

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

Report on the implementation of EU anti-racism action plan 2020-2025 and on national action plans against racism and discrimination

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European Commission - Directorate-General for Justice and Consumers

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EUROPEAN COMMISSION

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

Report on the implementation of the EU anti-racism action plan 2020-2025 and on national action plans against racism and discrimination

1. Introduction: Living up to 'United in Diversity'¹

The first **EU anti-racism action plan 2020-2025** (hereinafter 'the action plan') adopted in September 2020^2 recalls that racial discrimination continues to be a scourge, with negative effects on the whole of society. For the European Union (EU), discrimination on racial or ethnic grounds is not only explicitly prohibited by legislation, but is a violation of our common values, our open and democratic society, and the rule of law.

The action plan is a key initiative of the European Commission to step up the fight against racism³ and racial discrimination across the EU and beyond. It outlines a comprehensive framework for **promoting non-discrimination, equality, diversity and pluralism** in the EU Member States and sets out a range of measures to tackle racism in various areas, including law enforcement, education, employment, housing, and health. The action plan emphasises the need to **strengthen the EU legal framework on equality, non-discrimination and hate speech** including effective enforcement mechanisms and highlights the importance of awareness-raising and fighting stereotypes and intolerance in cooperation with social and traditional media.

This report⁴ provides an overview of the progress achieved in the implementation of the action plan and offers guidance to Member States on the development and implementation of effective national action plans against racism, following the structure of the action plan.

The terrorist attacks across Israel on 7 October 2023, with the subsequent catastrophic humanitarian situation as a result of the war in Gaza⁵ exacerbated existing racism and hate speech and has led to a sharp increase in antisemitism and anti-Muslim hatred worldwide, including in the EU. The ensuing polarisation, disinformation and negative stereotyping pose challenges for the fight against racism and hatred. The rise of hatred, antisemitism and anti-Muslim hatred was promptly addressed by the Commission, notably with the Communication 'No place for hate: a Europe united against hatred'⁶.

¹ This report refers to 'racial and ethnic origin' in line with the EU anti-racism action plan, as well as EU and international legal terminology. The Commission shares, however, the common understanding that 'races' are purely based on socially constructed ideas and it rejects the notion of biological 'races'. Since reference to race does not always capture the social construct of racialisation and noting the concept of 'racialisation' adopted by the European Commission Against Racism and Intolerance (ECRI), the Commission considers that the reference to 'racialised groups' captures more accurately the essence of racism as a societal problem.

² The EU anti-racism action plan 2020-2025

³ According to the Council of Europe's European Commission against Racism and Intolerance (ECRI), racism "shall mean the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons". See <u>General Recommendation No. 7</u>

⁴ The preparation of this report benefitted from several exchanges and consultations with Member States, civil society organisations (CSOs), and other stakeholders. These included a call for evidence, a targeted stakeholder consultation and two questionnaires for Member States. The report also builds on data collected by the EU Agency for Fundamental Rights (FRA) and by the special Eurobarometer on discrimination.

⁵ European Council Conclusions 22. March 2024

⁶ Communication on "No place for hate: a Europe united against hatred"

Being Black in the EU/Second European Union Minorities and Discrimination Survey'7

In 2022, the FRA conducted its third EU Survey on immigrants and descendants of immigrants, and subsequently published in October 2023 its second edition of the 'Being Black in Europe' report.

The 2022 survey findings do not show any progress. Compared to 2016, respondents mentioned higher levels of racial discrimination in all areas of life. Overall, the 12-month prevalence of racial discrimination has risen from 24% to 34%. It has increased when searching for accommodation, looking for a job, at work and in education. For example, the 12-month prevalence of discrimination in the housing market has risen from 6% in 2016 to 28% in 2022. There has been no progress when it comes to racist harassment or violence. As in 2016, 30% of respondents said they experienced racist harassment and 4% a racist attack in the five years before the survey.

2. Racism by individuals - tackling the damage to people and society



Share of European that say they would feel comfortable if one of their children was in a love relationship with a

Roma Person: 51% Black Person: 68% Asian Person: 70%

2.1 Tackling racism and racial discrimination through legislation

A strong and effective legal framework that promotes equality and individual rights and protects people from discrimination is the prerequisite to combatting racism. The Commission continues to monitor the full implementation of the relevant legislation in Member States, and when necessary, launch infringement procedures.

Racial Equality Directive and equality bodies

Implementation of the Racial Equality Directive is a cornerstone of the action plan. The Commission, therefore, has continued to monitor the implementation of the Directive by the Member States. Formal infringement procedures are ongoing against three Member States and in 2023 the Commission referred one of these open cases to the European Court of Justice⁸.

The Commission published **a report on the application of the Directive in March 2021⁹.** This report identified a need for closer monitoring of the implementation of the Directive by Member States, particularly in relation to protection against victimisation and the application of effective, proportionate, and dissuasive sanctions. To support this work, the Commission launched at the end of 2023 a study to analyse the legal framework on sanctions in all EU Member States and to look at its practical implementation.

⁷ Being Black in the EU – Experiences of people of African descent

⁸ Discriminating Roma children at school

⁹ Report on the application of the Racial Equality Directive

In addition, the Commission published a study on possible legal and non-legal gaps in protection against racial or ethnic discrimination in 2022¹⁰, which gathered data on the areas where incidents of discrimination materialise, including where law enforcement authorities are involved. The study identified stop and search activities and the use of force by the police as areas where discrimination was perceived to occur. It advocates for further evidence-gathering and the promotion of good practices in this area, which falls within the competences of Member States. Accordingly, in 2024 the FRA published the report 'Addressing racism in policing'¹¹.

In December 2022 the Commission proposed measures to strengthen the role and independence of national equality bodies. The proposed Directives were adopted by the legislators in spring 2024 and entered into force in June 2024¹². The new binding standards reinforce the independence and resources of equality bodies and **require Member States to provide equality bodies with stronger powers to effectively assist victims of discrimination and help enforce anti-discrimination rules** in practice. The new rules also seek to develop the role of equality bodies in preventing discrimination from happening in the first place, taking into consideration specific situations of disadvantage resulting from intersectional discrimination and focussing on groups whose access to information can be hindered.

Framework Decision on combating racism and xenophobia and other legal means to combat racism

The action plan stresses the importance of a full and correct transposition by Member States of the **Framework Decision on combating racism and xenophobia by means of criminal law**¹³. The Framework Decision aims to ensure that serious manifestations of racist and xenophobic hate crime or hate speech are punished by effective, proportionate and dissuasive criminal penalties throughout the EU. Since 2020, the Commission has taken steps to ensure its correct and complete transposition and **launched 13 infringement cases** against Member States whose national laws did not fully and accurately transpose the Framework Decision¹⁴. Among these, six Member States brought their legislation into full compliance with the Framework Decision and the cases were closed. Another four have made progress and are in the process of amending their legislation.

In December 2021 and with a view to address the limited grounds of hatred covered by the Framework Decision and to ensure equal protection of all victims of hate, the Commission adopted a Communication which prompts a Council decision to extend the current list of "EU crimes" to hate speech and hate crimes¹⁵. If adopted, the Commission would be able to put forward legislation to harmonise substantive criminal law on hate speech and hate crime.

Tackling hatred in society

¹⁰ <u>Racial Equality Directive; Study on possible gaps</u>

¹¹ Addressing Racism in Policing

¹² Directive on standards for equality bodies in the field of employment, Directive on standards for equality bodies in the field of racial equality

¹³ Council Framework Decision 2008/913/JHA of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law

¹⁴ December infringements package, January Infringements package, April Infringements package, March infringements package

¹⁵ Extending EU crimes to hate speech and hate crime

To face the challenge of increased hate speech and hate crime, in December 2023, the Commission and the High Representative adopted a Joint Communication on 'No place for hate: a Europe united against hatred'. The Communication aims to step up EU efforts to fight hatred in all its forms, by reinforcing action across a variety of policies and through a whole-of-society-approach. As a direct follow up of the Communication, the Commission has organised a European Citizens Panel on tackling hatred in society¹⁶, where 150 citizens from all EU Member States discussed about measures to respond to hatred and intolerance. This resulted in 21 recommendations on which the Commission has committed to follow up. Such recommendations focus also on measures to tackle racism and discrimination through education, awareness raising and in the digital space.

2.2 Beyond EU legislation – doing more to tackle racism in everyday life



- 61% of Europeans say that discrimination based on skin colour is widespread in their country
- Almost half of People of African Descent experience racial discrimination, an increase from 39% in 2016 to 45% in 2022
- Discrimination remains invisible, only 9% of victims report incidents

Countering discrimination by law enforcement authorities

Trust in public officials, law enforcement, police and security forces is essential for a functioning society and is a precondition for social cohesion. The underreporting of hate crime, racial and ethnic discrimination and other related incidents is partly related to a lack of trust in the responsible authorities. This distrust increases when racial bias or harassment by police officers or other public officials occur. Recognising diversity and ensuring fundamental rights in law enforcement is therefore essential to fight racism.

The FRA's 2024 report 'Addressing racism in policing'¹⁷ is the first EU-wide study that looks comprehensively at the legal frameworks, analyses the gaps in policy responses and in effective oversight, and outlines practices aiming to combat racism in policing. The report provides data on racism in policing and documents that racism in policing includes discriminatory profiling practices, inappropriate racist communication and excessive use of force.

The European Union Agency for Law Enforcement Training (CEPOL) has been contributing to the fight against racism and discrimination by means of an annual training on hate crime and on victims of hate crime, and in addition offers every year several webinars, in cooperation with the FRA, on hate crime with a focus on different minorities. Police stops and searches and racial profiling are also addressed. Hate crime is one of the topics which law enforcement officials can choose and exchange with a colleague in another Member State in the framework of CEPOL Exchange Programme.

In addition, CEPOL offered a workshop on the impact of the terrorist attacks across Israel on 7 October 2023, with the subsequent catastrophic humanitarian situation in Gaza on EU security with a specific focus on Jewish and Muslim communities.

¹⁶ Tackling Hatred in Society Panel

¹⁷ Addressing Racism in Policing

During the consultation, **Civil Society Organisations (CSOs) and equality bodies reported a surge of incidents of excessive use of force by law enforcement**, in some Member States, even resulting in the tragic deaths of individuals from racial and ethnic minorities. Member States are therefore encouraged to continue and **step up their efforts to prevent discriminatory attitudes among law enforcement officials.** They are also encouraged to apply the international legal framework on the use of force by law enforcement¹⁸ including by further developing with the input of national human rights institutions and equality bodies targeted trainings for police and law enforcement officers.

Safety and security

The Commission has addressed the threat posed by violent extremism stemming from racist ideologies through the work of the EU Internet Forum (EUIF)¹⁹ and the Radicalisation Awareness Network (RAN)²⁰. The newly established EU Knowledge Hub on Prevention of Radicalisation²¹ will build on the work of the RAN to increase EU support to face challenges posed by racism and xenophobia leading to radicalisation and violence.

In November 2021, with the support of Member States and Europol, the EUIF created a regularly updated **knowledge package of violent right-wing extremist groups, symbols and manifestos banned in EU Member States**, to facilitate tech companies' voluntary content moderation efforts. Furthermore, a study was launched to examine the degree to which algorithms amplify terrorist and violent extremist content to online users²². The study also examines the extent to which borderline content is amplified, such as some forms of hate speech, disinformation and other forms of legal but harmful content that could lead to radicalisation and recruitment.

In this context the **EUIF has also developed a Handbook of Borderline Content**²³ which provides examples and definitions of this type of content for tech platforms in content moderation to protect users from racist, antisemitic and anti-Muslim borderline content online.

In May 2024, the RAN examined the impact of violent right-wing extremist narratives on social debate. To combat narratives infiltrating various domains, such as sports, media, politics, and online platforms, integrating critical thinking and media literacy in school curriculums contributes to reducing susceptibility to racist ideologies. Promoting understanding of diverse viewpoints and media responsibility can avoiding the uncritical spread of extremist content.

Addressing risks in new technologies

¹⁸ International standards | OHCHR

¹⁹ The EU Internet Forum provides a collaborative environment for governments in the EU, the internet industry, and other partners to discuss and address the challenges posed by the presence of malicious and illegal content online. <u>European Union Internet Forum (EUIF)</u>

²⁰ <u>Radicalisation Awareness Network (RAN)</u> The Radicalisation Awareness Network (RAN Practitioners) connects frontline practitioners from across Europe with one another, to exchange knowledge, first-hand experiences and approaches to preventing and countering violent extremism in all forms.

²¹ The EU Knowledge Hub: Radicalisation Prevention 2.0

²² Study on the role and use of algorithmic amplification

²³ EUIF Year in Review 2022

The use of AI may negatively affect fundamental rights such as the right to nondiscrimination, as algorithms can be biased or become biased over time potentially leading to discrimination in the fields of employment, education, social security and law enforcement²⁴. AI tools in law enforcement might increase racial profiling. The European Union adopted the first EU regulatory framework for AI in May 2024, which provides for an analysis and classification of AI systems in different applications according to the risk they pose to users²⁵. AI systems considered as high-risk must comply with a set of requirements before they can be put on the market, to increase transparency and minimise risks to safety and fundamental rights. This includes the potential bias and discrimination in high-risk AI systems, e.g. those used by law enforcement, recruitment, education and healthcare. Moreover, the AI Act prohibits the use of AI for **predictive policing** based on profiling and systems that use **biometric data** to categorise people according to specific categories such as race, religion, or sexual orientation.

The Digital Services Act (DSA) addresses illegal content and disinformation online, including racist hate speech, and prevents damage that the dissemination of illegal content may cause. Since 2016, the Commission has been working with the providers of major platforms under the Code of Conduct on countering illegal hate speech online²⁶. One of the key commitments made by participating platforms is to assess notices about alleged illegal hate speech within 24 hours in most cases, and to swiftly remove the content, when necessary. The Code has achieved important results and attracted new platforms since it was launched, including TikTok, LinkedIn, Viber, and Twitch. After entry into force of the Digital Services Act, the Signatories have submitted a revised version of the Code of Conduct which aims to strengthen its capacity to prevent hate speech to go viral, through alert mechanisms.

Employment, education, health and housing

The EU has continued to use policy measures and funding programmes to combat racism and racial discrimination in access to mainstream employment, education and training, healthcare, social protection, and non-segregated housing.

During the consultation process, civil society stakeholders pointed out that the **quality of life for people from racial and ethnic minorities has not significantly improved in the last couple of years**. They continue to face challenges in accessing affordable and adequate housing. The grave economic consequence of the COVID-19 pandemic and Russia's war of aggression against Ukraine have disproportionately affected marginalised communities, who have been confronted with increases in rents, energy bills and the cost of living²⁷.

National and local authorities bear the primary responsibility for preventing and addressing social inequality and combating residential and educational segregation, it is essential that Member States ensure that **social inclusion policies and programmes effectively target and reach** people with a minority racial or ethnic background and foster their access to mainstream non-segregated services.

²⁴ Artificial intelligence act

²⁵ The Act Texts | EU Artificial Intelligence Act

²⁶ The EU Code of conduct on countering illegal hate speech online

²⁷ See for example: <u>The impact of the COVID-19 crisis on vulnerable groups in the EU</u>, <u>The impact of COVID-19 on households' income in the EU</u>

Employment

People with a minority racial or ethnic background often face discrimination in getting jobs or training.

Through their unanimous adoption of the Council Recommendation on Roma equality, inclusion, and participation in March 2021²⁸, Member States committed to designing measures to combat and eliminate discrimination. These include measures to raise awareness about non-discriminatory employment and access to employment and activation measures, and training employers to tackle discrimination and its root causes.

Furthermore, the action plan on integration and inclusion 2021-2027 (APII)²⁹ aims at overcoming challenges faced by migrants and citizens with a migrant background. This strategy addresses the main integration barriers that third country nationals face in key areas (housing, education, employment and healthcare).

Education

Unequal access to quality inclusive mainstream education perpetuates socioeconomic disparities across racial and ethnic lines. People of African descent are more likely to leave school early and pursue less of tertiary education.³⁰ Providing equal educational opportunities combined with targeted support to tackle group-specific barriers to access can help level the playing field. Furthermore, education can challenge biases and stereotypes by fostering critical thinking and promoting diversity in curricula and teaching materials.

Improving quality, equity, inclusion and success for all is the first priority of the **strategic framework for European cooperation in education and training towards the European Education Area** (**EEA**)³¹. The EEA strategic framework Working Groups $(2021-2025)^{32}$, have enabled the exchange of information on practices that tackle different forms of discrimination and prejudice in and through education and training - including racism, discrimination on the grounds of ethnic or racial origin, social and territorial inequalities and intersectional discrimination³³.

The **Council Recommendation on Pathways to School Success**³⁴ adopted in November 2022 aims to empower all earners to realise their full potential, reducing early leaving from education and training, improving performance in basic skills and promoting well-being at school for all learners, regardless of their socio-economic, cultural, or personal background. It includes support measures for groups at risk of exclusion and underachievement, such as racial and ethnic minorities and students with a migrant background.

Health

²⁸ <u>Council Recommendation on Roma equality, inclusion and participation, 12 March 2021.</u>

²⁹ Action plan on integration and inclusion

³⁰ Being Black in the EU – Experiences of people of African descent

³¹ Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030)

³² Working groups of the EEA strategic framework

³³ Tackling different forms of discrimination in and through education and training

³⁴ Council Recommendation on Pathways to School Success

The COVID-19 pandemic aggravated existing health inequalities, especially for people with a minority racial or ethnic background³⁵.

Racism can affect victims' mental health.³⁶ The **Communication on a Comprehensive Approach to Mental Health**³⁷ emphasises how discrimination on different grounds, including on racial or ethnic origin, has an impact on mental health. The EU4Health Programme supports actions¹³ that increase awareness, knowledge sharing and capacity building in the field of mental health taking into consideration the needs of vulnerable migrant populations and Roma communities.

Housing

People with a minority racial or ethnic background are at a higher risk of poor housing conditions and residential segregation. Spatial and social segregation are experienced especially by two groups: Roma and migrants. These challenges can then have a knock-on effect in terms of education or employment opportunities and, in the case of families with children, significantly impair children's development. Limited availability and poor quality of social housing are further limiting support to groups in vulnerable situations.

With the Council Conclusions on measures to ensure equal access for Roma to adequate and desegregated housing, and to address segregated settlements, adopted in October 2023³⁸, Member States have committed to making full use of EU funds to facilitate equal access to adequate and non-segregated housing.

To address the surge in house prices and rents, the Political Guidelines of the European Commission announced the development of the Affordable Housing Plan³⁹.

³⁵ For example: Exploring the Effects of the COVID-19 Pandemic on Mental Health and Well-Being of Migrant Populations in Europe, Emerging findings on the impact of COVID-19 on black and minority ethnic people, Disparities in COVID-19 Outcomes by Race, Ethnicity, and Socioeconomic Status

³⁶ A meta-analysis and systematic review underlined that racism is significantly related to poor health, with the relationship being particularly strong for mental health and less robust for physical health. Several studies have highlighted the negative impact of racial discrimination on mental health, particularly in relation to the development of affective, psychotic, and substance use disorders. Schouler-Ocak etc (2021); Racism and mental health and the role of mental health professionals, in: European Psychiatry 64, pages 42-50

³⁷ <u>Communication on a comprehensive approach to health</u>

³⁸ Council Conclusions on measures to ensure equal access for Roma to adequate and desegregated housing, and to address segregated settlements

³⁹ Political Guidelines 2024-2029

3. Structural racism – tackling the underlying problem

The action plan tackles **structural racism** that perpetuates barriers that people face solely due to their racial or ethnic origin. Racism, inequality and discrimination reduce equality of opportunity and lead to poorer outcomes in all areas throughout a person's life starting from an early age. This can be seen in segregation in education, less time in education, limited career opportunities, and discrimination in the housing market and in access to goods and services. The cumulative effects of structural racism on any individual can lead to living below the poverty line, and result in reduced social mobility.

Racism can be combined with discrimination based on other grounds, including religion or belief, gender, sexual orientation, age or disability. The EU has, therefore, pursued an intersectional approach to the issue that pays attention to the combination of different grounds of discrimination to deepen the understanding of structural racism and to ensure that responses are more effective.

3.1 Policies to turn the tide

Combating stereotypes and raising awareness of history

Revisiting previous events and building on the European Parliament's Resolution on the antiracism protests following the death of George Floyd⁴⁰ in Minneapolis, United States, in May 2020, the **Commission has continued to publicly highlight and condemn racism and racial discrimination**, e.g. by organising high-level political events and observing days of remembrance.

In November 2023, the **Presidency of the Council of the European Union**, in cooperation with the European Commission and the FRA organised a conference on 'Anti-racism in the **European Union: people of African descent - recognition, justice, and development'**, aligned with the International UN Decade for People of African Descent (2015-2024)⁴¹ and the 2001 Durban Declaration and Programme of Action.

On 5 December 2023, the Commission, and the European Parliament jointly commemorated the **European Day on the Abolition of Slavery**. The event focused on the importance of acknowledging the historical roots of racism, and on exploring initiatives to tackle the legacy of colonialism and enslavement.

The Commission also highlighted remembrance as an important aspect of encouraging inclusion and understanding, combatting stereotypes and raising awareness. The Commission has been supporting projects exploring the legacy of colonialism, both inside and outside the EU in the field of European remembrance under the Citizens, Equality, Rights and Value Programme (CERV).

The right data for informed policy choices

Some Member States do not allow for data on ethnicity to be collected, while others have made efforts to collect such data, e.g. with the assistance of community-based organisations. National equality data sets, where they exist, are difficult to compare.

⁴⁰ The Anti-racism protests following the death of George Floyd

⁴¹ International Decade for People of African Descent (2015-2024) | UNESCO

Yet, data is key to capturing both structural aspects and subjective experiences of racism and discrimination. Through the action plan 2020-2025, the Commission has encouraged Member States to move towards a harmonised approach to the collection of equality data that is disaggregated based on racial or ethnic origin. Based on the subsequent work of the Subgroup on equality data, the Commission presented the **Guidance note on the collection and use of equality data based on racial or ethnic origin**⁴².

Eurostat took the initiative to set up an 'equality and non-discrimination statistics task force'⁴³ to work with the Member States, main users and other data producers for more comprehensive and comparable statistics on equality and non-discrimination. The task force is expected to develop guidelines and recommendations for an improved comparability of equality and non-discrimination statistics across Member States; to propose methodologies and best practices for extending coverage to different groups at risk of discrimination; to identify complementarities and support the coordination with other data producers. The task force aims to complete its work by the end of 2026.

3.2. A framework for delivery – harnessing EU tools to their full extent

Action at local, regional, national and international level

Combatting racism in the EU is a shared responsibility and requires joint efforts with Member States. That is why **the Commission has also encouraged all Member States to adopt national action plans against racism and racial discrimination** and has provided guidance to support them in this process. The commitment to adopt dedicated national action plans against racism was emphasised in the **Council conclusions on combating racism and antisemitism**⁴⁴ adopted in March 2022.

National action plans

According to the consultation informing this report, dedicated national **action plans are important in the fight against racism** and should be developed and implemented in all Member States. They provide a comprehensive public policy for the promotion of racial equality⁴⁵ and demonstrate that Member States have resolved to tackle the challenges they face to eliminate racial discrimination⁴⁶. They also help Member States to put relevant international human rights obligations into practice.

Already, 11 Member States – Belgium, Germany, Ireland, Greece, Spain, France, Latvia, Malta, Portugal, Finland and Sweden – adopted a dedicated national action plan against racism, with furthermore Denmark, Italy, Luxemburg, Hungary and Austria are preparing one. Currently, Czechia, Denmark, Estonia, Croatia, Lithuania, Luxemburg, Hungary, Austria, Romania, and Slovakia have integrated anti-racism measures in other national action plans, e.g., on human rights or social integration.⁴⁷

⁴² <u>Guidance Note on the collection and use of equality data based on racial or ethnic origin</u>

⁴³ Eurostat's Equality and Non-Discrimination Statistics Task Force meets

⁴⁴ Council adopts conclusions on combating racism and antisemitism

⁴⁵ OHCHR: National Action Plans Against Racism

⁴⁶ Developing national action plans against racial discrimination

⁴⁷ The information relies on the targeted stakeholder consultation of Member States, which was part of a broader consultation process. Bulgaria, Cyprus and the Netherlands did not participate in the targeted stakeholder consultation, while Poland and Slovenia have not yet nominated national delegates to the Subgroup, hence also did not participate in the consultation.

The consultation with Member States revealed several challenges in planning anti-racism policy and implementation. In most Member States there is no **budget specifically allocated** for the implementation of the national action plans. In some Member States activities from the national action plan are funded by ministries according to their portfolio or through project funding and implemented by non-governmental institutions. While most Member States appear to have **involved numerous different stakeholders in coordination, consultative or advisory mechanisms**, it remains unclear to what extent they have ensured the participation of affected communities and their representatives.

Member States have not systematically mapped out existing data sources that provide information on racial or ethnic origin and **used unevenly disaggregated equality data** to inform the development and the scope of action plans. The different approaches towards the use of data can be equally observed in the efforts to monitor the implementation of the action plans.

The understanding and the interpretations of the concept of structural racism varies across Member States, which led most of them to adopt rather fragmented measures, with some Member States having no provisions at all against structural racism. The same is true for the application of an intersectional approach to combating racism. When intersectionality is applied, it is mostly restricted to the ground of gender. The Commission will continue to work with Member States on the development of feasible approaches to tackle structural racism and has mandated the OECD to develop possible indicators.

During the consultation process, stakeholders, particularly CSOs, emphasised the relevance of the action plan for challenges faced by migrants and refugees. Racism and xenophobia present additional obstacles to the inclusion of migrants in society and anti-migrant attitudes must be addressed as part of a national action plan against racism.

To assist Member States, the Commission created a **Subgroup on the national implementation of the EU anti-racism action plan** consisting of **experts from** Member States and observers⁴⁸ under the High-level Group on combating hate crime and hate speech⁴⁹ and the High-level Group on non-discrimination, equality, and diversity⁵⁰. The Subgroup develops policy tools to help with all the phases of implementing an action plan at national, regional, or local level. It also organises multi-stakeholder meetings to share good practices and have discussions to improve the situation of people with a minority racial or ethnic background. Additionally, the Subgroup addresses crucial contemporary issues, including the rise in anti-Muslim hatred.

In close collaboration with the Commission and the FRA the Subgroup published **Common** guiding principles for national action plans against racism and racial discrimination⁵¹ in

In the EU anti-racism action plan reference is made to 15 Member States with national action plans. Those instruments, however, differ in titles and aspects covered. While some are clearly labelled as action plans against racism, others have a different reach or may not be considered full-fledged action plans. Hence, the overall number of this communication and the anti-racism action plans are not comparable. For a detailed analysis of ten Member States, see the conducted study by the European Parliament: Protection against racism, xenophobia and racial discrimination, and the EU Anti-racism Action Plan.

⁴⁸ Fundamental Rights Agency, European Commission Against Racism (Council of Europe), Norway

⁴⁹ <u>High Level Group on combating hate speech and hate crime</u>

⁵⁰ High Level Group on non-discrimination, equality and diversity

⁵¹ <u>Common guiding principles for national action plans against racism</u>

2021. In 2022 the Subgroup produced a monitoring checklist on applying the common guiding principles and a tool for reporting on the implementation of national action plans against racism⁵². Both policy tools have been endorsed by the Member States in the two high-level groups mentioned above⁵³.

In addition, the Commission collected and is about to publish **promising practices** from Member States related to national action plan processes and actions to combat racism.

Mobilising the regional and local levels for meaningful impact on the ground

The Commission funds the European Coalition of Cities Against Racism (ECCAR) which is a network of cities sharing experiences to improve their policies to fight racism, discrimination and xenophobia. ECCAR's work supports the implementation of the action plan specifically at the local level.

The European Urban Initiative, managed by the Commission through indirect management supports the Urban Agenda for the EU partnership Cities of Equality⁵⁴. Launched in 2024, this partnership aims to develop comprehensive and inclusive approaches to foster equality in urban areas.

Towns, cities and regions also play an important role in building inclusive environments for their citizens. To highlight their efforts and commitments, the Commission launched in 2022 a designation of European capital(s) of inclusion and diversity - the **annual European Capitals of Inclusion and Diversity Award**⁵⁵ which covers all grounds of discrimination: sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation, as well as intersectionality.

Working with the private sector

Since 2020, **the EU Diversity Month**⁵⁶ has raised awareness about the importance of diversity and inclusion in the workplace, and more widely in society. In 2021, for example, the EU Diversity Month focused on racial and ethnic diversity in the workplace and why it matters for business. During the 2023 EU Diversity Month, the European Commission launched an EU diversity self-assessment tool⁵⁷ for employers and organisations in the public and private sectors.

In November 2021, the **EU Platform of Diversity Charters** held a virtual roundtable "*Let's talk about racism – the EU anti-racism action plan and its impact*" to raise awareness of the EU's work on anti-racism and engage with employers. This was followed by a workshop in May 2023 on "*How to build anti-racist and religiously inclusive organisations?*".

Mainstreaming

The Commission has **mainstreamed anti-racism into all its policy areas** and has also invited Member States to assess their initiatives through an anti-racism lens and incorporate

⁵² Monitoring checklist for the implementation of the common guiding principles and reporting tool for the implementation of national action plans against racism

⁵³ The common guiding principles were adopted in December 2021 and the monitoring checklist and reporting tool were endorsed in November 2022.

⁵⁴ Cities of Equality

⁵⁵ European Capitals of Inclusion and Diversity Award 2024

⁵⁶ European Diversity Month

⁵⁷ Assessing diversity and inclusion in your organisation

anti-racism measures into all their policy areas. This means taking into consideration potential racial bias – conscious or unconscious – and patterns of discrimination in the rules, norms and processes that they apply, and in their attitudes, and behaviours.

Structures are essential to ensure and support the institutionalisation, coherence and sustainability of the Commission's anti-racism policy work.

The Commission's **Task Force on Equality**⁵⁸, comprised of representatives ('equality coordinators') of all Directorates-General of the Commission and the European External Action Service, continues to play a key role in ensuring that the objectives of the action plan are reflected in all EU policies. The Task Force enabled consistent mainstreaming of equality grounds, including racial or ethnic origin, in policy initiatives and internal action of the Commission. Working on different equality grounds as part of a joint approach has also paved the way for intersectionality to be implemented in policy making and legislation.

Examples for mainstreaming anti-racism into EU policies include:

Children's rights - The EU strategy on the rights of the child, adopted on 24 March 2021⁵⁹, and the Commission Recommendation on integrated child protection systems⁶⁰, encourage Member States to further develop and strengthen their child protection systems, making them more integrated and inclusive to address the diversity of children's needs for protection from any form of violence. The Recommendation highlights that promoting equality and inclusion in our societies is an important tool for the prevention of violence.

Transport - The Commission has set up a network of Diversity Ambassadors in Transport to support the Commission's agenda on promoting equality and diversity in transport, following the objectives under the Sustainable and Smart Mobility Strategy⁶¹. The network seeks to raise awareness on and spearheads measures, initiatives or actions that promote equality, diversity and inclusiveness in transport, both with regards to the transport workforce and transport users⁶². The Commission has developed a practical Handbook for equality mainstreaming in mobility and transport⁶³ to help staff apply equality mainstreaming in their daily work, and, hence, to comply with their obligations to promote equality and fight discrimination.

Research and Innovation - The 2021 Pact for Research and Innovation in Europe⁶⁴, one of the key pillars of the new European Research Areas (ERA)⁶⁵, clearly affirms equal opportunities and inclusiveness as core values and principles, and underlines as priorities for joint action the removal of inequalities, including those related to racial or ethnic origin. In 2023, the Council's recommendation on a European framework to attract and retain research, innovation⁶⁶, and entrepreneurial talents in Europe introduced the European Charter for

⁵⁸ The Task Force on Equality of the European Commission

⁵⁹ The EU Strategy on the Rights of the Child and the European Child Guarantee

⁶⁰ Commission Recommendation on developing and strengthening integrated child protection systems

⁶¹ Mobility Strategy

⁶²Ambassadors for diversity in transport

⁶³ Handbook for equality mainstreaming

⁶⁴ Pact for Research and Innovation in Europe

⁶⁵ A new ERA for research and innovation

⁶⁶ <u>Council Recommendation on a European framework to attract and retain research, innovation and</u> <u>entrepreneurial talents in Europe</u>

Researchers⁶⁷, further addressed inequalities by making 'Embracing Diversity' one of its core principles. It emphasises the importance of recognising and combating discrimination on all grounds, including racial or ethnic origin, and highlights the need to acknowledge and mitigate unconscious biases in hiring, promotion, and review processes.

Mobilising EU funds

Different EU programmes provide funding opportunities for projects promoting the values of anti-racism and non-discrimination. Dedicated funding is available under the EU's **Citizens, Equality, Rights and Values (CERV)** programme⁶⁸, the objectives of which include to combat and prevent discrimination, racism, xenophobia and anti-migrant intolerance at all levels in society, including by building trust between individuals, communities, and national authorities. In 2023, a new priority on migration, de-colonisation and multicultural European societies has been successfully introduced.

In the 2021-2027 period, **cohesion policy funds**⁶⁹ are available to support Member States' efforts to promote social inclusion by fostering equal access to mainstream services for marginalised groups, such as Roma and people with a migrant background.

The **European Regional Development Fund** (ERDF) supports infrastructure development, equipment, and access to mainstream services in employment, healthcare, social care, non-segregated housing and education. These investments should also benefit marginalised groups, including Roma and people with a migrant background, and dedicated actions should be programmed to foster their access to the mainstream non-segregated infrastructure and services.

In 2021, the Commission published the updated **Toolkit on the use of EU funds for the integration of people with a migrant background** for the 2021-2027 period⁷⁰, which aims at fostering a complementary use of EU funds, in particular the ERDF, the ESF+ and the Asylum, Migration and Integration Fund (AMIF).

The **Recovery and Resilience Facility** (**RRF**)⁷¹ supports reforms and investments to improve equal opportunities and inclusion of people belonging to vulnerable groups. For instance, the RRF helps Member States tackling intolerance and discrimination by investing in the personal development of young people from minority groups, e.g. Roma in Bulgaria and Greece, creating education and day service facilities in communities with a significant Roma population, and promote access to vocational education and the labour market integration of parents (e.g. Romania, Slovakia).

Horizon Europe⁷², the EU funding programme for research and innovation, also funds initiatives to combat racism, discrimination, and xenophobia by supporting research and projects that promote inclusivity, tolerance, and democratic values or that address racism as a civil security issue. This includes funding under the thematic cluster 'Culture, Creativity, and Inclusive Society' to strengthen racial, ethnic, and religious equality, as well under cluster 'Digital, Industry and Space', specifically tackling gender, race and other biases in AI. The

⁶⁷ European Charter for Researchers

⁶⁸ Citizens, Equality, Rights and Values programme overview

⁶⁹ In particular the European Regional Development Fund (ERDF) and the European Social Fund Plus (ESF+).

⁷⁰ Toolkit on the use of EU funds for the integration of people with a migrant background

⁷¹ <u>Recovery and Resilience Facility</u>

⁷² Horizon Europe the EU's funding programme for research and innovation

cluster "Civil Security for Society" funds for instance research on the fight against abuse of online gaming culture by extremist or combating hate speech.

The first-ever framework for inclusion measures in the Erasmus+ Programme⁷³ and the European Solidarity Corps⁷⁴ was introduced in 2021, as well as an Inclusion and Diversity Strategy, to facilitate the access for people with fewer opportunities. In addition to projects in the areas of education and youth, the **sport actions of the Erasmus+ programme** promote social inclusion and equality in and through sport. Nevertheless, racism and hate speech continue to be issues within sport, from elite to grassroot level. This is why the European Commission co-funds a project with the Council of Europe on 'Combating Hate speech in Sport'.

Projects that address the issue of racism and discrimination are also eligible for funding under the **Creative Europe programme**⁷⁵, under the 'inclusion' priority, which aims to strengthen society and improve social inclusion in and through culture for people belonging to minorities and socially marginalised groups.

The **Technical Support Instrument** (TSI)⁷⁶ tackles racism and discrimination by supporting vulnerable groups and enhancing the capacity of public administrations to address equality concerns. For instance, it funds projects in Estonia, Portugal and Malta focused on victim support, aiming to implement measures to better protect victims of crimes, including racially motivated hate crimes.

As of 2024, the TSI will further support Equality Bodies in Belgium, Portugal and Finland to develop, supervise and deploy Artificial Intelligence (AI) solutions, and assess the impact of AI on equality issues, in line with the implementation of the EU AI Act.

Combating racism and discrimination in external policies

Racism is a global problem, and it is important that actions within and outside the EU to prevent and combat racism are coherent and mutually reinforce each other. To ensure a coherent approach against racism and strong international alliances, the Commission works closely with relevant international organisations⁷⁷, such as the OHCHR, ECRI and the OECD. The **International Convention on the Elimination of all Forms of Racial**

⁷³ <u>Home - Erasmus+</u>

⁷⁴ European Solidarity Corps

⁷⁵ Creative Europe - Culture and Creativity

⁷⁶ Technical Support Instrument (TSI)

⁷⁷ Through its Regional Office for Europe, the Office of the High Commissioner for Human Rights (OHCHR) supported the Commission in drawing up common guiding principles on national action plans.

European Commission against Racism and Intolerance (ECRI) of the Council of Europe, has been one of the main interlocutors of the EU anti-racism coordinator. As a member of the subgroup on the national implementation of the EU anti-racism action plan ECRI has contributed to the development of the policy tools produced by the subgroup.

The Organisation for Economic Co-operation and Development (OECD) is an active member of the subgroup and is developing indicators to help monitor structural racism in the areas of education, employment, housing and law enforcement. The project is one of several anti-racism projects financed by the Citizens, Equality, Rights and Values (CERV) programme.

The EU anti-racism coordinator has worked with various human rights mechanisms and participated in UN initiatives such as the UN Intergovernmental Working Group on the effective implementation of the Durban Declaration and programme of Action (Working Group), the ongoing work related to the International Decade of People of African Descent and the Agenda towards transformative change.

Discrimination (**ICERD**) remains the basis of efforts by the EU to prevent, combat and eradicate racism at global, regional and country level. In multilateral fora, as well as in political and human rights dialogues with partner countries. The EU continues to advocate for universal ratification of the ICERD and its full and effective implementation.

Combatting all forms of discrimination on any ground, including the fight against racism is a key priority of the EU's human rights policy in external action as reflected in the **EU Action Plan on Human Rights and Democracy**⁷⁸. In September 2022, the European External Action Service (EEAS) and the Commission services organised an online event with colleagues in multilateral delegations⁷⁹ to discuss the main challenges and **opportunities for a more effective and visible EU approach to anti-racism**, as well as to strengthen the collaboration with the Commission to ensure anti-racism can be effectively addressed in multilateral fora.

The Neighbourhood, Development and International Cooperation Instrument (NDICI)⁸⁰ supports activities preventing or combatting all forms of racism, through programmes in the broad areas of human rights, equality and non-discrimination, governance and justice. In many countries, prevention and response to racism is also part of human rights dialogues and regularly monitored. There are NDICI funds at regional and global level available, which also aim to reinforce civil society capacity to respond to racism. In 2023, the Commission allocated funds for global projects combatting discrimination and various forms of racism, including 5.5 million EUR for the support of freedom of religion or beliefs throughout the world.

3.3. Positive action by the EU – listening and acting

Inclusive democracies

CSOs and human rights defenders should effectively contribute to the public policy decision making process which requires necessary infrastructures, capacity and resources, following the principles of accessibility, transparency, and inclusiveness. In the **Recommendation on civic engagement⁸¹, adopted within the Defence of Democracy package,** the **Commission encouraged Member States to promote the effective participation of civil society** at every stage from the design to implementation, to develop, support and carry out their effective and meaningful participation, including by dedicating specific funding. The recommendation on civic engagement is of particular relevance for the cooperation with anti-racism civil society organisations.

New structures to listen and learn: a permanent framework for exchange

In 2021 the Commission appointed its first ever **Coordinator on combating racism**⁸², to ensure the overall monitoring and implementation of the action plan, to facilitate mainstreaming of anti-racism measures and to act as the main contact point Commission's anti-racism policy. The Coordinator works closely with the Coordinator on combating anti-Muslim hatred, the Coordinator on combating antisemitism and fostering Jewish life and the

⁷⁸ EU Action Plan on Human Rights and Democracy

⁷⁹ EEAS Strasbourg, Paris, Vienna, Geneva and New York

⁸⁰ <u>Global Europe: Neighbourhood, Development and International Cooperation Instrument</u>

⁸¹ <u>Commission Recommendation on promoting the engagement and effective participation of citizens and civil</u> <u>society organisations</u>

⁸² <u>The Commission's Coordinator on combating racism</u>

team coordinating Roma equality, inclusion and participation. The appointment of the Coordinator on combating racism improved cooperation with CSO and community-based organisations.

To engage with and learn from people who experience racism and racial discrimination and to strengthen the participation of CSOs that work with and represent people with a minority racial or ethnic background, the Commission established the **Permanent Anti-Racism Civil Society Forum**⁸³ in June 2021. The Forum has been consulted for the common guiding principles for national action plans against racism as well as for the monitoring checklist and reporting tool.

As announced in the action plan, the **Commission organised an European Anti-racism Summit** in 2021 with the close involvement of civil society and equality bodies. In 2022 the European Commission organised in cooperation with the European Parliament's Anti-racism and Diversity Intergroup and with the Council of Europe's European Commission against Racism and Intolerance the second European Anti-racism Summit. The Summit commemorated the International Day for the Elimination of Racial Discrimination and focused on preparation and adoption of national action plans against racism and racial discrimination and the important role of young people, especially young people from racial and ethnic minorities in combating racism and discrimination.

While in the public consultation civil society stakeholders welcomed the creation of the Permanent Forum, they also considered further action necessary to ensure that civic spaces are safe and inclusive for all communities and minorities.

The Coordinator on combating racism works closely with civil society organisations and with Member States, supporting the adoption of national action plans against racism. The coordinator also collaborates with institutions and other stakeholders including the European Parliament, equality bodies, academia, and international organisations to improve policy responses.

⁸³ Members of the Permanent Anti-racism CSOs Forum

4. The EU's own human resources

The action plan underlined that as an employer, the European Commission is committed to leading by example and to ensuring that its workforce is representative of the diversity of Europe's population. It is also committed to an inclusive work culture where all can thrive and reach their full potential, regardless of background or personal characteristics. In 2020 the Commission set up a **Diversity and Inclusion Office**⁸⁴ within its **Directorate-General for Human Resources and Security to oversee the development and implementation of relevant initiatives**. This started with an extensive diversity and inclusion survey of its staff conducted in March 2021⁸⁵. The results of the survey were used to inform the Commission's new Human Resources Strategy adopted in 2022 as well as to form an evidence-base for developing an updated Diversity and Inclusion Action Plan 2023-2024⁸⁶.

The Commission is well-advanced in implementing the action plan which focuses on cross cutting actions in support of managers, a structured learning and development programme, awareness raising activities, communication and improved data collection and benchmarking. In addition, the action plan contains targeted actions in support of specific groups of staff. For example, the Diversity and Inclusion Office organises internal staff events or awareness raising activities to mark the International Day for the Elimination of Racial Discrimination, focusing on staff experiences with racism in the workplace. It has also engaged closely with **Diversité Europe, an EU staff association**, created in 2021, representing the interests and concerns of staff belonging to a minority racial or ethnic background.

The Commission has also promoted diversity in its **Blue Book traineeship programme**: it published on its website a diversity and inclusion strategy⁸⁷ for the traineeship in September 2022, which focused both on outreach and a review of selection criteria to broaden the appeal of the programme and make it more accessible to underrepresented groups.

In 2023, the Commission also renewed its **policy on combating harassment and established a new function (Chief Confidential Counsellor)** that will oversee the implementation and further development of this policy in the Commission. The renewed policy recognises that discrimination may manifest itself through harassment.

To attract a more diverse pool of talent to the EU civil services, the European Personnel Selection Office (EPSO) launched a call for cooperation to all EU diversity organisations in 2020, inviting them to join a database of partner organisations, which it keeps up to date. EPSO carried out two equality and diversity surveys to collect data on the diversity of its candidate pool and adopted an **Equality and Diversity Action Plan** in May 2022, for enhanced outreach to attract a diverse pool of candidates. In parallel, EPSO engaged organisations representing people from a minority racial or ethnic background to identify and address possible blocking factors preventing them from applying to EU Careers⁸⁸.

⁸⁴ People first - Diversity and inclusion

⁸⁵ <u>EPSO's Diversity pilot survey – Main findings (2022)</u>

⁸⁶ Diversity and inclusion in the workplace

⁸⁷ Diversity and Inclusion strategy - European Commission's Blue Book traineeships scheme

⁸⁸ Identifying potential blocking factors to EU careers

5. Conclusion

Stakeholders strongly welcomed the adoption of the EU's first anti-racism action plan, which is considered to have triggered the adoption of national action plans against racism and advanced the debate on the tackling of racism in all its forms, including its structural dimension.

The action plan encouraged Member States to develop and implement their national action plans against racism. Good cooperation with and between Member States, with the support of the Commission, facilitated the adoption of shared methodologies through common policy tools, the exchange of promising practices and mutual learning.

In adopting and implementing national action plans, Member States aim to foster the meaningful participation of affected communities, to recognise and tackle structural racism, to include an **intersectional perspective**, and to **allocate sufficient funding** for efforts at national, regional, and local level to fight racism.

Since the adoption of the action plan, several crises lead to increased racism, xenophobia and hatred against different groups. Available data, which is still scarce, shows the prevalence of individual and structural racism still today. Stakeholders confirmed that the situation of people facing racism has not improved. To foster a society free from racism, discrimination and inequality, the Commission, in a joint effort with Member States and other relevant stakeholders, must step up efforts to tackle all forms of racism.

The collection of reliable and comparable data on equality including indicators on racial and ethnic origin is key to shedding light on racist and discriminatory patterns, and structures. It is therefore important that Member States further improve the collection of equality data at all territorial levels and urge all stakeholders to cooperate in the collection of data for equality and non-discrimination purposes by emphasising that safeguards are in place when collecting sensitive data and that such data is solely collected in the interest of improving the situation of people impacted by racial and ethnic discrimination.

The Commission will continue to engage with CEPOL, FRA and the European Border and Coast Guard Agency (Frontex) to develop and offer training for law enforcement officials on unconscious bias and will work closely with Member States to **support national efforts to guarantee fair and non-discriminatory policing**.

The progress achieved so far serves as a foundation upon which the EU and its Member States must build to fully implement the action plan. It is imperative to carry forward the momentum and continue to strengthen the policies, practices, and initiatives that have proven effective, notably in light of the worsening incidence of racial discrimination.

The fight against racism requires determination and long-term commitment. Advancements are achieved by mainstreaming anti-racism across different policies and by creating dedicated structures and mechanisms to tackle racism. The action plan emphasised close collaboration between the Commission and all stakeholders. The regular dialogue with civil society has proven to be a key partnership. Through this meaningful engagement, the Commission has gained invaluable insights from civil society organisations at the forefront of the fight against racism.

As pronounced in the political guidelines for the new mandate 2024-2029 the **Commission** remains firmly committed to fostering a society free from racism, discrimination and

inequality, and to assisting national efforts to achieve a Union of Equality where everyone has equal opportunities by developing an anti-racism strategy.

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