

Discrimination and Xenophobia



"Civilisation should be judged by its treatment of minorities"

Mahatma Gandhi

What is discrimination?

Neither the Universal Declaration of Human Rights nor other international agreements have a generic definition of "discrimination", although they refer to it several times. International and regional human rights instruments dealing with specific forms of discrimination differ in their definitions depending on the type of discrimination involved.

"*Racial discrimination*" is defined by the International Convention on the Elimination of All Forms of Racial Discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on a equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

"*Discrimination against women*" is defined by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

We can identify the following elements in both definitions:

There is a *cause* based, for example, on "race", on gender or on ethnic origin – she is black, she is a woman, he is Roma - of the person or group discriminated against. The person or groups that discriminate perceive the above-mentioned characteristics as a problem. There are *actions* that are qualified as discrimination; these can be rejection (not wanting to have a black person as a friend), restriction (prohibiting the entrance of gay people to a discotheque),

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"During my lifetime I have dedicated myself to this struggle of the African people, I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an idea, which I hope to live for and to achieve. But if needs be it is an ideal for which I am prepared to die."

Nelson Mandela

exclusion of a person or a group of people (not hiring women), etc. There are *consequences* that can also be the *purpose* of the discriminatory action. All of these can prevent the victim from exercising and/or enjoying their human rights and fundamental freedoms.

Discrimination may be practiced in a direct or indirect way. *Direct* discrimination is characterised by the *intent* to discriminate against a person or a group, such as an employment office which rejects a Roma job applicant or a housing company which does not let flats to immigrants. "Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin." ⁸

Indirect discrimination focuses on the *effect* of a policy or measure. It occurs when an apparently neutral provision, criterion or practice puts *de facto* a person or persons of a particular minority at a disadvantage compared with others. Examples may range from a minimum height criterion for firefighters (which may exclude many more female than male applicants), to the department store which does not hire persons with long skirts, or the government office or school regulation which prohibits entry or attendance by persons with covered heads. These rules, apparently neutral with regard to ethnicity or religion, may *de facto* disproportionately disadvantage members of certain minority or religious groups who wear long skirts or headscarves.



Have you ever felt unfairly discriminated against?

Discrimination against persons and groups on the grounds of race, religion, sex, ethnic origin, descent, nationality or sexual orientation is forbidden by many international human rights instruments and by most national legislations.

However, minorities are traditionally discriminated against, regardless of whether they are national, religious, cultural, ethnic or social minorities.

Discrimination at work

"A staff member of the French branch of Ikea, a furniture company, has been sentenced to a 4 572 Euro fine for providing guidelines to the managers of the company not to hire "coloured people". The convicted woman, as well as Ikea France, will have to pay compensation of a total of 15 240 Euros following the complaint presented by four trade unions together with "SOS Racisme" and the "Mouvement contre le Racisme et pour l'Amitié entre les Peuples." The employee had written and sent out an e-mail which recommended not hiring "coloured people" for the work of supervising the correct distribution of the advertisement catalogues." *EFE Press release, April 2001*

The negative consequences of widespread forms of overt or covert discrimination have led some societies to adopt practices of *positive discrimination*. Positive discrimination, also known as *affirmative action*, deliberately favours or gives preference to a certain group or groups such as women, disabled people or specific ethnic groups. The main purpose of such policies is to overcome structural forms of discrimination which otherwise would prevail against specific social groups, usually minorities, and to redress balances in representation.

Non-discrimination in the ECHR.

In June 2000, the adoption by the Committee of Ministers of the Council of Europe of Protocol No.12 to the European Convention on Human Rights broadens the scope of the Convention

regarding discrimination. At present, non-discrimination is addressed in article 14, which prohibits discrimination only in the enjoyment of the rights already enshrined in the Convention. Protocol 12 marks a significant development since it provides opportunities for enhanced action in the field of racism and discrimination as a general non-discrimination clause. This Protocol will enter into force only after ten states have ratified it.

Xenophobia

The Oxford English Dictionary definition of xenophobia is “a morbid fear of foreigners or foreign countries”. In other words, it means an aversion to strangers or foreigners.

Xenophobia is a feeling or a perception based on socially constructed images and ideas and not on rational or objective facts.

A xenophobic perception of the world reduces complex social and cultural phenomena to simplistic good and bad scenarios.

“We” (the locals) = the model, the good and normal ones, the reference who everyone should look, feel, think like – versus “Them” (the strangers) = the delinquents, the threat, the disturbance, the vagrants, the violent ones, the burglars, the invasive ones, etc. “We” (the locals) are the good ones versus “Them” (the others), the bad ones. It is obvious that we attach value to the perceptions we have of others and ourselves, such as

“We” = positive and “They” = negative.

To build our identities as individuals and members of a group, an ethnic group, a nation, etc. implies becoming aware of the diversity in society and one’s difference from others, which is not negative in itself as long as diversity is not perceived as threatening and the recognition of these differences is not used for political manipulation. The other should be perceived first of all as a brother or sister, as a fellow human, not as a foreigner, enemy or rival.

It should be noted that while in eastern Europe the main targets of xenophobia are likely to be members of minority groups, in many Western countries the targets tend to be immigrants and refugees, including those coming from Eastern European countries.

? Can you think of recent examples of xenophobia in your country?

Even though the fear of foreigners – xenophobia – is considered morally unacceptable and goes against what would constitute a culture of human rights, it is not illegal and thus it cannot be legally punished as such. Consequently, it is only the manifestations of xenophobia, (which can derive from xenophobic perceptions and which can take attitudinal or physically violent forms, such as acts of racist attacks, discrimination at work, verbal attacks or abuse, ethnic cleansing, genocide, etc.) that are subject to sanction in so far as there are laws qualifying these actions as crimes.

Racism

Racism can be defined in many ways. One definition considers racism as a conscious or unconscious belief in the inherent superiority of one race over another. The implication of this definition is that, in the first place, the “superior” race has the right to exercise power over and dominate those that are considered “inferior”; and that, in the second place, racism conditions both the attitudes and behaviour of individuals and groups. However, there is a problem in that the term ‘racism’ presupposes the existence of different “races”. In recent

Discrimination, xenophobia and racism are also widespread in other parts of the world: there are around 160 million Dalits (Untouchables) in India. In the United States of America, studies have shown that race is a key factor in determining who is sentenced to death. In Rwanda almost one million people were killed, mostly Tutsi, over a short period of three months in 1994.

Key date

23 August

International Day for the
Remembrance of the Slave
Trade and its Abolition

years, it has been established that “race” is, in fact, a social construct and that it is impossible to classify people according to any other category than that of “human being”. Therefore, racism exists even though “race” does not.

Europe has a long history of racism. Historically, the existence of “superior” and “inferior” races has been argued on the grounds of biological differences. Darwinian theories of evolution were applied to human beings in order to classify them according to “race”. Colonialism, when European nations subjugated others to their exploitation, was possible due to the widespread acceptance of social Darwinism and other similarly “racist” theories. The “white man’s burden” implied the “duty” of colonial Europeans to “civilize” other peoples. Slavery, another common practice among European entrepreneurs and governments until the 19th century, was also based on the belief that slaves belonged to “inferior races”.

Nowadays, racists put emphasis on cultural differences rather than on biological inferiority. *Cultural racism* is based on the belief that there is a hierarchy of cultures or that certain cultures, traditions, customs, and histories are incompatible. The exclusion and discrimination of foreigners or minorities is justified in the name of allegedly “incompatible cultures”, religions or “civilisations”.

Power and its use and misuse are heavily bound up with racism. Racism is at one and the same time defined by those who have power and it defines power relations between perpetrators and victims. The victims of racism find themselves in a powerless position. Prejudice, or the negative judgement of other persons or groups (without significant knowledge or experience of those persons or groups), is also bound up with racism. Hence, racism can be understood as the practical translation of prejudices into actions or forms of treatment of others by those who hold power and who are therefore in a position to carry those actions out.

Racism can exist at different levels:

- a *personal level*: this refers to personal attitudes, values and beliefs about the superiority of one’s “race” and the inferiority of other “races”.
- an *interpersonal level*: this refers to behaviour towards others that reflects the belief of the superiority of one’s “race”.
- an *institutional level*: this refers to the established laws, customs, traditions and practices which systematically result in racial inequalities and discrimination in a society, organisations or institutions.
- a *cultural level*: this refers to the values and norms of social conduct that promote one’s native cultural practices as the norm and the measuring standard and judge other cultural practices to be inferior.

The different levels at which racism manifests itself are highly interdependent and actively feed each other. Racism also manifests itself in overt and covert ways. In its subtlest and most covert forms, racism is as damaging as in its overt forms.

The consequences of racism, both historically and contemporarily, are devastating for both the victims and the societies where this injustice has been perpetrated. Racism has been at the origin of mass extermination, genocide and oppression. It has ensured the subjugation of majorities to the whims of tiny minorities who have a stranglehold on both wealth and power. While much progress has been made to remedy these injustices, today hidden and less hidden forms of isolation, discrimination and segregation still exist and continue to be practised. Those perceived as “different” or “foreign” face restrictions in their freedom of movement, outright aggression, humiliation or social exclusion.

It is estimated that nearly 12 million Native American Indians in North America were exterminated between 1600 and 1850. Between 10 and 20 million black Africans are presumed to have died during the 200 years of the international slave trade.

Racism and youth violence

Youth violence motivated by racial hatred is a reality in most European countries. There are numerous reported cases of young people and/or adults being attacked, beaten up, threatened and, in the most extreme cases, killed, because of their nationality, appearance, religion, the colour of their skin, their hair or even their beard.

Racist violence has other subtle, but more diffuse, means of expression. It includes multiple forms of scapegoating, segregation and discrimination. Being singled out for police controls and checks because one looks different – darker skinned or darker haired – is also a form of oppression.

The United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR)

The third WCAR was held in Durban, South Africa between the 31 August and 7 September 2001. This conference generated a very important international movement and many expectations. Nearly 160 states and more than 1500 NGO participants took part. The conference was dominated by two issues: the plight of Palestinians (including attempts to re-label Zionism as a racist practice) and recognition of slavery as a crime against humanity and the right for compensation. The final text ended up recognising the two issues with a wording that was acceptable to most:

"We are concerned about the plight of the Palestinian people under foreign occupation. We recognise the inalienable right of the Palestinian people to self-determination and to the establishment of an independent state. We also recognise the right to security for all states in the region, including Israel, and call upon all states to support the peace process and bring it to an early conclusion."

An apology for slavery was also inserted although the text did not go as far as to offer any compensation. The recognition of the slave trade and of slavery as crimes against humanity was, for many, a historical moment in the restoration of dignity to a large part of humanity.



Do you think that the governments from countries who benefited from slavery in the past should now pay for compensation?

In addition to the official conference, an NGO forum and an international youth forum were held in the days preceding the WCAR. Youth organisations, representatives and youth delegates on government delegations were invited to participate. Some 200 young adults representing all geographical regions gathered to discuss key issues related to the struggle against racism and xenophobia.



Why should racist propaganda on the Internet be controlled or forbidden?

Immigrants, refugees and asylum-seekers

In Europe today, many immigrants, asylum-seekers and refugees face very difficult situations and see their basic rights and dignity violated every day. Refugees and asylum-seekers have often been forced to leave their homes, countries and families to save themselves from war, persecution or a complete lack of security. Although the vast majority of refugees in the world do not seek asylum in Europe, some people and groups do. The growing or persisting feelings of nationalism and xenophobia, or simply the concerns of xenophobe politicians, have led many governments to adopt very strict measures towards asylum-seekers, aimed mostly at ensuring that they do not reach their territory.

Key date

21 March

International Day for the Elimination of Racial Discrimination

In the city of Frankfurt-am-Oder, located on the Polish-German border, a group of young German skinheads frequently threaten and attack foreign students from the university and foreign workers. On the Polish side, in the suburbs of Frankfurt-am-Oder, there is a city called Slubice where another group of young neo-nazis hunt foreigners. An incident was reported stating how they had started to beat up a student but apologised to him when they realised he was Spanish. They had thought he was German.⁹

Key dates

20 June
World Refugee Day

18 December
International Migrants Day.

Asylum-seekers and refugees form a particularly vulnerable target group, whose status is defined and protected by the Geneva Refugee Convention of 1951. Most European countries now have legislation that allows them to be detained at airports and border police stations, often without any consideration of their rights. Deportation of illegal immigrants or asylum-seekers who see their application rejected is a common practice and sometimes a form of degrading treatment.



What happens if a refugee seeks asylum in your country? Do you know what they have to do?

The Schengen agreements (1990) provide for free movement and unrestricted travel to persons across all borders of 14 of the European Union member states. However, while abolishing the former existing borders, the EU has built a larger “border” to protect the European area.

The development of a common European policy towards refugees and migrants has often been described as a “fortress Europe” policy partly because of its emphasis on exclusion and the deflection of refugees, and partly because it is an example of how the fear of economic migration can block out consideration for the reality and needs of asylum-seekers.



Where do refugees in your country come from? Why are they refugees?

The very restrictive and xenophobic policies held by many European countries force many immigrants to turn to illegal methods of getting into Europe. They often fall prey to organised traffickers. Most never reach Europe, while some die on the way: on the sea and coasts of Spain, in abandoned ships and boats in the Mediterranean or in trains and trucks where they suffocate to death.

Illegal immigration also means cheap labour for many industries and entrepreneurs. Poverty in countries like Moldova and Ukraine has resulted in many men seeking work in western European countries. Because they are “illegal”, they are forced to work in very bad conditions and for very low salaries. They are often blackmailed by having their passports retained or they are threatened with denunciation to the police. Young women often face similar situations of human trafficking for domestic work and forced prostitution.

In most countries, there is a *utilitarian* view of the immigrant. The immigrant is not welcomed for their intrinsic value as a person who can contribute to the development of society, but rather they are welcomed and accepted only in so far as the labour potential that they represent is needed.



Do you think that only people with money should be allowed to enter your country?

Many young people from immigrant backgrounds or of immigrant descent, so-called second or third generation immigrants, experience different forms of discrimination on a daily basis, sometimes resulting in violence, social exclusion and criminalisation. One of the most common manifestations of covert racist discrimination is asking those young people to “make a choice” between so-to-say their parents’ “culture” and that of their “host” country. The same type of suspicion regarding identity, allegiance and patriotism is applied to other social and ethnic minorities.

Anti-Semitism and Romaphobia

All across Europe, the Jews and the Roma have historically been the two minorities that have suffered most from discrimination on grounds of their supposed “inferiority” and the subsequent negative stereotyping attached to this alleged status of inferiority.

“The value of human dignity is at the centre of my work with immigrants. We encourage those young immigrants coming to us to share their story with their peers.”

Ms Giulia Sanolla, Italian
volunteer at Sud

Both minorities originated from outside Europe, the Jews from the area of what is now Israel and Palestine and from the southern shores of the Black Sea, and the Roma from India. Both migrated due to persecution, both have suffered down the ages at the hands of the majorities in Europe and both were considered inferior and many of both groups were exterminated by the nazis during the second world war. Both suffered under the communist regimes in Europe and both still experience discrimination, hatred and prejudice today, even though their social realities are very different.



What happened to Jewish people in your country during second world war?

Anti-Semitism

Anti-Semitism can be defined as “hostility towards Jews as a religious or minority group often accompanied by social, economic, and political discrimination”¹⁰, and this has been widespread in European history up to the present. Anti-Semites have fabricated stories about Jewish conspiracies, fuelling the anti-Semitic attitude of non-Jewish people against them, the most infamous being the “Protocols of the wise men of Zion” (a fictitious slanderous document inciting violence against Jews and which still circulates today in some European countries).

By the end of the nineteenth century, Jewish communities in Russia regularly became victims of *pogroms* (a Russian word meaning devastation), which were organised systematic discriminatory acts of violence against Jewish communities by the local population, often with the passive consent or active participation of the police, encouraged by the anti-Semitic policies of the government. Attacks on Jewish communities were also common in other European countries including, for example, France and Austria.

The rise of fascism in the first part of the 20th century brought further hardship for many Jews in Europe, as anti-Semitism became part of the ideology in power. Fascist regimes and parties also collaborated directly or indirectly with the German nazi regime during the Holocaust.

During the Holocaust perpetrated by the nazi Germany and its allies during the second world war, known also as the Shoah (a Hebrew word meaning desolation), an estimated six million Jews were systematically exterminated for no other reason than that they were Jews. The Holocaust was the culmination of the racist and anti-Semitic policies that characterised Hitler’s government, whose savagery had commenced with the “Kristallnacht”, a massive pogrom throughout Germany on 9 November 1938.

With the success of the Bolshevik Revolution, pogroms ceased in the Soviet Union but anti-Semitism continued in different forms, including forced displacements, confiscation of property and show trials. Under communist regimes, anti-Semitism was often also disguised under official anti-Zionist policies.

Today, anti-Semitism is as alive as ever, even if in an often covert manner. Groups claiming their superiority desecrate Jewish cemeteries, networks of neo-nazi groups, often including young people, openly shout their anti-Semitism, and there are many Internet websites and literature circulating and glorifying nazi propaganda.

Romaphobia

Roma people (wrongly named as Gypsies, including the Sinti), have always been viewed as different by other Europeans. For much of history, they have been nomads, moving from one place to another as tinkers, craftsmen, musicians and traders. Throughout their history they have been submitted to forced assimilation; the Roma language has been prohibited in some countries and their children have been forcibly taken away from the parents. Roma people

Key dates

9 November

The anniversary of the Kristallnacht
International Day against Fascism and Anti-Semitism.

30 April

Holocaust Memorial Day (Yom ha Shoah)

Key date

8 April
World Roma Day

were slaves in many countries, the last having been Romania, where their slavery was abolished in 1856. The Roma have never had a state and they have never fought wars against other people. Throughout the twentieth century they continued to be considered as *vagrants* and in many countries laws were passed to force them to settle down.

Today, Roma communities continue to be directly and indirectly discriminated, persecuted and unwanted across all European countries.



What is the size of the Roma community in your country?

Porajmos refers to the Genocide of European Roma and Sinti perpetrated by German nazis and their allies between 1933 and 1945. The estimated number of victims varies according to different sources between 500000 and 2000000. As the result of *Porajmos*, Roma in Europe lost up to 70% of their pre-war population.

The communist regimes of eastern Europe, under the banner of “emancipating the Roma”, broke the Roma traditional way of life. The Roma family disintegrated even further with the advent of capitalism – the Roma are generally not qualified for high-tech work and they are thus condemned to manual labour, unemployment and social exclusion.

Today, the Roma population in Europe totals an estimated eight to twelve million people, across literally all European states. The vast majority are sedentary but in some Western countries nomadism is still practised, fully or partially. While Roma in Spain and Portugal have practically lost Romany as a language (because it was forbidden and repressed) in most other countries’ Roma communities, the Romany language is still a unifying cultural factor.

Romaphobia, discrimination and hostility towards Roma people, is a widespread common reality all over Europe. The Roma are among the first to suffer in armed conflict, as in the wars in the former Yugoslavia where the plight of Roma, caught in the crossfire, was mostly ignored. Other recent examples, include Roma families being de facto illegally stripped of their right to property on the grounds of “fighting crime” (Portugal); discrimination regarding access to education for Roma children and provision of basic community services (in the United Kingdom and France, for example, for travelling communities) or simply having their recognised rights respected. In many countries, Roma have been victims of violent fascist and racist groups, resulting in murders; Roma children are sometimes put together in the same school as mentally handicapped children. Roma villages are often segregated and isolated.



What can you find in your local news about Roma?

Many young Roma people and children grow up in hostile social environments where the only support and recognition they have is in their own community or family. They are denied many basic rights or have limited access to them, such as education or health.

A greater awareness and concern about the Roma is slowly emerging. At the international level, the International Romany Union is the most representative political Roma organisation, with consultative status at different United Nations bodies. The European Roma Rights Centre, based in Budapest, is the main international Roma human rights organisation, active in raising public awareness, monitoring and defence of Roma human rights.

The disabled and handicapped

Disability is defined as a condition that disables, as a result of an illness, injury or physical handicap; the expression is also used as a term of legal disqualification or incapacity.

“Gypsies should be hunted down with fire and sword.”

Spanish law, eighteenth century.

“Persons with disabilities have the right to independence, social integration and participation in the life of the community.”

Article 15 of the revised European Social Charter

The term “*disability*” encapsulates a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or temporary in nature.

The term “*handicap*” means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. Both terms are indeed adequate, but the emphasis carried by each of them is slightly and significantly different.



How can people with disabilities participate in the activities of your organisation?

It has been estimated that, on average, 10% of the world population has a disability. For the nearly 800 million population of the 43 Council of Europe member states, that would mean some 80 million persons with disabilities. Despite the progress made in recent years in numerous areas, many people with disabilities in Europe today are still faced with barriers to equal opportunities and full participation in the life of the community, such as low levels of education and vocational training; high unemployment rates; low income; obstacles in the physical environment; social exclusion; intolerance, clichés and stereotypes; direct or indirect discrimination; violence, ill-treatment and abuse.¹¹ According to a Eurobarometer survey in 2001, 97% of the people interviewed think that something should be done to ensure better integration of people with disabilities into society.¹²

Key dates

10 October

World Mental Health Day

3 December

International Day of Disabled Persons

Within the European Union, most organisations active in promoting the rights of the disabled are part of the European Disability Forum (EDF). Within the Council of Europe, actions and policies are co-ordinated by the Directorate General of Social Affairs.

The European Union declared 2003 to be the European Year of the Disabled Citizen.

What do people with disabilities want?

“Nothing special, nothing unusual. We want to be able to attend our neighbourhood school, to use the public library, to go to the movies, to get on a bus to go shopping downtown or to visit friends and family across town or across the country. We want to be able to get into our neighbourhood polling station to vote with everyone else on election day. We want to be able to get married. We want to be able to work. We want to be able to provide for our children. We want high quality, affordable medical care. We want to be seen as real people, as a part of society, not something to be hidden away, pitied or given charity.”
Adrienne Rubin Barhydt, April 10, 1996¹³.

Source: www.disrights.org

Homophobia or discrimination because of sexual orientation



Homophobia may be defined as aversion or hatred to gay or homosexual people or their lifestyle or culture, or generally of people with a different sexual orientation.

Key date

7 August

Transgender International Rights and Education Day

In many parts of the world, individuals that have a different sexual orientation (different from the majority) are subjected to discrimination that ranges from being insulted to being murdered. In many countries, the practice of homosexuality is still a crime and in some of them it is punishable by the death penalty. Within Europe, although progress has been achieved, in changing legislation, many people still see homosexuality as a disease, a psychological disorder or unnatural behaviour.

Homosexuality means different things to different people. Some basic definitions:

- *Bisexual* refers to somebody attracted to person(s) of the same and the opposite gender.
- *Gay* is a term used for homosexual men. In some circles it also includes homosexual women (Lesbians).
- *Homosexual* refers to a person attracted to persons of the same gender only.
- *Heterosexual* refers to persons attracted to persons of the opposite gender only.
- *Lesbian* is used to refer to female homosexuals, i.e. women attracted to other women.
- *Transgender* is used to refer to a person who has a different gender from what their biological sex indicates (i.e. a man in a female body or the other way round).
- *LGBT* is an abbreviation of Lesbian, Gay, Bisexual and Transgender.

Living as an LGBT person in Europe today varies from being very easy (in the larger towns in western Europe, with a well-developed subculture, bars, clubs and organisations), to being relatively difficult (in small-town western Europe, and large parts of central Europe where views about homosexuality are slowly changing) all the way to being outright dangerous (harassment by the police as well as “normal” people as well as discriminatory laws and hate-crimes are the order of the day in some eastern European Countries such as, for example, Bulgaria, Albania, Romania and Moldova).

Lesbian and Gay couples across all of Europe are also victims of legal discrimination, in areas such as the right to marry, to constitute a family or to adopt children (in other words, they can not benefit from the same status as heterosexual couples).



Do you know any famous gay or lesbian person from your country?

The pink triangle

Tens of thousands of homosexuals died in the nazi concentration camps. The pink triangle and the pink colour are commonly associated with homosexual movements and culture, derived from the pink badge that homosexuals had to wear in the nazi concentration camps on the grounds of “sexual deviance”.

“In the case of gays, history and experience teach us that the scarring comes not from poverty or powerlessness, but from invisibility. It is the tainting of desire, it is the attribution of perversity and shame to spontaneous bodily affection, it is the prohibition of expression of love, it is the denial of full moral citizenship in society because you are what you are (...)”
Justice Albie Sachs,
Constitutional Court of South Africa, 1998.¹⁵

The biggest problems LGBT young people face are, on the one hand, discrimination by strangers, meaning violence, harassment and denial of services (getting kicked out of a restaurant is a common occurrence). On the other hand, there are often problems with family and friends once somebody comes out to them. For a lot of people, these are very serious problems, and a lot of LGBT young people postpone their coming-out for fear of rejection. At school, peer pressure can be very strong and make life difficult for LGBT students.



Should gay and lesbian couples be allowed to marry?

Young people are also particularly vulnerable targets of homophobic violence and discrimination. Often they have to cope with feelings of guilt and deep questions about their sexual identity

and they fear rejection or being misunderstood. The negative “feedback” they receive puts them at odds with themselves and society. On top of this, violence and abuse force many into depression and sometimes leads to suicide.

Religious discrimination

Diversity within Europe is often most visible as religious diversity. The majority of Europeans are Christians, even if they don’t “practise” their religion, but this majority often “hides” a lot of diversity. Europe has been deeply torn by wars between Catholics and Protestants, as it was previously by wars between Catholics and Eastern Orthodox Christians. Within each denomination there are many branches with differences that are often indiscernible to the layperson but are crucial to those who believe in them.

Although Christian religious minorities exist across the whole of Europe, historically they have been (and in some countries are still) discriminated against. Their religion or church is not “recognised” or does not have the same status or rights (for example, in education) as the “official” or dominant church.

Partly due to the process of European integration and co-operation, differences between Christian denominations have become less important in socio-political terms. For some thinkers and politicians, Christianity should be a basis of European identity, a dangerous move that ignores the millions of Europeans who are not religious and, of course, also those who are not Christian.

? Which minority religions exist in your town or community? Where do they gather and worship?

Among non-Christian religions, Judaism is perhaps the one that, throughout history, has been the most widely discriminated against across the continent. After the expulsions from Spain and Portugal in the 15th century, for example, those who remained were converted by force or had to practise their religion secretly and at great risk to their lives. Prejudice and misconceptions about the Jewish faith has certainly contributed to fuelling anti-Semitic attitudes. It has also been historically used to justify discrimination and segregation against Jews and probably contributed to the passive tolerance of the Holocaust in some predominantly Christian societies.

Other important religious minority communities in Europe include Hindus, Buddhists, Baha’is, Rastafarians and Sikhs. Depending on the country, they may experience different forms of discrimination. In many cases, religious discrimination is combined with racism.

Islamophobia

Among non-Christian religions, Islam is the most followed in Europe. It is the majority religion in some countries and regions in the Balkans and in the Caucasus and is the second largest religion in France, Germany and in many other countries, both western and eastern.

The spotlight that has been focused on Muslims across the world in the aftermath of the horrific attacks on the United States in 2001 show how fragile community relations and our sense of tolerance really are. Muslims living in the West were surprised that people whom they thought to be friends, neighbours and co-citizens could suddenly turn and blame them for the attack on the World Trade Centre and even carry out revenge attacks on innocent men, women and young children. Of particular concern is that fact that in the United States and across Europe a number of women who wear the headscarf have been attacked.

During second world war, Jehovah’s Witnesses were sent to concentration camps because they refused to serve in the German army.

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief, and freedom, either alone or in community with others and in public or private, to manifest their religion or belief, in worship, teaching, practice and observance.”

European Convention on Human Rights, article 9, 1.

? What images do you have of Islam?

Islamophobia, literally meaning a fear of Islam, Muslims and matters pertaining to them, is not a new phenomenon. It is in fact an ancient form of prejudice that has recently become a topical issue due to the devastating effect it is having on the lives of Muslims, especially those Muslims who live in minority communities.

The present situation feeds on strong and deep-rooted prejudice in most European societies regarding Islam. Some of the most common forms are the lack of official recognition as a religion, the non-granting of permission to build mosques or the non-provision of facilities or support to Muslim religious groups or communities.

Ignorance about Islam is the main reason for Islamophobia. Islam is often associated only with terrorism and extremism. In fact, Islam is a religion that preaches tolerance, solidarity and love for each other, like many religions do.

? What can be done in your organisation or school to increase knowledge and understanding of other religions?

One of the most common prejudices about Islam is its so-called “*incompatibility*” with human rights. This prejudice often stems from the reality of countries where Islam is the majority religion, mostly Arab countries. The absence of democracy and widespread violations of human rights are given as examples of this “*incompatibility*”. The prejudice lies in considering Islam as the only contributing factor for these situations, when in fact most of the regimes in question are simply undemocratic. Applied to Christian countries, this would be the equivalent of making Christian religions responsible for the previous dictatorships in Portugal, Spain or Greece, for example, and then to conclude that Christianity is incompatible with human rights and with democracy.

Young people are often harassed for displaying their allegiance to Islam. In some countries, Muslim girls have been forbidden to attend school wearing the veil on their head.

Legal framework

Numerous international and regional instruments either refer to discrimination generally speaking or deal with specific forms of discrimination. Some examples, at the level of the United Nations, include:

- The Universal Declaration of Human Rights (1948)
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- The Convention on the Elimination of All Forms of Discrimination against Women (1979)
- The Declaration on the Rights of Disabled Persons (1975)
- The ILO Convention (No.169) Concerning Indigenous and Tribal Peoples in Independent Countries (1989).

Within the Council of Europe, in addition to the European Convention on Human Rights, important achievements have been made in recent years, especially through:

- The European Charter on Minority Languages (1992)
- The Convention on the Participation of Foreigners in Public Life at Local Level (1992)
- The Framework Convention for the Protection of Minorities (1995)

Further information**On racism and discrimination**

- The European Commission against Racism and Intolerance of the Council of Europe, www.ecri.coe.int
- La Ligue Internationale contre le Racisme et l'Antisémitisme (LICRA), France, www.licra.com
- SOS Racisme (France), www.sos-racisme.org
- UNITED for Intercultural Action - the European Network against nationalism, racism, fascism and in support of migrants and refugees, www.xs4all.nl/~united
- The European network against racism, www.enar-eu.org/
- The Internet Anti-racism Centre in Europe, www.icare.to/
- The European Monitoring Centre on Racism and Xenophobia (EUMC), www.eumc.eu.int
- Minorities of Europe (MoE), www.moe-online.com
- Young Women from Minorities (WFM), www.wfmonline.org

On Roma

- The European Roma Rights Centre (ERRC), www.errc.org
- The International Romani Union, www.romaniunion.org
- Union Romani (Spain), www.unionromani.org
- Patrin Web Journal, www.geocities.com/Paris/5121/patrin.htm

On People with Disabilities

- The World Institute on Disability (WID), www.wid.org
- The European Disability Forum, www.edf-feph.org

On Immigrants and Refugees

- The United Nations High Commissioner for Refugees: www.unhcr.org
- The portal for the promotion and protection of the rights of migrants, www.december18.net
- Association des Travailleurs Magrébins en France, www.atmf.org
- SOLIDAR, www.solidar.org
- The European Council on Refugees and Exiles, www.ecre.org

On religion

- The United Religions Initiative, www.uri.org
- Bahá'í Faith (site of Bahá'í World), www.bahai.org
- On Islam – site of the Islam 21 Project, www.islam21.net
- The Forum against Islamophobia and Racism (UK), www.fairuk.org
- The Sikhism home page, www.sikhs.org
- Hindu Resources on-line, www.hindu.org
- The World Council of Churches, www.wcc-coe.org
- Catholic Church – The Holy See website, www.vatican.va
- Eastern Orthodox Churches, www.orthodoxinfo.com
- Russian Orthodox Church, www.russian-orthodox-church.org.ru

- Shamash: Jewish Network information and discussion on the Internet, <http://shamash.org/about.shtml>

On anti-Semitism

- Antisemitism and Xenophobia Today, www.axt.org.uk
- The Anti-Defamation League, www.adl.org
- The World Jewish Congress: www.wjc.org.il

On Gay and Lesbian issues

- The International Lesbian and Gay Association, www.ilga.org
- The Institute for Lesbian and Gay Strategic Studies, www.iglss.org
- "Facts on sexual orientation and sexual prejudice", <http://psychology.ucdavis.edu/rainbow>
- The International Lesbian and Gay Youth Organisation (IGLYO), www.iglyo.org

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