



EUROPEAN NETWORK AGAINST RACISM

The voice of the anti-racist movement in Europe

A ROADMAP FOR EU INSTITUTIONS TO ADDRESS STRUCTURAL RACISM TOWARDS RACIAL EQUALITY AND JUSTICE

June 2020

Existing data from NGOs and research institutes such as the EU Fundamental Rights Agency call for the need to address the structural and institutional dimensions of racial injustices and inequalities in Europe. They show how racial discrimination is recurring across every area of society, is part of how European societies have been historically constituted and has a compounded impact on the well-being, dignity and rights of segments of the population. The impact of the Covid-19 crisis and the protests in solidarity with George Floyd have sparked unprecedented momentum to finally address these long-standing issues. This roadmap highlights **key approaches and concrete steps** to be taken by EU institutions in order to move forward meaningfully and support Member States in tackling deep inequalities and injustices, harming the whole European project. If the EU is serious about tackling structural racism, it should follow this comprehensive roadmap in close consultation with anti-racist movements.

UNDERSTANDING STRUCTURAL RACISM¹

Shift from the individual approach. The current EU legal and policy frameworks overly focus on individual forms of racial discrimination and hatred, which contributes to overlooking the other dimensions of racism that are structural, institutional² and historical. This emphasis on individual racism prevents questioning and addressing the system and structures in place and their impact on racialised people's lives. This can include institutional practices, policies, cultural representations and norms, legacy of historical oppression, all of them leading to deeply embedded racial inequalities. For example, the fact that women of colour (and migrant women in particular) are likely to be overrepresented in precarious, low-paid employment in sectors that present a higher risk of exploitation and abuse.³

Acknowledge the racialisation process at play. The recognition of race as a category of discrimination is critical in addressing structural, historical and institutional inequalities. Different groups are being

¹ "Structural discrimination describes the statistical representation of discrimination through the aggregation of individual cases of discrimination. It represents the social manifestation of structural inequalities and provides a contextual analysis for these inequalities. (...) These statistics (...) represent aggregate counts of discrimination and materialise the hidden effects of certain laws and policies, but also of certain unintended and unconscious actions by individuals in positions of power in state and private institutions." ENAR-CIJ forthcoming report

² Institutional discrimination is very similar to structural discrimination as it describes discrimination patterns originated by institutions and laws. However, they differ in their focus. While structural discrimination focuses on the outcomes of societal structures and hierarchies, institutional discrimination focuses on the "input", on the actions, behaviours, decisions of people in positions of power within institutions." ENAR-CIJ forthcoming report

³ ENAR toolkit on Women of colour in the workplace: <https://www.enar-eu.org/Toolkit-Women-of-colour-in-the-workplace>

racialised in Europe, which means that they are socially constructed as homogeneous groups to which determining specificities and prejudices are attributed. In Europe, racialised people include Black persons, people of African, Arab, Asian, Caribbean, Latin American, Roma or Sinti descent, Muslims or Jews (or perceived as such), including migrants among them.

Combat police brutality and criminalisation and push for justice. Criminalisation of racialised groups is playing a fundamental role in maintaining and fostering racial inequalities. The process of criminalisation is deeply rooted in historical ways of exploiting and abusing racialised groups (such as slavery and colonialism). This is why it should remain at the centre of any action of institutions and governments to meaningfully fight against structural racism and push for racial justice.

Move away from fragmented policies. EU policies are fragmented: they have different approaches in different sectors and for different groups. Fragmentation doesn't allow to tackle structural racism because it prevents taking an intersectional approach and tends to fix certain groups into rigid categories and identities. Structural racism should be understood and addressed as an oppression framework common to all racialised groups. Structural inequalities are underlying all forms of racism and are common to all experiences of racialised minorities, although specificities need also to be acknowledged and addressed.

Address intersections of inequalities. A sophisticated understanding of structural racism also includes the recognition of the intersectional dimensions of racism. This means recognising that in some situations, a person can be discriminated against on a combination of grounds that interact and are impossible to untangle and to disassociate, thus creating a specific experience of discrimination.

RACIAL EQUALITY MAINSTREAMING IN ALL POLICIES

Intersectionality should become an approach underlying all EU and Member State policies. This is crucial to address effectively structural inequalities of the most marginalised - especially those at the intersections of different grounds of discrimination - and advance towards full equality. More specifically, **racial equality mainstreaming**⁴ should ensure that all policies benefit all, including racialised groups, and that no policies have a detrimental impact on them and contribute to further racial inequalities. Existing policies and legislation should be screened and reviewed accordingly. We provide some examples below based on existing positions in these fields.

On the new Pact on Migration. Existing foundations and practices of current EU migration policy are historically based on racial discrimination. This needs to be acknowledged and addressed, such as the notion of who belongs to Europe and the criminalisation of moving, disproportionality impacting racialised groups. Highlighting the principles of non-discrimination and equal treatment is not sufficient. The next Action Plan on Integration or Inclusion should have a set of tailor-made actions and indicators to support victims of racism and facilitate their access to justice through the establishment of firewalls.

On Europe's digital future. Technology is not neutral and certain applications, in particular in the fields of migration, policing, security and recruitment are disproportionately impacting, targeting and experimenting on [racialised communities](#). Many technological applications in effect exacerbate and compound existing forms of discrimination against racialised groups, often without regulation, transparency, democratic oversight or concrete mechanisms for redress. There needs to be a stronger focus on racial equality and justice while regulating Artificial Intelligence, meaningful oversight, particularly engaging marginalised

⁴ We understand racial equality mainstreaming in the same way gender mainstreaming has been defined by the Council of Europe: ““(re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making. (...) Gender mainstreaming aims to solve –sometimes hidden- gender inequalities.”

<https://www.coe.int/en/web/genderequality/what-is-gender-mainstreaming>

groups in governance processes, and clear legal limits, [prohibiting "impermissible uses" of AI](#), particularly those which will further discrimination and inequality against racialised groups.

On the Gender equality strategy. Highlighting intersectionality in the new strategy as a core principle is a good start. To ensure a real intersectional approach is taken at all levels and that it leads to equality outcomes, the strategy should foresee [proactive and targeted measures](#) to ensure that racialised women's specific situations are taken into account, including by assessing and reviewing existing policies.

On the European Green Deal. Racialised communities in the Global South as well as in European societies have been bearing the brunt of the climate crisis among other environmental and social problems while receiving the least amount of support for mitigation purposes. Policies at EU level need to address these disproportionate impacts which include health issues, poor living conditions but also additional economic burden. Racial equality and justice need to be some of the key principles and outcomes of these policies so that they do not exacerbate racial inequalities.

On the EU Directive on combating terrorism. As [existing data shows](#), counter-terrorism and counter-radicalisation policies tend to criminalise disproportionately Muslims and migrants, especially through the increase of preventive measures under criminal law. Whereas these kinds of policies are usually hastily designed, vague and driven by collective emotions, they can easily be interpreted and implemented based on prejudices and racial biases. There needs to be strong fundamental rights assessment as well as prohibitions of certain practices that target racialised groups, such as racial profiling.

NATIONAL ACTION PLANS AGAINST RACISM

Acknowledging the important legislative framework that is currently in place in EU countries, such targeted initiatives are crucial to address the lack of implementation and push for more public policies that could come as a complement and tackle more structural forms of racism. These positive action measures could also contribute to an increased mainstreaming of racial equality in all policies. Considering the state of denial of long-standing existence of systems of oppression and persistent racial inequalities in European societies, there is a sense of emergency requiring strong actions and commitments from States to act at structural level and not only through fragmented and isolated policies or projects. [National Action Plans Against Racism](#) (NAPAR) can be a unique tool to develop a comprehensive framework which puts racialised groups at the centre of the social justice and equality agenda, with an intersectional anti-racist perspective, and ensures coherence across different areas.

This could include **measures** such as the review of anti-discrimination laws to prohibit racial profiling, accessible and independent complaint mechanisms, amendments to school manuals, remembrance and reparations measures, increasing racial diversity in institutions and more. These policies need to be supported by equality data mechanisms, strong civil society involvement and dedicated resources.

STEPS TO BE TAKEN BY EUROPEAN INSTITUTIONS

to support and strengthen political commitments and actions at Member State level

❖ Organise an **EU Summit on structural racism in the EU, with a focus on policing**

A high-level political event should be organised to mark new political commitments on structural racism in all its forms and as an EU priority. Spearheaded by the EU Commissioner for Justice, all three institutions, the European Parliament, the Council and the European Commission would come together to cooperate on the organisation of the summit. A first-ever EU summit on structural racism would build a first concrete step towards an inter-institutional cooperation on combatting structural racism in the EU.

❖ Adopt **EU Council Conclusions on structural racism and its impact on all racialised groups under the German Presidency**

Council Conclusions should confirm the EU Member States' position and commitment to fight structural racism in the EU and could give a mandate to the European Commission to propose a specific policy initiative. It could be an occasion to highlight the gaps and challenges with the current legal framework.

❖ Publish a **European Commission Communication on an EU Framework for National action plans against racism and equality data collection obligations**

This communication would request Member States to adopt or improve their National Action Plans against Racism. It should outline key indicators of content and process and establish robust monitoring mechanisms to monitor progress. Establishment of equality data collection mechanisms disaggregated by race should become an obligation at national level while respecting key principles of anonymity, self-identification and voluntary basis.

❖ Ensure the newly announced **European Commission action plan on racial discrimination covers racism affecting all racialised groups and all forms of racism, including Afrophobia**

To address structural racism meaningfully, the European Commission Action Plan should: cover all racialised groups and specific forms of racism; have a dedicated component on fighting against these phenomena in law enforcement services; take an intersectional approach; reinforce the use of infringement proceedings; expand the mandate of the High Level Groups to include structural and institutional racism; include clear and identified actions with measurable targets.

❖ **Restructure the European Commission's services by including all officers, coordinators and teams working on different forms of racism in one unit**

This is key to fight against structural racism consistently and transversally across all policies areas and for all racialised groups, including those at the intersections of different grounds of discrimination.

❖ Set up a permanent **European Commission advisory committee on racial equality and justice involving NGOs, Member States and social partners to prepare and implement policies**

Strong mechanisms of involvement of EU and national NGOs in policy discussions and design are crucial to ensure policies meaningfully address issues of racialised groups according to their lived experiences and unique expertise, including on policing.

❖ **Prioritise launching infringement proceedings against Member States that breach EU legislations prohibiting racial discrimination and racist crime**

The European Union has strong competence and binding legislation in the area of racial discrimination and hatred (Race Equality Directive, Employment Equality Directive, Framework Decision on combatting racism and xenophobia). However, infringement proceedings are rarely used to sanction Member States, compared to other fields. This needs to be urgently done in the case of Muslim women's access to vocational training and employment, segregation of Roma and inhumane treatment of migrants.

❖ **Adopt an explicit application of the Race Equality Directive to policing and discrimination based on nationality**

As this year marks the 20th anniversary of the Race Equality Directive, the European Commission should take stock of the implementation and apply EU non-discrimination standards to policing and nationality as a ground of discrimination.

❖ **Strengthen the mandate of Commissioner for Equality and improve the task force for equality**

This should include a specific working group on racial equality mainstreaming, more transparency about the work of the task force, involvement of civil society, more resources and staff allocated to the task force.

❖ **Secure funding for civil society organisations fighting against structural racism and for equality under the Multi-Annual Financial Framework**

Organisations defending racialised groups have seen their capacities drastically reduced when not disappearing, especially during the COVID-19 crisis. Civil society work to dismantle structural inequalities and mitigate their impact by supporting racialised groups is key and should be supported and funded as a priority.

❖ **EU initiatives on democracy, fundamental rights and the rule of law should systematically include measures to assess the progress of Member States on addressing structural racism**

This could be included in the annual rule of law review cycle by the European Commission as a theme to monitor; in the Council dialogue on rule of law as a discussion on how Member States address racism; in the European Parliament's proposal for an inter-institutional mechanism on democracy, fundamental rights and the rule of law related to monitoring, protecting and enforcing the equality framework.

❖ **Establish a FRA working group on documenting and researching structural and institutional racism in Europe with improved data collection mechanisms and methodologies and strong involvement of civil society organisations**

Research should focus on the sociological explanations of the over- and underrepresentation of certain groups in specific sectors, to uncover the structural, historical and systemic factors.

❖ **Widen the scope of the High-Level Groups on combating racism and on non-discrimination to include structural and institutional racial discrimination as a priority**

These regular meetings gathering Member States, European institutions and a limited number of NGOs are important places to share practices and discuss existing gaps and solutions in this field. However, they should not be limited to racism in the field of hate crime and hate speech but reflect the change of approach towards tackling structural and institutional racism.

With the support of the Rights, Equality & Citizenship Programme of the European Union, the Open Society Foundations, the Joseph Rowntree Charitable Trust & the Sigrid Rausing Trust

 @ENAREurope |  @ENAREurope |  @ENARtube |  @enar---european-network-against-racism

FUNDED
BY

