

SUBMISSION FOR THE TRAINING ON EQUALITY AND NON -DISCRIMINATION

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1. A. Introduction

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In that sense, equality is a fundamental human rights principle. As the Universal Declaration of Human Rights of 1948 says in its article 2 “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

The discrimination status that the Universal Declaration mentions at the beginning of the list, “race”, is a special one, as it was used falsely as a category of natural science and for the justification of segregation, oppression and genocide. In 1950 UNESCO said in its “Statement on Race”: “races”, in the taxonomic biology as well as applied to the human being, are socially constructed and do not have any biological basis. Although science continues to maintain this realisation, the term is still used in international documents and statements. Meanwhile, the European Parliament has requested that the term should be avoided in all official texts. See more on: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:51996IP0135:EN:HTML>.

Human rights experts, instead, prefer to speak about “racist discrimination”. Racist discrimination may be seen as a severe form of discrimination against or oppression of certain groups of people, who are stigmatised, and where institutional power is exerted.

2. B. Biblical Approaches

The creation of God is based on diversity, a rich diversity, where each kind of living thing was named and pronounced “good” (Genesis 1). The bible affirms the growing number of peoples, languages and cultures. It also reports on the temptations to diminish or wipe out

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diversity through violence and repression. With Cain's murder of his brother, the sin of the rejection of the other enters the world, and since then it accompanies the history of mankind.

The story of the tower building in Babylon may be interpreted as an effort to make the heterogeneous world uniform in an imperialist manner. The ONE language means, translated word by word, the ONE speech with analog words. God confuses the languages and disperses the people – that is not a bane or punishment. God saves the richness of diversity against the elimination of the otherness, in that he destroys uniformity.

Also the church is designed for diversity. During the council of the apostles in Jerusalem it was said that the belief in Jesus Christ does not prejudice a distinct culture, that Jewish and non-Jewish convictions may co-exist. The narrative of Pentecost tells how people from distant places and with different mother tongues assemble and, suddenly, understand each other. So Pentecost may be seen as celebration of an intercultural gathering (Col. 3,11). Within the community social and cultural differences are cancelled through the emphasis on the unity of all believers "in Christ".

The Biblical message deals with the creation of the human being in the image of God (Genesis 1,26-27), with no distinction. Christian thinkers have dealt with racism and discrimination probably as long as these secular categories have been in common use. Dietrich Bonhoeffer was perhaps the first prominent one among them. He experienced the impacts of racism as a scholar in New York when he lived in the Ghetto of Harlem around 1931. His encounter with the African-American church was rarely noted in Europe <http://www.highbeam.com/doc/1G1-76158041.html>.

"His concern that the Church be a church of the proletariat entails that it always be sensitive to unique elements of each sub-culture in which it ministers. His contention that we are created differently and so will all serve God in our own unique way, coupled with his insistence that only in the Word of God do individuals find their unity, makes it clear that the unity of the Church does not depend on unity of external form." (Mark Ellingsen, Bonhoeffer, Racism, and a communal model for healing, Journal of Church and State, Spring, 2001 <http://www.nathanielturner.com/negrochurchbydb.htm>)

African theology also offers an approach to equality. Ubuntu is an African concept and means humanity. Archbishop Desmond Tutu referred to it in order to temper the hatreds that Apartheid caused. It means to care about the deepest needs of the other. It suggests hospitality, to share, to be generous.

3. WCC: Racism is a sin

After Bonhoeffer and others had brought the issue of the injustice of racism to the international ecumenical community, and after the disastrous experiences due to the Nazi ideology and genocidal crimes, WCC was founded and then became an important player in the ecumenical movement against racism. In 1968 the General Assembly in Uppsala declared racism a sin and "a blatant denial of the Christian faith".

The World Council issued a number of studies and declarations on racism, a tradition that was started against the background of apartheid, and that was continued after the overcoming of apartheid. At its 1995 meeting the WCC Central Committee noted that

"institutional racism and the ideology of racism, in their most pernicious forms, continue unabated in contemporary societies and still affect churches dramatically while ongoing social, political and economic trends are producing new expressions of racism". "The reality is that we all live in multi-cultural, multi-ethnic, multi-religious, multi-lingual societies -- though sometimes we don't see the strangers as Christ among us. When churches close themselves to the strangers in their midst, when they no longer strive for an inclusive community as a sign and foretaste of the Kingdom to come, they lose their reason to be... We challenge the churches worldwide to rediscover their identity, their integrity and their vocation as the church of the stranger. Service to uprooted people has always been recognised as diaconia -- although it has been peripheral to the life of many churches. But we affirm that it is also an ecclesial matter. We are a church of the Stranger - the Church of Jesus Christ the Stranger. (Matthew 25:31-46)" (WCC 1995, Uprooted People).

In 2002 again the Central Committee adopted a study on "Being Church and Overcoming Racism", with reference to the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was held in the previous year in Durban, South Africa. "Today as in the past, the call from people struggling to advance the racial-ethnic justice cause is a call to churches as well. ... It is a call for a deeper commitment by churches to face their own racism, not only the racism elsewhere. It is a call to churches to face their own past - in the present, that is, today - in relation to their own people - Indigenous Peoples, African-descendants, Ethnic minorities, Dalits - and not only the racism of others. It is a call for churches to reflect on what it means to a church to overcome racism. To be the church today requires deliberate, consistent and constant action in the struggle for racial justice. To be the church today requires an effort to overcome racism through actions to transform society and its structures of power and exclusion."

4. Ethnic and Cultural Minorities

The ecumenical movement has always been concerned about ethnic and cultural minority communities. Religious belief is often a characterising feature for the cultural survival of minorities, and contributes to the construction of their identities. This is particularly the case in situations of migration, a life in diasporas or in oppressive conditions. Cultural freedoms and freedom of belief are essential for these communities to enjoy a life in dignity. Therefore, discipleship and advocacy should be directed to strengthen these communities and respect their identities.

5. C. International Legal Tools

The principle of equality before the law is laid down in the Universal Declaration of Human Rights as well as in both of the core human rights covenants, ICESCR and ICPPR. The human rights conventions on the rights of women, of children, of migrant workers and of people with disabilities, that the UN have agreed upon afterwards, may be understood as the effort to strengthen the principle of non-discrimination for special vulnerable and discriminated groups. The United Nations has even passed the **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD), which was, in 1966, the first human rights convention of the UN ever. With this convention the UN human rights system puts special emphasis on the combat of racist discrimination.

The Convention does not only oblige States parties to exclude acts of racist discrimination. It requires states to proactively provide legal protection against discrimination and to grant remedies for victims. The states have to take action to eliminate prevailing prejudices and to facilitate communication among the “superior” and “inferior” groups. Groups who are likely to suffer discrimination may be fostered with positive measures (sometimes known as affirmative action) according to the Convention. All States parties are obliged to submit regular reports to the UN on how the rights are being implemented. The Committee on the Elimination of Racism and Discrimination (CERD) receives the states’ reports as well as the comments by civil society on the states’ reports. The Committee is a body of independent experts. It has issued a number of General Comments to interpret the Convention, which may be referred to by civil society for their advocacy efforts.

A landmark in the UN human rights system is the **Convention on the Rights of Persons with Disabilities** (CRPD). Many of the rights that the Convention defines mirror rights affirmed in other UN conventions, but with specific state obligations ensuring that the rights can be fully realised by persons with disabilities. Rights specific to this convention include the rights to accessibility including information technology, the rights to live independently and to be included in the community (Article 19), to personal mobility (article 20), habilitation and rehabilitation (Article 26), and to participation in political and public life, and cultural life, recreation and sport (Articles 29 and 30). Although the Convention addresses the rights of people with disabilities explicitly, it could be used as a reference tool for concepts of inclusion of persons who are discriminated against for reasons other than disability as well.

The **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW) condemns any form of discrimination against women. The States parties agree to undertake measures “by all appropriate means and without delay” to eliminate discrimination against women. Under the Convention discrimination means “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, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. Non-state actors also have obligations under the Convention.

The **European Convention on Human Rights** (ECHR) of the Council of Europe is the principal and most effective human rights instrument in Europe. It entered into force in 1953. Article 14 prohibits discrimination under a potentially unlimited number of grounds. The realisation/violation of the rights under the Convention can be the basis of a lawsuit at the European Court for Human Rights in Strasbourg. More effective protection against discrimination is provided for in the 12th Protocol to the Convention. However, the Protocol has been ratified by some 17 European states only.

The Council of Europe has set up the European Commission on Racism and Intolerance (ECRI). ECRI is mandated to combat all forms of discrimination since 1994, on the basis of the European Convention on Human Rights and its 12th Protocol and the judgments of the European Court on Human Rights. The Commission is composed of independent experts and presents legal comments on the ECHR and every five years undertakes missions to the member states that are followed by state reports with recommendations made to the member state. Usually, the reports are presented during a public event. This is an opportunity for civil society organisations to hold their governments accountable.

6. Current Debate

The terror acts of 11 September 2001 and the counter-terrorism measures afterwards have made the international human rights situation more difficult. The report of the two Special Rapporteurs (Human Rights Council 2006) gives a good insight from a human rights point of view.

During the Durban Review Conference 2009 in Geneva there was a harsh controversy between the Western and the Islamic countries. The Islamic countries requested that defamation of Islam be considered a human rights violation. The Western countries and human rights organisations opposed this view. They argued that international human rights law protects individual believers and their rights, not a religion. However, this does not answer the question as to how the distressed feelings of many Muslim people, because of the domination of the West over their religion, could be effectively resolved. Consequently, the controversy is not over.

7. EU Law

Laws exist throughout the European Union to protect everyone against discrimination on the grounds of **religion or belief, disability, age and sexual orientation** in the workplace and on the grounds of **racial or ethnic origin** in all areas of life. European legislation in this field is based on Article 19 of the Treaty of Lisbon. Current legislation comprises two directives: The **Employment Equality Directive** (2000/78) protects everyone in the EU from discrimination based on age, disability, sexual orientation and religion or belief in the workplace. The **Racial Equality Directive** (2000/43) prohibits discrimination on the grounds of racial or ethnic origin in the workplace as well as in other areas of life such as education, social security, healthcare and access to goods and services. The Directives were agreed by **all EU Member States** in 2000. Each Member State was then obliged to incorporate these new laws into their national system.

EU law addresses also indirect discrimination, i.e. when an apparently neutral specification, criteria or practice would disadvantage people on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation unless the practice can be objectively justified by a legitimate aim.

National governments are required under the Racial Equality Directive to designate or set up a body, or bodies, to help people who have been discriminated against on the grounds of their racial or ethnic origin to pursue their complaints. In some European countries the equality bodies also help people who have been discriminated against on the grounds of religion or belief, age, disability, sexual orientation and gender. The organisation and role of each body or bodies varies from country to country.

The European Union Agency for Fundamental Rights (FRA) is an Advisory body of the EU. It helps to ensure that fundamental rights of people living in the EU are protected. It does this by collecting evidence about the situation of fundamental rights across the European Union and providing advice, based on evidence, about how to improve the situation. The FRA is the former European Monitoring Centre on Racism and Xenophobia (EUMC).

8. Ethnic and Cultural Minorities

The UN Convention on the Elimination of All Forms of Racial Discrimination, in its article 3, puts special emphasis on minorities. For minorities, special measures of protection may be adopted. Within the jurisdiction of the Council of Europe a particular legal instrument has been set up:

The **Framework Convention for the Protection of National Minorities** (FCNM) aims to ensure that the signatory states respect the rights of national minorities, undertaking to combat discrimination, promote equality, preserve and develop the culture and identity of national minorities, guarantee certain freedoms in relation to access to the media, minority languages and education and encourage the participation of national minorities in public life. States have to report to the Council of Europe on the measures they have undertaken. However, there are no specific provisions as to how a minority can be recognised legally under the convention, if the minority wishes to.

The **European Charter for Regional or Minority Languages** (ECRML) is another treaty of the Council of Europe. The Charter aims to protect and promote historical regional and minority languages in Europe. It only applies to languages traditionally used by the nationals of the States Parties (thus excluding languages used by recent immigrants from other states), which significantly differ from the majority or official language (thus excluding what the State party wishes to consider as mere local dialects of the official or majority language) and that either have a territorial basis (and are therefore traditionally spoken by populations of regions or areas within the State) or are used by linguistic minorities within the State as a whole (thereby including such languages as Yiddish and Romani, which are used over a wide geographic area. For more information about the issue please see [http://www.globalwarmingart.com/wiki/Wikipedia:European Charter for Regional or Minority Languages](http://www.globalwarmingart.com/wiki/Wikipedia:European_Charter_for_Regional_or_Minority_Languages)

9. D. Good Practice

10. The current WCC “Programme for Just and Inclusive Communities” calls upon churches to address cultures and structures of exclusion in their midst. It points towards the need to address racism in their own structures and life. The aim is to encourage churches to learn from the experiences of advocacy by and on behalf of people who experience discrimination and exclusion, with regard to Indigenous People, Dalits and people with disabilities. Member churches could set up similar programmes.

11. The United Church of Christ (UCC) in the U.S.A. adopted a pronouncement and proposal for action on “Becoming a Multiracial and Multicultural Church” in 1993. All settings of the UCC are called to participate affirmatively and actively in ensuring the ongoing inclusiveness of the entire community of faith. Recently a broad campaign has been launched under the title “God is still speaking” in order to promote the welcoming character of the church to all. <http://www.ucc.org/god-is-still-speaking/>

12. Upon the initiative of UNESCO the “European Coalition of Cities Against Racism” was established in Nuremberg on 10 December 2004. It was dedicated to establish a network of cities interested in sharing experiences in order to improve their policies to fight racism and discrimination. In times of growing globalisation and urbanisation, the municipalities are a key factor in ensuring that all their citizens, regardless of their nationality, ethnic, cultural, religious or social origin, enjoy a life in dignity, security and justice. The basis for the

activities of the network is provided by the [“Ten-Point-Plan of Action”](#), which is to serve member cities for their future activities. As of November 2010, 104 municipalities from 22 European countries have joined the network and adopted the "Ten-Point-Plan of Action" <http://www.citiesagainstracism.org/>.

13. The Council of Europe launched a public awareness campaign “all different – all equal” in order to promote the idea of diversity and equality. A lot of awareness building materials have been prepared. Just one example: Under the following link http://eycb.coe.int/Compass/en/chapter_2/2_6.html may be found a quiz - short and provocative enough to be interesting in itself but also the basis for a great group discussion.

14. There was an Ecumenical church visit on group-related enmity in Germany in May 2010. Four German churches invited five international experts to visit congregations and sites of interest. The group of experts made a report that reflects the experiences they made during their visit, and ends with special recommendations. The report was presented to a big gathering during the Oekumenischer Kirchentag in Munich.

15. For more than three decades, German Churches have called annually for the implementation of “Interkulturelle Woche” or “Intercultural Week”. It aims at providing a welcoming climate for immigrants and refugees. There are 3.000 public events in 300 towns, organised by congregations, municipalities and grass roots groups. The Woche runs usually from the end of September to the beginning of October. The central office in Frankfurt/Main supports the local organisers with a resource book, posters, flyers and post cards. www.interkulturellewoche.de

16. Diaconia Germany has set up a manual on gender-sensitive language. The publication aims at encouraging a more sensitive use of language and at honoring the attainments of women who work with the social service organisation of the Protestant Churches and who are 70 percent of the employees.

http://www.agmav.diakonie-wuerttemberg.de/mitteilungen/83/83_berichte_gendergerechte_sprache.html

The Evangelical Churches of Baden and Wuerttemberg and their Diaconia service organisations in South-West Germany have founded an anti-discrimination network. Under www.mittendrinundaussenvor.de information is available that is useful in a church context.

17. E. Proposals for Action

The World Council of Churches has made many suggestions for action. An excellent reference tool is the resource guide of 2004. It contains useful information and proposals of what churches, congregations, or communities could do. What follows are options for those who consider further engagement.

18. Action Groups, youth groups or organisations that want to sensitize themselves on internal patterns of prejudice and racism should conduct anti-discrimination trainings that may be offered by social workers and educators. Through simple joint exercises and without attending tiring lectures, it is possible to learn a lot about imaginations of “otherness” that we have constructed in our minds, and one can learn how to

deconstruct and overcome these patterns.

19. Action Groups who would like to do advocacy work on a national or regional level can screen the state reports that their own governments have compiled for the UN Committee on the Elimination of Racial Discrimination (CERD). They can write their own report (called Shadow Report) and present it to the UN, the FRA or the public.

20. If an organisation is supposed to take profound action, it should at first review its own structures and patterns of cultural behavior. As a consequence, measures in organisational development (OD) might be chosen. With regard to justice between women and men, strategies of gender mainstreaming are recommended. Intercultural opening or cultural mainstreaming are OD measures that seek to sensitise on the different ethnic groups and cultures within an organisation and their clients. The respective OD measure that addresses principally all grounds of discrimination is diversity management, which has been developed in the USA. It tries to make use of diversity, which is regarded as an asset, as it increases the opportunities for the organisation and its employees.

21. Anti-discrimination units or Ombudsmen are independent bodies who receive complaints from employees, customers, or other individuals who believe that they have been discriminated against. Organisations or business operations can use such complaints procedures in order to ease and solve conflicts based on discrimination. The bodies should be independent and the office bearers should have the trust of their constituency.

22. F. Questions which relate to the topic during training sessions

At the beginning of the training session, you may ask yourself which “inferior” or discriminated groups are there in your community or state. Are there stigmas that are put on them? Which fears and prejudices against them are common?

You may then wish to check the language that you use in this context - just to give an example, “xenophobia” may be analysed as a term to describe racism but that tends to be racist itself, as it declares one part of the population “other” and, at the same time, the “one” part an innocent victim of a mental disease (“phobia”). Another example: “irregular migrants” makes a group of people who live as workers, refugees, women, children etc. among us “irregular”, whereas all others seem to be regular or “normal”. You may think about whether “undocumented people” would be more appropriate to respect the dignity of the kind of people that are talked about with regard to their right to freedom of movement.

How do public or private services exclude certain people and what could they do for inclusion? You may discuss ideas such as darkroom restaurants with regard to blind persons, or handball tournaments for wheel-chair users.

What can faith-based communities do in order to strengthen discriminated and stigmatised groups? In order to find that out it may be useful to listen what these groups say – how they call themselves, how they perceive their position in the society, and what is appropriate to get their identity respected by the dominating group?

During the course of the training, you may be interested to reflect on the role of your own Church, or the Christian organisation you work in. Churches can be found in virtually every

European country. The status and power position of the church in the respective countries differ a lot, as the membership of the churches represents different parts and segments of society, smaller or bigger ones. Some of the Christian communities may even not be represented in the CEC. How do the trainees assess the position of their own Church in society, under the criterion of equality? What kind of relations does your Church or organisation have towards the discriminated groups? Which tasks do you identify with regard to making communities or congregations inclusive?

In a number of European countries, organisations with Christian identity occupy considerable quantities of hired staff. In order to be inclusive without discrimination, what recruitment policies have the organisations adopted, or could wish to adopt? Are there diversity management strategies to be put in place, and how would that relate to the Christian identity of the organisation?

23. G. Resource Material for the Training on Racism and Anti-Discrimination

24. International and European legislation and expert opinion

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/ICERD/icerd_en.pdf

Convention on the Rights of Persons with Disabilities, (CRPD), http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/CRPD_behindertenrechtskonvention/crpd_en.pdf

UN Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, further to Human Rights Council decision 1/107 on incitement to racial and religious hatred and the promotion of tolerance, A/HRC/2/3, Geneva 20 September 2006

Committee on the Elimination of Racial Discrimination, General Comments on ICERD, <http://www2.ohchr.org/english/bodies/cerd/index.htm> - the Committee monitors the implementation of the Convention and receives complaints against its violations.

The Agency for Fundamental Rights (FRA) does a lot of research and analysis on equality and discrimination in the EU member states. <http://fra.europa.eu/>.

EUMC, Perceptions of Discrimination and Islamophobia, Voices from members of Muslim communities in the European Union, EUMC 2006, Vienna

Forum Menschenrechte, Eliminating racist discrimination in Germany, Parallel report addressed to the Committee on the Elimination of all forms of Racial Discrimination of the United Nations, Berlin 2008. It is a shadow report done by civil society organisations in order to provide more substantial information than was contained in the official state report. Forum Menschenrechte is the common platform of some fifty human rights organisations who work on the federal level, <http://www2.ohchr.org/english/bodies/cerd/cerds73.htm>

25. Theology and Churches

World Council of Churches, A Moment to Choose: Risking to be with Uprooted People, Statement issued by the WCC Central Committee in 1995, Geneva, <http://www.wcc-coe.org/wcc/what/international/uprooted/moment1.html>

World Council of Churches, Understanding Racism Today - a Dossier, a revised and expanded version of a dossier produced for the WCC Harare Assembly, 1998 <http://www.oikoumene.org/fileadmin/files/wcc-main/2006pdfs/racismdossier.pdf>

World Council of Churches, Being Church and Overcoming Racism: It's time for transformative justice, Central Committee, Geneva, Switzerland, 26 August - 3 September 2002, Document PLEN 4, <http://www2.wcc-coe.org/ccdocuments.nsf/index/plen-4-en.html> (This paper is a discussion-starter on churches acting through transformative justice to overcome racism that offers important and path breaking suggestions for action that churches may undertake on their way to search for justice. It contains also three case studies on good church practice, one The Lutheran Church of Norway: Apologies to the Roma People)

World Council of Churches, Central Committee, A Church of All and for All, An interim statement, Geneva, Switzerland, 26 August – 2 September 2003, Document No. PLEN 1.1, <http://www2.wcc-coe.org/ccdocuments2003.nsf> (on people with disabilities)

World Council of Churches, Transformative Justice, Being Church and Overcoming Racism, Resource Guide, Geneva, 2004

World Council of Churches, Just and Inclusive Communities - Report of the la Paz theological consultation 2007. This report attempts to outline a theological framework for WCC's new programme: Just and Inclusive Communities that has been put in place by integrating four areas of its on-going work: Overcoming Racism, Indigenous Peoples, Dalit Solidarity and the Ecumenical Disabilities Advocates Network. It reflects a consultative process of sharing and conversation among persons impacted by these and other concerns. <http://www.oikoumene.org/de/dokumentation/documents/oerk-programme/unity-mission-evangelism-and-spirituality/just-and-inclusive-communities/2007-la-paz-report-just-and-inclusive-communities.html>

World Council of Churches and World Islamic Call Society, International Consultation on Transforming Communities: Christians and Muslims Building a Common Future, Geneva, Switzerland, November 2010, Final Statement, <http://muslimsandchristians.net/>

Athanasios N. Papathanasiou, Encountering Otherness, Christian Anthropology for a Culture of Peace, in: Theological Reflections on Migration, A CCME Reader, Brussels, 2008

Beate Küpper and Andreas Zick, Religion and Prejudice in Europe, New empirical findings, NEF Initiative on Religion and Democracy in Europe, London 2010, ISBN 978 1 907376 02 3. The study presents empirical data on patterns of prejudice among people of differently strong religious affinities.