religious fundamentalism, is opposed to the concept of true tolerance. According to Jeanne Hersch (in Tolerance Today), the absolutes required by our guiding morality or convictions demand not that the Other abandon his or her own convictions, but that he or she demonstrate absolute respect for those convictions, despite the fact that he or she will never share them.

This vital respect is the foundation of human rights. It is also the foundation of true tolerance that sacrifices nothing to the truth. It leaves no room for the lukewarm, nor is it an expression of complacency, concession or, of course, condescension.

The UN Declaration of Principles rejects any notion of tolerance that could cause any kind of harm to humans. It is particularly dangerous to reduce 'tolerance' to a sort of simple indulgence of those not considered perfectly equal. Tolerance is actually the difficult process of striking a balance between the diverging interests of different communities and between the self and others.

The United Nations defines tolerance as: *"Respect for the richness and diversity of cultures… harmony in difference… based on recognition of the universal rights of the human person…"*

Tolerance is and must remain a virtue leading to vigilance towards the intolerable and intolerance. Since Pierre Bayle's treatise of 1686, there is no place for a tolerance defined as a "humiliated, transitional and half-shameful behaviour." Tolerance has become a virtue, a universal one.

"We, the People of the United Nations, […] determined to preserve future generations from the scourge of war, […] to proclaim and reaffirm faith in fundamental human rights and in the dignity and worth of the human person, […] we commit ourselves to practice tolerance and live together in peace with one another…"

The UNESCO Charter states unequivocally that:

"Tolerance is harmony in difference. It is not only a moral duty, but also a political and legal necessity…"

The same charter recalls that tolerance is the cornerstone of human rights, pluralism, democracy and the rule of law. Consequently, individuals can freely choose their convictions and accept that others enjoy the same freedom. No one can impose his or her views on others, and everyone has the right to live in peace regardless of physical appearance, location, lifestyle or means of expression, as long as it does not affect the freedom of others or public order.

True tolerance requires that each individual play his or her part. The same is also required of the state, from which justice and impartiality are demanded in the name of tolerance. The state is expected to secure freedom and equality without discrimination, as called for in Protocol 12 to the European Convention on Human Rights (ECHR) and General Policy Recommendation No. 7 of the European Commission against Racism and Intolerance of the Council of Europe (ECRI).

It is vital that nobody be excluded or marginalised because of origin, skin colour, language, religion or beliefs. Whatever its form, exclusion leads to frustration, hostility, fanaticism and hence intolerance.

Tolerance must no longer tolerate intolerance!

CHAPTER II
TO NO LONGER ALLOW THE INTOLERABLE

Humanity does not seem to have been able to draw vital lessons from its history. Despite the proliferation of declarations of good intentions, especially after the Second World War, a disturbing and dangerous increase in conflicts has been observed, many of which are caused by differences in religion and culture. In the aftermath of the terrible events of 9/11, people have begun to talk about a "clash of cultures" or a "clash of civilisations."

Whatever the terms used, rightly or wrongly, it must be underlined that in all these conflicts human beings are being humiliated and deprived of their liberty. Sometimes they are simply eliminated. All of this is often done in the name of 'the truth.'

The intolerable must no longer be tolerated. There are various forms of intolerable behaviour; we shall only refer here to those called racism, anti-Semitism and xenophobia.

Intolerable behaviour based on fear

These three particularly unbearable forms of intolerance have one thing in common: they are all the product of fear. The French writer Jean Paul Sartre questioned why Europe, and mainly France and Germany, proved to be so anti-Semitic.

Although his remarks are in many ways questionable, they are worth pointing out. He alleges:

"Anti-Semitism is primarily the result of fear. Anti-Semitism fears itself, its conscience, its responsibility, has a fear of society and the world… It often has a catastrophic vision of the future. Anti-Semitism needs to designate someone to blame, a scapegoat; it needs to hate; it also needs reassurance by persuading itself it belongs to the elite…"

Broadly speaking, it seems that racism itself is more a product of fear than a belief that one is a member of a superior race. It is not our purpose to study or analyse racism or anti-Semitism in particular. We are just trying to see how to deal with these forms of expression of intolerance in the context of fear.

Racism is undoubtedly a result of fear and a desire for security. It is the rejection of differences, a denial and rejection of the Other. The Other is designated as the scapegoat, a "dirty negro," a "dirty Jew" or a "dirty Arab." in other words, the cause of all the suffering.

Even though it is difficult to agree on an acceptable definition of racism, all the evidence seems to demonstrate that ordinary racism is nourished by intolerance and exclusion based on fear. This is what Voltaire, denouncing all forms of intolerance, called:

"This irresistible trend not to support what displeases in the way of life, opinions or conduct of the other…"
It is the rejection of the other which leads to exclusion and excommunication, followed by expulsion and destruction.

This fear of the foreigner will always feed on intolerance and rejection of the Other. This attitude, called xenophobia, causes endless discrimination, even exclusion or extermination.

Racism, anti-Semitism and xenophobia are the channels used to maintain rejection, discrimination and hatred, which strengthen to become fundamentalism (including religious fundamentalism) and consolidate with communitarianism to build a bulwark against fear.

Confronted with the rise of intolerance and its manifestations, it is legitimate to question the fate of today's tolerance. The reasons for concern are plenty.

Intolerable hate speech

Naïve anti-racist speeches tend to take the view that tolerance merely means acceptance of 'the other.' This is a dangerous oversimplification that creates stereotypes: strangers come from godforsaken countries; they have a different skin colour; strange customs; noisy behaviour; questionable religious practices; and bizarre smells. All these qualifiers stigmatise the other and gradually lead to dangerous generalisations.

Anti-Semitism works the same way. Hate speech feeds stereotypes and prejudices that then become commonplace.

Isn't it clear that all the commonplace words and images conveyed by political discourse have their roots in a misuse of tolerance? Refusal to tolerate the intolerable must not lead to more indifference in the vein that 'everyone is free to do what he or she wants and all opinions are equal.' The danger of this type of pseudo-tolerance is far greater than we can imagine.

Indeed, ideas like these help provide excuses for a degree of slippage in extremist and populist political discourses. Pseudo-tolerance can be confused with a loss of values.

Therefore, we must be particularly alert to how words are used in political discourse. The danger of trivialisation, often recalled here, is as dangerous as violent acts of intolerance.

Hate speech must no longer be tolerated. States must implement vital laws ensuring not only adequate prosecution of racist manifestations, but also sanctions proportionate to the seriousness of the facts.

Some states have begun to define 'hate crimes' as a broad concept, but this is a difficult process. Therefore, institutions must work together to prevent problems and find solutions.

Report of the Fundamental Rights Agency

In fact, racist and xenophobic political speech has already strongly influenced public opinion and fostered a greater acceptance of intolerance and even serious discrimination against some minorities.

As Michael Head (past president of ECRI) has emphasised, this type of idea immobilises political actors and discourages leaders from taking steps that would benefit minorities. For instance, **Germany's** failure to create a specialised body to fight racism at the effective national level may well signify something other than a lack of political will.

In Poland, hateful anti-Semitic speech often goes unprosecuted because of an apparent reluctance to **acknowledge** the offence against society.

Although there has been a relative decline in the number of extremist political parties preaching hate, racism and xenophobic propaganda, we are concerned about the fact that some traditional political parties are using arguments already employed by extremists. The debate on immigration is particularly affected. In **Italy**, **Denmark** or **Sweden** especially, public statements on the issue are growing increasingly harsh.

It is easy to find arguments for intolerance: concerns about national security; the global war on terror; etc. And it is so temptingly easy to point to differences between cultures and their alleged incompatibility with each other. The debate on multiculturalism in the **Netherlands** is a prime example.

It is vital that states rigorously apply penal laws punishing racist offences. States must punish not only the individuals who perpetrate such offences, but also politicians who believe they can trivialise hate speech.

Intolerable racist and anti-Semitic violence

Hate speech can no longer be tolerated; nor can racist or anti-Semitic violence. Indeed, as the EUMC (currently the Fundamental Rights Agency, FRA) reported, this violence is the most hateful manifestation of racism and anti-Semitism. Fear spreads within vulnerable communities as a result of incidents of racist and anti-Semitic violence or continual targeted victimisation. This fear can and must be stopped by punishing those who encourage such acts and educating the public.

Robert **Badinter**, France's former Minister of Justice, recalled that nearly sixty years have passed since the liberation of Europe and the discovery of concentration camps and Nazi extermination. He said that one would think that after so much suffering caused by racism and anti-Semitism, after so many declarations and international conventions denouncing these two scourges of mankind and after decades of struggle and actions by NGOs, these manifestations of intolerance would have disappeared from the public scene.

Unfortunately, that has not been the case. Badinter pointed out that racism, especially aimed at Muslim immigrants, is more rampant than ever, expressing hatred and violence, above all against Muslim communities living in disadvantaged neighbourhoods of large cities. As for anti-Semitism, it is rearing its head again in the Israeli-Palestinian conflict and anti-Jewish declarations. It reminds us of themes and lies rooted in traditional Judeo-phobia.

Across Europe, there has been a proliferation of verbal and physical attacks against Jews, along with successive attacks on Jewish synagogues and cemeteries, mainly perpetrated by young Muslims with immigrant backgrounds. According to Badinter, this anti-Semitic violence is sustained by hate speech against the State of Israel, with whom the European Jewish community is assimilated. (Speech to the OSCE, June 16, 2004, Paris.)

This violence has resulted in an increase in racially motivated crimes recorded by the criminal justice system. The 2007 FRA report, for the period from 2000 to 2006, noted a general upward trend for the 11 states that collect data on racist crimes (Austria, Denmark, Finland, France, Germany, Ireland, Slovakia and the UK).

Of the four states that collect sufficient data on anti-Semitic crimes in order to carry out an analysis of trends, France, Sweden and the UK show an overall upward trend between 2001 and 2006. However, the reverse is true in Germany.

We are certain that by paying attention to the problem of racist crimes and effectively addressing them, these states can express their political will by condemning these crimes and demonstrating solidarity with the victims. However, as we will see later on and as pointed out by the FRA annual report, there has been little improvement in the way crimes of a racist nature are recorded in European states.

It has also been proven that states with a poor data collection system for incidents of a racist nature are not in a good position to implement strategic solutions based on irrefutable evidence.

However, there is some cause for encouragement. The FRA report states that positive outcomes are observed in states that are beginning to recognise racist crime as a serious manifestation of intolerance and a disruption to society.

It is vital and urgent that all states in Europe join a Framework Convention to fight intolerance and its intolerable manifestations. This convention would then be completed as progress is made in the collection of data and the development of new evidence-based strategies.

Intolerable Discrimination

For several years, the figures available in FRA reports show how society's mechanisms still allow intolerance to directly or indirectly express itself as racial or ethnic discrimination in the areas of employment, housing, education and health. The numbers indicate that the main forms of discriminatory practices take place at work, in hiring or dismissals, harassment or verbal abuse.

Discrimination based on religious symbols or clothing is getting worse, especially in Belgium, where officials are prohibited from wear such outward professions of religion, or in Ireland, where a Sikh policeman was denied the right to wear a turban with his uniform. But it must be noted that such issues are tackled differently by each member state. In the Netherlands, many complaints of ethnic discrimination in employment have been filed against employment agencies or private employers refusing to allow Muslim women to wear headscarves.

Intolerance against immigrants is particularly worrisome in the housing sector. Their precarity heightens their social exclusion. If social housing can be a means to improve their situation, we must acknowledge that the criteria for awarding homes still contain provisions that discriminate against immigrants and ethnic minorities. The Roma and Travellers are among the most vulnerable groups in housing.

In the field of education, most states have no effective system to evaluate how effective education is in the prevention of inequalities and discrimination.

However, vulnerable groups face many barriers in access to high quality education. The ECRI published a General Policy Recommendation for the 47 heads of member states of the Council of Europe (RPG No. 10) so that necessary measures could be taken against this unacceptable form of intolerance, which deprives thousands upon thousands of children of the fundamental right to education.

Another fundamental right, access to health care, poses real problems, especially when it comes to members of the Roma/Traveller communities or illegal third-country nationals. Thus, in Bulgaria and Romania, Roma may be excluded from the social protection system if they are unemployed in the long term. The same is true for those who do not have the required identity papers in Romania and Slovenia. Migrants are only entitled to emergency care, the definition of which varies from one country to another. Reports also show that migration results in a certain vulnerability to physical or mental problems.

What have we done with our generous principles of the defence of human dignity and the fundamental rights promised by the Universal Declaration of the European Convention on Human Rights, ensuring the safeguarding of fundamental rights? Does fear, which causes rejection, generates hatred and leads to violence and death remain stronger than the need to know, accept and understand in order to share through dialogue?

CHAPTER III
FIGHTING INTOLERANCE

A. The struggle against intolerance: a matter of education and dialogue

1. EDUCATION

If fear of the unknown is the major cause of intolerance, it is also linked to an exaggerated sense of one's own value, conveyed into a national or religious sentiment. As these concepts are taught to children at an early age, their first steps at school must be accompanied with teaching about tolerance, diversity, differences and respect – in brief, the fundamental values of human rights.

It is important that young children be taught to be curious, receptive and open. From a very early age, at school and even in university, history, religious and civic instruction should be taught with objectivity, impartiality and openness. In secondary education it should be complimented through debate, research and analysis.

But education does not begin and end at school. It is an ongoing, lifelong process. Education concerns each and every part of life and affects all groups and ages. It continues at home, at work and even during leisure.

Learning how to have a dialogue goes beyond schooling. It should be part of everyone's training, at all levels, especially with regard to teachers, official representatives and guardians of the law.

Too often our states lack the political will to take steps to use learning and training to strengthen and develop attitudes and behaviour based on the recognition of equality. The principle of non-discrimination must be an integral part of every child's, young person's and adult's personality. At every level of education, civic teaching must prepare individuals to exercise their rights, respect freedoms and learn about their functioning institutions and thus participate in cultural, social and political life.

UNESCO has stated that education must include training in the critical analysis of the current and historical factors that are the basis of contradictions and tensions between countries. Rather than condemning and blindly rejecting someone or something, we must first understand, in order to better analyse the situation. Education must strive to wipe away all that could aggravate the major divergences that alienate humans: inequality, injustice, use of force and violence.

Only by studying humanity's great problems can we understand them better, in order to accept diversity and differences between people. Above all, this implies impartial, humanistic and open teachers as well as providing the sufficient and necessary means to achieve the goal.

UNESCO emphasises that education is the most effective means of preventing intolerance. That is why programs for young people and adults should primarily focus on developing understanding, solidarity and tolerance between individuals, ethnic, religious or linguistic groups.

2. THE INTERNET

The information superhighway is gaining importance as a means of engaging in and teaching the skills of dialogue. For better or for worse, there is the **Internet**. A policy based on promoting dialogue requires access to information absolutely free of any hate speech or incitement to hatred. A close watch is required to stop all hateful dialogue in cyberspace. It is urgent that every state establish ways to hunt down the propagators of hate and intolerance on the internet and prosecute them without pity.

It is equally important that states sign and ratify the **Convention on Cybercrime**, the only international treaty on this subject, prepared by the Council of Europe in 2004.

Today, more than ever, the declarations of hate supported by a number of Islamic fundamentalists are published and relayed through modern communication technologies: cable; satellite; and especially the Internet. It is impossible to remain indifferent to the wave of racist and anti-Semitic propaganda constantly encouraging violence, even praising terrorism.

In Europe more than anywhere else, the emergence of global communication networks offers a powerful global distribution network for racist and xenophobic ideas. This situation requires international cooperation with no loopholes. The **Additional Protocol** to the Convention on Cybercrime provides for the criminalisation of offences relating to the dissemination of racist and xenophobic material or threats with racist and xenophobic motivation, as well as racist insults, justification of genocide or crimes against humanity.

The European Commission against Racism and Intolerance of the Council of Europe (ECRI) places special emphasis in its General Policy Recommendation on the need to make children aware of these issues.

If, as pointed out by Guy Devel, the Director of Legal Affairs of the Council of Europe, the Internet is to remain an extraordinary opportunity for all, it must not become a paradise for criminals or propagandists of intolerance: *"The rule of law and human rights must not be bypassed by the Internet."*

The fight against criminal use of the Internet is far from won, especially when some states justify their reluctance to intervene in this area because of the principle of freedom of expression, the foundation of our modern democracies. Thus, the United States has invoked the first amendment of the Constitution, guaranteeing freedom of expression, to oppose legislation restricting Internet activity.

What a danger for our world when we realise that, in 2002, over 2,500 racist sites identified, out of a total of 4,000, were hosted in the US. We should ask ourselves what would have happened if Goebbels and his supporters had possessed the same means of propaganda as we have today.

Although the Declaration of Human Rights proclaims that the free communication of ideas and opinions is *"one of the most precious rights of man,"* this right must offer protection for those persons affected or threatened by these same ideas and opinions (Marc Knobel, President of the association 'J'accuse').

The European Court of Human Rights in Strasbourg, always a fervent protector of freedom of expression, has never regarded it as absolute. Tolerance ceases to be an absolute requirement when its exercise disturbs public sensitivity – notably of a religious nature – or disproportionately disturbs public order. It is essential to make every effort to ensure that, through the law and by knowledge and dialogue, better means of communication will not create more evil.

3. THE MEDIA

A policy of encouraging dialogue can only be effective through implementation of measures promoting and encouraging freedom of the press and pluralism, which will allow readers to distinguish between facts and opinions.

Everyone acknowledges the media's constructive role when it encourages open discussion and warns of the risk of indifference towards intolerance, or when it helps develop tolerant values. The media can significantly contribute in expanding an individual's capacity to exercise independent judgement, critical thinking and ethical reasoning.

The media are encouraged, especially by the Council of Europe, to establish at the regional, national or European levels mechanisms for exchange and co-production of programs mobilizing public opinion against intolerance and improving community relations *(see the White Paper on Intercultural Dialogue of the Council of Europe)*.
It is vital that policies on education and promoting dialogue be based on the fact that understanding springs from knowledge, and that this understanding then brings acceptance, thereby eliminating any feelings of fear and rejection.

B. The struggle against intolerance requires effective data collection

1. DATA ACCURACY

Unfortunately, the promotion of tolerance and the struggle against intolerance too often reveal the inability of states, governments and civil societies to respond effectively to the problems of racist and anti-Semitic violence by condemning them, trying to prevent them and eventually suppressing them. According to a report by the EUMC, this may give the impression that victims' painful experiences are not taken seriously. The EUMC also points out that an inadequate response to racist and anti-Semitic violence could lead perpetrators to believe that their acts will go unpunished.

It is necessary to measure, first of all, the extent and nature of violence motivated by intolerance and discrimination, and secondly, the political responses to this violence.

It is essential that states acknowledge that data collection on intolerance and racist and anti-Semitic violence or crimes is crucial in establishing evidence, addressing the problem, preventing more violence and determining if national legislation must be strengthened.

The annual FRA report insists that every state currently collecting only partial data (or no data at all) must put in place comprehensive methods of data collection and encourage the publication of reports to provide accurate records.

The collection and publication of comprehensive and reliable data on racist and anti-Semitic crime is one means by which states can prove the seriousness of their commitment in the fight against intolerance and find a remedy for the situation.

In addition, it must be noted that many incidents go unreported to the police or, if reported, are not systematically prosecuted and convicted. Therefore, states must develop a system for data collection enabling people to easily alert the police, along with a comprehensive and accurate registration system. Otherwise it will be impossible to address specific problems or measure with any degree of accuracy the progress or lack thereof in the struggle for greater tolerance.

Criminal justice institutions, including the police, that are already equipped with of a good data system on manifestations of intolerance and racist violence can use the information collected to give practical answers and begin to identify the problems more effectively.

An effective system will also encourage people to report incidents, take victims' experiences seriously, help them prosecute criminals and assist them with adequate measures.
One must also respond to fear and insecurity among vulnerable communities by establishing trust between individuals. Eventually, detailed information on perpetrators must also be acquired, using effective methods and procedures to report on criminal intolerance. The result will be a highly usable database.

But this requires knowledge of the facts, the victims and, if possible, the perpetrators of the crime.

Alongside the official systems of data collection, many states have other unofficial sources of information that are the result of research on the manifestations of intolerance through racist violence.

2. DATA CONSISTENCY

Official data collection differs greatly from one state to another. Data cannot be directly compared between countries; any comparative study must be conducted with great caution and circumspection.

Some states allow the use of data concerning ethnic origins. In many other states, there is a reluctance to use this type of data. As a result, it cannot be used relevantly. Sometimes, as in France, collecting such data is simply banned as unconstitutional.

A comparative approach and study of the evolution of manifestations of intolerance would be variable, making it impossible to objectively measure the degree of tolerance from one country to another.

It seems urgent and necessary to establish, alongside existing institutions (the Council of Europe and the Fundamental Rights Agency), a **European Observatory for the monitoring of Intolerance and the Promotion of Tolerance**, on the model of the French Observatory of racism. The European Observatory would record manifestations of intolerance with the help of information collected using a common set of criteria.

In fact, an FRA report covering 16 member states of the European Union showed that, in the majority of states, methods for data collection were either at level 4, meaning that official public data on racist crimes was completely missing, or at level 3, indicating that rare reports of legal proceedings exist, along with general figures on discrimination, but nothing sufficient to easily analyse information and identify criminal offences of a racist nature.

Countries like **Finland**, **Sweden** or the **United Kingdom** are the only states that possess methods for collecting detailed data including details on victims, perpetrators or other facts.

Austria, **Denmark**, **France**, **Germany**, **Ireland**, **Poland** and **Slovakia** have fairly good methods for data collection, but they remain inadequate to conduct relevant comparative studies.

Failing to provide relevant information on the extent and nature of racist crimes, the most hateful expression of intolerance, can make it difficult to address specific problems. The state will not have a clear picture of what progress, if any, has been made against racist crimes. The FRA report similarly insists that if existing data depends solely on a small number of actual judicial proceedings, it becomes impossible to measure the effectiveness of justice. Consequently, timely preventive measures cannot be implemented.

Because each country records data in a different way, it is not reasonable to try to compare trends between countries using this raw data. One can, however, observe with caution that, between 2005 and 2006, seven states in Europe registered an overall upward trend in crimes of a racist nature: **Austria**, **Finland**, **Germany**, **Ireland**, **Slovakia**, **Sweden** and the **UK**. Meanwhile, there was a downward trend in the **Czech Republic**, **France** and **Poland**.

With respect to specifically anti-Semitic crimes, it is not possible to draw lessons using quantified scientific analysis. One can, however, identify a few trends. In **France** and the **United Kingdom** for instance, a general upward trend of anti-Semitic crimes has been observed. According to reports by the National Consultative Commission of Human Rights, **France** experienced peaks in anti-Semitic crimes in 2002 and 2004, at the time of the worsening of the conflict in the Middle East. In the **UK**, the war between Israel and Hezbollah in Lebanon triggered a sharp rise in racist crimes.

Sweden has experienced a moderate increase. **Germany** shows a general downward trend between 2001 and 2003, and then saw an increase in 2005. (Source: the Agency for Fundamental Rights)

Unfortunately, these indicators do not enable us to present, on a European scale, a comparative table of recent developments of intolerance country by country. And yet, a systematic analysis would seem to be necessary.

Given the inadequacy of official data in many countries, other sources of data are particularly important in order to gather information on manifestations of intolerance. For instance, in the Netherlands, the project to create an Observatory of Racism and Extremism by the University of Leyden and the NGO 'The House of Anne Frank' regularly provides information on the activities of extreme right movements and racist violence. This study is acknowledged to be the most comprehensive in the whole country.

For instance, in France, CRIF, LICRA and SOS Racism, deliver data that can be compared with official information and provide a base for discussion.

The reports issued by RAXEN (FRA) rely on other sources of information and continue to show that visible minorities in Europe, such as Africans, Roma or women wearing the Muslim veil, are disproportionately the victims of racism. In **Austria**, according to the FRA, the NGO ZARA indicates that 70% of all graffiti are directed against Africans.

The ECRI, the FRA and the Council of Europe are working hard, as is the Agency for Fundamental Rights. More needs to be done so that sensitive areas can be touched on and to encourage governments to proactively and effectively promote tolerance. Governments must use education and dialogue to prevent intolerance and provide practical help to convince victims to report the facts and seek redress or compensation.

CHAPTER IV
PROMOTING TOLERANCE AND MEASURING INTOLERANCE

As previously mentioned, this White Paper is to be used as a guide for future work. After trying to understand and describe the concept and phenomenon of intolerance, it may be useful to study the relevant practices already implemented by states committed to the fight against intolerance and the promotion of tolerance.

For several years now, a number of professional, relevant reports have been issued. They rightly point to gaps, failures, political or strategic errors, examples of non-commitment or lack of political will; these problems lead to numerous organisational failures and hamper efforts to achieve social cohesion or simply to ensure more respect f human rights.

Clearly, these reports are necessary, if not vital, if we are to implement *constructive* policies on the one hand, and policies promoting tolerance on the other. But another approach is equally essential: that of the *positive example*.

The White Paper on Tolerance is a working, **positive**, **constructive** and **pragmatic** instrument based on good factual examples. A number of states have already abandoned, without any kind of hesitation, the old intolerant habits that were so anchored in everyday life that trivialisation had made them acceptable.

Some NGOs have not hesitated to criticise traditions rooted in shameful normality and to work toward the application of ignored legislation passed only to ensure a state's good reputation.

"Examples remain the most effective teachings"

1. TOLERANCE IN EDUCATION

If they fight alone, laws, treaties, conventions, analytic publications, judges and prosecutors will not be able to reduce intolerance. At the grassroots level, there must also be a 'culture of dialogue.' The aim is to establish genuine dialogue-friendly policies. They are possible "**through an education that prepares people, in a political sense, to live with others in a democratic country, by taking part in the joint management of public affairs and by learning to distinguish what is lawful from what is unlawful**" (Fernando Savater).

However, to achieve this goal, open minded education examples must be followed.
Among the major challenges some states have taken on, one is to enable everyone, whatever their origin, skin colour or belief, to have access to **quality education**.

Consequently, these states seek to improve the situation of disadvantaged children: for instance, registration procedures devoid of any discrimination, or fear of having to **reveal personal status**. The **distances** between children's homes and their schools have also been reduced.

This is an improvement that facilitates education, as well as policies that do not lead to an **overrepresentation** of children from minority groups in a school or a class, for this kind of segregation results in a form of ghettoisation.

In some countries, schools are adopting "first come, first served" policies in signing up students instead of using criteria based on origin, family or academic performance. In some states, **children of foreigners living illegally in the country are allowed to attend schools**: it is essential that these states be taken as examples to follow.

All countries should also have a system **measuring indicators of enrolment**, dropout rates, performance results and distribution of students of various origins, thus enabling effective action against discrimination in schools.

Some states have already put in place a **system to monitor racist incidents in schools**. This example must also be followed. Such a system will prove vital for the investigation of the causes of racism and the monitoring of their evolution, making it possible to find more effective ways to combat the consequences of racism.

More extensive studies should focus on the situation of the Roma, Travellers and asylum seekers.

Curriculum and school lessons must be taught by **professors trained** for this purpose. All **teaching of history and religion**, documented by **books and textbooks**, must be regularly reviewed. Any justifications of hatred or racist violence must be expunged.

One must find good examples of **civic education**, for these are facts that can be used for lessons on true tolerance, which always respects each person without tolerating every random idea.

Knowledge about **other people's** languages, cultures and traditions, as well as exchanges, discussions, visits and trips are all educational tools that promote **intercultural dialogue** in education.

Knowledge works against ignorance that creates fear and leads to violence. But this knowledge has a price, and states that have expressed their political will in this direction by reserving the necessary budget for supporting a 'dialogue-friendly culture' in education must be upheld as examples.

2. THE ROLE OF MEDIA AND THE INTERNET

Increasingly, the 'dialogue-friendly culture' and its vital teachings come in contact with modern means of communications like the Internet. In this respect, the Internet can be a source of both good and evil.

Some states are working to develop a 'culture of dialogue,' requiring that information on the Internet be **absolutely free of any hate speech or incitement to hatred**. There have already been agreements between ISPs, user associations and other organisations in order to establish a monitoring system to keep the promotion of intolerance off the net. The systematic actions taken to hunt down cybercriminals must be an example for all and must be encouraged and supported financially, materially and legislatively by governments of the world.

It is equally important to list states that have signed and ratified the **Council of Europe Convention on Cybercrime**, the world's only international treaty on this subject.

Equally important is the list of states that have ratified the **Additional Protocol** on the institution of criminal penalties for disseminating racist and xenophobic material, as well as denying or justifying genocide or crimes against humanity.

Many in the **media** have a strong awareness of the important role the media plays in educating public opinion against intolerance. It would be a good idea to publicly acknowledge the media for actively contributing to the fight against intolerance and all its manifestations.

Television programs are factual examples that must be followed in this area. Print articles and broadcasting programs are particularly important when it comes to educating and training the promoters of tolerance.

3. CONCERNING INTERIOR AFFAIRS

3.1. The Fight Against Intolerance

The implementation in national legislation of the **European directive on racial equality** is a first step towards finding the political will to quell intolerance. It functions as a signal. Although this directive is compulsory, only half of the member states have effectively carried out full implementation.

This implementation is nonetheless essential to allow an effective fight against intolerance, for it enables the **statistical charting of the outcome of lawsuits** and the counting of **sanctions** effectively taken against discriminatory practices.

Sanctions must, of course, be relevant, but they also have to be significantly **deterrent** to be effective. Therefore, it is necessary to identify every sanction handed down and look at its **effective application**.

Similarly, one must realise that many states are concerned about **compensations of victims**. Consequently, victims must have **easy access to judiciary organisations** or to specialised bodies and be correctly informed of their rights and access to **free assistance**, if needed.

3.2. The Need for Mediation

Victims who fear the complex judicial systems in some states can testify to the relevance of instruments of **mediation** being put in place, like **ombudsmen** or **specialised bodies** fighting intolerance and racial discrimination.

In some countries, these organisations function as **independent administrative authorities** and, in addition to judicial functions, possess advisory capabilities. They can also inform authorities about certain matters.

However, these bodies must be provided with sufficient funds and well trained personnel.

3.3. Measuring Intolerance

Moreover, the fight against intolerance will be more efficient if, at the same time, there is a **coherent** system of **collection** of data on intolerance. Some states have already put in place such systems to collect, assess and compare **statistics** and figures. Researchers and experts then analyze the results to draw lessons useful in the struggle against intolerance and the promotion of tolerance.

It is vital that sufficient data be collected and serves as a factual basis. In addition, a poll by the European Commission found that 93% of respondents felt it was important to collect data in order to develop effective policies against intolerance, particularly concerning discrimination.

The role of data is essential. This was thoroughly demonstrated by an extensive European Commission study published in a brochure entitled 'Quantifying Discrimination' (2006).

Good data makes it possible to:

- Establish the actual presence of forms of intolerance. Victims themselves often need statistics and facts in order to prove charges against perpetrators;

- Guide political decisions and laws passed by political leaders, national bodies responsible for equality of opportunities, mediators and members of NGOs, both at the European and national levels;

- Monitor intolerance and discrimination within each country, particularly in the workplace;

- Assess the effectiveness of European recommendations and guidelines on racial equality and equal treatment in order to fight intolerance more efficiently;

- Conduct outreach and enable researchers to improve people's understanding of intolerance.

Although everybody is aware that phenomena related to intolerance are particularly numerous, in racist, anti-Semitic, xenophobic behaviours, or in areas like discrimination at work, access to housing, discrimination in places of entertainment and medical centres, actual data collected shows that only a relatively low number of complaints are ever formally registered.

The data clearly shows that targeted victims of intolerance lack basic information. Consequently, the relevance of the public debate on intolerance currently taking place in many countries is not to be questioned, no more than the original and attractive information and awareness campaigns, examples that European countries should follow.

The idea of collecting often sensitive data can raise concerns and fears about their future use. Such data may be misused and can violate individual freedoms, especially when listing philosophical and religious beliefs, disabilities, sexual orientation and social or political opinions.

The European Convention on Human Rights must be scrupulously observed, in particular Article 8.1, which states that *"the private and family life of every individual must be respected."* Therefore, it is first and foremost essential to draft the necessary guarantees to prevent any diversion whatsoever of the collected data.

3.4. National legislation

Clearly, in a number of states, the pace of implementation mirrors the political will to promote tolerance in every field of society and in people's daily life. Insuring equal opportunities and equal treatment of groups and individuals must be the first concern of any government committed to promoting tolerance.

In this regard, laws should clearly acknowledge cultural and religious diversity. Actions must be taken to ensure that information, training and education are provided. Only then the can the principles become an everyday reality.

Violations of the principle of tolerance must be prosecuted and punished firmly and effectively. In a certain number of states, hate speech in political parties, the media and on the Internet are never tolerated and the law is very strictly enforced.

4. EVERYDAY LIFE

4.1. Tolerance in Housing

Problems related to intolerance in housing provision are particularly serious, and a number of states have undertaken initiatives to tackle discrimination rooted in racist and ethnic intolerance. When maintained, statistics are particularly important. When it comes to housing, tests can prove very effective in the struggle against exclusion of minority members, who are 'discouraged' by red tape, exorbitant rents and offers of housing that is in poor condition.

In this respect, actions in favour of social housing interestingly reveal the strength of the political will to fight housing discrimination. Some states have taken steps in this direction and must be held up as examples.

4.2. Tolerance in the Workplace

A number of initiatives have been undertaken to block discriminatory measures in hiring and at the workplace (measures against discrimination in hiring, firing, wages, racist abuse and other forms of harassment).

In this regard, the role of specialised bodies is important. In a number of countries, both criminal legislation and labour laws have been considerably modified in order to counter workplace intolerance. Tests and anonymous Curriculum Vitae are good means of deterrence.

4.3. Tolerance in Sports

Remarkable initiatives are currently being implemented to promote tolerance in sports. Examples deserve to be listed and quoted: sports rules being established, or, within sporting associations, the promotion of good behaviour by fans, players and officials.

In the following areas, one must be cautious in order to stop all forms of intolerance: recruitment of players, referee behaviour and the management of sport clubs.

Sanctions following violations of the basic principles of respect must be tough, effectively enforced and dissuasive, so as to punish acts, racist insults and threats occurring during sporting events.

Whether inside or outside stadiums, some states have adopted 'zero tolerance' policies against all symbols or aggressive behaviour against persons considered different because of their colour, race, ethnic group, nationality, religion, sexual orientation or disability. Communication and awareness campaigns are conducted on and off the field: they must serve as an example.

4.4. Tolerance Concerning Religions, Beliefs and Practices

The principle of secularism must be applied in a true spirit of tolerance, in an equal and respectful manner. In this regard, some states have demonstrated exemplary behaviour in the people's everyday life, in education, in places of worship, and in all the places where people can freely practice and express their beliefs and religions.

In some countries the tensions created by visible religious signs have been the subject of open debate, sometimes resulting in carefully written legislative texts. These countries should monitor future actions taken in a true spirit of tolerance. Actions cannot be taken unilaterally, but must correspond to the approaches and concepts presented in this White Paper.

4.5. Tolerance Concerning Sexual Orientation

Some states have succeeded in banning taboos with the help of tolerant, clear and firm legislation. Application of the European Directive on Equality must help promote principles of non-discrimination, including sexual non-discrimination. Homophobia should be fought and considered a demonstration of intolerance.

Although homosexuality remains a problem for some religions, it must be emphasised that other religions are willing to debate, discuss and engaged in dialogue in a spirit of tolerance and respect for the individual, regardless of his or her sexual orientation.

In a spirit of mutual respect, homosexuals must be guaranteed freedom of speech, for freedom of expression is one of the fundamental rights of every human being.

5. PROMOTING TOLERANCE ON THE INTERNATIONAL SCALE

5.1. International Instruments Promoting Tolerance

A state's political commitment can be measured by the number of treaties, charters and conventions it signs for the promotion of common European ideas on tolerance.

This is why the signatory countries of the European Convention on Human Rights must sign and ratify Protocol 12 to the ECHR, the first expression of the political will to promote tolerance.

States firmly committed to this cause should sign and ratify the following charters: the International Convention on the Elimination of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Status of Refugees, the Convention against Torture, and the UNESCO Convention on the fight against discrimination in education.

When applied to European countries, the previous list reveals the comparative degrees of tolerance in each country and the actual progress of tolerant ideas in each society. The list must be complemented by scientific analysis provided by researchers, sociologists and political scientists. It will then be possible to study the consequences of decisions and provide useful feedback for managers, policy-makers and ground-level actors on a national scale and organise coherent promotion of tolerance.

5.2. The Creation of a European Observatory for the Promotion of Tolerance

In close collaboration with national bodies, NGOs and civil society have an important role to play in setting up a European Observatory to monitor intolerance and promote tolerance.

On the model of the observatories of racism existing in some countries, such a body – making decisions according to the principles partially defined previously – would be useful in taking coordinated action against intolerance in general and promoting tolerance in particular.

While guaranteeing individual freedoms, it is vital that the Observatory standardise the wide range of data sources, monitor developments in intolerance, keep track of state policies and issue necessary recommendations with regard to the various conventions ratified in the overall policy to promote tolerance and fight intolerance.

The aim is for the Observatory to regroup all sources of official statistics and data on discriminatory behaviour and draw overall conclusions. The Observatory also needs to unify the works, studies and recommendations of committees such as the Council of Europe ECRI, the FRA of the European Union, or the BIDH of the OSCE.

5.3. A Framework Convention for the Promotion of Tolerance

Just as the European Union has managed to reach a political agreement to ensure that the definitions of crimes and criminal penalties are the same throughout Greater Europe, civil societies must demand a political tool facilitating commitment and coordinated action against intolerance – a Framework Convention uniting all member states on the major aspects of racism and xenophobia. This Framework Convention has to be extended to all the countries of Greater Europe and to all areas concerned by intolerance.

This Concept for the White Paper contains the first draft of proposals and ideas that will be further developed by the European Council on Tolerance and Reconciliation.

"It is incumbent upon all states to take positive measures promoting tolerance in our societies, for tolerance is not only a principle, but also a prerequisite for peace, economic progress and social advancement of all peoples." (Solemn Proclamation of the DECLARATION OF TOLERANCE)

We, the European Council on Tolerance and Reconciliation, are willing to add to this statement that civil societies and especially NGOs involved in the promotion of tolerance are ready to cooperate by accepting the challenge, by committing themselves to the cause of tolerance, and by thoroughly and willingly bringing their competence and knowledge to bear at ground level.

No government can support tolerance alone if its citizens remain intolerant.

" We must learn to live together as brothers, or we will die together as fools."
(Martin Luther King)

The ideas and proposals presented in this document are put forward by the European Council on Tolerance and Reconciliation as a Concept for a White Paper on Tolerance. This may be used for guidance and discussion of how to approach this complex issue. The final White Paper will be a valuable resource for political leaders and all those involved in promoting tolerance in society at the grassroots level. It will also be a message of hope for all victims of intolerance who have suffered physical attacks and attacks on their dignity.

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