DIVERSITY AND COHESION IN EUROPE – CHALLENGES AND POLICY DEVELOPMENTS

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Abstract: *The paper presents the development of the policies of the Council of Europe for the development of a new multicultural environment in Europe based on overcoming hate speech and intolerance in Europe and by creating a policy of cohesion and inclusion. The research presents the legal framework, designed by the international organization for protecting and securing of the human rights, tolerance and basic freedoms. It also looks into the practical implementation of the legal standards.*

Keywords: *tolerance, cohesion, inclusion, hatred, hate speech, policies.*

1. Introduction

One of the unconditional characteristics of contemporary Europe is and has always been Europe as a continent of diversity – diversity that appears not only between states, but also within countries, different European regions and cities and of course, mostly among its population. Globalization and the recent global crisis only continue to feed this diversity, to color the nuances of difference and diversity, to enrich the European map of ideas, traditions, attitudes and approaches. Economic, political and cultural globalization poses a challenge to Europe's traditional boundaries and frontiers, as well to the traditional political ideologies, parties' programs and strategies.

In a global society, diversity acts not as a hindrance but rather a requisite for societal and personal development. Social cohesion and commitment to participate in the communal life are strengthened when differences are recognized and valued; it provokes new searches and policies, promotes new techniques of mobilization and participation in decision-making.

Europe's history shows two approaches in terms of respect and disrespect of differences. On one hand, equality and non-discrimination are enshrined in national and international laws and are upheld in everyday life. On the other hand, intolerance, has led and continues to lead to violations of these laws and oppression of those who are regarded as different no matter on what basis.

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Today, Europe is in a new civilization situation. On the one hand, this is a Europe of diversity seeking to create a common trance; a territory for establishing dialogue between the citizens of different countries, learning from each other, getting to know each other, migration processes and streams that make the map of national minorities. But is it just `multicultural-of Europe` or is it already a `multicultural` Europe?

How long is the transition between each other and what processes and interactions at which levels are we running so that we can talk about a multicultural European environment? On the other hand, migration processes change the ratio of the minority-minority; present a new picture of national-local, global and group; change attitudes towards the different communities based on religious, group, ethnic, ethnographic difference. The power influence has changed in principle - whether our cultural patterns and habits are on the majority, on the stronger side or they are on the weaker side; can we in the decision-making process tolerate or reject a particular model and thus support the thesis of a `war of cultures` or a `clash of civilizations`.

Some authors explore diversity as an important positive factor for community development, no matter the different ages, races, and ethnicities and the different reaction to the different approaches and policies. Diversity fosters more creative and innovative relations in all spheres of everyday – starting from education, cultural understanding, workforce, environment, etc. Diversity calls for different policies that recognize and accept diversity, that encourage its existence and that form stronger and sustainable societies. There is plenty of research linked to diversity and its effects in communal development. Some of the authors, such as Stoyanova-Eneva (2018), link diversity with religious values and beliefs in Europe (mostly Europe and Islam), others as Motoi (2019), explore the role of diversity for stable labor market and youth un/employment. On another hand, Markovska (2016) studies the diversity and political participation based on the sex, Kaleynska (2016) argues on the diversity of educational environment and presents new tools for overcoming the gap in the education of the different groups.

Social cohesion is defined by Dic Stanly as:

> *the willingness of members of a society to cooperate with each other in order to survive and prosper. Willingness to cooperate means they freely choose to form partnerships and have a reasonable chance of realizing goals, because others are willing to cooperate and share the fruits of their endeavours equitably. Social cohesion contributes to a wide variety of social outcomes such as health and economic prosperity* (Stanly, 2003, p. 6).

Yorgova (2015) and Hristova (2018) study the Bulgarian social sector and present a number of best practices through social entrepreneurship, exploring education of entrepreneurship as innovative universal practice for social inclusion.

The linguistic diversity as well, has been considered as one main characteristic of united Europe and as a factor of protecting the diversity and mutual understanding by protecting the ethnical group cultures and traditions. The problem of languages of ethnic minorities appeared in European politics only two decades ago. Most Europeans

express concern that the influence of foreign languages on their native languages can be dangerous, and they speak of the need to protect the language. This indicates that, on the one hand, the language is of cultural value to Europeans, but, on the other hand, they are not ready to be tolerant of foreign linguistic influence coming from the new EU member states. The formation of such a point of view is influenced by the role of the immigrants in Europe and this gives rise to both positive and negative effects. The migration flows after 2013 rapidly changed the attitudes towards immigrants, foreigners and ethnic minorities and created an atmosphere of fear and intolerance towards all elements of `otherness` such as traditions, religion, language usage, clothing, etc. The majority (63%) also believe that the national languages of the countries - members of the European Union should be protected in connection with the enlargement of the EU.

In this respect, the diversity and inclusion require a number of elements that would lead to united sustainable multicultural peaceful society and communities. Among them is the trust among the members of the community as a prerequisite for mutual understanding and goal setting; active and sustainable legal ground for the protection of diversity and the stimulation of the process of inclusion (inclusive policies); shared innovative goals and community practices.

2. The European Legislature – The National Framework

In Europe and the member states, an active and sustainable legal ground for protection of diversity and stimulation of the process of inclusion (inclusive policies) has been introduced.

The common democratic values design and create the concept of the European unity that underpin freedom, democracy, equality, the rule of law, respect for human dignity and respect for human rights, the values enshrined in the Council of Europe Founding Statute of 1949 as well as in the treaties of the European Union. Democracy is a process that is evolving and constantly enriching; political elites need to find ways to tackle and overcome all the challenges of guaranteeing the basic principles of democracy and achieving democratic security in Europe. There is a controversy in the basic European treaty texts pointing out that diversity is the wealth of a united Europe - a wealth that presupposes the mutual penetration and preservation of ethnic diversity, the specifics of socio-economic and spiritual development. At the same time, it is diversity that gives rise to manifestations of intolerance and hatred based on various characteristics - gender, race, religion, ethnicity, color, national origin, sexual orientation and disadvantage.

One of the core values shared by all European states, members of the Council of Europe, is respect for human rights and fundamental freedoms.

> *The Union is founded on the principles of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law, principles common to Member States. The Union respects fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and as they result from the*

> *common constitutional traditions of the Member States, as grounding principles of the Union* (Declaration of Vienna Summit, 1993).

As stated in the Preamble to the Council of Europe Statute, the basic values of post-war Europe are "restoring citizens to belonging to spiritual and moral values, which are their common heritage and are a true source of personal freedom, political independence and the rule of law, principles that shape the basis of all true democracy". However, the use of the value category often sounds formal and it has to be used as politically correct and necessary.

Vienna Summit of the Council of Europe has defined the main goals of contemporary Europe in 1993 as:

> *pluralistic and parliamentary democracy, to the immutability and universality of human rights, the rule of law and a common cultural heritage enriched by diversity. Only on this basis can Europe be regarded as a broad and unified area of democratic security* (White Paper on Intercultural Dialogue, 2008).

Complex multicultural societies on the old continent put important and life-changing topics on the European agenda such as pluralism, diversity, tolerance, social inclusion, dialogue and democratic participation, avoidance and prevention of hatred and related phenomena, including the language of hatred. Ensuring and safeguarding the cultural diversity that characterizes Europe's rich cultural heritage is at the heart of an open and prosperous democratic society based on tolerance. A decade later, during the Third Summit in Warsaw in 2005, the cultural dialogue was reaffirmed as a major means of conflict prevention and of guaranteeing integration and social cohesion.

Intercultural dialogue has a special role to play in the last decades and has been seen as a mechanism for conflict prevention and resolution through respect for human rights, democracy and the rule of law; a mechanism and instrument for creating an opportunity for a common multicultural world in Europe. The White Paper on Intercultural Dialogue (2008), a major and specially drafted policy document, defines intercultural dialogue as "an open and respectful exchange of views between individuals and groups of different ethnic, cultural, religious and linguistic backgrounds and heritage on the basis of mutual understanding and respect. It takes place at all levels - in societies, between societies in Europe and between Europe and the rest of the world.

Intercultural dialogue in its own correct essence involves dynamic communication that demonstrates a number of benefits such as the mutual enrichment of their talking cultures, comparing different social practices and sharing experiences, blending traditions and thus creating a vibrant, societal fabric, against which creativity and innovation stand out - bolder and expressive. On the other hand, multicultural community is more complex in nature. In order to survive social wealth, which it creates, it must consistently apply principles such as tolerance, understanding, respect and mutual recognition, thus reducing the risk of conflict based on prejudice, fears and stereotypes. The constitutional aspect of intercultural dialogue concerns, first, the interaction and interdependence between the human rights of man. At the heart of this

system is respect for human rights and dignity. However, the rights are not static categories and they do not always exist in peaceful coexistence. They can raise contradictions and tensions arise in their exercise and equilibrium must be reached on the basis of democratic principles and values. If we focus on certain rights, we can also distinguish between even more specific features of intercultural dialogue as meaning of freedom from discrimination and freedom of religion for normal communication between communities, ethnicities and cultures. These rights can conflict with freedom of expression, for example, and yes give rise to difficulty in solving dilemmas and ambiguous answers. In this framework, intercultural dialogue can be addressed by two perspectives. The first relates to the human right to liberty - a word that allows everyone to engage in a dialogue of everyday life, but on a personal level. The second concerns the institutional dimension, which is associated with the media as a specialized institution designed to manage the freedom of expression on a continuous basis, using special technology and in the public interest. Freedom of expression as an individual right, principle and value and freedom of media can give encouragement to the development of every single aspect of intercultural dialogue and this is their special role as an instrument to model human communication.

The promotion of intercultural dialogue, namely the democratic management of cultural diversity, democratic citizenship and participation, the acquisition of intercultural competences, the open space for dialogue and the international scale for its implementation, are foreseen in five main dimensions.

The main elements of intercultural dialogue in a developed democratic society can be exposed in the projection of a desire for understanding and overcoming prejudices, and for respect for diversity; openness to different perspectives and civil dialogue to find consensus on these; respect for fair decisions in the community and priority of the majority, while respecting the right to an opinion and vote of the minority; striving for a harmonious coexistence and respect for the compromise that allows reconciliation of different interests and points of view for the development of the community; protection of freedom, of pluralistic democracy, of human rights and of justice; respect for the principles of tolerance and respect for the other and anti-discrimination approach; the development of economic factors that are both factors for individual and social well-being but also guarantee the political stability of each community, understood from local to pan-European; care for and attention to the pan-European cultural historical and educational heritage as well as the preservation of the pan-European ecological balance; upholding the principles of peace in Europe and avoiding conflict, especially arms, as a way of solving problems.

A large number of thematic documents relating to the restriction and removal of hatred, tolerance and multiculturalism have been adopted by the international organization.

Among the many political documents, three draw attention to the importance of the issues raised - Recommendation No. R (97) 19 on the on the portrayal of violence in the electronic media, Recommendation (97) 20 on hate speech and Recommendation (97) 21 on the media and promoting a culture of tolerance. It is worth remembering the main point in these recommendations and trying to incorporate their provisions into media

regulation mechanisms, codes of ethics or simply to use them as a basis for decision-making and initiating campaigns and specific actions. Recommendation No. (97) 19 on the portrayal of violence in the media sets out clear guidelines for presenting violence to the public without violating the obligations and responsibilities of exercising the right to freedom of expression under Article 10 of the European Convention on Human Rights and basic freedoms. A whole range of measures are listed, including the signaling system, the adoption of 10 ethical standards in the sector, internal rules along with content evaluation criteria, consultation and control mechanisms, extension of self-regulatory measures to other media partners as producers, video game makers, advertising agencies, etc., as well as regular contacts and exchanges of information with national and other regulators and self-regulatory bodies due to the huge increase in cross-border distribution. The act also includes a parameter table to determine the conditions in which violence is justified.

Recommendation (97) 20 on hate speech is important for intercultural dialogue because it formulates a definition of hate speech condemning all expressive forms that incite racial hatred, xenophobia, anti-Semitism and any form of intolerance. The act explicitly emphasizes that such expressive forms could have a stronger and more destructive impact if transmitted through the media. At the same time, the recommendation draws attention to the requirement that national law and practice should differentiate between the responsibility of the author of the hate speech and the responsibility of the media, which disseminates it as part of its public function to provide information and opinions on public issues interest (principle 6 of the annex to the recommendation). Further, in principle 7, these ideas are further elaborated, obliging Member States to respect journalistic freedom, and in particular the freedom to reflect various manifestations of intolerance. In this regard, freedom of reflection is protected in accordance with Art. 10 of the ECHR, which implies that any restriction must be in conformity with the principles of the Convention, taking into account the manner, content, context and purpose of the reflection. It is clear from the fundamental nature of freedom of expression that journalists should be free to choose how to cover an event without feeling threatened by sanctions. Summarizing all these principles, the Recommendation transposes the main principles of the ECHR and the practice of The European Court of Human Rights in specific guidelines for action against Member States and the media, providing them with a sufficient regulatory basis to respond adequately in controversial and complex situations.

Recommendation (97) 21 on the media and the promotion of a culture of tolerance focuses on the positive contribution of the media to combating intolerance in society and specifically their role in shaping attitudes and behaviors that develop on a culture of understanding and enrichment between different people and ethnic, cultural and religious groups in society. The document addresses various social actors responsible for fostering a culture of tolerance, including media companies, incl. the field of new information and communication services, representative bodies of media workers, regulatory and self-regulatory bodies, schools of journalism and media training institutes. The specific measures recommended are addressed to both journalists and

decision makers. They would counter stereotypes in media behavior and broaden cooperation between public and private organizations and the media.

Over 20 other recommendations address various aspects of the need for modern democratic Europe to avoid hate speech and intolerance; the leading role of the media in shaping a tolerant democratic environment and civic culture is presented; the introduction of state standards in education and the teaching of religion; the preservation and conservation of buildings and religious monuments of national and European cultural and historical heritage; on full-fledged dialogue between religions, access to public media of religions - Recommendation 1396 (1999) on religion and democracy; Resolution 1510 (2006) on freedom of expression and respect for religious beliefs; Recommendation 1805 (2007) on blasphemy, religious insults and hate speech against citizens on the basis of their religion; Recommendation 1543 (2001) on racism and xenophobia in cyberspace; Recommendation on ECRI Common Policy No. 13 (2011) Combating anti-Gypsy sentiment and discrimination against Roma; Declaration on the Use of Racist, Anti-Semitic and Xenophobic Elements in Political Speech (2005); Reports of the Venice Commission for Democracy through Law (2008 2013, 2018) on freedom of expression and freedom of religion: regulation and persecution of blasphemy, religious insult and incitement to religious hatred. With a significant presence is the issue of hate speech and racism. In Special Recommendation 97/20 (2017), the Council of Europe recommends that Member States take appropriate measures to combat hate, incl. hate speech disseminated through the media by introducing a sensible and broad legal framework that balances freedom of expression and freedom from discrimination. In order to safeguard freedom of expression, the restrictions on this right must be narrow, non-justified and avoid being subject to subsequent legal scrutiny.

2. Bulgarian Society – Between Trust, Diversity and Hate Speech

Trust is of basic and founding importance for a democracy and an important element of the process of inclusion in a society. Trust is considered to be the main source of forming a culture of trust and involvement in civil society and one of the prerequisites of public, societal and communal consolidation. In Bulgarian society the level of mistrust towards political parties and politicians is sustainable high and is critical to the level of political participation. This mistrust leads to mistrust in the whole society and gives ground for the phenomenon of hate speech, feeds the populist and nationalist movements and public feelings (Kaleynska, 2016).

The constitutional dimension of diversity, inclusion and intercultural dialogue covers a dialogue between institutions at different levels - local, regional, national and international. Diversity in the cultural public relations institutions can be effective and encourage citizen participation and thus the unfolding of democracy – that is if they operate through open and transparent procedures with a broad discussion of each issue. So, rights, values, principles and norms are united in a network that supports the vitality of the democratic system.

The Bulgarian public and the media environment have provided a lasting presence of hate speech. In a representative survey, published by Open Society Institute (Report on

Public attitudes towards hate speech and hatred in Bulgaria, 2018), half (51%) of the adults in the country said they had heard during the last year public statements that expressed disapproval, hatred, or aggression against ethnic, religious, or sexual minorities. This is a stable tendency in Bulgarian society where the lack of trust leads to a raise in the mistrust and hatred (58% mistrust in 2016, 51% in 2018). The data in the report "Public Attitudes Towards Hate Speech in Bulgaria in 2018" provided by the Open Society Institute – Sofia, shows that there are certain groups in Bulgarian society that are permanent targets of hatred, which leads to exclusive culture. Such groups are predominantly Roma, permanently perceived as a major target of hate speech. Similarly, even in not so huge numbers, are the attitudes towards Turks, Muslims and foreigners (migrants).   As the survey concludes, in Bulgaria the second most affected minority hate group, is the group of homosexuals, immediately after the Roma. Some researchers linked that with the debate on the Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence (Istanbul Convention) whose acceptance and ratification failed at the National Parliament as result of massive people manifestations and protests. The Open Society Report also clearly shows that over the last 5 years (2013-2018) "the very phenomenon of hate speech develops in separate waves, which are directly related to the political situation and at different times affect different minorities, but maintain in the public space a constant background of anxiety and tension". According to the survey research team, the lack of criminal convictions related to racial, ethnic and religious hatred leads to a decrease in public support for criminal policy as a means of counteracting hate speech. As reported, in 2018, the share of those who know that hate speech and violence due to ethnic, racial or religious hatred is a crime, is declining and is the lowest for the last 5 years (2013-2018). The authors of the report Stoychev and his colleagues conclude that "Law enforcement agencies need to promote hate speech as a crime and strengthen the confidence of certain minority groups in their impartiality and competence". She believes that a national policy against hate speech cannot rely only on law enforcement agencies and a new role of the education system is needed, based on improving civic education and media literacy. Inclusion of anti-hate measures in the rules governing the administrative regulation of the funding of political parties and media by a public resource are urgently needed on state legislature level.

Democratic governance of cultural diversity has a wide range of means of overcoming hatred in Europe and creating a territory of democratic security. Some techniques on the list might be the development of a democratic political culture, equal expression and equal enjoyment of rights; democratic citizenship and participation, access to civic participation, overcoming democratic deficits among EU citizens, social confidence, social inclusion and inclusion of young people in the community's social life; democratic education and the acquisition of competences for the education of democracy and rights through formal and non-formal educational activities for the acquisition of key competences; creation of an open space for dialogue. Those factors would increase the level of inclusion and will guarantee the diversity on the European continent.

The study shows that there is a clear legislative framework to ensure diversity and to place legal restrictions on disregard for "otherness". The documents of international

organizations and in particular of the Council of Europe define values, rights and policies that oblige member states to implement policies of tolerance, respect for diversity and respect for the individual, the difference. Diversity is a potential asset for a united Europe in order to develop its socio-economic, cultural and educational resources. The uniqueness and complexity of such a task lies in the fact that the building of a European civic identity must develop in parallel with the process of preserving ethnic diversity, the civic specificities of the peoples of Europe.

Member States, including Bulgaria, pursue policies to prevent and resolve conflicts through respect for human rights, democracy and the rule of law. At the same time, Europe is facing new challenges based on the waves of migrants, especially after 2015. The new image of a diverse Europe is based on solidarity, but also constructiveness in promoting a multicultural world, with a developed sense of community. The fight against racism, xenophobia, stereotypes and intolerance are at the heart of the policies pursued to combat violence and terrorism. The common philosophy, based on solidarity and the harmonious existence of European society, calls for the strengthening of the diversity of cultures and traditions. It encourages the development of a pluralistic and influential public sphere, which allows for the free expression of different points of view, alternative views through the development of traditional and new media. The transformation of diversity into economic, cultural, social capital will lead to a deepening of the effectiveness of the conducted policies and to practical dimensions. Real practical results to ensure diversity at both European and member states level can only be achieved on the basis of a solid basis for cooperation and joint efforts of all actors involved in the process - state and governmental bodies, civil society, media, trade unions and employers, educators. Only collaboration and cooperation at all levels of decision-making and policy-making, from European to communal level, can lead to a fairer and just Europe.

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