Basic information

2022/2005(INI) INI - Own-initiative procedure	Procedure completed
Racial justice, non-discrimination and anti-racism in the EU **Subject** 4.10.08 Equal treatment of persons, non-discrimination 7.30.08 Action to combat racism and xenophobia	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	INCIR Evin (S&D)	16/03/2022
		Shadow rapporteur HALICKI Andrzej (EPP) VAUTMANS Hilde (Renew) FRANZ Romeo (Greens /EFA) KANKO Assita (ECR) BJÖRK Malin (The Left)	

European Commission	**Commission DG**	**Commissioner**
	Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary
20/01/2022	Committee referral announced in Parliament		
10/10/2022	Vote in committee		
19/10/2022	Committee report tabled for plenary	A9-0254/2022	Summary
10/11/2022	Decision by Parliament	T9-0389/2022	Summary
10/11/2022	Results of vote in Parliament		
10/11/2022	Debate in Parliament		

Technical information	
Procedure reference	2022/2005(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/08103

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE731.706	02/05/2022	
Amendments tabled in committee		PE732.794	03/06/2022	
Committee report tabled for plenary, single reading		A9-0254/2022	19/10/2022	Summary
Text adopted by Parliament, single reading		T9-0389/2022	10/11/2022	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2023)29	08/03/2023	

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

2022/2005(INI) - 19/10/2022 - Committee report tabled for plenary, single reading

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.

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

2022/2005(INI) - 10/11/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 442 votes to 114, with 42 abstentions, a resolution on racial justice, non-discrimination and anti-racism in the EU.

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. A horizontal intersectional approach to EU policies and measures, as outlined in the gender and LGBTQI strategies, is instrumental to addressing racial discrimination. Minority groups including but not limited to Romani people, Muslims, Jewish people, people of African and Asian descent and Sami people are impacted by multiple forms of discrimination.

The resolution 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.

In this regard, Parliament recalled its long-standing call for the adoption of the horizontal anti-discrimination directive, which has been **blocked in the Council since 2008** and called for its adoption.

Moreover, 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;

- 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**;

- put in place relevant standards and measures relating to the protection of witnesses and victims of hate crimes.

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 resolution 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.

Education

The resolution 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.

Gender issues

Specific actions should be taken to fight gender stereotypes and eliminate discrimination and inequalities, as well as to combat gender-based violence against racialised women, including through the adoption of the proposed directive on combating violence against women and domestic violence, by adding **gender-based violence to the list of EU crimes** and by criminalising forced sterilisation and forced abortion.

Temporary Protection Directive

Parliament welcomed the EU response to the people fleeing Ukraine and the activation of the Temporary Protection Directive. However, it expressed concerned about reports of discriminatory and racist incidents at the borders against people of colour and minorities, such as Romani people, and reminded Member States of each individual's right to seek asylum and to be treated with respect under international law. Members called on the Commission to mainstream the racial equality dimension throughout the EU's legal and policy framework on migration.

Representation and participation

Parliament stressed the importance of representation and diversity as a tool for the development of inclusive societies. It recalled that the media have a responsibility to reflect societies in all their diversity and regretted the current lack of diversity at all levels. The resolution condemned the racist rhetoric of certain media outlets that stigmatise racialised communities. The importance of gender-balanced participation as well as participation of racialised people in the media was stressed in order to ensure adequate representation and provide positive role models for children of racialised groups.

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.