

Racial justice, non-discrimination and anti-racism in the EU

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The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Evin INCIR (S&D, SE) on racial justice, non-discrimination and anti-racism in the EU.

The right to equal treatment and non-discrimination is a fundamental right enshrined in the Charter and must be fully respected. The EU law forbids discrimination and harassment on grounds of racial or ethnic origin. The EU anti-racism action plan 2020-2025 is the first EU policy instrument to recognise the structural dimension of racism. The action plan is a first, important step towards tackling racism and racial discrimination in the EU but lacks follow-up mechanisms, ambitious benchmarks and clear targets.

The report emphasised the urgent need for the EU to develop and employ a robust, inclusive, comprehensive and multifaceted approach for effectively combating all forms of racism and discrimination, including structural and institutional racism, on all grounds and in all areas in the EU. It insisted that the EU and its institutions must lead by example in this fight.

The Commission is called on to:

- continue assessing the implementation of the current EU legal framework for combating discrimination, racism, xenophobia, hate speech and hate crime, and other types of intolerance, in order to determine how to improve it;
- take concrete steps, including infringement procedures, in case of breaches of EU law by Member States;
- mainstream equality and racial justice in all their policy work, including by funding projects at Member State, regional and local level;
- implement a policy of zero tolerance for EU support for projects, inside or outside the EU, that directly or indirectly promote xenophobic or racist views;
- update the proposal for an EU equal treatment directive.

Member States are called on to:

- ensure the full implementation and effective monitoring of the Racial Equality Directive and the Employment Equality Directive;
- fully and correctly transpose the provisions of the Framework Decision on Racism and Xenophobia into national law;
- criminalise racist hate crime and hate speech and to take the necessary measures to ensure that a racist or xenophobic motive is considered an aggravating circumstance or, alternatively, that the courts may take such a motive into consideration in determining penalties;

- put in place relevant standards and measures relating to the protection of witnesses and victims of hate crimes before, during and after criminal investigations and proceedings, in line with the Victims' Rights Directive, and exchange best practices on measures that have proven to be effective to encourage reporting, such as hotlines and safe spaces.

Complaints and accountability mechanisms

Deeply concerned about cases of police violence against racialised people in several Member States, people should have access to independent and well-functioning police complaints mechanisms capable of launching investigations into cases of police violence, misconduct and abuse and to safeguard rights of people to document these cases.

The report underlined the need for a monitoring and accountability mechanism to ensure the effective application and enforcement of EU anti-racism and anti-discrimination legislation and policy and recalls the importance of the participation of civil society organisation in this process.

Education

The report stressed the role of education, culture and sport in countering racial and ethnic stereotypes and promoting equality and social inclusion. It strongly condemned any racial or ethnic segregation in schools, which is still happening in the EU and which has a disproportionate effect on children from racial and ethnic minority communities.

Equality data

The report called on the Commission to continue to develop common methodology of equality data with Member States for the purpose of describing and analysing the state of equality and to tackle inequalities holistically. The data must be disaggregated, comparable, accurate and reliable, at the same time as it is based on voluntary participation, self-identification and informed consent, while protecting anonymity and confidentiality and respecting the key principles of the EU data protection legislation and fundamental rights and respecting national legislation. A close cooperation with FRA is essential.

National action plans

Member States are urged to adopt national action plans against racism and discrimination by the end of 2022, which take into account the historical roots of racism and create a culture of remembrance, as provided for in the EU anti-racism action plan. There is also the need to continue the EU anti-racism action plan beyond 2025 and developing it towards a fully-fledged EU strategy.

Institutional action

Deploring the fact that structural racism persists in EU society, Members called on the EU institutions to address it within its structures and address the underrepresentation of racialised groups and other groups subject to discrimination, particularly in decision-making positions, and to urgently adopt a workforce diversity and inclusion strategy. On the other hand, they welcomed the Commission's appointment of the first anti-racism coordinator in 2021 and the continuous re-appointment since 2015 of the coordinator on combating antisemitism and fostering Jewish life.