Tackling Structural Racism and Discrimination and Achieving Equalit

The Role of Cities

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Overview – lessons to learn or basics to repeat

1. Institutional racism/structural discrimination > social change
2. Anti-racism/equality as a key to human rights
3. The role of cities
4. Ideas for cities
5. Questions

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THE BLUE AND YELLOW GLASS HOUSE: STRUCTURAL DISCRIMINATION IN SWEDEN (SOU 2005:56)

Defined the problem as well as various solutions.

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What is structural discriminationinstitutional racism?

- Rules, norms, routines, and attitude and behavior patterns in institutions / structures that lead to inequality for certain groups.

- Open or hidden. Intentional or unintentional.

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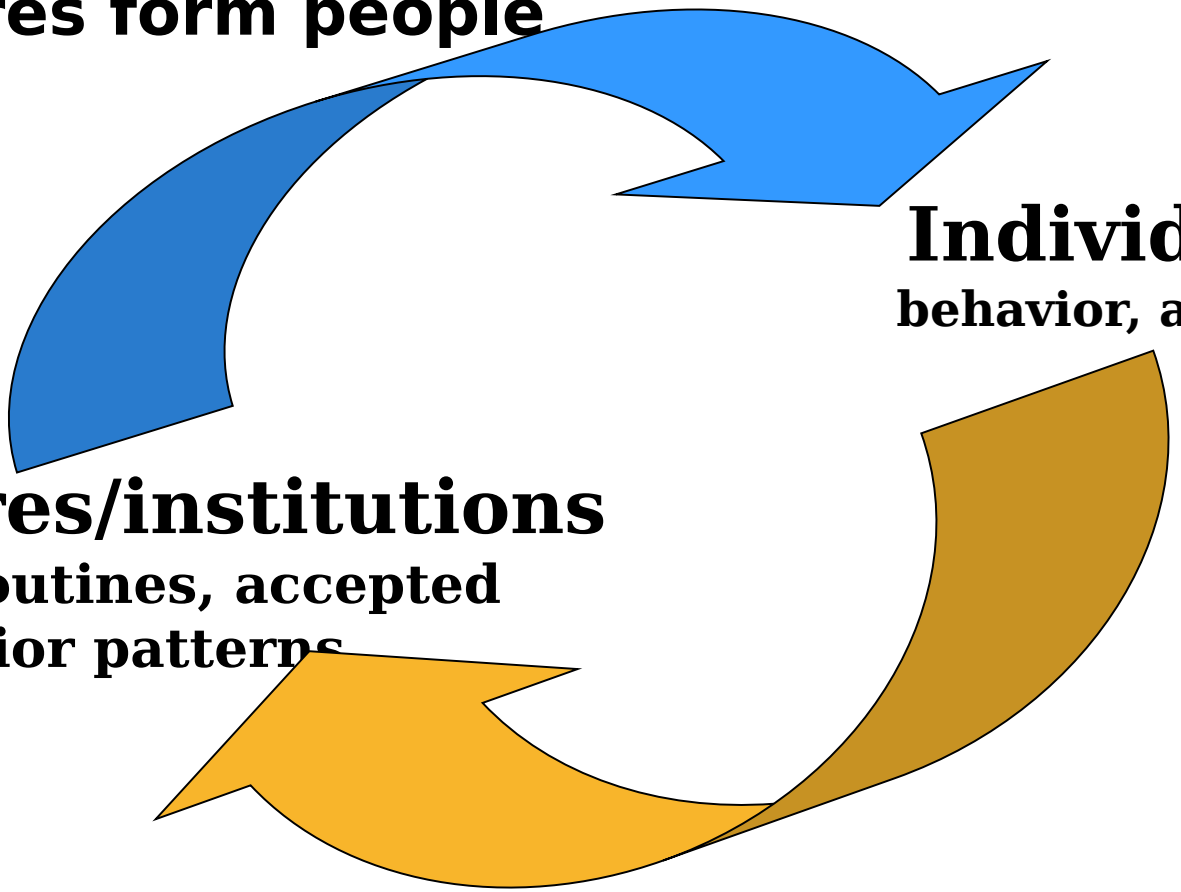
People form structures, structures form people



Individuals

behavior, attitudes

Structures/institutions

Norms, routines, accepted behavior patterns

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Another description of structural discrimination

Male

Pale

&

Stale

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Do you have prejudices? Do you apply them?

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Who is free from prejudice?

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- Harvard Implicit Association Test
  (https://implicit.harvard.edu/implicit/demo/)

- People with openly racist and sexist opinions have the same levels of underlying prejudices as “non-racists” and “non-sexists”

- Blindspot: the hidden biases of good people (2013) – disconnect today between “attitudes” and behavior

- Difference between the man on the soap-box and those in the crowd?

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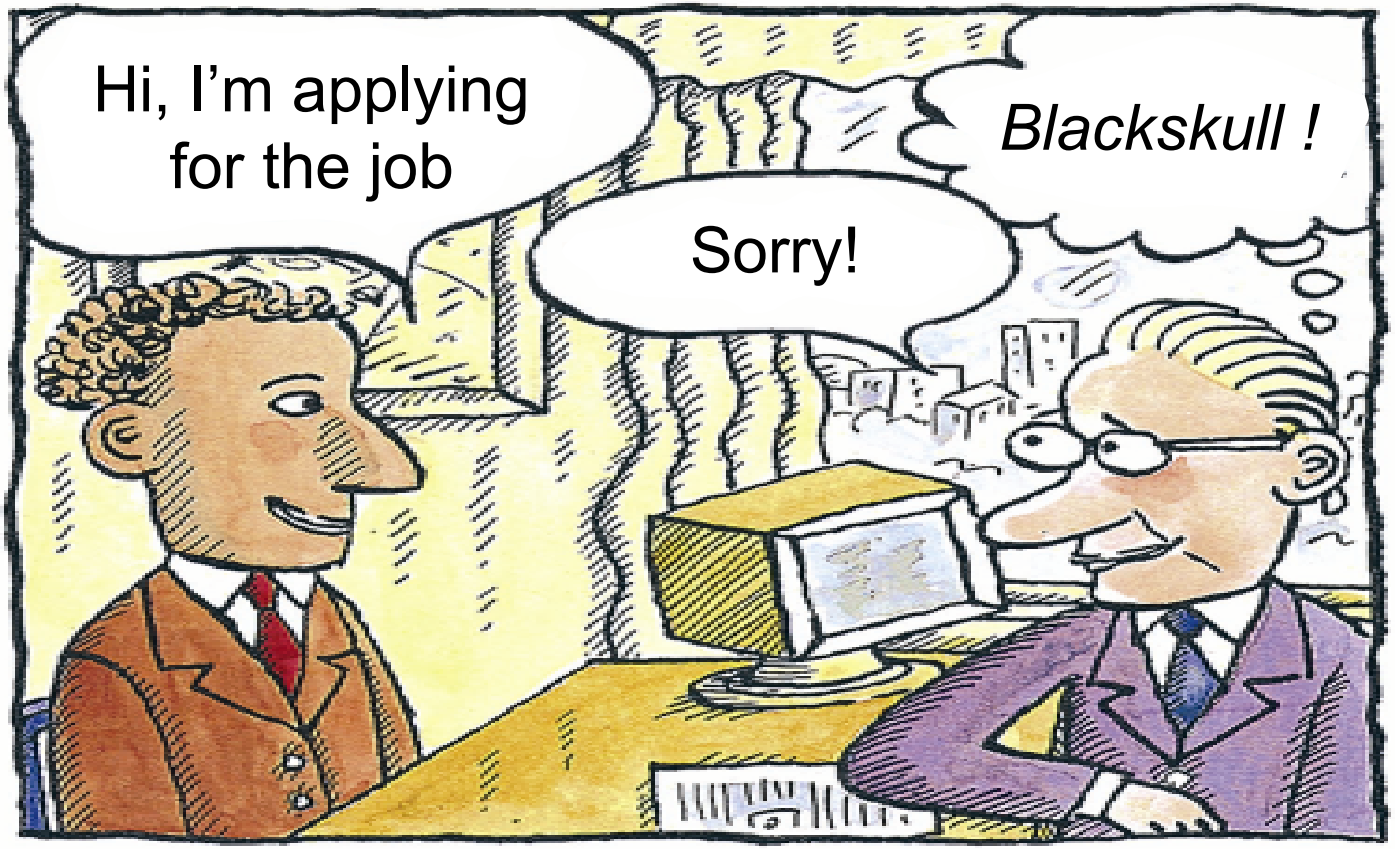

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Eye-openers in Europe

- Stephen Lawrence Inquiry 1999 in the UK
- Not just”bad apples” within the police but institutional racism (structural discrim)
- Not just the police, but other authorities as well
- Result - Proactive measures required of all authorities to promote ethnic equality

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Different fields

- Media - ”Immigration costs 40-50 billion annually”. Racism is elsewhere.
- Politics - immigrants are a problem in re ”Swedish culture” and ”welfare”. They need our help.
- Education - ”Swedishness as a norm”. Affects the way teachers and others treat students with immigrant backgrounds
- Housing – Urban renewal. Focus on symptoms related to segregation, not the causes.

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Different fields

- Legal system – Immigrants run a greater risk of being stopped, arrested and jailed than Swedes in the same situation.
- Working life – Focus on feelgood measures (language, trainee placement, equivalency of exams). Not on discrimination. Labour reserve.
- Welfare – social problems transformed into problems of culture.

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Racism and discrimination in Swedish history

- Denial is often based on a perception that Sweden is”different” from other countries.

- Sweden, it is thought, lacks a history of racism and repression of ethnic minorities.

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Swedish history is European history

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- The Sami, Roma and the Jews. First race biology institute. The J in the passports of German Jews.
- Europeans in denial after WW II. Racism and ethnic discrimination were elsewhere
- Denial of ethnic discrimination is apparent in Swedish public policy re immigrants
- World's moral superpower

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Feelgood vs equality measures

Focus on the ”minority”, the ”immigrant”, the other

Jobs, language education, urban renewal …

Focus on those with power and privilege

Anti-discrimination and equality promotion

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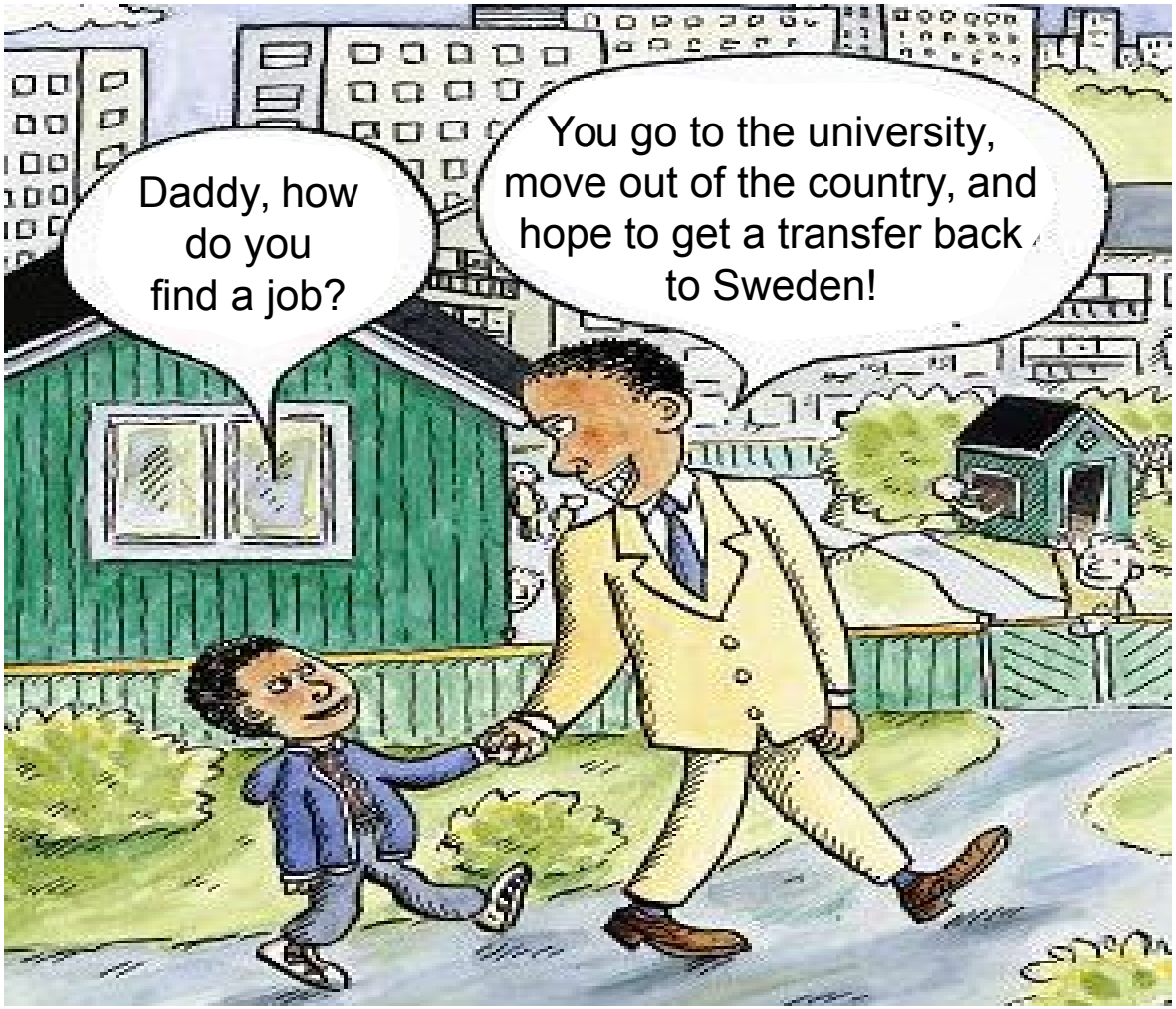

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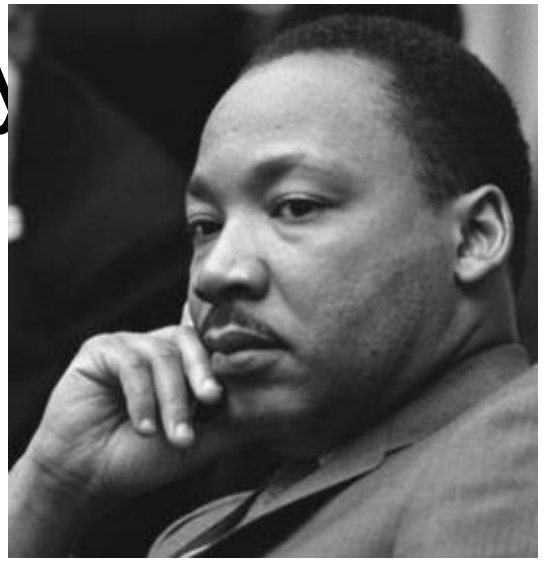
It is a sad historical fact that privileged groups have seldom given up their privileges voluntarily

Martin Luther King



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Changing attitudes or behaviour?

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- Earl Warren – Chief Justice US S Ct 1953-1969

- Many people believed ”that you can't wipe out racial discrimination by law, only through changing the hearts and minds of men.”
- Warren disdained that as a ”false credo. True, prejudice cannot be wiped out, but infliction of it upon others can.”

- Lesson – make discrimination cost

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All grounds ?

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- When feminism does not explicitly oppose racism, and when antiracism does not incorporate opposition to patriarchy, race and gender politics often end up being antagonistic to each other and both interests lose.

Kimberlé Williams Crenshaw 1992

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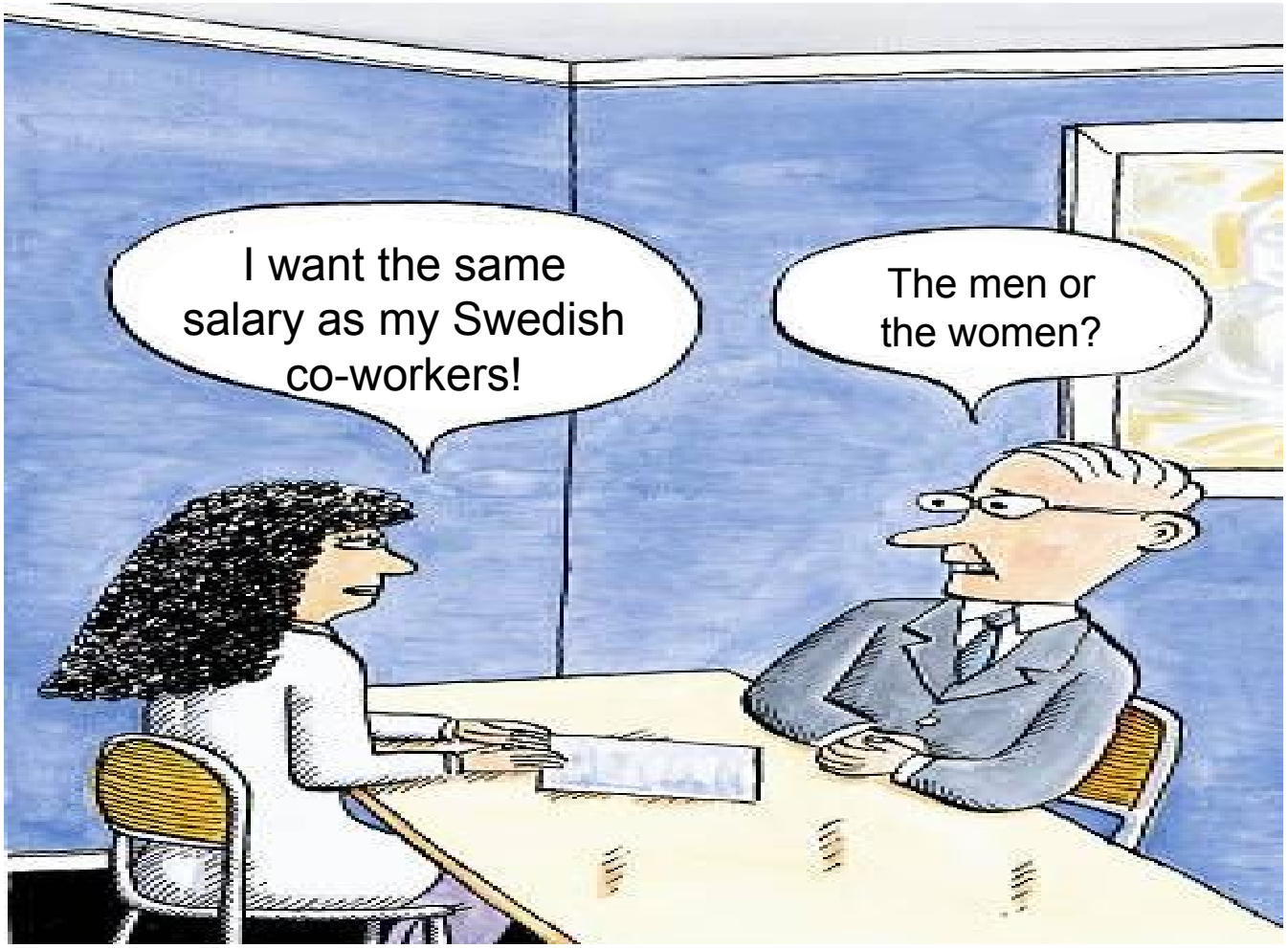
Interplay of discrimination grounds: Not only in regard to discrimination, but also in regard to inspiration and potential for power?



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Mobilisation

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"Never doubt that a small group of thoughtful committed people can change the world. Indeed it is the only thing that ever has."

Margaret Mead

How to lobby? http://www.united.non-profit.nl/pages/info21.htm

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Law, research/education, mobilization?

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On their own, law, research and mobilization seldom lead to change.

BUT together they have led to change.

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The interplay between research, law and mobilization can be seen in the

Civil rights movement

Women's movement

Disability movement,

LGBT movement,

Starting Line Group

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Promoting equality

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- Common for equality movements?

- When are they successful?

- A concrete common FOCUS
- Organisation and mobilisation of the targets
- Alliances with others

Key is a focus on those with the power to discriminate – or prevent discrimination

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Step 1 – Civil society pressure for a law

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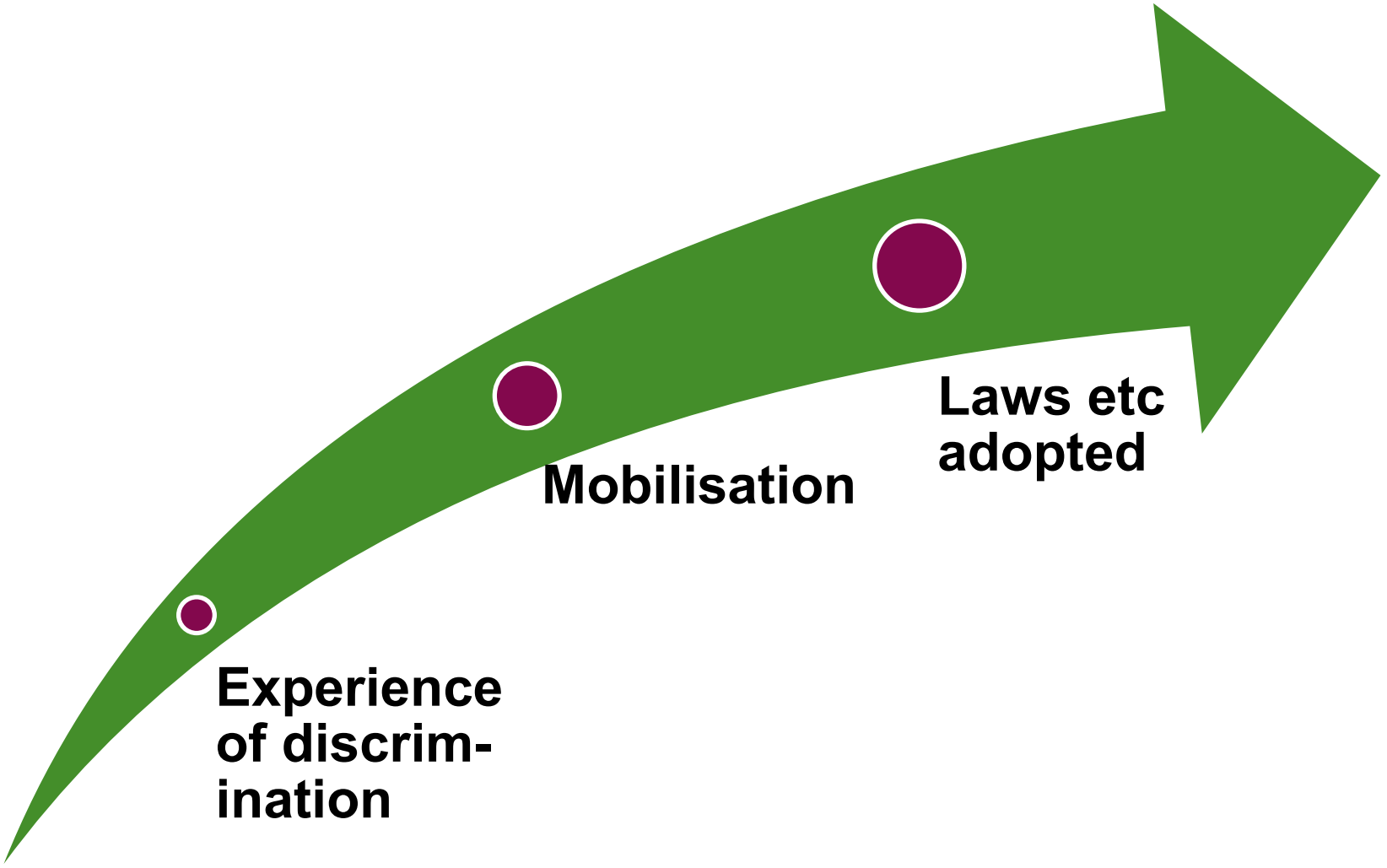
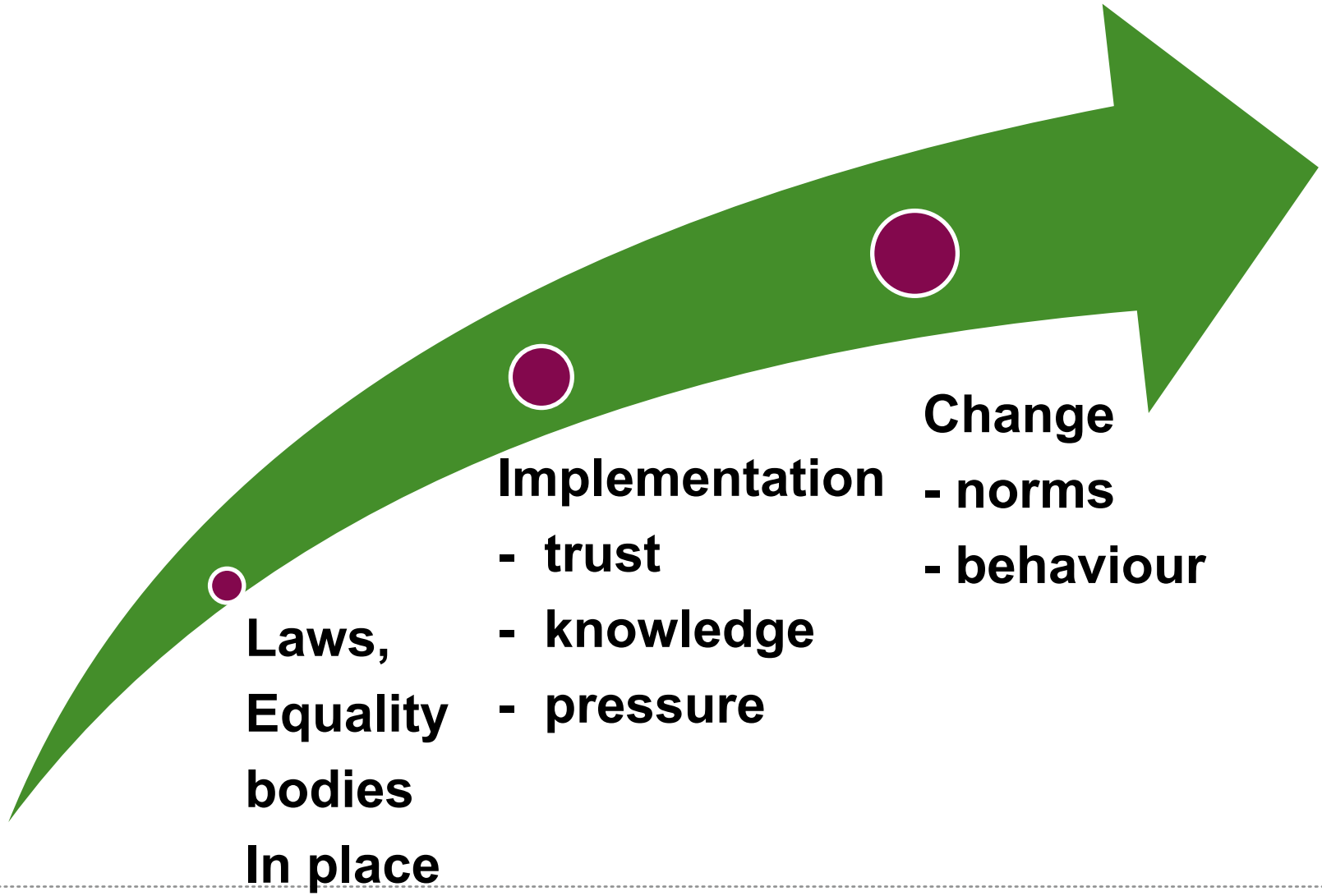
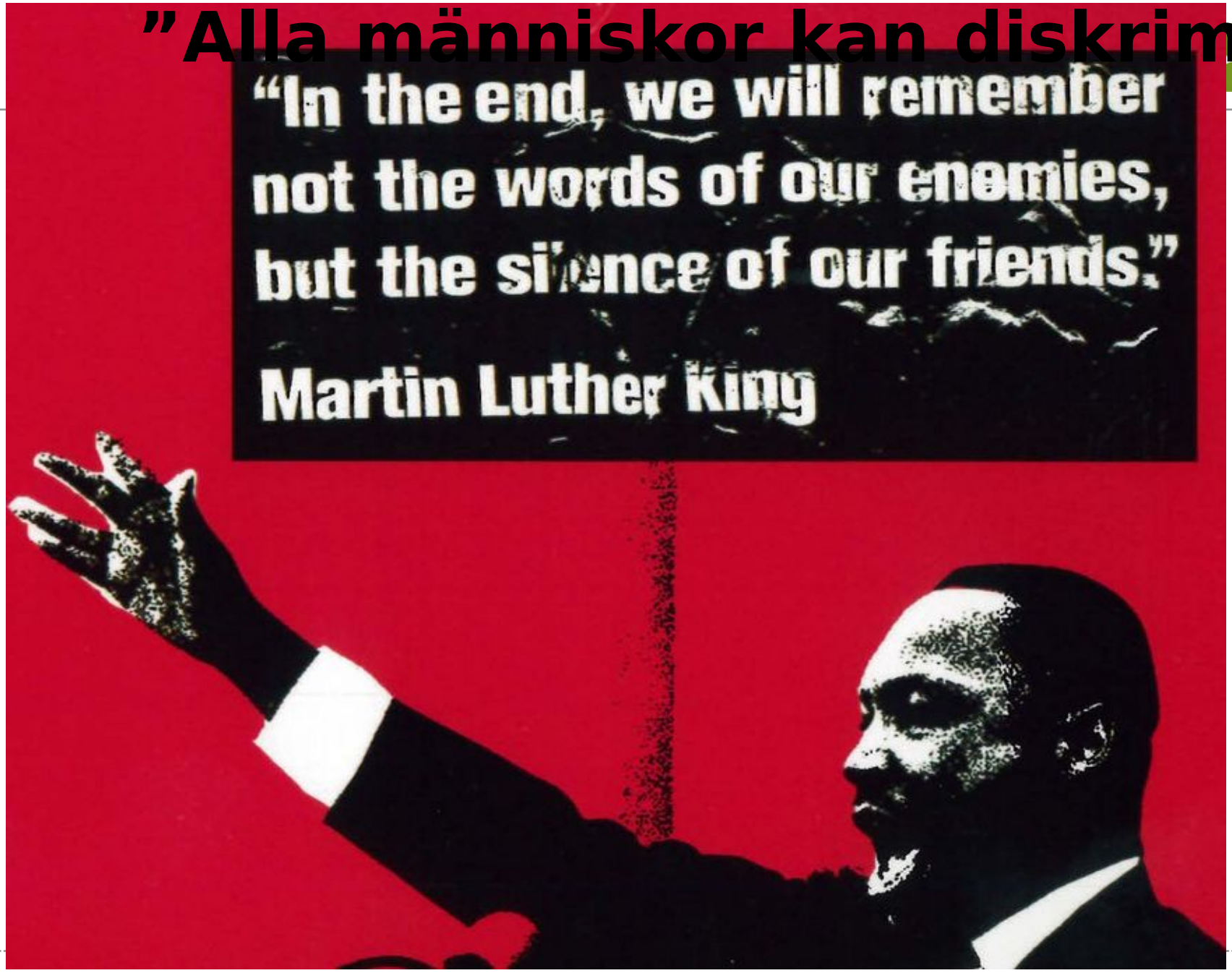


STEP 2 – Implementation of laws



”Alla människor kan diskrimin



Where do human rights begin? Eleanor Roosevelt, ordf

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In small places, close to home ... they are the world of the individual; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere."

Making the global local

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The 1948 Human Rights Declaration and various conventions that have followed (eg CERD, CEDAW, CPRD) establishes

EQUALITY AS A FUNDAMENTAL HUMAN RIGHT. ALSO ONE OF THE FEW TOOLS FOR EXAMINING OTHER HUMAN RIGHTS.

Civil society can use the international HR as a lobbying tool – but they must still be transformed into local laws and policy

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Equality as a HR relevant to cities?

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One third of all complaints concern cities in Sweden – employment, housing, social services, health care, schools

Democracy – they are to serve their whole population

They are part of the state in terms of international human rights law.

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UNESCO's ECCAR

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Why cities?

It is in urban areas where people are subjected to racism and discrimination.

It is in urban areas where people come together, where clashes arise as well as opportunities.

It is thus cities that are (or should be) in the front line of combating discrimination and promoting equality.

What can be done?

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- prevention and positive action:
- monitoring and vigilance:
- empowerment of the targets
- mediation: arbitration, awareness raising etc
- punishment: administrative and judicial sanctions against discrimination and racism

UNESCO's European Coalition of Cities against Racism (ECCAR)
Action program adopted in 2004

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1. Greater Vigilance Against Racism
2. Assessing Racism/Discrimination and Monitoring Municipal Policies
3. Better Support for the Victims of Racism, Discrimination
4. More Participation and Better Informed City Dwellers
5. City as an Active Supporter of Equal Opportunity Practices
6. City As An Equal Opportunities Employer and Service Provider
7. Fair Access to Housing
8. Challenging Racism and Discrimination Through Education
9. Promoting Cultural Diversity
10. Hate Crimes and Conflict Management

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ECCAR – how?

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They agree to use their full range of political power to implement the commitments.

The measures should be based, in particular, on a consultation process with the targets of racism and discrimination

Civil society is needed as an initiator, watchdog and monitor

Powers to promote equality

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The democratic arena – consultation, voting, monitoring

Employer – leadership duty, training, follow-up

Service provider – social services, housing, health care, etc, training, testing

Public contracts – anti-discrimination clauses etc

Rulemaker – licensing, NGO subsidies

Cities are the experts – but others can point out some of the issues and potential solutions . Where is there a risk for discrimination? What can be done?

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As democratic organs – cities can

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Consultation process particularly with the targets of discrimination – ie talk to them

Central responsibility for equality – human rights commission etc (all grounds). Both reactive and proactive. Annual HR report.

Equality data for monitoring of equality and the effects of the measures undertaken.

Training for all employees. Both on the law and discrimination as a social issue.

Network with other cities

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As employers – cities can

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- **Equality clauses in contracts of dept heads** ie ***one*** factor in salary development and job retention is the ability to counteract discrimination and promote equality

- **Discrimination testing of equality** in employment policy (possibly through the use of "target groups" thus empowering them as well)

- **Training in anti-discrimination for heads of units and/or all employees**

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As service providers - cities can

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Housing, social services, health care, education, policing – beyond following the the law, they can ensure that employees understand the duty to serve all residents

Discrimination testing of equality policy

Schools – Racism, sexism and other oppression and discrimination (ie human rights challenges) as a part of history needs to be part of the curriculum.

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As service providers - cities can

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Concerning law enforcement

- Set up independent monitoring of police (ie policing the police)
- Counteract racial profiling
- Establish hate crime networks connecting the relevant civil servants (schools, medical services, police, social services) with the targets so they learn to recognize, prevent and react

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Public contracts – cities can

- Content of contract – reaching the whole community
- Exclude contractors who discriminate
- Anti-discrimination clause including right to cancel the contract

Elements of an Equality Clause

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- Contractor agrees to follow the law against discrimination
- Duty to report
- Apply clause to sub-contractors
- Retain the right to cancel the contract

As rulemakers - cities can

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- **Alcohol service licences** / risk of losing the license if discrimination occurs
- **Business licenses**, non-discrimination
- **Equality clause** in subsidies
- **Support NGO run antidiscrimination offices**
- **Clarify** that a key purpose of support to NGOs is so that they can build up their **advocacy role**, ie their capacity to engage in critical dialogue with politicians and civil servants

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Five challenges for effective measures

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- If discrimination costs, people change behavior
- Empowerment – civil society advocacy
- Focus on changing behavior, not only attitudes
- Clean the stairs from the top – thus responsibility at the top
- Understand the interplay between different measures as well as grounds

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Empowerment of NGOs

- Consult with the targets of discrimination.
- Increased support for anti-discrimination NGOs
- NGO subsidies have to focus on their advocacy role
- Representation in govt inquiries.
- Anti discrimination clause in re all public subsidies
- Fund for case law development. See Canada

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That was easy! Thank You!

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Various sources I

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Concerning UNESCO's European Coalition of Cities Against Racism (ECCAR) ee

Website - http://www.citiesagainstracism.org/ Email - ECCAR@Rathaus.Potsdam.de

ECCAR's 10 point Action Program
http://www.citiesagainstracism.org/fileadmin/user_upload/download/10ppa-engl-unesco.pdf

Report to the Council of Europe's Congress of Local and Regional Authorities

Social approach to the fight against racism at local and regional level

On the web at https://wcd.coe.int/ViewDoc.jsp?id=1285613

Resulting recommendation 246 (2008)
https://wcd.coe.int/ViewDoc.jsp?id=1285477&Site=CM

And resolution 264 (2008) at

https://wcd.coe.int/ViewDoc.jsp?Ref=RES(2008)264&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864

European Union Charter for Equality between men and women
http://www.charter-equality.eu/

Concerning testing: see *Proving discrimination cases: the role of situation testing*
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Muslims in European Cities. Somalis in European Cities. Excluded Majorities.

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Proving Discrimination Cases - the Role of Situation Testing. Isabelle Rorive with a contribution by Paul Lappalainen, 2009. See
http://www.migpolgroup.com/publications_detail.php?id=230

ENARgy 17. In particular "Institutional Racism in Sweden and Europe"
http://cms.horus.be/files/99935/MediaArchive/pdf/ENARgy_17_EN.pdf

AN INTERSECTIONAL APPROACH TO DISCRIMINATION: Addressing Multiple Grounds in Human Rights Claims. Ontario Human Rights Commission. 2001
http://www.ohrc.on.ca/sites/default/files/attachments/An_intersectional_approach_to_discrimination%3A_Addressing_multiple_grounds_in_human_rights_claims.pdf

Equality time line

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- 1841 International anti-slavery conference
- 1848 Women's emancipation proclamation
- 1865 Separate women's movement
- 1948 UN human rights declaration
- 1954 Separate but unequal unconstitutional
- 1964 US Civil Rights Act – ethnicity, religion and sex
- 1967-68 Women break with civil rights and anti-war movements
- 1975 UK Equal opp act (sex)
- 1976 UK Race relations act (easier to pass after the 1975 gender act
- 1980 Sweden – Gender equality act // based largely on the civil rights act
- 1994 Sweden – law against ethnic discrimination
- 1997 EU adopts article 13 in the Amsterdam Treaty giving the EU broad anti-discrim power
- 1999 Sweden – laws against discrim due to ethnicity/religion, disability and sexual orientation
- 2000 Sweden – gender equality act amended to catch up with the 1999 acts.
- 2000 Race directive, employment directive
- 2000-2006 All grounds covered in the Acts on equal treatment in higher education, on non-discrimination outside of working life, against discrimination in non-university schools, the decree requiring the 30 largest gvt agencies to introduce a anti-discrimination clause into their public contracts.
- 2007-2008 ??? A comprehensive law and ombudsman covering all grounds of discrimination. Compare with Canada's Human Rights Act

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Interplay of discrimination grounds

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- Is there an interplay not only in regard to discrimination, but also in regard to inspiration and possibilities for power?
- The anti-slavery movement fueled the starting of the early feminist movement. Freeing the slaves was a way to work for the freeing of women. Both the succes and disappointment re the anti-slavery movement drove part of the later women's movement.
- The racist and religious horrors of WWII led to the adoption of the 1948 Human Rights Declaration. Gender was included.
- The Brown v Bd of Education case in which the US S Ct declared that separate but equal was unconstitutional had effects not only in regard to the civil rights movement, but also the later movements for equality related to gender and disabilty. Indirectly even sexual orientation.
- The Civil Rights Act was driven by the Civil Rights movement, but gender was included due to the efforts of a congresswoman.
- The European Gender Equality Acts have in turn provided inspiration concerning ethnic discrimination etc.

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Equality movements

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1800s – interplay between the anti-slavery and the early women's movement. The women's movement was able to build on and be inspired by the emancipation thinking of the anti-slavery movement as well as the built in conflicts within the movements concerning gender and ethnicity.

1940s – Human Rights became an international issue as a reaction to the prewar and wartime racism. Equaliity was established as a fundamental human right.

1960s – Civil rights movement leads to the Civil Rights Act. Gender included. Women's movement gets a boost as it rejects the sexism of the civil rights movement and the anti-war movement. The sexual orientation movement was also inspired thru1970s and early 1980s – This also affects the European women's movement, with the introduction of gender equality laws in Europe. These laws build on the experiences with the US Civil Rights Act. But the UK was the only country to adopt a modern law against race discrimination as well.

1980s – The US disability movement started a 10 year process that led to the Americans with Disabities Act - ADA. This moved the issue of disability from being a health/welfare/charity issue to being a question of equal rights. Built on the thinking underlying the civil rights and women's movements. This required the development of cooperation within the disability movement.Alliances were made with the civil rights and women's movements. The ADA in turn inspired disability movements in other countries to press for laws against discrimination due to disability.

1990s – EU. Anti-racist orgs meet in the early 90s concerned about a series of racist incidents. They agree that an EU wide anti-discrimination legislation is neededl. Draft an EU directive. After the commission rejects the proposal due to a lack of EU power, the ngos decide to change EU law. Built a coalition with hundreds of womens', ethnic, religious, age, disability, sexual orientation orgs. Leads to adoption of Article 13. Which later leads to adoption of the 2000 Race directive and employment directives. Raises the minimum standard of protection against discrimination throughout the EU.

1990s - Sweden – modern laws against discrim in working life due to ethnicity/religion, disability and sexual orientation adopted in 1999. The gender equality act was amended thereafter in large part to catch up with the 1999 acts.

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Equality clause in the Glass House Inquiry

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§ 1 The supplier shall throughout the contract period, in his business activities in Sweden, abide by **the current law against discrimination.**

§ 2 The supplier, during the contract period, has a duty, at the request of the contracting entity, to **provide a written report concerning the measures, equality plans etc.,** that have been undertaken in accordance with the duties specified in § 1. The report shall be submitted to the contracting entity within one week after a request is made unless some other agreement has been reached in the individual case.

§ 3. **In the contracts with sub-contractors**, the supplier shall apply the same duty to them as is specified in § 1. The supplier shall be responsible to the contracting entity for a sub-contractor's violation of the duties in § 1. The supplier shall also ensure that the contracting entity can upon request be informed of the sub-contractor's measures, plans etc. in accordance with § 2.

§ 4 As it is of substantial importance to the contracting entity that its suppliers live up to basic democratic values, a violation of the duties in §§ 1-3 shall constitute a **significant breach of the contract.** The contracting entity therefore retains the **right to cancel the contract** if the supplier or a sub-contractor violates the conditions in §§ 1-3. However, the contract will not be cancelled if the supplier immediately remedies the situation or undertakes other relevant measures with the purpose of achieving compliance with § 1, or if the violation is considered to be insignificant.

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