

Scoreboard

THE NEWSLETTER OF THE STANDING CONFERENCE ON RACIAL EQUALITY IN EUROPE



UNIT 303
BRIXTON SMALL BUSINESS CENTRE
BON MARCHE BUILDING
LONDON SW9 8EJ
TEL. 071 274 4000 X 303
FAX. 071 924 0107

BI-MONTHLY
SEPTEMBER/OCTOBER 1992
NO. 1

PRODUCTION EDITOR:
LUCIEN SENNA

EDITORIAL

The formation of a Single Market in Europe from January 1st 1993 represents a historic and significant turning point in European history. It will mark the closing of one chapter and the opening of another on shared cooperation, economic integration and social interaction. But there will be many people who will be excluded from this process or forced to continue existing on the periphery of European society.

As Britain assumes the presidency of the Council of Ministers, it does so within the context of ever worsening economic and social conditions within the Community. Given the likelihood of continued recession in member states and the presence of ever increasing unemployment, which saps morale and debilitates whole communities, it is vital that Black and migrant people are able to place the whole question of the abuse of their human and civil rights firmly on the political agenda and are able to have recourse to the law in order to protect themselves from increasing racial discrimination.

SCORE intends to mark the presidency by raising at least 100,000 signatures throughout Europe for an amendment to the Treaty of Rome and for a directive outlawing all forms of racial discrimination.

However it is clear that the institution of a legal framework to tackle discrimination cannot be seen as a panacea for solving the problems of social inequality and exploitation that black and migrant people face in Europe today. It is time for all people of colour to reclaim the political agenda and to face the 1990s with a pro-active plan of action rather than continuing to react to the present status quo.

In order to do this, Black and migrant people in Europe need to meet and formulate a pan-European Black agenda. SCORE has embarked upon this journey over the last year by organising and participating in a series of networking meetings in Europe, which have proved invaluable fora for sharing ideas and future collective forms of action. By travelling this road, organisations at grassroots level can empower themselves and the communities they represent, take action organised by and for themselves and, importantly, force politicians to make changes. I hope in the months ahead this process of networking will continue and be strengthened.

JOSEPHINE OCLOO

Contents:

1. EDITORIAL
2. NEWS ROUND-UP
3. FOCUS: The European Court of Justice
4. PUBLICATIONS & UPCOMING EVENTS

❑ In a concession to the British government's policies on border controls, the European Commission announces that EC citizens may still have to carry passports after 1 January 1993. (3.9.92 Times)

❑ Nearly 200 Jewish graves are vandalised in Herrlisheim near the German border with Poland. (3.9.92 Independent)

❑ A memorial constructed to the victims of the Holocaust is bombed by right-wing extremists in Berlin. (1.9.92 Guardian)

❑ A report is published claiming that German racial violence could have serious/adverse effects on the German economy. (8.9.92 Guardian)

❑ The Interior Minister of Brandenburg announces that he believes the right-wing activity in Germany is organised, and says that there is evidence that neo-Nazi groups incited the violence which took place in Rostock. (9.9.92 Independent)

❑ Recommendations are made in Germany for a Migrants Ministry to handle the problems of refugees and asylum seekers, housing, and integration. (10.9.92 Times)

❑ The Commission for Racial Equality repeats its call for the strengthening of the 1976 Race Relations Act which would make racially motivated violence a criminal offence. The CRE is also asking that the blasphemy law be dropped or widened to include other religions. (10.9.92 Independent)

❑ A young man who took part in the racial attacks in Rostock, Germany is sentenced to 9 months imprisonment on charges of seriously disturbing the peace. (11.9.92 Independent)

❑ The European Community announces plans to curb immigration into the EC as a result of the Rostock riots. (14.9.92 Independent)

❑ Police, anti-fascist activists, and neo-Nazi skinheads clash at Waterloo Station in London preceding a demonstration outside a concert for the neo-Nazi rock band Skrewdriver. 30 arrests are made. (12.9.92 Independent)

❑ Five neo-Nazis who murdered an Angolan worker are sentenced to 5 years imprisonment in Germany. (15.9.92 Guardian)

❑ There are fears of a resurgence of racist violence directed against gypsies in Romania, after the Romanian Government signs a repatriation agreement with Germany allowing

Germany to send back the vast majority of 43,000 Romanians who have applied for asylum in Germany. (30.9.92 Times)

❑ The EC announces the creation of the post of Minorities Commissioner at a Conference on Security and Co-Operation in Europe (CSCE). The post holder will tackle the problems of ethnic minorities in Europe. (22.9.92 Voice)

❑ Spanish authorities conduct a massive round-up of "illegal immigrants", arresting over 100 Moroccans and Palestinians en-route to Spain travelling on boats and by foot. Speaking about the level of immigration into Spain, the Justice Minister, Tomas de la Quadra, said, "This isn't only a problem for (the southern region) Andalusia, or for Spain. It's a problem for the whole of Europe and we need more vigorous policies to deal with it." (29.9.92 Guardian)

❑ The Home Office refuses to ban a visit to Britain planned by Alessandra Mussolini who has been invited to address a fringe meeting of the Western Goals at the Conservative Conference in Brighton. (29.9.92 Asian Times)

❑ Oxfam warns that the financial and political crises brewing in Europe could have a devastating effect on Africa at a time when famine, drought, and political violence are crippling the continent. (1.10.92 Weekly Journal)

❑ A 15 year old Muslim boy is banned from his school lessons for refusing to shave off his beard. The headmaster of George Green School on the Isle of Dogs banned the boy from the rest of his class. (1.10.92 Weekly Journal)

❑ As Germany celebrates the second anniversary of unification, 1,000 neo-Nazis march through Dresden giving the Hitler salute and chanting racist slogans. A Jewish cemetery in Stuttgart is also desecrated. Meanwhile, thousands of demonstrators march at the site of the Sachsenhausen concentration camp to protest against the racial violence engulfing Germany. (5.10.92 Guardian, 8.10.92 European)

❑ According to the latest figures released by the German government, 10 "foreigners" have been killed in racist attacks in Germany this year, compared with 3 in 1991. There were also 405 arson and firebomb attacks in the first 9 months of 1992 compared with 383 for the whole of 1991. (8.10.92 Guardian)

❑ Germany's interior minister Rudolf Seiters announces government plans to ban certain far-right groups and to increase surveillance of their militant members. He also says that the government plans to create "rapid

reaction" police units in Germany's 16 states. (9.10.92 Guardian)

❑ German intelligence units uncover a neo-Nazi plot to demonstrate against the Queen when she visits Dresden this month. (9.10.92 Independent)

❑ Over 200 angry youths surround a local police station in Valux-en-Velin, France for the second night in a row to protest against the killing of an 18 year old Moroccan youth by police. The youth was shot to death by police in this suburb of Lyons for trying to break through a roadblock. (12.10.92 Independent)

❑ Ignoring advice from the UN High Commission on Refugees, Britain's Home Secretary announces his decision to deport a Tamil who had applied for political asylum after serving a six-year jail term in the U.K. (12.10.92 Independent)

❑ A report is released by France's General Secretary for Integration (GSI) which shows that Africans living in France are being discriminated against in the housing market. Out of 1,200 applications from African families for housing in a suburb of Paris, only 22 were successful. (13.10.92 Voice)

❑ Spanish and French government officials urge North African countries to curb immigration to Europe. In return, the governments pledge to provide improved housing and working conditions for North Africans legally resident in their countries.. (13.10.92 Voice)

❑ Senior British police officer Roy Hadfield recommends that the British government establish a mandatory national identity card to combat potential increases in terrorism, drug trafficking, and criminal activities after the abolition of border controls in 1993. (16.10.92 Independent)

❑ The Russian government is facing a massive wave of immigration from Third World countries. The immigration is largely from people trying to migrate to Sweden, Finland, and Germany who become trapped en route in the former Soviet Union. (15.10.92 European)

❑ A new museum to celebrate the memory of the French opponents to Nazi activity in Europe opens in the city of Lyons. The Centre of History of the Resistance and Deportation has displays of documents of the time, including posters and other documents protesting against the Nazi occupation during the Vichy regime. (19.10.92 Independent)

❑ Over 100,000 neo-Fascists march in Rome to commemorate the 70th anniversary of Benito Mussolini's rise to power. (19.10.92 Daily Mail)

Member States Conspire Against E.C.J.

The European Court of Justice (ECJ) is not the best known of the European Community's main institutions. Pushed out of the limelight by the politicking of the Council of Ministers, the European Commission and the European Parliament, more often than not it is confused with the separate European Court of Human Rights which is based in Strasbourg.

But the networks campaigning on race equality issues should be paying more attention to the work of ECJ - not least because one of the principal objectives of the Maastricht Treaty on Political Union has been to marginalise its work, particularly in the field of immigration policy and related matters.

The Work of the Court

The ECJ is based in Luxembourg. It consists of thirteen judges - one from each member country plus one other. In addition, its work is assisted by six Advocate-Generals. Its purpose, according to Article 164 of the Treaty of Rome, is to 'ensure that in the interpretation and application of this Treaty the law is observed.'

The majority of cases which come before the Court concern disputes on matters relating to competition in the Community market. But a significant proportion of its judgments relate to issues affecting the free movement of persons across the Community. As such, it has come to play a role in the development of immigration policy in Europe.

In its jurisprudence, the Court has tended to promote a broadly liberal perspective on the movement of people. Whenever the actions of national governments and their immigration authorities have apparently placed constraints on the freedom of Community nationals to move to and take up residence in other member states, the Court has usually stepped in on the side of the individual.

The Court has broadened the definition of the type of employment for which citizens might move from one country to another to include part-time work for as little as a few hours a week; or work in the informal sector, where tax and national insurance contributions might not necessarily be paid. It has established that authorities within the member states might not operate practices which discriminate, directly or indirectly, against workers from other countries. The scope which national authorities have for expelling citizens of other members states has been restricted by judgments which define concepts of 'public policy', 'public security', and 'public health' in ways which limit the initiative of national governments.

Third country nationals

However, the broadly progressive role the Court has been able to play in promoting migration rights for citizens of EC member states has not been matched by its interventions on behalf of EC residents who are not citizens - the so-called 'third country nationals'. In a judgment in 1985, the Court decided that it lacked authority under the terms of a key part of the Treaty to make rulings which bound the national governments in respect of their policies towards third country nationals. This issue goes to the heart of the controversial matter of Community 'competence' in the broader area of immigration policy with respect to people coming from outside the Community.

But one group of third country nationals have succeeded in bringing their problems to the Court - and winning favourable judgments. These have been people who can claim a Community 'connection' by virtue of being a part of the family of an EC national migrant worker. For example, a Nigerian citizen married to an Italian national who is living and working in the UK has for her - or himself (together with all their children up to the age of 21), the rights of an EC citizen.

An example of the favourable viewpoint of the Court to such family members was shown in the recent judgment in the case of Surinder Singh. This concerned an Indian national who had lived for a time with his British wife in Germany. After returning to the UK, Mr. Surinder Singh found himself a subject

of the efforts of the immigration authorities to deport him after his marriage had broken down.

The Court decided that the UK authorities had no such power to deport him because during the period he had lived with his wife in Germany the couple had both acquired rights as migrant workers which could not then be taken away from them.

Expansion of competence

The ramifications of the Surinder Singh judgment are being investigated by organisations working in the field of immigration. One view holds that a process has been set in train which in the coming years will see an extension of Community competence into a broader range of areas which touch upon the rights of third country nationals. If this does represent the potential of the Court we should all be looking closely at its work to see how we might further involve it in legal actions to promote measures creating free movement rights and building stronger anti-discrimination policies which extend to all Community residents.

A cloud looming over this prospect is the attitude of the governments of the national states. The recent furore in Britain over the UK's desire to maintain passport checks over Community nationals and the Home Secretary's efforts to reach a deal with the European Commission to keep the ECJ out of the matter shows the determination of national governments to limit the influence of the Court.

The Maastricht Treaty

Another cause for concern is the indication in Article K of the Maastricht Treaty that the ECJ will not automatically have jurisdiction over issues which are encompassed by the Treaty's 'provisions in the spheres of justice and home affairs'.

These are all matters which, at the present time, have been dealt with in such inter-governmental fora as the Trevi group and the Ad-Hoc Group on Immigration. The intention of the Treaty is to go some way to bring these issues under the aegis of the Community; and to the extent that, if and when it becomes operative, the European Parliament and the Commission will obtain rights of scrutiny over the work of the intergovernmental body, Maastricht marks a welcome step in the direction of stripping some of the secrecy away from policy-making in this area.

But the Treaty also specifies that, unless expressly allowed for by the national governments, proposed legislation in the field of justice and home affairs will be excluded from the jurisdiction of the ECJ. As it is precisely under these headings that we might have expected to see progressive Community law in the field of racial equality, anti-discrimination, and immigration, this is bound to be a matter of great concern for black and anti-racist organisations.

By excluding the Court on a routine and regular basis from considering these issues, the national governments have claimed the right to make the law and to interpret it as they see fit. This offends the principle of the separation of the powers of government which is held to be the cornerstone of liberal democratic society. Because of this, a campaign to make every aspect of the Maastricht Treaty accountable before independent law courts might become an important activity in the future for the anti-racist movement and other democratic movements.

In the period ahead we should be watching very carefully which developments affect the ECJ and the other institutions of the Community. If we are committing ourselves to a campaign for racial justice we have to make sure that institutions exist which are capable of administering and adjudicating in disputes in a just and authoritative way. For this reason the national governments have to be made to understand that we will not accept actions which undermine one of the most important law courts which exists in Europe.

DON FLYNN

Publications

✎ The National Secretariat of the French Socialist Party has produced a 3 volume report on the struggle against the extreme Right. Published in July 1992, the report chillingly outlines the rise of Le Pen and racial violence in France and the effect this has had on French society as a whole. It chronicles the rise of the National Front in St. Gilles, the cutting off of all grants to Black groups at the provincial level and the organised violence against Black people. The report analyses the campaign in Lyons against Le Pen as an example of good practice. It calls for the need to prioritise employment, urban renewal, and education. This report is available from Parti Socialiste 10, rue Soferino 75007 Paris; Price 10 francs.

✎ To coincide with the BBC's televised series on training opportunities for youth in Europe, the Department of Employment has

published a 60 page free booklet on employment, training, and exchange programmes in the other European member states. For a free booklet send a letter with your name and address to: EURO-ACTION, Freepost, PO Box 12, Nottingham NG7 1BR

✎ The Institute of Race Relations has recently undertaken a three-year European research project - the aim of which is to monitor racism and fascism across the continent. The project will publish its findings in briefing papers and other documents. If you are interested in receiving these materials or assisting in translation work, please contact: Liz Fekete, Institute of Race Relations, 2-6 Leek Street, King's Cross Road, London WC1X 9HS (Tel: 071-837 0041)

✎ Feminist Art News has published a 2 part special issue of the magazine titled "Black Women in the Arts in Europe '92 - Perspectives from Britain and the Continent" Blackwomen '92 (Part 1) explores Black women's experiences in Britain through essays, poetry, short stories and photography. Blackwomen '92 (Part 2) focuses on

Black women artists of African and Afro-Caribbean descent living in Berlin, Paris and Barcelona. To order back issues, contact: Feminist Art News, Unit 26, 30-38 Dock Street, Leeds LS10 1SF (Tel: 0532-429964)

✎ "Cities and Social Policies in Europe: Europe Congress on Social Welfare" has recently been published. This 307 page report collects the contributions to the European Congress on Social Welfare held in Barcelona in March 1991. This congress was attended by 226 people from a wide range of European cities and coordinated by the 6 main Eurocities - Antwerp, Barcelona, Birmingham, Bordeaux, Lisbon and Rotterdam. The issues covered in the report include the discussions on subjects ranging from the description of social problems and trends emerging in Europe to the debate for an urban social policy at a European scale. For further information on how to obtain a copy of this report, contact Birmingham City Council's European and International Task Force at the Council House, Birmingham B1 1BB.

Coming Events

✎ The Party of Democratic Socialism will be holding an All-European Congress Against Racism from 13 - 15 November 1992 in Berlin to discuss joint initiatives. For further information contact: Tanju Tugle, Bundestagsggruppe PDS/Linke Liste, Büro Ulla Jelpke, Bonn-Centre, W-5300 Bonn I (Tel: 030/28409447)

✎ The Anti-Racist Alliance has organised a conference on racial harassment titled "Community Action and Legal Remedies." The Conference will be held at Greenwich Borough Hall from 9:15 am - 6 pm on 14 November 1992. For further information contact the ARA (Tel: 071-607 3988). The ARA is also sponsoring a rally in conjunction with the Refugees Ad Hoc Committee on Asylum Rights to protest against the Asylum Bill on Saturday 21st November 1992. The rally begins at 12 p.m. in Hyde Park and will be followed by a demonstration in Trafalgar Square at 3 pm

✎ Lothian Racial Equality Council is sponsoring a National Conference on Refugees in Scotland. The conference will look at education, employment and training. It will be held on Wednesday 4th November 1992 at the City Chambers of Edinburgh District Council. For further information contact Dharmendra Kanani at Lothian REC, 12A Forth Street, Edinburgh EH1 3LH (Tel: 031-556 0441)

✎ To mark the official launch of the Birmingham Chapter of the Society of Black Lawyers, the West Midlands S.B.L. will be holding a fundraising dinner and dance on the 7th November 1992 to be held at Egbaston Cricket Club, Banqueting Suite, Birmingham. For more information contact Lorna Phillips on 021-233 1000.

✎ Charter 88 is holding a women's constitutional conference from 7 - 8 November; "Can Democracy Work for Women?" The conference will bring together women to debate women's rights in a modern democracy. It is being held at Congress Centre, 23-28 Great Russell St, London WC1B. (Tel: 071-833 1988)

✎ SCORE and Southwark Council are holding a one day conference: "The Implications of the Single European Act on Black and Ethnic Minority People" which will be held on Saturday, 28th November 1992 from 9:30 a.m. to 5:00 p.m. at Southbank University. Speakers include Bernie Grant MP, Michael Elliot MEP, Cllr. Sally Keeble, Yonas Endrias (IPF; Germany), Bashy Qurashy (Pakistani People's Organisation, Denmark) and others. SCORE is also holding another "Alternative Summit" in Edinburgh from 9-11 December at the Council of Ministers' Summit. SCORE will be gathering with representatives of Black/migrant groups from the other member states. Contact SCORE (UK).

✎ The Department of Health is sponsoring a major European event which will look exclusively at meeting the information needs of disabled

people. "Inform '92" will give exhibitors, speakers & visitors from throughout the European Community a unique opportunity to share their ideas with other Europeans working in the field of disability. The event will be held from 13 - 14 November 1992.

For more information contact: Mr S H Lawton-Smith, The Department of Health, Room 334, Wellington House, 133-155 Waterloo Road, London SE1 8UG.

✎ The London Borough of Greenwich is sponsoring a photographic exhibition called "ECU: European Currency Unfolds" as part of its Black history month. The exhibition of works by photographer Roshini Kempadoo explores the implications of rapid economic and political changes for Black communities in Europe and is showing at the Greenwich Citizens Gallery from 23 October - 21 November. (10:00 am - 5:00 pm). For further information phone: 081-316 2752

✎ "Sweet France," a documentary film produced by Agence IM'Media and Migrant Media, premieres as part of Channel Four's 'Critical Eye' series, on 12 November 1992 at 9pm. The film deals with the struggles of Arab and immigrant communities in France since the 1970s, in particular looking at the "beur" movement and the militancy of Arab youth in dealing with policing and racial violence in the suburbs of Paris. For further information phone: Migrant Media on 071 254 9701