

## BRIEFING PAPER NO.1 – FEBRUARY 2010

### The Swiss referendum on minarets: background and aftermath

*'As bell towers are part of churches, minarets are part of mosques. All of these are humanity's common heritage.'* COJEP International

#### The Swiss referendum on minarets: background and aftermath

On 29 November 2009, Switzerland became the first country in Europe to vote to curb the religious practices of Muslims when a referendum, banning the construction of minarets on mosques, was backed by a strong majority. As a result, Article 72 of the Swiss Federal Constitution regulating relations between the state and religion was amended to include the statement: 'the construction of minarets will be forbidden'. The result, which shocked the political establishment, which had confidently predicted its defeat, has resulted in much soul-searching about the Swiss system of direct democracy, with the federal government placed under increasing pressure to annul people's initiatives that obviously contradict fundamental principles of international law or the Swiss Constitution.

#### Analysis of vote

The 'People's Initiative Against the Construction of Mosques', that was launched by the Swiss People's Party (SVP) and the small ultra-conservative Federal Democratic Union (EDU) was backed by 57.5 per cent of the electorate on a 54.4 per cent turnout. Only four regional cantons rejected the ban: Geneva (where nearly 60 per cent opposed), the liberal Francophone canton of Vaud, Francophone Neuchâtel and the urban city of Basel. In Zurich and Bern the ban was supported, but only by a narrow margin. Statistics provided on the website 'World Elections' suggested that the greatest support for the ban came from rural areas, with support at its lowest in large urban areas.

Unusually for a people's initiative, there was a late massive swing in its favour. Two weeks prior to the election, an opinion poll by gfs.berne, a leading research and polling institute, carried out on behalf of the Swiss Broadcasting Corporation, found 53 per cent against the initiative, 37 per cent in favour, and 10 per cent undecided.

The initiative's support came from supporters of right-wing parties, residents of rural areas, towns in the German-speaking party of the country, as well as less qualified people. According to gfs.berne director Claude Longchamp, this was 'a pattern known from other campaigns which target the fears and concerns of the population'. But it surprised him later to find that such a familiar pattern changed. He noted that a divisive initiative had gained ground among citizens without a clear party affiliation, with the electorate succumbing to the argument that minarets were a symbol of Islam's alleged power.

Another factor that may have increased support for the yes vote in the final throes of the campaign may have been the late intervention of the prominent radical feminist, psychologist and author of best-selling self-help books, Julia Onken, who, in the days running up to the vote, stated that minarets were 'male power symbols', reminders of Islam's oppression of women, and that Islam threatened women's rights. She called on women to vote for a ban, stating that 'Mosques are male houses, minarets are male power symbols. The building of minarets is also a visible signal of the state's acceptance of the oppression of women.' Onken sent out 4,000 emails to women she had met at seminars and lectures, urging them to vote for the anti-minaret initiative, criticising Muslims who condone forced marriage, honour killings and the beating of women and describing the Koran as misogynistic.

A dispute with Libya, over the arrest of Colonel Ghaddafi's son and daughter-in-law, and the subsequent arrest of two Swiss nationals in Libya, may also have effected the vote. The GFS Bern Institute is polling voters to examine the influence of this issue, with the results to be published in January 2010.

#### The 'Stop the Minarets' campaign

According to Ismael Amin, a former president of the

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Association of Islamic Organisations in Zurich, the 'Stop the Minarets' campaign was thoroughly 'aggressive and misleading' from its inception. 'The issue of minarets was rarely discussed, it was much more about Islam – and then with misleading arguments put forward, with the focus constantly shifting from minarets to forced marriages, female circumcision, sharia law and burqas, even though women who wear burqas are practically non-existent in Switzerland.'

It seems that every time minarets were discussed, it was to seize on a very few pending building applications for the erection of minarets as proof of Muslims' ultimate goal of the Islamification of Switzerland. This was an argument advanced in particular by the SVP's Ulrich Schläpfer, as co-president of the Stop the Minarets Movement. 'The Islamic religion is intolerant', he stated, adding that 'we do not want to limit freedom of religion, we want to outlaw the political symbol.... The fear is great that the minarets will be followed by the calls to prayer of the muezzin... sharia is gaining in importance in Switzerland and in Europe. That means honour killings, forced marriages, circumcision, wearing the burqa, ignoring school rules, and even stoning.' He concluded that 'forced marriages and other things like cemeteries separating the pure and impure – we don't have that in Switzerland and we don't want to introduce it'.

#### **Referendum posters and video game promote a climate of fear**

As reported in *European Race Bulletin* no. 69, the Swiss Commission Against Racism made strong protests against an SVP poster in favour of the ban that depicted a woman wearing a burqa against a background of a Swiss flag upon which several minarets resembling missiles were erected. Several cities banned the poster in publicly areas, utilising a law against spreading racist ideologies or classing groups by ethnic, religious, cultural or physical characteristics.

■ On the Thursday prior to the referendum, the Geneva mosque was vandalised for the third time in a month. Unidentified individuals threw a pot of pink paint at the entrance. Previously a vehicle with a loudspeaker drove through the area imitating a muezzin's call to prayer, and vandals threw cobblestones at the building, damaging a mosque. The mosque was placed under 24-hour police guard. (*Independent* 28.11.09)

■ A spoof video game on the internet called Minaret Attack showed minarets popping up all over the idyllic

Swiss countryside, after which a message proclaims: 'Game over! Switzerland is covered in minarets. Vote to ban them on November 29.'

#### **Who opposed the referendum?**

While the government and all the mainstream political parties opposed the ban, there was criticism from Muslim organisations that the establishment made no real attempts to win the arguments and that the streets were dominated with 'Stop the Minarets' posters. Opposition to the minaret ban was voiced by the government, mainstream political parties (including the women's sections of the Socialists, the Greens, the Christian Democrats and the Liberals which put out a joint statement on 19 November), the churches, Jewish organisations, the main newspapers, the national president, the business lobby and the Vatican. The Swiss Catholic Bishops Conference attempted to counter the argument that minarets were symbols of Islamic power, by arguing that like church towers, minarets mark only the presence of religion in the public domain.

The Green Party warned that the ban could be unconstitutional, as Article 15 of the Swiss Constitution guarantees freedom of conscience and belief. The SVP responded to the Green Party's warning of a possible challenge at the European Court of Human Rights by arguing that such a move would breach the popular sovereignty that underpins the Swiss democratic model and its traditions. It dismissed arguments about freedom of religion, asserting that minarets were not a religious but a political symbol, and the thin end of a wedge that would bring sharia law to the country, with forced marriages, 'honour-killings', female genital mutilation and oppression of women.

#### **Reactions to the minaret ban**

##### **Government responds**

The federal council (the body that constitutes the federal government) said that it respected the decision, and a government press release stated that 'the construction of new minarets in Switzerland is no longer permitted'.

Prior to the vote, Swiss justice minister, Eveline Widmer-Schlumpf, described the campaign to ban minarets as a 'proxy war' necessary to drum up conflict between ethnic Swiss and Muslim immigrants. But after the vote she argued that the result reflected fears about Islamic fundamentalist tendencies 'which reject our national traditions and which could disregard our legal order... These concerns have to be taken seriously. The

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government has always done so and will continue to do so in future. However, we take the view that a ban on the construction of new minarets is not a feasible means of countering extremist tendencies', she said.

Corine Mauch, the mayor of Zurich, who also opposed the ban, said the vote was 'a fateful signal to the Muslim community'.

#### ***Socialist women's organisation reconsiders***

After the anti-minaret vote, the women's organisation 'Femmes Socialistes', a lobby within the Socialist Party, issued a charter on women's rights. Arguing that women's rights were 'non-negotiable in all societies and under all religions', Femmes Socialistes also affirmed its support for religious freedom and opposition to discrimination. Prior to the referendum vote, Femmes Socialistes had opposed the ban. Utilising the slogan 'oppose the ban; support equality', they had accused the Stop the Minaret movement of bad faith, asking how an extreme-right party which had always opposed Socialist Party policy on gender equality could now support a ban on minarets on the grounds of the same gender equality? But it seemed that the support for the minaret-ban had also influenced the women's wing of the Socialist Party to redefine its stance. The newspaper *Matin Dimanche* believes that Femmes Socialistes were responding to the fear among some women that a certain type of Islam in Switzerland would bring about an erosion of their rights.

#### ***SVP jubilant***

The SVP said the minaret ban 'would be implemented to the letter' and denounced church figures for the 'alarming role' they played prior to the vote. The SVP's president, Tony Brunner, said voters had clearly rejected the idea of parallel societies and the further expansion of Islam – including radical, political Islam – in Switzerland. Brunner said people who had settled in Switzerland had to realise that they couldn't turn up to work in a head scarf or get special dispensation in order not to participate in swimming lessons.

#### ***Swiss Muslim organisations anxious***

Saida Keller-Messahli, president of the Forum for an Advanced Islam, said that the public's fears had been too great and 'hatred had won over reason'. The Federation of Islamic Organisations said that while it regretted that the propaganda of the campaign's supporters had succeeded in frightening the majority of voters, what was important now was to strengthen their public relations and clear up any misunderstandings or prejudices con-

cerning Islam. Rifa'at Lenzin of the European Project for Interreligious Learning in Zurich said that the country was now 'leading the way' for Islamophobia and that it was astonishing that the 'subjective and far-fetched arguments' of the minaret opponents had found such great support. She accused the political parties of being asleep and allowing public spaces to be dominated by campaign supporters, with only the centre-right Radical Party actively campaigning against the ban.

The Swiss justice minister Eveline Widmer-Schlumpf held round-table talks with representatives of Islamic organisations after the referendum vote. It was the third such meeting in relation to the initiative.

#### ***Jews see parallels with anti-Semitism***

Jewish organisations, both in Switzerland and abroad, expressed concern at the result of the referendum. The Swiss Jewish community had strongly opposed the initiative, as had the US Anti-Defamation League and the American Jewish Committee. The Anti-Defamation League (ADL) slammed the referendum as 'a populist political campaign of religious intolerance'. 'This is not the first time a Swiss popular vote has been used to promote religious intolerance', the ADL said in a statement. 'A century ago, a Swiss referendum banned Jewish ritual slaughter in an attempt to drive out its Jewish population'. France's Chief Rabbi Gilles Berheim was among Jewish leaders who recalled Europe's long history of denying civil rights to Jews, pointing out that until Jews were granted civil rights, European rulers often had imposed bans or regulations on the size or visibility of synagogues, frequently forbidding synagogues to stand taller than local churches. 'In many buildings in Budapest you find prayer rooms or synagogues hidden away in courtyards – you can't see them from outside', said Mircea Cernov, who heads Haver, a foundation in the Hungarian capital that promotes education and dialogue between Jews and non-Jews.

#### ***International organisations raise alarm***

The United Nations, the Vatican, the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe, the European Commission Against Racism and Intolerance all made statements. European Union of Jewish Students condemned the vote, and the fact that it was put before Swiss voters in the first place. ([www.eujs.org](http://www.eujs.org)) United for Inter-Cultural Action and COJEP International were amongst European NGOs that issued press releases.

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### **European extreme-Right enthusiastic**

Italy's Reforms Minister, Roberto Calderoli, a notorious Islamophobe and member of the Northern League, told the Italian news agency ANSA that Switzerland had acted as a 'role model' sending a clear sign to Italy, 'Yes to church towers, no to minarets'. MEP Mario Borghezio, also from the Northern League, said that 'The flag of a courageous Switzerland which wants to remain Christian is flying over a near-Islamised Europe'. The leader of the Danish People's Party (DFP) announced that her party would table a parliamentary motion aimed at organising a referendum on the building of minarets in Denmark.

The Freedom Party of Geert Wilders said 'It's the first time that people in Europe have stood up to a form of Islamisation'. The Austrian Freedom Party and the Alliance for the Future of Austria described Switzerland as a 'role model for other European countries'. (The Austrian province of Carinthia adopted a law in February 2008 prohibiting 'unusual buildings that don't fit with traditional architecture'.) The French National Front website included a statement from Marine Le Pen in which she said that the Swiss had demonstrated their attachment to their 'national identity, their countryside and their culture'. In an interview on France's I-télé news channel she added that if all European citizens had the chance to vote on the banning of minarets the result would be the same and that minarets should not be built in France, on the grounds of their visual impact.

'The Swiss are symbols of the struggle of Europeans against Islamization', said Filip Dewinter, leader of Cities Against Islamization. 'Europe is a Christian-based society. We are used to church towers. Mosques do not belong to European culture'.

### **Demonstrations and defiance across Switzerland**

Immediately after the vote, a number of counter demonstrations erupted spontaneously in Switzerland's main cities. In Bern, a vigil was held after the results were made public, with glowing candles laid out on the ground creating the outline of a minaret and banners declaring 'This is not my Switzerland'.

■ The Network of Genevan Youth Associations (GLAN) immediately registered its shock at the result by erecting a minaret made of cardboard, wood, paper and tissue in Geneva's New Square. The site of the symbolic minaret was deliberate; it was placed at the feet of the statue of General Dufour on a horse. Dufour is a Swiss national hero who presided over the first Geneva Convention

which established the International Red Cross. The young people, all of whom were too young to vote in the referendum, wanted to express their dismay at the 'vote of shame' through this symbolic action. As all shops were closed, they had worked through the night collecting whatever materials they could find on the streets of Geneva to build the minaret. GLAN says more actions will follow and will be posted on Facebook.

■ The Zurich offices of the SVP were vandalised following a demonstration on the night of November 29. Small model minarets were placed in the front of the office entrance.

■ Demonstrators in Lausanne ended a protest at the city's mosque with the imam announcing that he was looking into creating a lazer-generated minaret.

■ Guillaume Morand, owner of the Swiss sports shoe company, Pomp It Up, extended the chimney on the top of his warehouse near Lausanne to give it the shape of a minaret in defiance of the referendum. His neighbours showered him with racist insults as a result and the SVP accused the businessman of using the tower for self-publicity. Police arrived within twenty minutes of the end of the building work, took photographs and said they would file a report. It is possible that the construction could lead to the first legal wrangle over the ban.

■ Artists from the Swiss Creative movement launched an exhibition aimed at providing a visual counter-point to the anti-minaret images that had been deployed as part of the petition campaign.

### **Facts and background to the ban**

#### ***The popular will and international law***

The Swiss system of plebiscitary democracy that has evolved over the last 150 years compels single-issue referendums if those who initiate petitions amass the required 100,000 signatures. But Switzerland is open to challenge in the European Court if such referendums undermine its obligations under international law. Switzerland has ratified international treaties reaffirming the right to non-discrimination on the grounds of religion, as guaranteed by article 26 of the International Covenant on Civil and Political Rights as well as Article 9 of the European Convention on Human Rights. The Swiss Constitution also guarantees religious freedoms. Thus, the only grounds on which an initiative can be declared invalid before a vote is held is if it violates 'peremptory norms', in other words norms which are obligatory under international law. These include such things as the pro-

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hibition of crimes against humanity, genocide, slavery and torture. In 1996, the Swiss parliament invalidated an initiative 'for a sensible asylum policy'. The provisions of the ECHR are not regarded as peremptory norms – but Switzerland is nevertheless obliged to follow them. Two years ago, Daniel Vischer (Green Party) submitted a parliamentary motion to make popular initiatives invalid if they violated fundamental rights. This proposal is currently making its way through parliament.

Andreas Auer, professor of constitutional law at Zurich University and director of its centre for democracy, says that it is vital to find ways to prevent people from launching initiatives that directly violate internationally guaranteed human rights. He points out that popular votes at cantonal level have for years had to be compatible with federal law and with human rights requirements and the same should apply to the federal law. While direct democracy should be defended 'to the last', Auer states, 'it is precisely because we defend it that we must recognise that there are some limits to it.' This is a view shared by Bruno Kaufman, president of the Initiative and Referendum Institute Europe.

#### ***Some facts about Swiss Muslims and Swiss Islam***

There are an estimated 350,000-400,000 Muslims in Switzerland, most of whom are European Muslims from the Balkan regions of Kosovo, Albania and Bosnia, and non-mosque goers. The Muslim community, in fact, is to a large extent made up of secular Balkan Muslims who survived ethnic cleansing and genocide in Bosnia and Kosovo. There are an estimated 160 mosques and prayer rooms in Switzerland, mostly in disused factories and warehouses. There are four mosques with minarets in the whole country. A fifth minaret is to be found at the Suchard chocolate factory in Neuchâtel. The four minarets already attached to mosques in the country will not be affected by the ban.

#### **After the ban – what next?**

##### ***Will approval for Lagenthal minaret be removed?***

The president of the Islamic community in Lagenthal (Bern) said that his organisation should be allowed to add to its existing six-metre high minaret to its mosque as planning approval was granted prior to the people's initiative. But Lagenthal mayor Thomas Rufener from the SVP disagreed, saying that he did not think the minaret would now be built 'for political reasons'.

The outstanding Lagenthal plan, first submitted in

2006, could be used as a test case at the European Court of Justice to force Switzerland to lift the ban. Local minaret opponents say the construction of the minaret would constitute 'Islamic power expansion'. The project has been an issue for both planning and cantonal authorities. After the town's authorities gave planning permission, protests were lodged; a revised project was put forward and once again there were objections. The case would have to be brought by someone who was a direct victim of the ban. The SVP says that if the ECJ votes against Switzerland then it should pull out of the human rights convention.

#### ***Calls for more devisive referendums***

During a TV interview, Christophe Darbellay, president of the Christian Democratic People's Party (PDC) of Switzerland, called for a ban on separate Muslim and Jewish cemeteries, adding that existing cemeteries would not be affected by the ban. Darbellay also called for the banning of the wearing of the burqa.

At the beginning of December, the SVP introduced a new initiative, calling for a tightening of the law to allow for the automatic deportations of any foreigner found guilty of a serious crime (with such a definition also including abuse of social benefits) and for those deported to be banned from Swiss territory for a period of between five and fifteen years. On 12 December, the SVP had gathered 210,000 signatures, more than enough to force a referendum. But after a ninety-minute Senate debate, the Senate voted to postpone any referendum while it sought further clarification as whether the initiative were compatible with international law as well as the Swiss Constitution. However, members of traditional centre-right parties are opposed to any move to forbid the referendum. On the grounds that it may make the SVP more popular, they are drafting a counter-proposal for a referendum, calling on voters to express their views on whether to expel foreigners guilty of having committed serious crimes. The decision is now in the hands of the committee on political institutions which will rule on whether the text of the referendum is compatible with the principle of non-refoulement as guaranteed by the 1951 Geneva Convention on the Status of Refugees.

The *Le Temps* newspaper on 8 December utilising the headline 'Deportation of foreign criminals, a new test for democracy' had already asked for the proposed initiative to be invalidated, thereby preventing a referendum which could result in non-compliance of Switzerland with its international commitments.

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The SVP reacted angrily to the Senate decision, with Maximilian Reimann arguing that parliament was trying to deprive it of a highly promising campaign instrument ahead of the 2011 general elections. Centre-right Senators including Rolf Büttiker of the Radical Party called for an alternative proposal to be put to voters alongside the initiative.

It is feared that the SVP will soon amass enough signatures to force a referendum in order to ban the wearing of the veil.

### **How other European countries reacted to the Swiss minaret ban**

#### **France**

Several opinion polls were carried out in the wake of the Swiss referendum. The result of one poll published in *Le Figaro* indicated that 41 per cent of those questioned were opposed to new minarets in France. On 8 December, the French president Nicolas Sarkozy wrote a column in *Le Monde* in which he said that he was surprised at the widespread criticism of the Swiss vote and called on religious practitioners to avoid 'ostentation' and 'provocation' for fear of upsetting others. Sarkozy called for discretion from the French Muslim community in their observance of religion, while pledging to fight all discrimination. 'Christian, Jews, Muslims, all believers regardless of their faith, must refrain from ostentation and provocation and... practise their religion in humble discretion'. He pledged to do everything to make 'my Muslim countrymen' feel they are citizens like any other, enjoying the same rights as all the others to live their faith and practice their religion with the same liberty and dignity'. But Sarkozy added that he wanted to tell Muslims 'that in our country, where Christian civilization has left such a deep trace, where republican values are an integral part of our national identity, everything that could be taken as a challenge to this heritage and its values would condemn to failure the necessary inauguration of a French Islam.' Sarkozy's intervention came in the middle of a highly controversial and deeply divisive debate about French identity (the central focus of which has been a national inquiry into the wearing of the burqa) and was widely perceived as linked to the regional assembly elections to be held in March 2010.

Tentative support for the referendum also came from Davier Bertrand, head of the Union for a Popular Movement, who seemed to indicate that a referendum like the one in Switzerland would be a good idea for

France. The mayor of Nice, Christian Estrosi (also minister for industry) stated categorically that there 'will not be a minaret in his city' because 'it does not belong to French architecture'. The centre-Right leader François Bayrou, President of MoDem said that while 'places of worship are a human right', it was 'necessary to pay attention to what is demonstrative and ostentatious'.

Other UMP parliamentarians seemed to have been emboldened by the Swiss vote into calling for the introduction of legislation which would empower mayors to ban the flying of foreign flags at city hall marriages. The move is widely perceived as aimed at the flying of Algerian, Moroccan or Tunisian flags, which often accompany the wedding of the children of immigrants. Another mayor from the governing majority was also cited complaining that in his city hall, weddings more often were accompanied by Arab-style ululating rather than polite applause. The Minister of Interior, Brice Hortefeux, who is responsible for Religion, made no public statement.

#### **Belgium**

An opinion poll conducted by the online pollster iVOX, published in *Le Soir* on 7 December suggested that 59.3 per cent of Belgians supported a ban on the construction of new minarets in Belgium. There are 328 mosques in Belgium but only 16 minarets and, according to the *Financial Times* 'most of the Belgians who spoke out in the opinion poll against new minarets have' probably 'never seen a minaret in their neighbourhood'.

#### **Germany**

In an interview published in the *Hamburger Abendblatt* on 30 November, the Chair of the Parliamentary Committee on Interior Affairs and the spokesperson for the chancellor on security issues, Wolfgang Bosbach (CDU) said that the results of the Swiss referendum should be taken seriously as fear of Islam was also widespread within German society. He warned of future controversy over 'spectacular plans for large structures, such as in Cologne's Ehrenfeld district or in Duisburg-Marxloh, for which there is a lot of resistance simply because of the size'. Bosbach added that it was 'possible that some of these large buildings were planned to signal how strong Islam has become in Germany'. In an interview with the *Neue Osnabrücker Zeitung* on 3 December, the interior minister of Hessen, Volker Bouffier, said that while Muslims in Germany have a 'right to build mosques. They should make sure not to overwhelm the German population with them'.

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Germany's largest selling newspaper, *Bild*, said that Germans would probably vote the same way if they were allowed a referendum on the issue. 'The minaret is not just the symbol of a religion but of a totally different culture', the newspaper claimed.

#### **Austria**

Apart from the extreme-Right parties, the Styrian People's Party (ÖVP) leader Hermann Schützenhöfer spoke out against the building of minarets in Austria, but said that he was against a national referendum on the issue. But the results of a Gallup survey published in *Der Standard* on 15 December found that 60 per cent of respondents were opposed to a minaret ban as against 31 per cent who said they would welcome such an initiative.

#### **Czech Republic/Slovakia**

On 15 December, the Institute NMS published the results of a poll in the daily *Lidove noviny* newspaper. Seventy eight per cent of Czech respondents and 70 per cent of Slovak respondents said they would vote against the construction of minarets if a referendum was held.

#### **Sources**

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