

# AFROPHOBIA IN EUROPE

## ENAR Shadow Report 2014-2015



european network against racism

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to these data and to bring an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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# FOREWORD

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The European Network Against Racism has been advocating for a specific response to Afrophobia in the European union (EU) for years. We have brought testimonies and stories of many people of African descent in Europe and Black Europeans (PAD/BE) to the attention of EU institutions and EU Member States. This edition of the ENAR Shadow Report is the second dedicating special attention to the way in which racism and related discrimination impact the lives of people of African descent/Black Europeans. The first one was the 2010/2011 Shadow Report on Racism in the EU, with a focus on PAD/BE on the occasion of the 2011 United Nations Year for people of African descent, and was ground-breaking in many respects.

This report is entirely dedicated to looking at the comparative situation of PAD/BE between March 2014 and March 2015. It is based on the compilation of data provided by 20 civil society organisations and researchers, many of which are members of ENAR, and provides a crucial as well as unique civil society perspective on the situation of racism and related discrimination against PAD/BE in a comparative perspective. The report shows that Afrophobia is a specific type of prejudice and discrimination that needs to be addressed specifically and equally with other forms of racism. In proclaiming the International Decade for People of African Descent in 2015, the UN General Assembly reinforces the recognition that people of African descent represent a distinct group, whose human rights must be further promoted and protected.

Despite the lack of comparable data, disaggregated by ethnic origin, the Shadow Report brings to light the current reality and trends of racism against PAD/BE in its many facets within 20 European countries. In this report we provide evidence of racism and related discrimination across Europe. We gather expertise from Black activists, anti-racism organisations and researchers, who conducted desk research and interviews to expose the stories of victims. These stories are invaluable to bring the issue to the fore, but without the means to collect more data based on self-identification, we know this is just the tip of the iceberg and many more stories remain invisible.

The lack of data can no longer be used to justify inaction. Black people in Europe endure structural discrimination, which replicates power domination that goes back to colonialism and the trans-Atlantic slave trade. Europe must face its past alongside its current discriminating structures, policies and practices.

The worsening political context, amidst security and nationalistic responses to terrorism and migration, has brought additional constraints for people perceived as 'outsiders', including people of African descent. But we are also keen to highlight in this report some promising local initiatives, which should be promoted as part of coherent overall public strategies to be monitored and evaluated together with civil society.

We are deeply indebted to activists and organisations who have partnered with us in this effort and remain grateful for the valuable support of the European Commission and the Open Society Foundations.

**Sarah Isal**  
ENAR Chair

# EXECUTIVE SUMMARY

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ENAR's Shadow Report on Afrophobia is based on **20 national questionnaire responses from EU Member States<sup>1</sup>** and predominantly covers the period March 2014 to March 2015. The report's focus is racism and discrimination experienced by people of African descent and Black Europeans. The report discusses the most significant issues faced by Black people in many areas of their lives such as education, health, housing, employment, criminal justice and public life.

Although there is race equality legislation at EU level, there is **no EU policy or national policy developed specifically to combat racism and discrimination against people of African descent and Black Europeans**. Most EU Member States have policies in place to combat racism in some form or another, however where there are wider equality plans, it is often reported that people of African descent and Black Europeans are not included in their remit. Most countries report diminishing resources available to combat racism. This has the potential to impact more on Black people as they are often over-represented in all of the indicators for racial inequalities.

There has been a shift and decline in public and political support and solidarity regarding anti-racism issues, which is clearly linked to **anti-migrant rhetoric**. Political discourse, that is racist and Islamophobic, is predominantly framed in the context of anti-immigration and targets migrants that are both Black and Muslim (Bulgaria, Estonia, Finland, Germany, the Netherlands, Spain). As a result Black migrants, refugees, asylum seekers and Black Europeans are reportedly suffering an increase in violent hatred and discrimination across all areas of life.

**Equality data collection** is almost non-existent in Europe and it is difficult to provide an accurate figure on the size of the Black population in Europe due to the limited data collected on race and ethnicity of the population. Most European countries collect information on migration background and history, which means that Black people born in Europe and with a citizenship of a European country disappear from sight when looking at the most common demographics and statistics such as population size, unemployment rates and educational attainment.

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1 Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Spain, Sweden and the United Kingdom.

**Discrimination in employment is rife and occurs at all levels.** Evidence shows that applicants with an African sounding name need to send more job applications to gain an interview than those with a traditionally White European sounding name. Statistics across Member States show that people with an African origin have perpetually higher unemployment rates than the national average, which is due in part to racial discrimination.

There are various ways in which **Black pupils experience Afrophobia in schools** such as racist bullying and spatial segregation. Most strikingly the teachers' influence and racial discrimination of Black pupils can have significant implications on educational attainment and life chances of Black people.

Several countries report a polarisation of **stereotypical images in the media** where Black people are either depicted as criminals, irregular migrants or as performers (singers, dancers or sportsmen). Austria, Bulgaria, Estonia, Germany, the Netherlands, Sweden and the UK all report on the **use of the N-word in the media** and its variants, and how this can create a hostile and dehumanising environment for Black people.

Many Member States report **poorer health profiles for Black populations** as well as **refusal of treatment** of this group and prejudice shown by staff and patients. Racism has been reported to impact on the health of Black people, particularly mental health (Germany, the Netherlands and the UK).

Black people are reported to live in the older parts of urban areas; in poor quality and cramped housing; and face significant **discrimination in the private rental market**. Estate agents are often gate keepers, screening potential tenants and claiming that property owners and neighbours wish to exclude Black people from their properties or from the area.

Black people are particularly exposed to **police violence** as well as **violence and racial abuse from other members of the public**. There is a lack of trust between Black communities and the police which arises from various methods used by the police such as **ethnic profiling** and lack of full investigation of racially motivated crimes. Some law enforcement personnel display clearly racist behaviours and the police forces in some Member States are described as institutionally racist.

# RECOMMENDATIONS

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There needs to be a full awareness and understanding of the pervasive nature of racism and the way in which it manifests itself for people of African descent and Black Europeans. There are several forces at play that work to reinforce structural power relations that ultimately lead to inequalities and disadvantage for minority groups. What is clear from the findings included in this report is that Black communities, overwhelmingly, are one of the most disadvantaged ethnic minority groups with very visible gaps in most social inclusion indicators. Despite the disparity in outcomes for this group there is rarely a committed policy response developed to address the challenge. There needs to be structural changes at the point of policy development; and institution changes within schools, the police and other public institutions. To ensure that opportunities and outcomes for Black communities improve and come up to par with those of the majority, in parallel with shifting power structures, these policies should be sustainable, monitored and evaluated.

## To EU policy makers and institutions

1. Recognise the devastating impact of racism on people of African descent and Black Europeans and adopt an EU Framework for national strategies or policy objectives to combat Afrophobia and promote the inclusion of people of African descent and Black Europeans through:
  - › the European Parliament's LIBE Committee holding a public hearing with experts and people of African descent to contribute to the development and elaboration of an EU Framework to combat Afrophobia;
  - › the European Parliament adopting a Resolution addressing the situation of people of African descent and Black Europeans and calling on the European Commission to develop an EU Framework for national strategies to combat Afrophobia;
  - › the European Commission, working in partnership with Black communities and civil society organisations, identifying and setting clear targets and measurable indicators, which should be the basis for a European Commission Communication on an EU Framework for national strategies to combat Afrophobia;
- › policy makers taking structural discrimination into account in the development of the framework; for example, policies that perpetuate current racial injustices must be identified such as those encouraging the police to employ ethnic profiling to achieve their arrest rate targets.
2. The European Commission needs to play a greater role in enforcing the 2000 Race Equality Directives, the 2008 Framework Decision on Racism and Xenophobia and the 2012 Victims' Rights Directive by, for example, initiating infringement procedures against Member States that fail to respond to racist crime in law or practice.
3. The European Commission, the Council and the European Parliament should declare a European year of people of African descent to promote a positive image of Black people in Europe and their contribution to European economic, public and cultural life.
4. The European Commission should develop, in partnership with the EU Agency for Fundamental Rights and other experts, a recommendation to guide Member States on equality data collection to standardise and create comparable data sets across Europe. The data must be systematically and regularly collected based on self-identification, analysed and made publicly available, in accordance with data protection standards.
5. The EU Agency for Fundamental Rights should work with Member States and PAD/BE civil society organisations to establish process and outcome indicators of policies combating racial discrimination and set achievable targets for greater social inclusion of Black people in EU Member States.
6. The EU Agency for Fundamental Rights, in cooperation with the European Broadcasting Union, should support media literacy through training and updated guidance such as the 2008 'Diversity toolkit for factual programmes in public service television'. The Agency should also develop an implementation plan with media professionals in Member States to raise awareness on diversity and ethical journalism.
7. The EU Agency for Fundamental Rights must – with the support of national statistical and research agencies – widen the research scope of its surveys and projects, such as EU MIDIS, to ensure second, third and subsequent generations of Black Europeans are included in research samples. This includes increased financial support from European Union funds for FRA research.

8. The EU Agency for Fundamental Rights should publish a Data-in-focus report on people of African descent and Black Europeans following the EU MIDIS II.
9. Every five years, the EU Agency for Fundamental Rights should conduct an EU-wide survey of minority political participation that includes statistical data on minority elected officials and staff at national, regional and local levels, with a focus on the European Parliament and national parliaments, diversity in political parties and voting behaviour of minority populations.
10. The European Commission should ensure that employment, education and social inclusion benchmarks – such as the European semester country analysis – specifically aim for equal access and outcomes for people of African descent in Europe.
11. Identify people of African descent and Black Europeans as marginalised communities that should benefit in priority from EU funding programmes and earmark a proportion of the European Social Fund to the empowerment and development of capacities of minority led organisations providing services to their communities, with a specific attention to organisations servicing Black communities.
12. The European Commission's funding programmes, including Horizon 2020, Erasmus+ and Europe for Citizens, should prioritise projects against discrimination and support research, education, scholarship and public programming for the Black European population.

## To national and local policy makers

### National strategies and policies:

1. Develop national anti-racism strategies that address the specific challenge of Afrophobia. The specific and comparative situation of people of African descent/Black Europeans in areas such as education, housing, health, employment, policing, security and justice systems should be assessed, in line with international and European standards.
2. National plans and policies should involve communities at all stages of their development, from early stages until full implementation and assessment through the setting up of steering groups, sounding boards, expert groups or similar relevant bodies.
3. National plans and policies should allocate specific actions and objectives in a certain timeframe to responsible institutions. Implementing bodies should have sufficient leverage, human and financial resources for the entire implementation period.
4. Take into account the intersectionality of discrimination to ensure effective policies and strategies target groups at risk of multiple discrimination, such as Black women, Black Muslims and Black LGBTI people.

### Research and data collection:

5. Create an observatory, based in the national equality body, the national human rights institution, the national statistics office or a university, primarily engaged with research on people of African descent and Black Europeans.
6. Commission periodic surveys and research projects from independent research bodies, institutions and universities where there are gaps in knowledge regarding Afrophobia to inform decision making processes and evaluate policies. Such research should be based on victimisation surveys that allow for respondents' self-identification of their race or ethnic background and that include specific questions on their experience of racial or multiple discrimination.
7. Through research, develop a greater understanding of effective preventive measures and policies that will reduce incidents of race discrimination.
8. In partnership with civil society organisations, and according to data protection principles, collect equality data to annually monitor people of African descent/Black Europeans' outcomes in key social indicators in employment, health, education and housing and develop policies in response to persistent racial inequalities. Such administrative data should be cross-referenced with data from the census, which should allow for self-identification in ethnic and racial categories developed in consultation with civil society organisations and other stakeholders, including statisticians.
9. Ensure that data on complaints to equality bodies are disaggregated based on ethnic/racial categories, developed in consultation with civil society organisations. Such data should be made publicly available.
10. Allow for the victim's or witness's perception of any racial elements of a crime to trigger the recording of the complaint as racially motivated.
11. Monitor and publish information on the ethnicity of the victims of racially motivated crimes.

**Diversity and opportunities in the workforce:**

12. Establish public duties to promote equality and increase the diversity within all public bodies.
13. Develop special measures and traineeships for people of African descent/Black Europeans within all public institutions and, in particular, public broadcasting agencies so that ethnic minorities are able to gain entry and access into the roles that currently lack diversity.
14. Employers should mainstream the fight against Afrophobia and related discrimination in corporate social responsibility and diversity strategies. Initiatives such as anonymous job recruitment help level the playing field at the application stage.
15. Create subsidised government schemes and guidelines that encourage diversity in private companies at all levels.
16. Ease and ensure the process of recognition of foreign qualifications and encourage the validation of practical skills and experiences.
17. Strengthen rules and practices on labour inspections to combat exploitation of migrants and reinforce complaint mechanisms for fair and unbiased access to legal redress for regular and undocumented migrants.
18. Improve local employment offices' practice in order to better match jobseekers to relevant positions; for example, every job offer should go through official employment agencies for free, while employers might also choose alternatives methods in addition.
19. Develop equality and diversity training for staff in health care settings to improve relations between the staff and clients/patients.

**Political participation and civic engagement:**

20. Political parties should develop wider outreach programmes to encourage PAD/BE to be engaged and participate in elections and in decision making processes.
21. The electoral system should facilitate PAD/BE representation and influence, through proportional representation systems or lower thresholds for instance. Central and local authorities should address political and voting rights to ensure that third country nationals residing in EU countries can participate in public life through voting and standing for political posts.
22. Ensure opportunities for people of African descent to have an effective voice in decision making, according

to international standards on minorities' participation in public life. Consider in particular the creation of special arrangements for seats or measures for appropriate representation in civil service, cabinets, parliaments and representative bodies at central and local levels. Establish advisory bodies such as a cross-government working group to tackle Afrophobia.

**Policing and racist crimes:**

23. Improve relations between the police and Black communities through awareness raising and training of law-enforcement agents on unconscious bias and develop regular and respectful contact between police and communities and community policing approaches.
24. Raise awareness and sensitivity of the police regarding past abuses perpetrated by the police against Black people.
25. Ensure that national legislation and police guidelines prohibit ethnic profiling and establish a requirement for reasonable suspicion for all police stops.
26. Gather data based on the use of stop and search forms to be filled in by agents after every stop. Ensure that performance appraisal systems for law enforcement sanction the use of ethnic profiling.
27. Change official and unofficial policing policies and strategies that currently encourage police to profile certain groups based on their ethnicity and/or their race and religion.
28. Establish clear and truly independent oversight mechanisms to monitor all action that impacts on rights and freedoms such as counter-terrorism measures, raids, surveillance and arrests.

**Education and schooling:**

29. Ensure quality mainstream education for all including through appropriate investment in education.
30. Develop and implement in all schools fully-fledged anti-racism policies that include internal remedy procedures and the establishment of a complaint mechanism to assist victims. Schools must adopt procedures that allow for a national review of the grades and records of Black students being sent to 'special' schools or vocational schools in lieu of more academic placements.
31. Ensure that schools reflect the full diversity of their neighbourhoods and recognise the benefits of ethnically diverse communities by developing a teaching curriculum that reflects the positive

contributions that people from different races, nationalities, religions have made to the country.

32. Integrate human rights education into education curricula to equip children against racial prejudice and intolerance.
33. Promote training for teachers and educators on bias and develop and distribute tools such as factsheets on people of African descent in Europe, and the role of Europe in colonialism and the slave trade. Raise awareness of the range of Black history and positive contribution to Europe through education curricula.

**Funding race equality:**

34. Make available independent and adequate funding to equality and human rights bodies, commissions and ombudsmen to ensure that the full range of services that targets racism and brings cases of discrimination to light can be implemented.
35. Allocate adequate funding and resources to any plans and strategies which aim to improve the situation of Black communities.

36. Provide adequate funding for civil society organisations with the remit to work with people of African descent and Black Europeans, including grassroots and community organisations.
37. Increase investment for talking therapies, particularly for Black people, to address the impact of racism on psychological well-being and mental health issues such as depression.

## To civil society organisations

1. Monitor, with the support of funding bodies, incidents of hate speech and the reports of abuses perpetrated by public sector workers such as the police.
2. Record cases of discrimination against people of African descent and Black Europeans in employment and other walks of life.
3. Continue to promote greater awareness among people of African descent/Black Europeans as to what constitutes discrimination and how to report it.

# TERMINOLOGY

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**People of African descent (PAD)/Black Europeans (BE) and Black people.** There are various definitions of people of African descent/Black Europeans. In this report we have used the definition developed by the United Nations Working Group on people of African descent: “People of African descent may be defined as descendants of the African victims of the trans-Atlantic slave trade (...) Africans and their descendants who, after their countries’ independence, emigrated to or went to work in Europe, Canada and the Middle East.”<sup>2</sup> The term ‘Black Europeans’ is used here to refer to Black people born or raised in Europe or with an EU citizenship. In some places the term ‘Black people’ is used to refer more broadly to all those individuals, groups and communities that define themselves as ‘Black’. Accordingly, ‘Black’ does not necessarily refer to a skin colour so much as a sociologically constructed identity.<sup>3</sup>

**Ethnicity and race.** EU law does not define these concepts, which have not always been distinguished. Race is a social construct, implying deep historical roots that reflect the groundless belief that certain ‘racial’ groups are biologically and/or culturally inferior to others. Some of the criteria by which ethnic groups are identified are ethnic nationality (i.e. country or area of origin, as distinct from citizenship or country of legal nationality), race, colour, language, religion, customs of dress or eating, tribe or various combinations of these characteristics. By the nature of this topic, these categories and their definitions will vary widely from country to country; therefore, no internationally accepted criteria are possible.<sup>4</sup>

**Racism and xenophobia** are distinct phenomena, although they often overlap. Racism is an ideological construct that assigns a certain race and/or ethnic group to a position of power over others on the basis of physical and cultural attributes, as well as economic wealth, involving hierarchical relations where the “superior race

exercises domination and control over others”.<sup>5</sup> It is also the racialisation process of a group that is understood as being monolithic. Xenophobia describes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.<sup>6</sup>

**Afrophobia** is a term used, among others by the European Network Against Racism, to describe the specificities of racism that targets people of African descent. Like homophobia, Islamophobia and other forms of hatred, Afrophobia seeks to dehumanise and deny the dignity of a large group of people. Afrophobia is based on socially constructed ideas of ‘race’. This is associated with understandings of racism as a concept and correlates to historically repressive structures of colonialism. It can take many different forms: dislike, personal antipathy, bias, bigotry, prejudice, oppression, racism, structural and institutional discrimination, racial and ethnic profiling, enslavement, xenophobia, societal marginalisation and exclusion, systematic violence, hate speech and hate crime. The use of the term Afrophobia has itself been controversial within the anti-racism movement. ENAR recognises this disagreement and welcomes further debate.<sup>7</sup>

**Hate crimes** are criminal acts committed with a bias motive. It is this motive that makes hate crimes different from other crimes. The term ‘hate crime’ describes a type of crime, rather than a specific offence within a penal code.<sup>8</sup>

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2 UN Working Group on People of African Descent. *Identification and Definition of People of African Descent and How Racial Discrimination Against them is Manifested in Various Regions*, E/CN.4/2003/WG.20/WP.3.

3 European Network Against Racism. 2013. *General Policy Paper on People of African Descent and Black Europeans*. Available at: [http://www.enar-eu.org/IMG/pdf/people\\_of\\_african\\_descent\\_-\\_black\\_europeans\\_gpp\\_8\\_final.pdf](http://www.enar-eu.org/IMG/pdf/people_of_african_descent_-_black_europeans_gpp_8_final.pdf).

4 United Nations Statistics Division. *Ethno Cultural Characteristics, Concepts and Definitions*. Available at: <http://unstats.un.org/unsd/demographic/sconcerns/popchar/popcharmethods.htm#E>.

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5 According to the definition of racism proposed by the United Nations. See <http://www.unesco.org/most/migration/imrdx.pdf>.

6 *Declaration on Racism, Discrimination, Xenophobia and Related Intolerance against Migrants and Trafficked Persons*. Asia-Pacific NGO Meeting for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Teheran, Iran. 18 February 2001.

7 European Network Against Racism. 2013. *General Policy Paper on People of African Descent and Black Europeans*. Available at: [http://www.enar-eu.org/IMG/pdf/people\\_of\\_african\\_descent\\_-\\_Black\\_europeans\\_gpp\\_8\\_final.pdf](http://www.enar-eu.org/IMG/pdf/people_of_african_descent_-_Black_europeans_gpp_8_final.pdf).

8 According to the definition of the Organization for Security and Cooperation in Europe (OSCE). See OSCE. 2009. *Hate Crime Laws – A Practical Guide*. Warsaw: OSCE/ODIHR. Available at: <http://www.osce.org/odihr/36426?download=true>.

**Racist crime, racially motivated crime and crime with a racial bias** refers to a criminal offence perpetrated because of the real or perceived ethnic or racial background of the victim.

**Positive action** is a tool available in law to help achieve greater diversity and can be used in two main ways: in service provision and in employment. This report mainly refers to positive action used by employers. In this context, the term describes a range of practical measures an organisation can take, such as providing training and encouragement exclusively for disadvantaged or under-represented groups, if it wishes to diversify its workforce to make it more representative of wider society.<sup>9</sup>

**Discrimination.** European law makes the distinction between two types of discrimination: direct and indirect. Direct discrimination occurs where one person

is treated less favourably than another, in a comparable situation, on ground of protected characteristics. Indirect discrimination applies when people belonging to the same groups suffer from different consequences as the result of apparently neutral provisions, criteria or practices. The EU Race Equality Directive regulates some specific forms of discrimination, such as harassment, instruction to discriminate and victimisation but does not specifically address structural discrimination based on racial or ethnic origin.<sup>10</sup>

**Equality data.** Equality data refers to all types of disaggregated data used to assess the comparative situation of a specific group at risk of discrimination, which are collected through public statistics, ad hoc surveys, internal monitoring by enterprises or public administrations, judicial system data and data from equality bodies.

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9 See Equality and Human Rights Commission of the UK. 2009. *Positive Action Briefing Note*. Available at: [http://www.equalityhumanrights.com/sites/default/files/uploads/positive\\_action\\_briefing.doc](http://www.equalityhumanrights.com/sites/default/files/uploads/positive_action_briefing.doc).

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10 European Commission. 2007. *Segregation of Roma Children in Education Addressing Structural Discrimination through the Race Equality Directive*. Luxembourg: Office for Official Publications of the European Communities. Available at: [http://www.humanconsultancy.com/Publications/Segregation%20of%20Roma%20Children%20in%20Education%20\\_en.pdf](http://www.humanconsultancy.com/Publications/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf).

# 1. INTRODUCTION

This report aims to highlight the ways in which racism impacts on people of African descent and Black Europeans (PAD/BE) in 20 European countries.<sup>11</sup> The report discusses the most significant issues faced by Black people in many areas of their lives such as education, health, housing, employment, criminal justice and public life. What is clear from this report is that there are significant disadvantages and barriers erected through the prism of racism that impact on the life chances and outcomes of Black people.

Research findings, case studies of racism and related discrimination and policy analysis are included in this report. The analysis attempts to highlight the areas where Black people face social disadvantage and focus on racial discrimination including structural discrimination.

Many of the areas discussed within this report are interwoven and overlap. It is virtually impossible to look at employment rates of certain communities and groups without acknowledging the impact of education on an individual's chances to gain employment. Where possible the complexity of these links are discussed but there is

not enough space in this Shadow Report to fully expose the intricacies of how discrimination manifests itself in all areas and across Europe. In much of the report the deeper intersections of discrimination are missing, apart from in the area of employment where it is easier to identify how racism impacts on Black women, for example.

Whilst patent incidents or racially motivated crimes continue to increase in many countries, the less identifiable and pervasive impact of structural racism continues to keep this specific group in a position of extreme powerlessness in the face of racism. There is undoubtedly a problem with racism that needs to be structurally addressed across Europe. The solutions require more than just inter-personal diversity and bias awareness training and necessitate a response to address the current structural power balances that privilege White people in all areas of life.

## 1.1 Population

A significant number of Black people live in Europe and have done for centuries. The Black population is very diverse and these communities have grown and changed over time. There are a number of influences that have shaped the Black population within each European country.

11 Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Spain, Sweden and the United Kingdom.

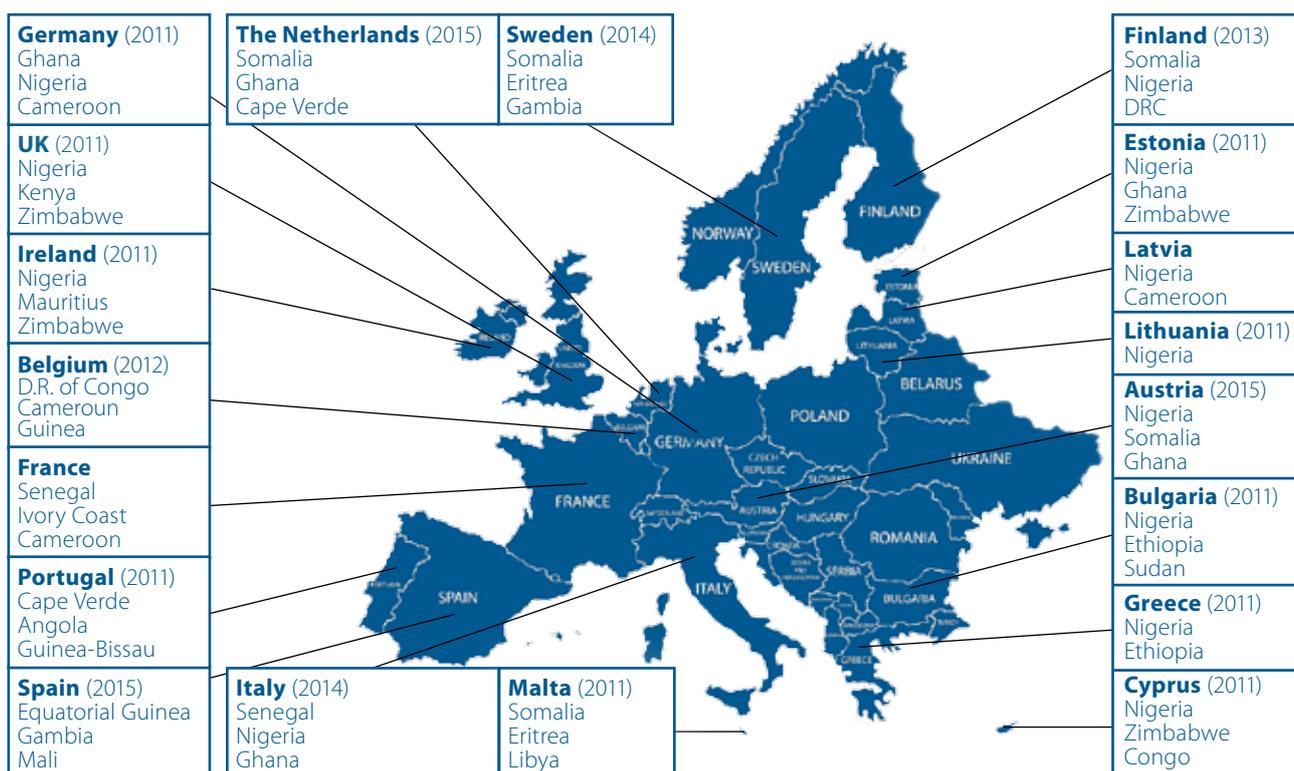


Figure 1. Top three countries of Sub-Saharan Africa migrating to each Member State

Table 1: Most recent estimates of population with migration background from Africa <sup>12</sup>		
<b>Austria</b>	55,000	Migrants from Africa
<b>Belgium</b>	73,651	Estimate of foreign population coming from Sub-Saharan Africa
<b>Bulgaria</b>	429	Migrants from Africa
<b>Cyprus</b>	900-1,500	Figures from the Civil Registry and Migration
<b>Estonia</b>	414	0.0315% of the population. Includes those with one or both parents born in Africa
<b>Finland</b>	31,055	Includes 22,756 born in Africa and 8,299 with an 'African background'
<b>France</b>	2.6 million	3.9% of the population. Figures from French Council of Black Associations (CRAN 2007)
<b>Germany</b>	557,000	0.7% of the total population, low estimate based on micro census
<b>Greece</b>	25,850	Permanent residents born in Africa
<b>Hungary</b>	4,385	Foreign residents with citizenship of an African country
<b>Ireland</b>	65,100	58,697 people of Black African ethnicity and 6,381 people of any other Black background resident in the Republic of Ireland
<b>Italy</b>	350,000	Residents with citizenship of a sub-Saharan African country
<b>Latvia</b>	191	Permanent and temporary residence permits of migrants from Africa
<b>Lithuania</b>	456	Residents with citizenship of African country
<b>Malta</b>	1,548	Includes 1,000 migrants from Somalia and 548 migrants from Eritrea
<b>Netherlands</b>	907,200	5.4% of the population
<b>Portugal</b>	82,209	Migrants from Cape Verde, Angola, Guinea-Bissau (excluding Brazil)
<b>Spain</b>	979,065	Migrants from Africa
<b>Sweden</b>	180,000	Low estimate provided by researcher
<b>UK</b>	2.1 million	3.3% of the population. Includes Black/African/Caribbean/Black British

Migration flows from Africa to Europe have been influenced by a range of historic and political developments. The communist regime in 1960s Eastern Europe forged strong links with several countries within Africa. Many Africans were invited to study in these former communist countries and provided with scholarships during their stay. The Black population in other European countries generally is composed of Black people from former colonies in Africa, the Caribbean and South America.

It is near impossible to provide an accurate estimate of the size of the Black population in Europe due to the limited data collected on race and ethnicity. Most European countries collect information on their population based on migration background and history as seen in **Table 1**. Black people born in Europe and with a citizenship of a European country disappear from sight when looking at the most common demographics and statistics such as population size, unemployment rates and educational attainment. The UK and Ireland are the only countries to use ethnic categories such as 'Black Caribbean', 'African' and 'Black British' as part of their Census categories. The UK is the only country to use these well-developed ethnic categories in a

range of nation-wide statistics. All other European countries use a range of different categories, developed over time, but mostly related to country of birth, migration status and citizenship.

## 1.2 Methodology

The data collected and analysed for this report was based on a mixed methodological approach. No single approach would be possible or sufficient to unearth the impact of discrimination and racism across a number of European countries. Therefore the approach developed allows for in-depth analysis at a national level; with those findings used to identify, analyse and explain similarities and differences across Europe.

Firstly a questionnaire was developed within the ENAR secretariat, with input and direction from the ENAR steering group on Afrophobia. Within 20 European countries – Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany,

<sup>12</sup> The figures included in Table 1 are based on figures identified by the national researchers involved in the data collection for this report. In most cases the data is based on the Census data from 2011.

Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Spain, Sweden and the United Kingdom – at least one researcher/expert was contracted to collect and analyse data in order to respond to the ENAR questionnaire. The data collection method varied from country to country and the national questionnaire responses are uneven in scope and analysis. The data collection period for this report is March 2014 to March 2015. In some cases examples outside of this period have been included where developments in these cases extended over a period of time. In some areas, where there is limited available official data, researchers used important case studies and data from earlier periods to test hypothesis during interviews.

The main problem encountered during the data collection and analysis was the lack of comparable data sets and/or large gaps in available data. Equality data collection is explored in more detail further in the report, however it is important to note here that the lack of data collection disaggregated along ethnic/racial lines and the different definitions and categories used are a methodological constraint for a European report of this kind. As highlighted in the population table above it is not always possible to

solely include the PAD/BE population, according to the UN definition, in the analysis as data sets rarely distinguish between sub-Saharan and North Africans or use ethnic categories. It is precisely because of the lack of data on PAD/BE that the evidence included in this report relies heavily on personal and expert testimonials.

The researchers/experts used, in the most part, secondary data sources to assess the nature of discrimination impacting on PAD/BE within each country's context. In all countries, apart from Malta and Belgium, interviews/focus groups were held with PAD/BE, key stakeholders and activists to triangulate the findings where possible and provide empirical qualitative data. The national experts and researchers also provided up-to-date and relevant information and analysis of public policy in relation to equality and non-discrimination.

A descriptive analysis approach has been used to synthesise the key issues and themes arising from the responses to the ENAR questionnaire, as well as other evidence and reports from national, regional and international human rights bodies and monitoring institutions.

National researchers and experts		
Austria	Otalia Sacko & Gudrun Klein	Radio Afrika TV
Belgium	Narcis Ulric Bangmo	Researcher , Cercle de Réflexions Economiques, Sociales et Politiques
Bulgaria	Elena Dyankova	Justice 21
Cyprus	Nathalie Alkiviadou	AEQUITAS
Estonia	Marianne Meiorg	Estonian Human Rights Centre
Finland	Enrique Tessieri	Migrant Tales blog
France	Mariquian Ahouansou	Researcher, Les Indivisibles
Germany	Jamie Schearer & Lioba Hirsch	Members of the Initiative of Black People in Germany
Greece	Natasa Chanta-Martin	ANASA - African Cultural Centre
Hungary	Marcell Lórinicz	Szubjektív Értékek Alapítvány
Ireland	Salome Mbugua	AkiDwA/Wezeshia
Italy	Luciano Scagliotti & Claudio Tocchi	Trepuntozero
Latvia	Dr Kristine Dupate	Freelance researcher
Lithuania	Eglė Urbonaitė	Lithuanian Centre for Human Rights
Malta	Dr Jean-Pierre Gauci & Christine Cassar	The People for Change Foundation
Netherlands	Mitchell Esajas & Jessica De Abreu	New Urban Collective
Portugal	Ana Stela Cunha & Beatriz Noronha	Researchers (AKAZ)
Spain	Elisabet Adeva	Researcher
Sweden	Jallow Momodou	Pan African Movement for Justice
United Kingdom	Alexandra Wanjiku Kelbert	Researcher

## 2. POLICY CONTEXT

### 2.1 EU policy

There are a number of legal measures in Europe that tackle racism and anti-discrimination. EU Member States have been required now for over a decade to implement the Racial Equality Directive (2000/43/EC). Another key piece of EU legislation is the Framework Decision on Racism and Xenophobia (2008/913/JHA) which focuses on racist crime and speech. Article 21 (1) of the Charter of Fundamental Rights of the EU prohibits discrimination based on any ground such as race or ethnic origin.<sup>13</sup>

EU anti-discrimination legislation is not always implemented and enforced. Few infringement proceedings have been launched and even fewer decisions by the Court of Justice of the European Union have been made. Proving racial discrimination when applying for a job or when receiving medical treatment is difficult, often it is only when the most obvious blunders occur that racism can be identified. There is also a need to identify where there are gaps by collecting equality data in a range of areas and assessing the comparative situation of groups at risk of discrimination. The weakness at EU level is not, therefore, regarding the legislation but the lack of monitoring of its effectiveness, and this becomes almost impossible without equality data collection.

Although there is race equality legislation, there is no specific EU policy for people of African descent and Black Europeans (PAD/BE). The EU Framework for National Roma Integration Strategies (NRIS), for example, provides a policy framework to encourage Member States to address some inequalities, disadvantage and discrimination faced by Roma, however there is no equivalent for other minorities. Even though the NRIS have been criticised for the lack of focus on racism and anti-Gypsyism, they still serve as an important mechanism to improve the situation for a minority group in Europe. Without a specific focus on tackling racial inequalities for Black people at an EU level there may be little impetus for national governments to act accordingly.

### 2.2 National legislative and policy developments

Discrimination against people of African descent and Black Europeans has deep historic roots and manifests itself in a multidimensional manner. There are, without doubt, acts of the worst kinds of Afrophobia in all European countries but these acts of one-to-one racism cannot be discussed and addressed without acknowledging the power structures and false notions of White supremacy that much of Europe has been built on.<sup>14</sup> These power structures, although built on the same principles across Europe, manifest themselves in unique ways within each Member State. The diversity, in part, is determined by the size of the PAD/BE population within each country, the history and dynamics of colonialism and the political context of the individual EU Member States. As a result there is a divergence in policy responses and approaches to race equality at a national level.

#### *National action plans and anti-racism policies 2014-15*

Most EU Member States have policies in place to combat racism in some form or another. In 2015 **France** announced a national action plan to fight against racism and anti-Semitism. **The Netherlands** has a national action plan covering all grounds of discrimination. **Bulgaria** has a national strategy and action plan on migration, asylum and integration, which is also formulated to cover elements of racism. In **Estonia** there is a development plan that specifically concentrates on the listed grounds of protection from discrimination 'Integrating Estonia 2020' (developed in 2014). **Italy and Malta** have still not formally adopted their national action plans despite being in development for several years. It is reported that Latvia has a plan but it is yet to be implemented. The **Swedish** government is developing an action plan against racism which Afrophobia will be a significant part of, expected by the end of 2016.<sup>15</sup>

Where there are national equality action plans, it is often reported that PAD/BE are not included in their remit. For example, in **Cyprus** the strategic plan 'Gender Equality between Men and Women' was approved for the period 2014-2017.

13 *Charter of Fundamental Rights of the European Union* (2000/C 364/01). Available at: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf).

14 European Network Against Racism. 2013. *General Policy Paper on People of African Descent and Black Europeans*. Available at: [http://www.enar-eu.org/IMG/pdf/people\\_of\\_african\\_descent\\_-\\_black\\_europeans\\_gpp\\_8\\_final.pdf](http://www.enar-eu.org/IMG/pdf/people_of_african_descent_-_black_europeans_gpp_8_final.pdf).

15 Sweden Shadow Report questionnaire response.

There is not a single national government policy directed at improving racial equality for Black people specifically.

This plan considers that migrant women are a vulnerable group and their awareness of their rights needs special attention but there is no reference to the particular needs and discrimination faced by Black migrant women. Cyprus again has a national action plan on the integration of third country nationals updated for the years 2014-2016 but it has been designed to maximise 'legal migration' rather than address discrimination.

It is resoundingly clear from the responses to the questionnaire that there is not a single national government policy directed at improving racial equality for Black people specifically. There have, however, been efforts by the United Nations to develop activities highlighting the global human rights situation of people of African descent. Most recently the UN General Assembly proclaimed 2015-2024 as the International Decade for People of African Descent, citing the need to strengthen national, regional and international cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation in all aspects of society.<sup>16</sup> Despite the 2015 start of the International Decade for People of African Descent, at the time of writing, only **the Netherlands**, in response to the UN CERD report,<sup>17</sup> plans to establish some activities within the framework of the Decade.

### Resourcing race equality

Most countries reported that the resources available to combat racism are diminishing. This has the potential to impact more on Black people as they are often

over-represented in all of the indicators for racial inequalities. As reported in the **UK** for example, there has not been an Equality Impact Assessment for the 2015 Budget. This budget, as in previous years, maintains swinging cuts in all public funding areas. These cuts have already been criticised as disproportionately impacting Black and minority ethnic communities and in many areas particularly Black people.

**Germany** reports that the failure to address structural racism and institutional racism through national policies and plans can further hinder Black people's involvement within these debates and eventually lead to a structural gap in funding.<sup>18</sup> This lack of funding can make it very difficult to ensure that Black people can build projects and grow as communities structurally, therefore creating a loop of ever-diminishing influence and impact. **The Netherlands** and **Sweden** report significant cuts in the funding of various civil society organisations, equality bodies and anti-discrimination bodies working to eradicate racism. In **Estonia**, it appears that the cuts to the resources of authorities carrying out work in this area demonstrate the perspective of the government, which in itself sends a message to the public that these are unimportant issues.

### Hate crimes

The European Commission, in its report on the implementation of the Framework Decision on Racism and Xenophobia (2008/913/JHA) that addresses racist speech and crime by means of criminal law, found that although the majority of Member States penalise incitement to racist and xenophobic violence and hatred, their legal provisions do not always seem to fully transpose the offences covered by the Framework Decision. In addition, the report identifies "some gaps [...] in relation to the racist and xenophobic motivation of crimes, the liability of legal persons and jurisdiction". In 2014 the European Commission engaged in bilateral talks with some Member States and sent a number of administrative letters to ensure full and correct transposition and implementation of the Framework Decision.<sup>19</sup>

16 UN International Decade for People of African Descent Programme of Activities. Available at: [www.un.org/en/events/africandescentdecade/plan-action.shtml](http://www.un.org/en/events/africandescentdecade/plan-action.shtml).

17 Committee on the Elimination of Racial Discrimination. 2015. *Concluding Observations on the Nineteenth to Twenty-first Periodic Reports of the Netherlands*. Available at: [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/CERD\\_C\\_NLD\\_CO\\_19-21\\_21519\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/CERD_C_NLD_CO_19-21_21519_E.pdf).

18 Interview with Mr. Joshua Kwesi Aikins on 15 September 2015 as part of the research in Germany.

19 European Union Agency for Fundamental Rights. 2015. *Fundamental Rights: Challenges and Achievements in 2014*.

The Framework Decision obliges EU Member States to consider racist motivation as an aggravating circumstance, or, alternatively, to ensure that such motivation may be taken into account in determining penalties. The **Bulgarian** authorities had not, at the time of writing, inserted a provision in the Criminal Code expressly stating that racist motivation for any ordinary offence constitutes an aggravating circumstance. **Estonia** continues its legal standstill on the amendment of the Penal Code. The Code in its current version does include a provision prohibiting hate speech, however it is very restrictive, requiring a public statement to have actual effect either in the form of loss of life, damage to health or property and there have been no cases brought to court based on that paragraph. The need for the amendment was once again raised in September 2015 when a residence centre for asylum seekers was set on fire and led the Minister of Justice to publicly admit that the review of the Penal Code is necessary to react appropriately to such incidents.<sup>20</sup>

A number of Member States (Austria, Greece, Latvia and Germany) have responded positively to criticisms and have adopted new laws and initiated Criminal Code amendments. In **Greece**, 2014 saw the introduction of the new law 4285/2014 on combating certain forms and expressions of racism and xenophobia by means of criminal law. Law 4285/2014 now recognises the racist motive behind criminal actions. Article 81A has been added to the criminal code rendering more severe sentences for hate motivated offences and significantly skin colour is being added to the list of grounds to be considered. The law also provides for more severe penalties when the perpetrator is a public official or servant, as well as for racist crimes. Alongside this law, the Department for Tackling Racist Violence has been created within the Hellenic Police Force. The Ministry of Justice, Transparency and Human Rights has also included the fight against racism and racist violence in its Human Rights National Action Plan 2014-2016. **Latvia** also amended its Criminal Law by extending the list of aggravating circumstances for a criminal offence with national, ethnic or religious motivation in addition to 'racist' motivation. Under the new provision, penalisation of incitement to hatred no longer depends

on whether the offender acted intentionally or not.<sup>21</sup> **Austria's** Criminal Code now includes incidents of hate speech punished more severely than before.<sup>22</sup>

### **Counter-terrorism policies and legislation**

As reported in previous Shadow Reports, measures to combat terrorism often raise serious concerns regarding human rights.<sup>23</sup> A balance is needed between keeping European citizens safe and upholding human rights for all.

In response to the January 2015 terrorist attacks in Paris, the **French** government strengthened its judicial arsenal regarding counter-terrorism and proposed the Intelligence Bill. The bill was strongly criticised given the potential to impinge on the privacy of journalists, researchers and more. Despite the criticisms, the law was passed and entered into effect in 2015.

The PREVENT strategy (2011) is part of the **UK** government's overall counter-terrorism strategy, CONTEST. The aim of PREVENT is to reduce the threat of terrorism in the UK by stopping people becoming terrorists or supporting terrorism. PREVENT and its implementation through the Counter-Terrorism and Security Act (2015) demands that service providing public bodies identify those who may be drawn to 'terrorism' because of perceived 'extremist ideology' in order to be 'de-radicalised'.<sup>24</sup> These potential 'engagement factors' are broad but work to facilitate and enable the policing of Black, Muslim and minority communities. Academics, students, politicians, journalists have spoken out against the policy, believing that an atmosphere of suspicion and surveillance will develop across public (and private) services.<sup>25</sup>

**France** and other European countries (**UK, Hungary**) have publicly made links between migration and terrorism. The counter-terrorism discourse and discussions at the political level are linked to migrants,

21 European Union Agency for *Fundamental Rights*. 2015. *Fundamental Rights: Challenges and Achievements in 2014*.

22 Austria Shadow Report questionnaire response.

23 European Network Against Racism. 2013. *Racism in Europe: ENAR Shadow Report 2011-2012*. Available at: [http://www.enar-eu.org/IMG/pdf/shadowreport\\_en\\_lr\\_3\\_.pdf](http://www.enar-eu.org/IMG/pdf/shadowreport_en_lr_3_.pdf).

24 HM Government. 2015. *Channel Duty Guidance Protecting Vulnerable People from Being Drawn into Terrorism - Statutory Guidance for Channel Panel Members and Partners of Local Panels*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/425189/Channel\\_Duty\\_Guidance\\_April\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf).

25 UK Shadow Report questionnaire response.

20 Estonia Shadow Report questionnaire response.

Political discourse is predominantly framed in the context of anti-immigration and targets migrants that are both Black and Muslim.

Muslims and integration. There appears to be a fear, not only of migrants with potential 'terrorist profiles', but also freedom of movement within the EU, which could be abused by home grown terrorists. There is a risk that Black communities, already disproportionately stopped by immigration control and the police, will bear the brunt of these tighter controls.

### 2.3 Political discourse on migration and the impact on PAD/BE

Developments in the Middle East and North Africa are creating concerning national responses and changes to migration and integration policies within the EU. It has been reported that these changes impact on both people of African descent who are recent migrants as well as Black Europeans with a migration background. The current attention on migration into Europe by many political actors appears to be fanning the flames of anti-migrant, Islamophobic and racist movements.

There is a real danger that the political rhetoric and legislative actions will further encourage more White Europeans to support parties and movements with xenophobic, anti-immigrant and Islamophobic agendas.<sup>26</sup> This is most clearly evident with the PEGIDA movement in Germany, which has also spread to other European countries.

There have been reports of a continuing general deterioration in the public discourse regarding combating racism and discrimination at a national level. However during this reporting period the shift and decline in public and political support and solidarity regarding anti-racism issues is linked more clearly to migration. Political discourse, that is racist and

Islamophobic, is predominantly framed in the context of anti-immigration and targets migrants that are both Black and Muslim (Bulgaria, Estonia, Finland, Germany, the Netherlands, Spain). Black migrants, refugees, asylum seekers and Black Europeans are reportedly suffering an increase in violent hatred and discrimination across all areas of life.

This anti-migrant political discourse is coupled with tighter immigration controls and legislation in a number of EU Member States. In **Finland**, it is reported that the criteria for family reunification policies have tightened and similarly the financial thresholds for family reunification have increased in the **UK**. In **Spain**, the only EU Member State that shares a border with Africa, there has been a number of worrying developments in legislation regarding migration. The most recent developments include an additional provision to the '*Ley de Extranjería*' (Immigration Law) which has a special regime for Ceuta and Melilla. The law approves measures such as rejecting immigrants while they are crossing or have already successfully crossed the fences illegally.<sup>27</sup>

The **UK** Immigration Act was passed in May 2014. Some of the key provisions under the Act include the introduction of new in-country enforcement mechanisms to tackle 'irregular migration', most prominently restricting irregular migrants' access to private housing, bank accounts and driving licenses in the UK. The Act also includes a provision calling for the charges for health care to be levied on all migrants. This, as many other migration policy developments, impacts on Black people that have migrated to Europe and their relatives, spouses etc. that currently live in those European countries.

### 2.4 Data collection

All EU Member States have significant gaps regarding disaggregated equality data collection in all of the areas this report focuses on. Several researchers and experts contributing to this report have found it difficult to access relevant statistics on PAD/BE. It appears that the vast majority of the European population, as well as officials within government departments and institutions, are under the false impression that collecting

26 European Union Agency for Fundamental Rights. 2015. *Fundamental Rights: Challenges and Achievements in 2014*.

27 Spain Shadow Report questionnaire response.

disaggregated equality data is illegal. In **France**, there is a strong cultural reluctance to collect this data but it is legally possible. The National Institute of Statistics and Economic Studies (Insee) has a special and specific authorisation to collect equality data, albeit under strict observation. Similarly scholars and NGOs can obtain an authorisation from the French Data Collection Authority (CNIL) to conduct their own research which potentially collects equality data.<sup>28</sup> In 2007, the Representative Council of France's Black Associations (CRAN) conducted the first study on the 'Black French' population. This research has been an important tool to understand the Black population in France and continues to be the only source of data for France in many areas of this report. Lack of disaggregated equality data can have an impact on the visibility of Black individuals. If there is no information on the size of the Black population and the discrimination they face it is difficult to advocate for greater attention and resources to be directed to that group. It is argued in **Germany** that the lack of equality data and information on the ethnic profile of the population supports the perception within the mainstream that Black people in Germany are not a significant group.

Each Member State undertakes a political project when deciding who and how individuals are counted into the national population and who is left out.<sup>29</sup>

**Finland, Germany and the Netherlands** use a particular classification of their 'foreign' population that indicates a wider problem within society. Through the act of identifying certain groups as present but marking them as foreigners, irrespective of the length of family history in the country, certain groups are always seen as outsiders or 'others'.<sup>30</sup> Quite literally in **Austria**, people of African descent are included in the 'other' category for many statistics.<sup>31</sup> The **Dutch** government makes an official distinction between '*autochtonen*', meaning that both parents are born in the Netherlands and '*allochtonen*' defined as people who have at least one parent born outside of the Netherlands. Furthermore, a distinction is made between '*western allochtonen*' (European countries excluding Turkey, North America, Oceania, Indonesia and Japan) and '*non-western allochtonen*' (includes people with at least one parent born in Africa, Latin America, and Asia excluding Indonesia, Japan and Turkey).<sup>32</sup> It was not until 2014 that the Dual Citizenship Law was amended in **Germany**. Before that, children of migrants born in Germany were required to choose one country of citizenship once by 23 years old. People born before 1990, however, remain excluded from the changes.<sup>33</sup>

The lack of disaggregated equality data not only seriously hinders our efforts to raise awareness of racial discrimination but also the development of policies or positive action measures and effective judicial protection from structural discrimination.<sup>34</sup>

28 French Shadow Report questionnaire response.

29 European Network Against Racism. 2014. *Plan, Act, Measure, How Data Collection Can Support Racial Equality*. Available at: [http://www.enar-eu.org/IMG/pdf/20084\\_equalitydatacollectionpublication-8-low.pdf](http://www.enar-eu.org/IMG/pdf/20084_equalitydatacollectionpublication-8-low.pdf).

30 Said, Edward W. 1978. *Orientalism*.

31 Austria Shadow Report questionnaire response.

32 Netherlands Shadow Report questionnaire response.

33 German Shadow Report questionnaire response.

34 European Commission. 2007. *Segregation of Roma Children in Education Addressing Structural Discrimination through the Race Equality Directive*. Luxembourg: Office for Official Publications of the European Communities. Available at: [http://www.humanconsultancy.com/Publications/Segregation%20of%20Roma%20Children%20in%20Education%20\\_en.pdf](http://www.humanconsultancy.com/Publications/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf).

# 3. EMPLOYMENT

The EU Employment Equality Framework Directive 2000/78/EC is a major part of EU labour law which aims to combat discrimination on grounds of disability, sexual orientation, religion or belief and age in the workplace; establishing a general framework for equal treatment in employment and occupation.<sup>35</sup> It accompanies the Racial Equality Directive 2000/43/EC that implements the principle of equal treatment between persons irrespective of racial or ethnic origin. That Directive provides protection against such discrimination in the field of employment and occupation.<sup>36</sup> As discussed in the policy context section, there is EU and national anti-discrimination legislation, which many would argue is particularly strong regarding employment. However barriers to racial equality still exist in this area. Full inclusion within the workforce requires equity in other social areas and it is clear that many factors determine the employability of individuals such as education, financial support, social networks and even gender. However, the evidence submitted through the questionnaire responses shows that racism and discrimination within employment is a significant factor that is rarely addressed and this section will discuss those cases primarily.

## 3.1 Barriers to employment

Discrimination in employment is mostly hidden, however using field experiments such as **situation testing can reveal the potential for discrimination**. One type of test involves submitting matched job applications from White and ethnic minority applicants to estimate the extent of racial discrimination. The experiment only focuses on the written stage of the application process, but it very clearly highlights the differences in treatment between ethnic groups. These types of experiments have been used mostly in the United Kingdom and the United States but they are increasingly used in other European countries. A 2009 study commissioned by the Department for Work and Pensions in the **UK** discovered that applicants with 'British-sounding' names were more likely to be invited for an interview than those with identical qualifications but

'non-British'- sounding names.<sup>37</sup> Furthermore applicants with an African or Asian sounding surname need to send approximately twice as many job applications as those with a traditionally British name even to get an interview. While no study of this scale has been carried out since 2009 in the UK, a 2012 report on ethnic minority female unemployment points to discrimination based on name and accent.<sup>38</sup>

Several studies in employment have concluded that people of African descent in general are less likely to be invited for a job interview.

In **Austria**, a study by the University of Linz showed that while 37% of people with Austrian names are invited to job interviews this is true for only 18.7% of people of Nigerian origin, despite the same levels of qualification.<sup>39</sup>

In the **Netherlands**, the Institute for Social Research found that job applicants of non-western origin have a significantly lower chance of being invited to attend a job interview. 44% of 'native' Dutch applicants were invited for interview, compared with 37% of non-western candidates.<sup>40</sup>

Often access to employment can be opened up with **qualifications** however Black people, who are often highly educated, are not rewarded with the same offers of employment. Several studies in the UK, Sweden and Finland show that a significant number of Black people are unable to find employment that matches their level of qualifications, skills and experience. This might be due to the lack of recognition of qualifications for migrants in Europe and to racial discrimination. As the research from the Runnymede Trust in the **UK** explains, there are patterns of disadvantage at all levels; even when

35 European Commission. 2000. *Council Directive 2000/78/EC of 27 November 2000 Establishing a General Framework for Equal Treatment in Employment and Occupation*. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>.

36 European Commission. 2000. *Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin*. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>.

37 UK Department for Work and Pensions. 2009. *A Test for Racial Discrimination in Recruitment Practice in British Cities. Research Report No 607*. Available at: <http://www.natcen.ac.uk/media/20541/test-for-racialdiscrimination.pdf> (as cited in the UK Shadow Report questionnaire response).

38 APPG on Race and Community. 2012. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women*. Available at: <http://www.runnymedetrust.org/uploads/publications/pdfs/APPGfemaleunemploymentReport-2012.pdf> (as cited in the UK Shadow Report questionnaire response).

39 ZARA. 2015. *Racism Report 2014*, p. 53. Available at: [http://www.zara.or.at/\\_wp/wp-content/uploads/2015/03/Zara\\_RR14\\_web\\_fin.pdf](http://www.zara.or.at/_wp/wp-content/uploads/2015/03/Zara_RR14_web_fin.pdf) (as cited in the Austria Shadow Report Questionnaire Response).

40 European Network Against Racism. 2014. *ENAR Shadow Report: Racism and Related Discriminatory Practices in Employment in the Netherlands*. Available at: <http://cms.horus.be/files/99935/MediaArchive/publications/shadow%20report%202012-13/Netherlands.pdf>.

Table 2: Unemployment rate of people of African origin against national average												
Member State	2014		2013		2012		2011		2010		2009	
	National Average	African Origin										
Austria	5.6%	18.8%	-	-	-	-	-	-	-	-	-	-
Belgium	-	-	8.4%	18.1%	-	-	-	-	-	-	-	-
France	-	-	-	-	8.6%	22%	-	-	-	-	-	-
Finland	8.7%	41.2%	8.2%	36.8%	7.7%	33.8%	7.8%	33.8%	8.4%	35.9%	8.2%	33.3%
Ireland	-	-	-	-	-	-	-	-	10%	36%	-	-
Malta	-	-	-	-	-	-	-	-	-	-	6.4%	54%
Spain	24.5%	31%	26.1%	34.1%	25.0%	33.1%	21.6%	32.1%	20.1%	31.0%	18.0%	28.8%
UK	6.1%	11.3%	7.6%	12.6%	7.9%	12.2%	8.1%	14.3%	7.8%	12.1%	7.6%	12.7%

\*Due to substantial differences in the data collection methods and categories used across Europe the term 'African Origin' refers to all individuals with a migration background from all countries in Africa and does not distinguish skin colour, ethnicity, race or place of birth.

graduates from minority ethnic backgrounds attended Russell Group universities, they still experience lower levels of employment than their White peers.<sup>41</sup> Again in **the Netherlands**, even amongst highly educated Dutch citizens with a non-western background the unemployment rate is higher in comparison to White Dutch highly educated citizens. African migrants in **Sweden** have the highest rates of unemployment regardless of how long they have lived in the country and no matter how qualified they are. 19% of people of African descent with a university degree are in low-skilled jobs, as they were unable to get a job which matched their qualifications.<sup>42</sup>

The examples above highlight how racism and discrimination can be a significant barrier to accessing employment. Although diversity/unconscious bias training and anonymous applications may work at the level of interpersonal interactions within some organisations, it may not be sufficient to counter the structural racism that continues to privilege White Europeans over other minorities.

41 Runnymede Trust. 2014. *When Education Isn't Enough*. Available at: <http://www.runnymedetrust.org/uploads/WhenEducationIsntEnough.pdf> (as cited in the UK Shadow Report questionnaire response).

42 UN Expert Group on People of African Descent. *Country visit report: 2015*. Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/30/56/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/30/56/Add.2) (as cited in the Sweden Shadow Report questionnaire response).

### 3.2 Employment statistics

It is near impossible to identify the full scope and detail of discrimination in employment for Black people as there is an absolute dearth of information regarding rates of employment, discrimination cases and ethnicity of employees across Europe. Less than a handful of countries regularly publish disaggregated equality data for employment. Based on the few countries that have published relevant statistics, **Table 2** shows that people with an African origin have systematically higher unemployment rates than the national average in all countries and over years.

Research over time has shown that discrimination in employment is particularly problematic for Black people and according to a one-off report published by the Economic and Social Research Institute and the Equality Authority in **Ireland**, Black Africans have the highest rate of unemployment and the lowest rate of employment; this group also reports the highest rates of discrimination both in the workplace and when looking for work.<sup>43</sup> Recent statistics from the UK Office of National Statistics report that employment rates have remained stubbornly low for Black men.

43 Economic and Social Research Institute. 2013. *Ethnicity and Nationality in the Irish Labour Market*. Available at: <https://www.esri.ie/news/ethnicity-and-nationality-in-the-irish-labour-market/>.

**Table 3: Employment rate of people of African descent against national average (2014)**

Austria	
National average	71.1 %
People of African origin	59 %
Belgium	
National average	61.9 %
Sub-Saharan migrants	39.7 %
UK	
National average	78 %
Black people	62.1 %

In the **UK**, a briefing from the House of Commons shows that between April 2014 and March 2015, the unemployment rate of Black people in Britain (16 years old +) stood at 13%, markedly higher than the 5% unemployment rate for White people in Britain. The figures are more worrying still when looking at youth unemployment (16-24), with 29% unemployment for Black youths as compared to 15% for White youths. Unemployment rates among Black women are at 11%, more than double the rate of White female unemployment at 5%.<sup>44</sup>

In **Sweden**, research indicates that in 2009 24.7% of the PAD/BE population born in Africa were unemployed and in 2011 only 48% of men born in Africa and living in Sweden and 39% of women born in Africa and living in Sweden were in paid employment.<sup>45</sup> The national employment rate in Sweden is 85-92% and the unemployment rate is 3.5-4%.

The UK is one of the few countries that regularly publishes disaggregated ethnicity data related to employment. Considering the patchy statistics published by other countries in addition to the UK data, it is possible to say that Black people experience significant barriers to employment across Europe.

### 3.3 Discrimination cases

Not all Member States publish information on discrimination cases that allows for a full analysis of the grounds on which the cases are brought to court and the ethnic background of the plaintiffs. However several cases and examples of discrimination of Black people in employment were identified in Belgium, Finland, Netherlands and the United Kingdom. A high profile court case in **the Netherlands** was Jeffrey Koorndijk, a young Afro-Surinamese man who applied for an internship but accidentally received an email containing racist remarks. Ruben W., an employee of an electronics company where Jeffrey applied for an internship, emailed his manager in November 2013 stating: "I looked, it's nothing. First of all it is a dark colour nigger (neger). And on his résumé little experience with computers etc."<sup>46</sup> He accidentally sent the email, which was meant for his manager, to Jeffrey who filed a complaint with the police and shared it on Facebook. This is an exceptional case because the discrimination was patently obvious. In most other discriminations cases in the labour market, racist actions are hidden and it is difficult for prosecutors to make their case. In the Koorndijk case the court ruled that it was discrimination based on race and Ruben W. was sentenced to forty hours community service and a fine of 981 euros.<sup>47</sup>

The Koorndijk case exemplifies the in-person racism that takes place within workplaces and also illustrates the research, surveys and polls across Europe that repeatedly find that White Europeans are reluctant to work with Black people.

A poll in **Lithuania** in 2014 found that 10.6% of respondents said they would not want to work with PAD/BE.<sup>48</sup>

In **Bulgaria** it has been reported that White employers have a prejudice towards people with a different skin colour and are reluctant to hire them.<sup>49</sup>

44 House of Commons. 2015. *Commons Briefing Papers SN06385*. Available at: <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06385#fullreport> (as cited in the UK Shadow Report questionnaire response).

45 Eriksson Stefan 2011:261. *Långtidsutredningen* (as cited in the Sweden Shadow Report questionnaire response)

46 Netherlands Shadow Report questionnaire response.

47 van der Sanden, Evy. "Werkstraf na afwijzen 'donker gekleurde (neger)", available at: <http://www.nrcq.nl/2014/08/27/werkstraf-na-afwijzen-donker-gekleurde-neger> (27 August 2014) (as cited in the Netherlands Shadow Report questionnaire response)

48 Institute for Ethnic Studies. 2014. *Public Opinion Poll*. More information: [www.ces.lt](http://www.ces.lt) (as cited in the Lithuania Shadow Report questionnaire response).

49 Bulgarian Shadow Report questionnaire response.

The **Eurobarometer survey**, based on public opinions across the EU, published findings in 2015 showing that 94% of Europeans said they would be at ease working with a White colleague, which falls to 83% for working with a Black person.<sup>50</sup>

### 3.4 Intersectionality and multiple discrimination

The **intersections between race and gender and/or religion** are very complex and it is not possible to fully discuss the issues raised in the ENAR questionnaire responses within the limited space available in this report. This section is therefore used to highlight the most significant examples of discrimination relating to intersectionality within employment.

The first complexity to highlight is that the terms 'intersectionality' and 'multiple discrimination' are themselves contentious, with much of the discussion taking place in the area of anti-discrimination law and employment. The EU has created a body of law that counters discrimination on the grounds of, among others, ethnicity, racial origin, religion, and gender<sup>51</sup> but it does not adequately address multiple discrimination.<sup>52</sup>

In the **UK** there is a growing body of research that shows that Black women and Black mothers have faced the brunt of public spending cuts whether through job losses in the public sector or cuts to child benefits.<sup>53</sup> In **Cyprus** on the other hand women of African descent are predominately employed in the field of domestic work and fall victim to racial and gender discrimination as they are restricted to work in the lowest echelons of employment while finding themselves at risk of exploitation when their residence status or work status is irregular.<sup>54</sup> In **France**, a CV testing experiment showed that women with a Senegalese

sounding name had 8,4% of being called for an interview when applying for a job, compared with 13,9% for men with a Senegalese sounding name and 22,6% for women with a French sounding name.<sup>55</sup> In **Portugal**, it is reported that foreign women especially originating from Guinea, Angola and Cape Verde are more exposed to unemployment compared to their White peers.<sup>56</sup>

It has been reported that in **Ireland** Black female migrants are excluded from the workforce on many levels. Firstly, in terms of accessing jobs in their chosen careers as there is a lack of recognition of foreign qualifications. Black migrant mothers are also at a disadvantage because of the lack of extended family childcare support or affordable childcare. Under-representation of women of African descent in the workforce is mainly hampered by their reproductive role as the primary carer of their families, often parenting alone, with a limited support network. In many circumstances, the representative bodies of PAD/BE tend to comprise mostly men and the representations they make to government, local authorities, health boards and other public bodies are provided from their (male) perspective and do not always reflect the true experiences and needs of women.<sup>57</sup>

For recent African migrants to **Finland and Malta**, gender roles, integration, education and employment have been raised as significant considerations for Black migrant women. In Malta, Black female asylum seekers appear to be more vulnerable because of gender relations traced back to their country of origin. In both Malta and Finland women who were previously denied access to education in their home countries, for example in Somalia, Sudan or Eritrea, are likely to face difficult hurdles in accessing education, employment and other modes of integration once in Europe. Language barriers, illiteracy and gendered social norms hinder access to relevant information for these groups. In Finland, reports have shown that the added stress of migrating to another country, often borne by women, can lead to breakdown in marriages and families. The high unemployment of African men in many European countries can change traditional gender roles and even lead to divorce and violence.

50 European Commission. 2015. *Eurobarometer on Discrimination 2015: Social Acceptance and Discrimination on the Grounds of Religion and Ethnicity*. Available at: [http://ec.europa.eu/justice/events/colloquium-fundamental-rights-2015/files/factsheets/eb-discrimination\\_factsheet\\_religion\\_en.pdf](http://ec.europa.eu/justice/events/colloquium-fundamental-rights-2015/files/factsheets/eb-discrimination_factsheet_religion_en.pdf).

51 European Commission. 2009. *Multiple Discrimination in EU Law - Opportunities for Legal Responses to Intersectional Gender Discrimination?* Available at: [http://ec.europa.eu/justice/gender-equality/files/multiple-discriminationfinal7september2009\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/multiple-discriminationfinal7september2009_en.pdf).

52 European Network Against Racism. 2011. *The Legal Implications of Multiple Discrimination*. Available at: [http://www.enar-eu.org/IMG/pdf/fs44\\_-\\_the\\_legal\\_implications\\_of\\_multiple\\_discrimination\\_final\\_en.pdf](http://www.enar-eu.org/IMG/pdf/fs44_-_the_legal_implications_of_multiple_discrimination_final_en.pdf).

53 UK Shadow Report questionnaire response.

54 Cyprus Shadow Report questionnaire response.

55 Petit P., Duguet E., L'Horty Y., du Parquet L. and Sari F. 2013. 'Discrimination à l'embauche: les effets du genre et de l'origine se cumulent-ils systématiquement?'. *Economie et Statistiques* 464-465-466: 141-153.

56 Portugal Shadow Report questionnaire response.

57 Ireland Shadow Report questionnaire response.

## Greece

### Learning for Female African Migrant Solidarity (LeFAMSol)

is a project aiming to increase the employability of African women. The project focuses on female African migrant groups, including sex workers, aiming initially to create a pool of human resources that can operate gender/ethnically delineated “self-help desks”. Therefore, knowledge building and sharing is geared towards self-sustainability, capitalising on ethnic networking to achieve a multiplier effect.

See <http://lefamsol.uop.gr>

With regard to religion, **Black Muslim women** wearing the headscarf are particularly vulnerable to discrimination within the labour market. **Finland, Germany, Sweden and the UK** have reported that women wearing a headscarf have been denied employment. In June 2015 in London, a young Black British woman wearing a headscarf was sent home from work at the prestigious Savoy after refusing to take off her hijab. A report on ethnic minority female unemployment (2012) in the UK pointed to shockingly high levels of unemployment and disadvantage in the employment sector for Somali women, who face triple hurdles of being female, Muslim and Black.<sup>58</sup> Black Muslim women with headscarves are reported to be especially vulnerable in public places and work situations in Sweden.<sup>59</sup> According to the Open Society Foundations study on Somalis in Helsinki, skin colour and religion are the most common forms of employment discrimination. No other African or Muslim faces the same type of discrimination comparable to Somalis in Finland.<sup>60</sup> In March 2015, the *Bundesverfassungsgericht* (Germany) revoked its earlier decision stating that the ban on headscarves in public schools is not compatible with the German constitution. However the ruling has kept the backdoor open for individual cases where the headscarf might endanger the peace of the school or the neutrality of the state. It is argued that this will push the responsibility of the state onto schools that will now individually decide when the peace of a school is endangered; exposing themselves to the will of parents and other forces that might try to exert pressure and influence.<sup>61</sup>

58 APPG on Race and Community. 2012. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women*. Runnymede. Available at: <http://www.runnymedetrust.org/uploads/publications/pdfs/APPGfemaleunemploymentReport-2012.pdf> (as cited in the UK Shadow Report questionnaire response).

59 Sweden Shadow Report questionnaire response.

60 Open Society Foundations. 2013. *Somalis in Helsinki*. Available at: <https://www.opensocietyfoundations.org/sites/default/files/somalis-helsinki-20131121.pdf> (as cited in the Finland Shadow Report questionnaire response).

61 German Shadow Report questionnaire response.

## 3.5 Discrimination within employment

The examples and cases provided up to this point relate mostly to discrimination at the point of job application. Perhaps this is where discrimination is most identifiable but Black people also face **discrimination and harassment within the workplace**. Several countries have reported that Black people are often harassed, abused, racially attacked and bullied by colleagues and clients alike (Estonia, Greece, Ireland, Sweden). In **Greece** there were many cases of racial abuse encountered in the workplace. The examples provided include abuse directed at Black workers in high status professions and positions. For example, Dayo (pseudonym), a Nigerian raised in Greece was a victim of hate speech while treating a patient during her medical practice in a hospital in Kozani, northern Greece. A 57 year old man told her “you people need Hitler and some soap” and she reported it immediately to the police.<sup>62</sup>

There are challenges with regard to **progression and retention** of ethnic minority employees, which no doubt impacts PAD/BE communities as well. A series of reports have shown that in public, private and voluntary sectors minority ethnic staff are not reaching their full potential. In **Greece**, Afua (pseudonym), who worked as a General Secretary in a hospital of Athens, was denied a promotion for over two years because the head of the hospital could not accept a Black person could occupy such an important position in the hospital's hierarchy. In the **UK**, a recent survey into the diversity of staff working in the top 5,000 leadership roles within the public and voluntary sectors reveals that there are virtually no Black employees at the level of Deputy Director, Director, Director General, and Permanent Secretary.<sup>63</sup>

Research shows there is little representation of PAD/BE as Chief Executives and Board Members in the leading companies across Europe.

62 Greece Shadow Report questionnaire response.

63 Green Park. 2014. *The Green Park Public Service Leadership 5,000: A Review of Diversity in the UK's Public and Charity Sectors* (as cited in the UK Shadow Report questionnaire response).

In the **United Kingdom**, of 1,086 directors on the boards of FTSE 100 companies, only four are Black. Given that over 3% of the UK population is of African descent, one should expect there to be 35 or 36 FTSE Black directors.<sup>64</sup>

Only one Black person is reported to be a board member in **Germany**, at Vodafone.

Research in the **UK** using Census data provides some insights into the **sectors in which PAD/BE people are most employed**. Administrative and secretarial employment is common for the Caribbean ethnic group (14%) and the African group has the largest share in personal service occupations (e.g. nursing auxiliaries and assistants at 17%).<sup>65</sup> Further research shows that Black African and Black Caribbean people in particular rely heavily on public sector employment with 30% of all Black Caribbean women working in the public sector. The UK public sector is required by law to advance equality of opportunity between people who share a protected characteristic and those who do not,<sup>66</sup> which is perhaps why there are more Black people working within this sector than others.

Black people across Europe are reported to work in the service sector as cleaners, taxi drivers, nursing home assistants. Black migrants in **Malta** are relegated to jobs which are described as “dirty, dangerous and demeaning”.<sup>67</sup> The two largest groups of African workers in **Ireland** are in caring personal service occupations, elementary administration and service occupations.<sup>68</sup> There is no recent study that demonstrates in which sectors Black people are over-represented in **France**, however, according to a CRAN survey (2007), PAD/BE people make up the vast majority of minor employees in hospitals with 26.6% of Black nurses for 73.4% of White nurses and 45.5% of Black auxiliary nurses in contrast with 38.6% of White.<sup>69</sup>

In **Greece** a significant number of first and second generation PAD/BE migrants are domestic workers, babysitters, part of the kitchen staff in restaurants. In contrast with other migrant populations who might be accepted as staff in supermarkets, gas stations and other jobs that require communicating with customers, Black people usually occupy 'backstage jobs'.<sup>70</sup> Similarly, this has been reported in **Austria**. Although discussed in more detail within the section on the media, it is reported that it is still not acceptable to have Black **German** TV personalities, journalists, news anchors and front of house roles.<sup>71</sup>

Given that there are significant barriers to employment for Black people it is unsurprising to hear of high levels of **self-employment**, as reported in Lithuania, the UK, Hungary, Germany and Finland. Self-employment or working within tight ethnic networks becomes a more viable option for Black people in Europe. The Nigerian community in Greece, for example, are employed in African hair salons or African food markets.<sup>72</sup>

Certain sectors are also more likely to employ irregular migrants. **Cyprus, Italy and Portugal** report higher numbers of irregular migrants working in construction, agriculture, gardening and dressmaking. There are also several reports of exploitation, poor contracts, unequal pay and conditions of people of African descent within employment due to their potential irregular migration status. In **Lithuania** it was reported that people are afraid to lose their job or create worse conditions following a complaint and in **Finland** a lack of awareness of rights among people of African descent in situations of exploitation is highlighted. Structural rules regarding migration may impact on Black people's employment opportunities and experiences across Europe. As reported in Hungary, African countries are not easily accepted in the visa issuing processes, for example an unofficial policy of the Hungarian consulate is to refuse half of the visa applications from Nigeria.<sup>73</sup> Notably some European countries report increased difficulty regarding employment for Black people since the so-called 'migration crisis' and the heated political debates within those countries.

64 Eboda, M. 2013. 'Michel Eboda: Let's Transform the Colour of British Boardrooms'. EveningStandard, 23 October. Available at: <http://www.standard.co.uk/comment/michael-eboda-let-s-transform-the-colour-of-britishboardrooms-8898987.html> (as cited in the UK Shadow Report questionnaire response).

65 Catney, G. and Sabater, A. 2015. *Ethnic Minority Disadvantage in the Labour Market*. Joseph Rowntree Foundation. Available at: <https://www.jrf.org.uk/report/ethnic-minority-disadvantage-labour-market> (as cited in the UK Shadow Report questionnaire response).

66 Equality and Human Rights Commission. *What is the Equality Duty?* Available at: <http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/public-sector-equality-duty/what-equality-duty>.

67 Malta Shadow Report questionnaire response.

68 Central Statistics Office. 2011. Available at: [www.cso.ie](http://www.cso.ie) (as cited in the Ireland Shadow Report questionnaire response).

69 *La Pyramide Raciale dans l'Hôpital*. 2007. Available at: [http://www.statistiquespopulaires.fr/statistiques-populaires\\_lire\\_2\\_11\\_1\\_0.html](http://www.statistiquespopulaires.fr/statistiques-populaires_lire_2_11_1_0.html) (as cited in the French Shadow Report questionnaire response).

70 Greece Shadow Report questionnaire response.

71 German Shadow Report questionnaire response.

72 Greece Shadow Report questionnaire response.

73 Hungary Shadow Report questionnaire response.

## 4. EDUCATION

As Article 26 (2) of the Universal Declaration of Human Rights states: “Education shall [...] promote understanding, tolerance and friendship among all nations, racial or religious groups”. The right to education is established under Article 12 of the International Covenant on Economic, Social and Cultural Rights, as well as under Article 2 Protocol No.1 to the European Convention on Human Rights. Among others, Article 28 of the Convention on the Rights of the Child and Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination require States to ban discrimination in education and to combat prejudice which lead to racial discrimination.<sup>74</sup>

However, there have been reports across the 20 European countries included in this report that the education system at all levels is not only reinforcing racial stereotypes and racist attitudes but also carrying out discriminatory acts. Education is one area where institutional discrimination can take place on a large scale and have a long-lasting and far-reaching impact on the whole society. In this report we use the term institutional discrimination to describe the collective failure of an organisation to provide an appropriate and professional service through prejudice, ignorance, thoughtlessness and racist stereotyping.<sup>75</sup>

### 4.1 Attainment

Over several years, studies, mostly in the **UK**, have shown an attainment gap between Black pupils of school age and their White counterparts. This gap is particularly acute for Black boys. The Equality and Human Rights Commission in the UK has published findings that show that being Black and male has a greater impact on numeracy levels than having a learning disability.<sup>76</sup> This highlights the extent to which discrimination plays a role in the educational attainment of students from

different ethnic backgrounds and in particular Black people. Over some years in the UK, there has been a closing of the attainment gap between ethnic groups but the improvement must be sustained, as where focus on targeted action has been reduced, these gaps grow once again.<sup>77</sup>

In **the Netherlands** teachers play a significant role in determining the attainment, achievements and future outcomes of their pupils due to the CITO Standardised test and the accompanying teacher’s assessment. Many pupils at the age of 12 are required to take the CITO test, which can determine what level of education the pupils may proceed to and ultimately impact on their ability to access higher education and participation in the labour market. Critics have argued that there can be a mismatch between the CITO score and the teacher’s assessment where there is an under-evaluation of some migrant students. In 2015 a specific case was brought to light where a pupil of African descent, despite scoring highly on the CITO test, was under-evaluated by teachers and the school advice was to send the pupil to a lower ranked education institution. Another report in the Netherlands shows that students of African descent, despite higher scores in the CITO test, were under-evaluated and criticised for not having the ‘right’ behaviour.<sup>78</sup> In Berlin, **Germany**, half of the state’s White German students leave school with a university entrance qualification. For students who come from families whose original language is not German, less than a third leave with a university entrance qualification. This difference in performance has been explained by discrimination and segregation.<sup>79</sup>

Spatial segregation occurs in many European capitals and is closely linked to the socio-economic status of families, housing and education. Specifically with regard to education the phenomenon of ‘White flight’, which describes the process of White people moving out of certain areas (and schools) and away from people of colour, can result in greater segregation of schools. The questionnaire response from **the Netherlands** provides many examples of how ‘White flight’ can result in predominantly ethnic minority populated schools.

74 United Nations. 1969. *International Convention on the Elimination of All Forms of Racial Discrimination*. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

75 European Commission. 2007. *Segregation of Roma Children in Education Addressing Structural Discrimination through the Race Equality Directive*. Luxembourg: Office for Official Publications of the European Communities. Available at: [http://www.humanconsultancy.com/Publications/Segregation%20of%20Roma%20Children%20in%20Education%20\\_en.pdf](http://www.humanconsultancy.com/Publications/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf).

76 Equality and Human Rights Commission. 2010. *How Fair is Britain? Equality, Human Rights and Good Relations in 2010. The First Triennial Review*. Available at: [http://www.equalityhumanrights.com/sites/default/files/documents/triennial\\_review/how\\_fair\\_is\\_britain\\_-\\_complete\\_report.pdf](http://www.equalityhumanrights.com/sites/default/files/documents/triennial_review/how_fair_is_britain_-_complete_report.pdf) Accessed 03.09.2015 (as cited in the UK Shadow Report questionnaire response).

77 UK Shadow Report questionnaire response.

78 Netherlands Shadow Report questionnaire response.

79 Open Society Foundations. 2013. *Standing up for Equality in Germany's Schools*. Available at: <https://www.opensocietyfoundations.org/reports/standing-equality-germanys-schools>.

These schools are often referred to as 'Black schools'.<sup>80</sup> This form of segregation is not only reducing the opportunity for all ethnicities to mix but it can have a long-lasting detrimental impact on certain areas that remain impoverished as the affluent residents move out. In the Netherlands 'Black' schools face closure if not enough pupils attend. Furthermore, schools in those areas may become less desirable to teach in, which can impact on the quality of education and the attainment of the students. In Amsterdam Southeast, which is largely inhabited by people of African descent, students receive on average lower CITO scores, at 530.9, in comparison to Amsterdam South, a more affluent neighbourhood which scored a higher average (539).<sup>81</sup>

## 4.2 Exclusions and drop-outs

The 2014 annual report of the **Dutch** Office of Statistics revealed that there were higher levels of school drop-outs among 'non-western immigrants'. For students with a Surinamese background, one out of ten students dropped out of school and for those with an Antillean background it was even higher at one in eight.<sup>82</sup> In **Italy** a lack of disaggregated equality data makes it difficult to identify drop-out rates for different ethnic groups but a Ministry of Education report identifies that those at particular risk of dropping out are nationals of Eritrea, Guinea and Somalia.<sup>83</sup> The most recent **UK** government report covering exclusions from school over the 2013-2014 period found that pupils of Black Caribbean and White and Black Caribbean ethnic groups are around three times more likely to be permanently excluded than the school population as a whole.<sup>84</sup> Another report by the Office of the Children's Commissioner (2015) found evidence of pupils being excluded without proper procedures being followed.<sup>85</sup> A grassroots charity organisation providing advice and support to parents of children who have been

80 Netherlands Shadow Report questionnaire response.

81 Netherlands Shadow Report questionnaire response.

82 Dutch Office of Statistics (CBS). 2014. *Yearrapport 'Integratie'*. (as cited in the Netherlands Shadow Report questionnaire response).

83 Ministry of Education. 2013. Focus "*La Dispersione Scolastica*". Available at: <http://bit.ly/1MeyRST> (as cited in the Italy Shadow Report questionnaire response).

84 Department for Education. 2015. *School Workforce in England: November 2014*. Available at: <https://www.gov.uk/government/statistics/school-workforce-in-england-november-2014> (as cited in the UK Shadow Report questionnaire response).

85 Children's Commissioner. 2015. *Always Someone Else's Problem: Report on Illegal Exclusions*. Available at: [http://www.childrenscommissioner.gov.uk/sites/default/files/publications/Always\\_Someone\\_Elves\\_Problem.pdf](http://www.childrenscommissioner.gov.uk/sites/default/files/publications/Always_Someone_Elves_Problem.pdf) Accessed 17.09.2015 (as cited in the UK Shadow Report questionnaire response).

## Ireland

The **Yellow Flag Programme** provides a practical series of eight steps that brings issues of interculturalism, equality and diversity into the school programme and allows schools to apply them to the day-to-day running of the school.

See [www.yellowflag.ie](http://www.yellowflag.ie)

excluded from school have looked into the reasons behind exclusions and have reported that parents felt that race, as well as other markers such as gender, played a role in their child's exclusion. The findings show that young Black students are often associated with criminality, violence or hyper-sexuality and that these stereotypes played a role in young Black pupils' exclusions.<sup>86</sup>

## 4.3 Workforce

As already highlighted in this section, institutional practice and teacher bias can play a pivotal role in the outcomes of Black students at all levels. It has been reported in many Member States that the diversity within the teaching workforce is particularly problematic. In **Finland**, although the education system attempts to take into consideration Finland's ever-growing cultural and ethnic diversity, "there are still too few non-White Finnish teachers and this must have an impact on how people of African descent are treated in some schools".<sup>87</sup>

**In England**, 27.6% of pupils in state-funded primary schools are classified as being of minority ethnic origin, and only 7.2% of teachers are from non-White ethnic groups, although Black Caribbeans are among one of the 'most represented' groups with 1%.<sup>88</sup>

It is not just representation within the workforce that lacks diversity but also the representation across different subject areas. Looking specifically at history, in 2014, only three Black students were admitted to train as

86 Communities Empowerment Network. 2015. *Mapping the Exclusion Process: Inequality, Justice and the Business of Education* (as cited in the UK Shadow Report questionnaire response).

87 Finland Shadow Report questionnaire response.

88 Department for Education. 2014. *School Workforce in England: November 2014*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/440577/Text\\_SFR21-2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/440577/Text_SFR21-2015.pdf).

history teachers in the **UK**.<sup>89</sup> This is significant in many ways as will be discussed in more detail within the section on curriculum. In higher education institutions, it is reported that Black academics make up just 1.54% of the total UK academic population. In **Germany** there has been a call from students to create a seat for a Black woman professor at the Department of Gender Studies at Humboldt University. The call has found opposition from the university body, particularly the Gender Studies faculty which prevented the proposal from being made. At the same time the Black Studies Institute Bremen was established, but constituted a totally White working group, reproducing the structures of oppression that the institution was supposed to help fight.<sup>90</sup>

#### 4.4 Discriminatory curriculum

Several Member States report negative representations of Black people in the curriculum and teaching materials, as well as the absence of positive and empowering images. In **Germany** children's books play a major role in introducing and reinforcing negative stereotypes of Black people. Scholars, civil society and parent initiatives have campaigned against the use of racist language in school books and in 2013 there was a high profile debate in Germany around the use of the N-word.<sup>91</sup> A schoolbook study published by the anti-discrimination governmental agency shows that new editions of schoolbooks still contain racist and discriminatory content in which Black people are stereotyped but states that the N-word is no longer used.<sup>92</sup>

The curriculum in **Ireland** does not take into account or reflect the full diversity of students and a clear example of inadequate cultural sensitivity was displayed in 2014 when one school performed the musical *Hairspray* with White students in blackface playing the roles of the

African American teenagers.<sup>93</sup> In **the Netherlands** a strong link has been made between the role of education, historiography and blackface used for the Black Pete character during the annual St. Nicholas celebrations. Since 2011 there has been a high profile debate around White Dutch people dressing up as the character in blackface with red lipstick and gold earrings, which are elements of racist stereotypes. The debate has revealed the lack of historical perspective in the Netherlands and limited collective memory on the Dutch colonial past. It highlights the gaps in the history curriculum and its impact on the current lives of people of African descent.<sup>94</sup>

The absence of Europe's role in the slave trade and the colonisation of Africa in curricula impacts on contemporary relationships between White Europeans and PAD/BE. As highlighted by **the Netherlands** questionnaire response, the lack of attention paid to slavery and colonialism in history books can cause a rupture in the understanding of the concept of race and racial inequality. It enables some

#### Germany

The organisation '**Initiative of Black Germans**' (ISD) supports parents of PAD/BE children who face racism in school. ISD representatives acting as a contact point for these parents liaise with the school and join the parents when speaking to teachers. This gives the parents support but also adds weight to their perspective.

See <http://isdonline.de>

European countries to justify their capitalist exploitation by decoupling it from their presence in the colonies. Where slavery is included in history books, for example in the Netherlands, Africans are often essentialised and racialised as strong and violent and lacking humanity while racialised White people are portrayed as good traders and businessmen. As reported in **Italy**, colonialism has very little space in the curriculum or history textbooks. The total lack of knowledge of the history of the Italian slave trade and its colonial past contributes to modern-day

89 Chichester University. 2015. *History Matters Conference*. Available at: <http://www.chi.ac.uk/departments-history-and-politics/research/history-matters-conference> (as cited in the UK Shadow Report questionnaire response).

90 German Shadow Report questionnaire response.

91 German Shadow Report questionnaire response.

92 Die Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration. 2015. *Schulbuchstudie Migration und Integration*. Available at: [http://www.bundesregierung.de/Content/Infomaterial/BPA/IB/Schulbuchstudie\\_Migration\\_und\\_Integration\\_09\\_03\\_2015.pdf%3F\\_\\_blob%3DpublicationFile%26v%3D3](http://www.bundesregierung.de/Content/Infomaterial/BPA/IB/Schulbuchstudie_Migration_und_Integration_09_03_2015.pdf%3F__blob%3DpublicationFile%26v%3D3).

93 Michael, Lucy. 2015. *Afrophobia in Ireland. Racism against People of African Descent*. Dublin: ENAR Ireland. Available at: [http://enarireland.org/wp-content/uploads/2015/11/afrophobia\\_mediumRes.pdf](http://enarireland.org/wp-content/uploads/2015/11/afrophobia_mediumRes.pdf).

94 Netherlands Shadow Report questionnaire response.

## Cyprus

In 2014, the Ministry of Education and Culture and the Cyprus Pedagogical Institute issued **a code of conduct against racism and a guide for managing and reporting racist incidents in schools**. The code of conduct was implemented on a pilot basis in five primary and two secondary schools during the school year 2014-2015. The pilot project led to positive results in terms of the level of awareness on racism and discrimination among members of the school community.

See [http://www.moec.gov.cy/agogi\\_ygeias/kodikas\\_kata\\_ratsismou.html](http://www.moec.gov.cy/agogi_ygeias/kodikas_kata_ratsismou.html)

racism.<sup>95</sup> In **Portugal**, the secondary school curriculum does not include Africa's role in the economic and cultural construction of the country.<sup>96</sup>

Recognising the past abuses of White Europeans is a significant element of history that needs to be included in the curriculum, however Black history did not start, nor end with slavery and colonialism. There are many more positive contributions from Black people that are simply omitted from textbooks. For example, the national curriculum for English in the **UK** fails to include a single non-White author at Key Stage 4 (14-16 year-olds). Prior to the change students were able to study the works of Black authors including Chinua Achebe. Furthermore the issue of race in the First World War is not explored and there is a general lack of awareness and recognition of the role and contribution of ethnic minorities, including people of African descent, in the UK's history.<sup>97</sup> The marginalisation and misrepresentation of Black people in the history of Europe can alienate Black Europeans and lead to disengaged students within national European countries. The 'White washing' of history through the education system adds to the notion of White superiority and misleads the majority population in Europe into thinking ethnic diversity in Europe is new.

95 Italy Shadow Report questionnaire response.

96 Portugal Shadow Report questionnaire response.

97 UK Shadow Report questionnaire response.

## 4.5 Racist bullying in schools

Across Europe there have been reports of discrimination, victimisation and harassment of Black children in schools by pupils and their teachers. Racist bullying appears to be common in many EU Member States. In **Malta**, although there are no statistics available on the racial motivations in bullying cases, anecdotal evidence suggests children of African descent have been bullied because of their skin colour.<sup>98</sup> In **Lithuania** there are several examples of Black teenagers being bullied and although difficult to ascertain whether this is racist bullying, parents of the children believe so.<sup>99</sup> **Italy** provides a clear example in 2015 where students, one of African descent, had a heated argument and during the fight racist insults were used. Again in Campania, Italy, a 14 year old student of Nigerian origin was attacked outside his school. He was hit with a helmet and a pipe wrench by two pupils from the same school. This was not the first time that the victim had been targeted and according to witnesses the victim was racially insulted. His injuries resulted in a stay in hospital and the attackers were charged with assault aggravated by racial hatred.<sup>100</sup>

Racist bullying is not always the actions of fellow students but can sometimes be perpetrated by teachers or adults within a school. In **Ireland** it is reported that a young teenage boy was racially abused by a nun, calling him a monkey and suggesting that he could climb trees<sup>101</sup>. Similarly the university administration of Riga Technical University in **Latvia** undertook disciplinary and educational measures following the complaint that a professor called a student of African descent a monkey.<sup>102</sup>

98 Malta Shadow Report questionnaire response.

99 Lithuania Shadow Report questionnaire response.

100 Italy Shadow Report questionnaire response.

101 Michael, Lucy. 2015. *Afrophobia in Ireland. Racism against People of African Descent*. Dublin: ENAR Ireland. Available at: [http://enarireland.org/wp-content/uploads/2015/11/afrophobia\\_mediumRes.pdf](http://enarireland.org/wp-content/uploads/2015/11/afrophobia_mediumRes.pdf).

102 Latvia Shadow Report questionnaire response.

# 5. PUBLIC REPRESENTATION AND POLITICAL PARTICIPATION

Political representation and participation are important factors not only for individuals participating in civic life but also a way for certain groups to receive justice for past and present oppression and persecution. Participation in the electoral process is a key aspect of democracy but also serves as an important pointer to society's inequalities and challenges, especially regarding the participation of ethnic minorities.

## 5.1 Political representation

All countries included in this research report a lack of representation of Black people in political and public spheres. In many instances, Black people that put their head above the parapet either become the target of the vilest racist abuse or they are asked to represent, defend and answer for the entire Black community. Both sides of this can be seen through the experience of the first Black politician in **Estonia**, Abdul Turay. One of his first public political discussions was a one-on-one debate with Martin Helme, board member of the fringe Conservative People's Party, over the latter's anti-immigrant remark, "If you're Black, go back". Following Turay's entry into politics, Anastassia Belitško-Popovych, the editor of the official newspaper of Tallinn, called Turay a "pointless negro" on the Facebook page of another member of parliament. In addition, Turay has mentioned in some interviews that he does not like writing and talking about race since he is just not interested in the topic, however journalists keep returning to the discussion.<sup>103</sup>

Several countries have reported low numbers of Black politicians, or none at all. The questionnaire response from **Ireland** further highlights how difficult it can be for Black people to be elected into parliament due to external factors such as the negative political landscape for this group and a general lack of engagement and support from the established political parties.

As of April 2014, three **French** Black politicians became Ministers.

In **Ireland's** 2014 local election one Black candidate was elected.<sup>104</sup>

Taking into account that Somalis are the biggest Black and Muslim group in **Finland**, there has never been a single representative from this group elected to parliament.<sup>105</sup>

In **Sweden** it is reported that PAD/BE are the least represented group amongst all officially recognised minority groups in political office and at all political levels.<sup>106</sup>

## 5.2 Voting

Voting behaviour is determined by a multitude of socio-economic variables such as socio-economic status, age and ethnic identity. Apart from the UK, most countries report that there are no official figures on voting behaviour disaggregated by ethnicity. It is therefore difficult to assess any level of voting behaviour or engagement of Black people across Europe. However it is noted in many questionnaire responses that the lack of political discussion in the priority areas for Black people leads to a general disengagement from mainstream politics. For example, in **Ireland** since the last recession, progressive migration policies are less likely to be part of the political discourse which would be a priority for Black migrants. **Bulgaria, Cyprus and Germany** report that there are such negative institutional attitudes towards Black people that they remain unconvinced that their vote would make any positive change. In **France**, Seine Saint-Denis, one of the most diverse and poorest French departments, recorded a 68,74% abstention rate in the 2014 European elections, more than 10 points above the national average. On the other hand, many PAD/BE appear to be more active within their own groups (e.g. churches) than in local politics. Research has shown that pre-migratory political involvement is a factor in whether Black people are politically engaged in Europe, particularly among Africans. Furthermore, challenging experiences, such as discrimination or racist incidents, often trigger civic activism and by extension, political participation..<sup>107</sup>

As mentioned above the **UK** has disaggregated data and therefore detailed analysis of the participation of Black people in the British political system. Figures in 2015 show that race and ethnicity can no longer be viewed as a 'minority' concern for political parties. This presents both challenges

103 Estonia Shadow Report questionnaire response.

104 Ireland Shadow Report questionnaire response.

105 Finland Shadow Report questionnaire response.

106 Sweden Shadow Report questionnaire response.

107 Ireland Shadow Report questionnaire response.

and opportunities for any politician seeking to represent a diverse and modern Britain. Indeed, for the 2015 general election there were approximately 50 seats with a 40% ethnic minority population.<sup>108</sup> Ethnic minorities therefore could influence UK general elections. This potential is unfortunately unmatched to the reality of political participation amongst ethnic minorities, including Black people in the UK.<sup>109</sup> In Britain, minority ethnic groups are up to four times more likely to be unregistered than White British people.<sup>110</sup> In **Ireland** voter registration also appears to be a hurdle that discourages Black people as it was reported that the Garda (Irish police force) is required to stamp registration forms in respect of the Supplementary Register. Many migrants including people of African descent have found this challenging especially due to their experiences of intimidation, often by the police, that hinders them from visiting a Garda station for a stamp.<sup>111</sup>

Not all Black migrants are entitled to vote in elections. As reported in **Cyprus**, third country nationals, of which a proportion will be people of African descent, are not eligible to participate in Cypriot elections at any level. This outright ban from political life takes place in **Austria, Bulgaria, Germany, Italy and Malta** (see **Table 4**). In **Greece**, like several other European countries, voting is linked to citizenship. It can be difficult to obtain Greek citizenship because of particularly restrictive rules. A large number of Greek young people of migrant descent are entitled to Greek citizenship but the overly bureaucratic processes discourage them from applying and many are therefore excluded from political participation in Greece.

**Belgium** is perhaps the only country that reported that the PAD/BE population has high rates of political participation in local politics. This is due to several reasons, not least the fact that voting is compulsory. The second reason is the complex regional and political dynamic between the Flemish and Walloon regions in Belgium which ensures there is a healthy competition for new migrant votes and representation in politics.<sup>112</sup>

108 Khan, O. and Sveinsson, K. (eds.) 2015. *Race and Elections*. Runnymede. Available at: [http://www.runnymedetrust.org/uploads/RaceandElectionsFINAL\\_interactive.pdf](http://www.runnymedetrust.org/uploads/RaceandElectionsFINAL_interactive.pdf) (as cited in the UK Shadow Report questionnaire response).

109 UK Shadow Report questionnaire response.

110 Ethnic Politics. 2013. *Ethnic Minority Voters: Engaged and Optimistic*. Available at: <http://www.ethnicpolitics.org/2013/01/22/political-participation-of-ethnic-minorities/> (as cited in the UK Shadow Report questionnaire response).

111 Ireland Shadow Report questionnaire response.

112 Belgium Shadow Report questionnaire response.

**Table 4: Voting participation of third country nationals**

Country	European elections	National elections	Regional elections	Local elections
Austria	■	■	■	■
Belgium	■	■	■	■
Bulgaria	■	■	■	■
Cyprus	■	■	■	■
Estonia	■	■	■	■
Finland	■	■	■	■
France	■	■	■	■
Germany	■	■	■	■
Greece	■	■	■	■
Hungary	■	■	■	■
Ireland	■	■	■	■
Italy	■	■	■	■
Latvia	■	■	■	■
Lithuania	■	■	■	■
Malta	■	■	■	■
Netherlands	■	■	■	■
Portugal	■	■	■	■
Spain	■	■	■	■
Sweden	■	■	■	■
UK	■	■	■	■

- = all TCNs entitled to vote AND privileged access for selected groups
- = all TCNs entitled to vote
- = only selected groups of TCNs entitled to vote
- = no right to vote
- = no elections at this level

### 5.3 Hateful discourse

As mentioned at the start of this section, many public figures and in particular politicians experience racist, anti-migrant, verbal and online abuse. Some of this abuse will meet the threshold of hate speech or incitement to racial hatred but also discussed below are reports across Europe of speech that illustrate the toxic, hateful environment that many Black people in the public eye are forced to endure because of the colour of their skin.

In 2014-2015, several racist or derogatory remarks were made by people holding public positions. These remarks are perhaps the most worrying as they create an atmosphere that enables racist abuse to be perpetuated

at all levels of society. Following a visit to **Italy** the UN Working Group of Experts on People of African Descent stated that they were concerned about the difference between the official discourse and legal framework to counter racism, and experiences of racial discrimination, xenophobia and hate speech, which points to the lack of effectiveness of the measures undertaken so far. The Working Group observed how, in Italy, people's fears have been manipulated to promote a racist anti-immigrant agenda, disseminating false information and inciting hatred against people of African descent and other migrants. The Working Group expressed its concern that immunity has been used to shield parliamentarians who have made racist remarks.<sup>113</sup>

In 2015, ENAR publicly denounced a decision of an Italian Senate Committee not to sanction Roberto Calderoli, Italy's Deputy President of the Senate, for his 2013 statement describing former Italian Integration Minister Ms. Cecile Kyenge as an "orang-utan".<sup>114</sup> In **France**, former Minister of Justice Christiane Taubira, a Black woman, was the target of frequent Afrophobic attacks by media during her 2012-2016 mandate. For instance, the far-right magazine *Minute* received a 10,000 euro fine for a front page photo of the Minister with a caption that read: "Clever as a monkey, Taubira gets her banana back". In March 2014, **Dutch** Prime Minister Mark Rutte caused controversy when, asked about his opinion on Black Pete (see the education section for further information) during a visit of US President Barack Obama, he stated: "My friends from the Dutch Antilles are actually happy they don't have to paint their faces. When I play Zwarte Piet, it takes me days to wash that stuff off my face".<sup>115</sup> He subsequently apologised to the Prime Minister of Curacao Asjes, stating that he did not mean to offend anyone.<sup>116</sup>

113 United Nations. 2015. *Statement to the Media by the United Nations' Working Group of Experts on People of African Descent, on the conclusion of its official visit to Italy, 1-5 June 2015*. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16047&LangID=E#sthash.6zxn453Y.dpuf>.

114 European Network Against Racism. 2015. *Italian Senate decision on racist speech against Cecile Kyenge is wrong*. Available at: <http://enar-eu.org/Italian-Senate-decision-on-racist>.

115 Duurvoort, Harriet. 2014. 'Where Dutch Racism Lurks - Why I Changed My Mind About Black Pete'. *New York Times*, 5 December. Available at: <http://www.nytimes.com/2014/12/06/opinion/why-i-changed-my-mind-about-Black-pete.html> (as cited in the Netherlands Shadow Report questionnaire response).

116 'Rutte zegt sorry voor uitspraak Zwarte Piet'. Available at: <http://www.ad.nl/ad/nl/1012/Nederland/article/detail/3624757/2014/03/29/Rutte-zegt-sorry-voor-uitspraak-Zwarte-Piet.dhtml> (as cited in the Netherlands shadow report questionnaire response)

According to the **Swedish** National Council for Crime Prevention (Brå) latest report on hate crimes, the number of reported hate crimes in the form of incitement for racial hatred (hate speech) with afrophobic motive is the highest since 2008. It has gone up 42% since 2010.<sup>117</sup>

**Austria, Bulgaria, Estonia, Germany, the Netherlands, Sweden and the UK** all report on the use of the N-word and its variants and how this can create a hostile and dehumanising environment for Black people. The argument in some European countries is that variations on the N-word such as '*neger/nagger*' etc. are not as offensive as the English word. However, it appears to be mostly White Europeans who claim that these others words are inoffensive whereas Black people themselves generally complain that they find these words racist and derogatory.

Examples of the word's use listed below highlight the racist intentions behind the word and its variants in all languages:

During a parliamentary debate on youth unemployment, **Polish** Member of European Parliament Janusz Korwin-Mikke referred to Black people as "niggers" on several occasions. He stated that the "minimum wage should be destroyed as we would be treating 20 million young Europeans like niggers".<sup>118</sup>

The Bavarian minister of the Interior in **Germany** called singer Roberto Blanco a "wonderful negro" on '*Hart aber Fair*', a popular political talk show on one of Germany's most watched public TV stations.

The TV host Albena Vuleva was fined 500 BGN (250 euros) for stating on TV that **Bulgaria** is a "White Christian country and is not a *nagger* country".

In 2014, **Swedish** elected officials for the liberal party (*Moderaterna*) decided to bake and sell Swedish oatmeal balls by calling them "*negerboll*".

117 Brå report 2015 (as cited in the Sweden Shadow Report questionnaire response).

118 'Polish far-right MEP blasted for use of 'racist' language'. 2014. Available at: <http://www.enar-eu.org/Polish-far-right-MEP-blasted-for>.

In the **UK**, Jeremy Clarkson from the popular show *Top Gear* used the word “nigger” on the show when reciting the children’s nursery rhyme ‘Eey, eeny, miny, moe’ as he chose between two cars. Clarkson continued to use racist slurs in many episodes and was eventually fired from this BBC prime time show; although his being fired was not a direct outcome of using racist language.

## 5.4 Social media

Racist language used by political and public figures in the national media can impact on the wider society but in the more interconnected social media world, these remarks can be amplified and communicated further and faster than ever before. Since the more high profile public debates on Black Pete in **the Netherlands**, the Dutch Complaints Bureau for Discrimination on the Internet reported an increase in reports of racist remarks towards people of African descent.<sup>119</sup> Sylvana Simons, a Dutch Black female presenter, became a victim of racist remarks on social media, especially on Twitter, because she asked for elaboration on the use of the derogatory word “*zwartjes*” during the TV programme ‘*De Wereld Draait Door*’. The abuse received included: “Sylvana, do you not need to return to your banana boat?”, “it is racist and sexist to blindly agree with Sylvana, a dumb t\*\*t, just because she is a nigger”<sup>120</sup>. As reported in **Germany** this can be seen as a trend of desensitisation, due to the “creation of an atmosphere of shifting the boundaries of the sayable (sic) and the admissible, in ways that make it easy to now air certain views. [...] This shift is noticeable across both traditional media and the internet”.<sup>121</sup>

In 2014, the author of a racist tweet was found guilty of incitement and abuse without effect to crime by the criminal court, following a complaint of incitement to rape from **French** journalist, feminist and activist Rokhaya Diallo. In 2013, Ms Diallo received a tweet which said, “We must rape that cunt of Rokaya like that, end of racism” (“*Il faut violer cette conne de Rokaya comme ça fini le racisme...*”).

Diallo has expressed that she is accustomed to receiving racist messages and being abused online but felt it was important to report this crime because of the element of incitement to rape.<sup>122</sup>

### **Austria, France, Malta, the Netherlands and Sweden**

report that social media have become a forum for spewing racist messages that target individuals and simultaneously are broadcast across the internet. Sweden goes further to report that there is so much race hate openly shared and promoted on social media with impunity that it has become a threat to the democratic principles upon which the country is based.<sup>123</sup> Hate speech, which is more or less regulated on TV and in mainstream newspapers, becomes an integral part of today’s social media landscape. The internet creates access, which invites both opportunities for networking among political groups and at the same time can promulgate racist dogma and online abuse. The relative anonymity allows these racist views to be expressed, which up until recently was confined to private, secluded spaces. Now comments spread from the websites of racist groups to the comment sections of online newspapers, magazines, news sites as well as social media.<sup>124</sup>

More positively social media can also be used to raise awareness of discriminatory and racist activities as demonstrated in 2015 when an estate agent in Notting Hill came under fire after it displayed an advertising campaign featuring a Black male next to the slogan “Some Notting Hill folk were born to dance” alongside a White man in a suit with the caption “Others to sell flats”. People used social media to point to the inherently racist message of the advert and the fact that such images perpetuate the clear racial divide that exists in that area of London.<sup>125</sup>

119 MDI. *Yearverslag 2014*. Available at: <http://www.meldpunt.nl/site/documents-oud/MDI%20Yearverslag%202014.pdf> (as cited in the Netherlands Shadow Report questionnaire response).

120 [http://www.joop.nl/leven/detail/artikel/32161\\_protest\\_sylvana\\_simons\\_tegen\\_dobbernegers\\_leidt\\_tot\\_racistische\\_scheldkanonnade/](http://www.joop.nl/leven/detail/artikel/32161_protest_sylvana_simons_tegen_dobbernegers_leidt_tot_racistische_scheldkanonnade/) (as cited in the Netherlands Shadow Report questionnaire response).

121 Interview with Mr. Joshua Kwesi Aikins on 15 September 2015 as part of the research in Germany.

122 France Shadow Report questionnaire response.

123 Sweden Shadow Report questionnaire response.

124 Germany Shadow Report questionnaire response.

125 UK Shadow Report questionnaire response.

## Lithuania

On 12 March 2014 the Lithuanian Centre for Human Rights published a viral video called '**Experiment TRANSLATION**' in which people who did not know they were secretly filmed were asked to translate a hateful Facebook post. The main character of the video was a Black man, who lives in Lithuania. The viral video was very successful and reached around 10 000 000 views worldwide.

See [www.youtube.com/watch?v=qNX1256eVw8](http://www.youtube.com/watch?v=qNX1256eVw8)

## 5.5 Mainstream media

All media outputs have the potential to (re-)produce racist stereotypes and contribute to the image of Black people in the wider society. Several countries report that there is a polarisation of images, as in **Hungary**, where Black people are either depicted as criminals or irregular migrants or as performers (singers, dancers or sportsmen).<sup>126</sup> Research conducted by the **Cyprus** Technological University (2014) in which 140 reports, interviews, news in the press and 162 news programmes on television were assessed, concluded that on a number of occasions racist language and rhetoric was used and that the reporting was biased. The report found that Black people are often depicted as criminals and involved in prostitution.<sup>127</sup> In **France**, the racist stereotype of 'Black culture' – the phenomenon of polygamy, large families, single mothers, circumcision, academic failure, laziness – is represented as ideologically opposed to successful integration into French society. Black people are most often represented as a burden and a nuisance across all French media outputs. These stereotypes become commonplace, disseminated through elite discourses, normalised and periodically revived to feed into the immigration debate.<sup>128</sup>

**Cyprus, Greece and Malta** report that the term 'migrant' is used to describe all Black people, even if they are born in those countries and have a European citizenship. Furthermore negative values are attached to the term 'migrant' such as criminality, prostitution, etc. The Red

Cross in **Lithuania** claims that there was an increase in media articles in the light of the 'refugee crisis' where Black people were described as criminals, illiterate and trying to abuse social welfare. In **Italy** journalists tend to use images of Black people – or veiled women – when reporting on migration or asylum. The images are used out of context, for example using images of Black people when discussing migration and asylum from Syria. In Italy the 'Black Italian' is an archetype struggling to be accepted and become normal. Journalists often focus on the difficult background, the family's country of origin, and the split between two cultures.<sup>129</sup>

Between March 2014 and March 2015, there were five stories in the **Finnish** media that highlight how racism and discrimination are perpetuated in the national media, especially regarding Somalis. There is a clear pattern in these stories: (1) A politician makes an outrageous claim or a crime happens and the media sensationalises it; (2) the information is checked later if at all to see if it is a bogus story; and (3) few if any minorities and migrants are ever interviewed in newspapers as authorities about an issue that directly involves their community. The Helsinki Tapanila rape case (9 March 2015) was a highly publicised case where the five suspects, according to the police, were youths with 'foreign backgrounds'. Usually the police only give the ethnic background of a person if the suspect is still at large. The five were no longer at large and in police custody when they sent the statement. The fact that the suspects had 'foreign backgrounds' was reinforced by the police statement and allowed journalists to emphasise the differences between the perpetrators and 'native' Finns. The case spread to social media, where MPs like James Hirvisaari of the anti-immigration Muutos 2011 party, tweeted that these Somalis were "animals".<sup>130</sup>

There is a body of research that shows the influence of the media on the wider public's beliefs. Although we cannot simply draw direct causal links between media portrayal and public perception there is no doubt that negative images of Black people in the media will have some impact on the wider society's views. Regarding the way in which the British media often allows for racism, Patrick Vernon, OBE and founder of Every Generation Media,

<sup>126</sup> Hungary Shadow Report questionnaire response.

<sup>127</sup> Technological University of Cyprus. 2014. *Research into the Approach of European Media into Issues related to Third Country Nationals and Migration* (as cited in the Cyprus Shadow Report questionnaire response).

<sup>128</sup> French Shadow Report questionnaire response.

<sup>129</sup> Italy Shadow Report questionnaire response.

<sup>130</sup> Finland Shadow Report questionnaire response.

argues that freedom of speech in the **UK** goes mostly one way in that racist statements are allowed a platform but when Black people point to racism or discrimination they get shut down by the entire media machine. Anti-racism activists and human rights defenders have been personally attacked in the media for raising attention to racism in the media and advertisements.

In **Sweden**, obstacles exist when bringing court cases of incidents committed through the press or broadcast media, such as the dual screening of such cases by the Chancellor of Justice and the jury and the fact that victims cannot bring a private action if the Chancellor of Justice decides not to prosecute. Very few prosecutions are currently brought in such cases – a situation which could result in denial of access to justice.<sup>131</sup>

## 5.6 Diversity in the media

As reported by Austria, France, Finland, Germany, Greece, Hungary and Ireland, the lack of diversity within mainstream media and also the misrepresentation (stereotypes, racism) are highly problematic.

In **Austria**, it is reported that only 7.3% of the Austrian population have a positive image of Africans, whereas 58.7% see them in a negative way.<sup>132</sup>

A report published in June 2015 by Ofcom, the **UK** communications regulator, revealed that 55% of Black ethnic audiences feel under-represented on British TV. Furthermore the proportion of Black audiences who report being portrayed negatively by broadcasters stood at 51%, as opposed to 2% of all Public Service Broadcasting viewers.<sup>133</sup>

In **Finland** there are very few PAD/BE representatives working as full-time journalists, news editors, managing editors or editors-in-chief.<sup>134</sup>

In **France**, the CRAN's most recent report revealed that only 3.2% of the executive staff at *France Télévisions* is non-White: its executive committee is all White and only one individual on its executive board is a 'visible minority'.<sup>135</sup> As for the renowned newspaper *Le Monde* less than 1% of its journalists are non-Whites.<sup>136</sup>

In **Germany**, it is reported that Black people are not very visible as actors, TV presenters and news presenters. Those that have succeeded in those roles have had to do so by adapting to existing structures and/or conforming to normative 'images' and stereotypes.<sup>137</sup> **Austria and Greece** also report that very few acting roles are available for PAD/BE. This can have wider implications as a young Black Austrian woman reported that she aspires to be an actress but feels pressured to chemically straighten and style her hair to fit with the Austrian norm and beauty standards.<sup>138</sup> In 2014, Black-British comedian Lenny Henry OBE wrote about the decline in the number of Black and minority ethnic people involved in the film and TV industry and lamented the fact that Black British actors such as Idriss Elba and David Harewood went to the US before they were recognised in Britain and that there are very few opportunities for Black actors in the UK.<sup>139</sup>

### France

The **Y'a bon award**, an annual satirical ceremony created in 2009, gives a reward to the most representative statement of systemic racism by public figures. It is one of many initiatives set up by members of Les Indivisibles and to date the most effective (and inclusive) action challenging the constant prejudices and discrimination disseminated through the media.

See <http://www.lesindivisibles.fr/category/ya-bon-awards-2>

131 Sweden Shadow Report questionnaire response.

132 ETC Graz. 2013. *Lebenssituation von „Schwarzen“ in urbanen Zentren Österreichs*, p. 33: [http://www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/publikationen/Selbststaendige\\_Publikationen/ETC-Neumin-Web.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/publikationen/Selbststaendige_Publikationen/ETC-Neumin-Web.pdf) and [http://medienservicestelle.at/migration\\_bewegt/2014/08/20/schwarze-ungleichbehandlung-und-rassismus/](http://medienservicestelle.at/migration_bewegt/2014/08/20/schwarze-ungleichbehandlung-und-rassismus/) (as cited in the Austria Shadow Report questionnaire response).

133 Ofcom. 2015. *PBS Diversity Research Summary. Presentation*. Available at: [http://stakeholders.ofcom.org.uk/binaries/consultations/psb-review-3/statement/PSB\\_Diversity\\_Report.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/psb-review-3/statement/PSB_Diversity_Report.pdf) (as cited in the UK Shadow Report questionnaire response).

134 Finland Shadow Report questionnaire response.

135 [http://www.statistiquespopulaires.fr/statistiques-populaires\\_lire\\_3\\_12\\_1\\_0.html](http://www.statistiquespopulaires.fr/statistiques-populaires_lire_3_12_1_0.html). (as cited in the French Shadow Report questionnaire response).

136 [http://www.statistiquespopulaires.fr/statistiques-populaires\\_lire\\_3\\_14\\_1\\_0.html](http://www.statistiquespopulaires.fr/statistiques-populaires_lire_3_14_1_0.html). (as cited in the French Shadow Report questionnaire response).

137 German Shadow Report questionnaire response.

138 Austria Shadow Report questionnaire response.

139 UK Shadow Report questionnaire response.

## 6. HEALTH

The causes of inequalities in health care and health status are particularly complex and difficult to disentangle. It is even more difficult to identify how the health status of PAD/BE people may be affected specifically. Many questionnaire responses report poorer health profiles for Black populations and point to several possible causes. The primary causes identified across all responses are linked to socio-economic status, area deprivation, and the impact of racism and discrimination. Age, hereditary factors, genetics, sex and education can also play a role in poorer health outcomes.

Austria, Cyprus, Estonia and Finland provide several examples of poor treatment of PAD/BE in the reporting period in the health sector. In **Cyprus**, for example, several women of African descent gave birth at the public hospital in Nicosia where it was noted that hospital staff, and predominantly nurses, were discriminatory with the health care they provided to the women. Nurses showed less attention and had less patience with Black women that had undergone C-sections in comparison to the attention and patience demonstrated to other women in the wards. One doctor is reported to have said of a patient, "Don't believe anything these girls say, she is probably lying".<sup>140</sup> **Cyprus, Germany and Italy** report that doctors often do not believe a Black patient's testimonial and make wrong assumptions based on prejudice.

In **Austria**, the newspaper *Der Standard* reported that in 2014, 19% of Black people felt they had been treated disrespectfully by health sector employees. 6% said that they have heard health service employees make openly racist comments to them.<sup>141</sup>

Poor access to health care has also been reported in **Estonia, Greece, Ireland and Lithuania**, and more specifically difficulties in registering on general practitioner lists (Estonia, Greece). In one case an Estonian family doctor made a clear indication that this was because "I want nothing to do with the Negroes".<sup>142</sup> Treatment of Black people in Estonia has been refused based on outdated prejudices and

stereotypes. For example, in Estonia, one interviewee went to an outpatient unit of a hospital and it took quite some time to find a doctor who would be willing to treat him. He reported that: "The first doctor offered some hand-waving and wanted me to leave; the second one refused to treat me. A bit later a third one approached and examined me but those two who had refused to help also joined the room and simply watched. I was naked and felt a great deal of discomfort".<sup>143</sup>

In 2014 the Ebola crisis reached European shores and the immediate threat of the virus caused unwelcome responses by health carers and those working in public institutions. In **France**, a Black man suspected of having Ebola was quarantined by policemen for two hours in front of the train station in Grenoble on 1 October. The man – publicly humiliated – was eventually declared Ebola-free. In **Austria**, the Red Cross warned that Black people were being unnecessarily stigmatised because of fears of an Ebola outbreak. In **Italy**, a sneeze from a Black person was enough to set off a panic. Other examples include Black children being sent home from school if they had a cough, or neighbours panicking if a Black person in their apartment block complained of a fever. The crisis was exploited by the far-right *Front National* politician Jean-Marie Le Pen in France, who stated in May 2014 that Ebola could be a solution to curb immigration to Europe.<sup>144</sup>

Racism can impact on the health of Black people, particularly mental health (Germany, the Netherlands and the UK). Recent studies in Europe have found evidence of a strong and positive association between racism and poor health; the strongest association is with mental health but these studies are carried out very infrequently. The **UK** is beginning to make links between mental health consequences to the violent experience of being stopped and searched on a repeated basis. Some argue that young Black men's experiences with the police have often been accompanied by feelings of rage, despair, helplessness, distrust and alienation, feelings that are strongly associated with psychological distress.<sup>145</sup>

140 Cyprus Shadow Report questionnaire response.

141 Der Standard. 2014. 'Viele Schwarze fühlen sich in Österreich diskriminiert'. *Der Standard*, 20 August. Available at: <http://derstandard.at/2000004551405/Viele-Schwarze-fuehlen-sich-in-Oesterreich-diskriminiert> (as cited in the Austria Shadow Report questionnaire response).

142 Estonia Shadow Report questionnaire response.

143 Estonia Shadow Report questionnaire response.

144 Privot, Michael. 2014. 'Ebola: Is Europe Immune... to Racism?'. *Huffington Post*, 15 October. Available at: [http://www.huffingtonpost.co.uk/michael-privot/ebola-europe\\_b\\_5977126.html](http://www.huffingtonpost.co.uk/michael-privot/ebola-europe_b_5977126.html).

145 Race Reflections. 2014. *Unfair Stop and Search Practices and the Psychological Wellbeing of Black Men: Is it Time we Scrutinized the Relationship?* Available at: <http://racereflections.co.uk/2014/05/09/unfair-stop-and-searches-practices-and-the-psychologicalwellbeing-of-black-men-is-it-time-we-scrutinized-the-relationship/> (as cited in the UK Shadow Report questionnaire response).

# 7. HOUSING

The right to adequate housing is protected under Article 11 of the UN Covenant on Economic, Social and Cultural Rights. The UN Committee on Economic, Social and Cultural Rights has noted that the right to housing “should be seen as the right to live somewhere in security, peace and dignity”.<sup>146</sup> Direct discrimination within housing is, as in many areas, difficult to prove. Despite this difficulty, there are a number of ways in which discrimination can take place within housing and it can acutely impact people of African descent and Black Europeans.

Estate agents are gate keepers and screen potential tenants, informing Black people enquiring into the properties that those properties are no longer available even though they are still vacant. Estate agents claim that property owners and neighbours wish to exclude Black people from their properties or from the area. In Austria, Estonia, Finland, Germany and Malta, landlords are reported to fear that Black people will have anti-social habits and live in overcrowded conditions. Some countries report of landlords openly refusing Black people (Austria, Cyprus, Ireland and Lithuania). It appears that single Black men find it most difficult to rent (Bulgaria, Greece) and Black people can be quoted higher rents (Cyprus). There are also reports of social spatial segregation in a number of European countries, as Black people tend to live in the older parts of urban areas and in poor quality and cramped housing (Cyprus, Estonia, France, Finland, the Netherlands, Portugal, Sweden and the UK).

In **Lithuania**, 21.6% of respondents to a public opinion poll in 2014 admitted they would not rent an apartment to Black people.<sup>147</sup>

In **Austria**, research shows that often private house owners do not want to rent to non-Austrians and advertisements state: “Only Austrians”.<sup>148</sup>

There is evidence of racial discrimination within social housing. In **France** an important case against one of the largest social housing landlords in France, Logirep, found that the landlords were guilty of racial profiling and

discrimination in May 2014.<sup>149</sup> In many European countries there is competition for the limited social housing available and there is resentment by some White Europeans towards Black people in social housing. For those feeling resentment, Black people are seen as undeserving of state support – believing their race and migration background intrinsically holds them apart from the same entitlements as White Europeans. In some European countries (Germany, Netherlands) public discourse on social housing can be particularly negative regarding the allocation of social housing. According to the annual report of the **Dutch** Office of Statistics, a high proportion of people of African descent, in this case Surinamese and Antillean citizens, live in social housing.<sup>150</sup> For first and second generation Black Europeans, socio-economic status is closely related to income, which in turn is linked to possible housing options. Buying a house indicates a stable and sufficient income, and renting a house points at a more uncertain financial situation. Those with lower incomes are dependent on social housing. Single houses are unsurprisingly relatively more expensive than apartments and in the Netherlands second generation Surinamese and Antilleans are two to three times more likely to live in apartments than White Dutch people.<sup>151</sup>

In the **UK**, the Localism Act, which came into force in June 2012, gave more control of social housing allocation back to local councils and communities. Notably some councils effectively started to allocate housing based on employment status.<sup>152</sup> Given that Black people have a much higher unemployment rate than White British people, as discussed in the employment section, the shift in housing allocation regulation to prioritise those in full employment will disproportionately affect Black communities. Following the adoption of the Localism Act, the proportion of new lettings to White households went up more than 50%, from 22.4% to 34.5% in the predominantly Black borough of Newham, in East London.<sup>153</sup>

149 Wallon, Gilles. 2005. ‘Vous ne voulez pas me loger parce qu’il y a trop d’Africains ?’. *Libération*, 2 August. Available at: [http://www.liberation.fr/societe/2005/08/02/vous-ne-voulez-pas-me-loger-parce-qu-il-y-a-trop-d-africains\\_528270](http://www.liberation.fr/societe/2005/08/02/vous-ne-voulez-pas-me-loger-parce-qu-il-y-a-trop-d-africains_528270) and ‘De la discrimination dans l’accès au logement’. 2014. *France Culture*, 2 May. Available at: <http://www.franceculture.fr/emission-pixel-de-la-discrimination-dans-l-acces-au-logement-2014-05-02> (cited in the France Shadow Report questionnaire response).

150 Dutch Office of Statistics (CBS). 2014. *Yearrapport Integratie* (as cited in the Netherlands shadow report questionnaire response).

151 Netherlands Shadow Report questionnaire response.

152 UK Shadow Report questionnaire response.

153 Douglas, D. 2014. ‘Ethnicity and New Social Housing Lets’. *Inside Housing Blog*. Available at: <http://www.insidehousing.co.uk/ethnicity-and-new-social-housinglets/7004259>. (as cited in the UK Shadow Report questionnaire response).

147 Institute for Ethnic Studies. 2014. Public Opinion Poll. More information: [www.ces.lt](http://www.ces.lt) (as cited in the Lithuania Shadow Report questionnaire response).

148 ZARA annual report (as cited in the Austria Shadow Report questionnaire response).

# 8. POLICING AND CRIMINAL JUSTICE

## 8.1 Ethnic profiling

Ethnic profiling refers to the reliance by police, security, immigration or customs officials on generalisations based on race, ethnicity, colour, religion or national origin rather than individual behaviour or objective evidence as the basis for suspicion in directing discretionary law enforcement actions. It is a form of racial discrimination and continues to be a priority issue of concern amongst ethnic minority communities and NGOs. However, lack of data on the use of police powers means that it is difficult to capture the full picture.<sup>154</sup>

Although there are very few Member States that record the numbers of stops and searches and publish that disaggregated data, there continues to be reports of disproportionate profiling of Black people by the police in **Bulgaria, Cyprus, Estonia, Finland, France, Greece, Germany, the Netherlands, Portugal, Sweden and the UK**. In the Netherlands for example, there is no statistical data on stop and search practices of the police, however the documentary 'Our Colonial Hangover' (aired in December 2014) showed an experiment where three young men of the same age, one Black, one White, one Moroccan, nonchalantly tried to break open the lock of a bicycle in the middle of the day in one of the most popular parks of Amsterdam. The police reacted by questioning the Black and Arab young men in ways that assume they may be stealing the bicycles whilst treating the White man in a very friendly way, even offering help to open the lock. The experiment shows how racial prejudice and stereotypes inform the way in which people of colour are ethnically profiled and criminalised by the police.<sup>155</sup>

The **Swedish** government commissioned operation 'REVA' (a Swedish acronym for Legal and Effective Enforcement Work), meant to intensify the crackdown against irregular immigrants is reported to rely on ethnic profiling as a method of pursuing and identifying irregular immigrants. The complaints came as police officers stepped up their efforts in cooperation with both the Swedish Prison and Probation Service (*Kriminalvården*) and the Migration Board (*Migrationsverket*) to find and deport irregular immigrants. Identity checks of foreigners are legal in Sweden, but can only be prompted when there is a suspicion of criminal activity or when the police have grounds to believe that the person is in the country illegally. In the **UK**, since 2011, forces are no longer required

to record the ethnicity of stops and searches. In 2011, 21 out of 43 police forces in England and Wales stopped recording details.<sup>156</sup>

There have been some positive developments regarding police profiling of ethnic minorities. In February 2015, the **Finnish** parliament amended the Aliens Act (Section 129) that prohibits ethnic profiling by the police and other services.<sup>157</sup> In **France**, despite François Hollande's campaign promise to introduce a written receipt for all checks, so far there has been no reform. However, at a time when French people of 'Muslim appearance' – Black and Arab – are complaining of an increase in incidences of arbitrary stop and search, the landmark ruling on ethnic profiling ID checks was won against the state in 2015. However, State authorities decided to appeal the court's decision. In **Greece**, the police operation known as Xenios Zeus that used ethnic profiling, stop and search, as well as sweep operations ended in February 2015.<sup>158</sup>

All the reports point to the ease in which the judicial system criminalises Black people. Lawyer Andriana Mardaki mentions that ethnic profiling occurs in **Greek** courts as Black people are charged more severely when compared to other defendants with a migrant background.<sup>159</sup> Several other countries (Austria, France, Finland, Portugal and the UK) report of disproportionately high numbers of Black people in prison. The High Court of Nice (France) is twice more likely to sentence foreigners to unconditional imprisonment than French nationals or EU nationals. This somewhat explains why two-thirds of the general prison population in France is Black.<sup>160</sup> In Portugal, while 19% of the total prison population were foreigners, 58% among them are Africans, most of them originating from Cape Verde, Guinea-Bissau and Angola.<sup>161</sup>

## 8.2 Police violence

Black people are particularly exposed to police violence as reported in **Belgium, Germany, the Netherlands, Portugal, Sweden and the UK**. Many campaigners against police brutality argue that the police force in the UK is institutionally racist. Over decades the police have systematically failed to protect Black people from the violence of their agents who use racist stereotypes in their work.

154 European Network Against Racism. 2013. *Racism in Europe: ENAR Shadow Report 2011-2012*. Available at: [http://www.enar-eu.org/IMG/pdf/shadowreport\\_en\\_lr\\_3\\_.pdf](http://www.enar-eu.org/IMG/pdf/shadowreport_en_lr_3_.pdf).

155 Netherlands Shadow Report questionnaire response.

156 UK Shadow Report questionnaire response.

157 Finland Shadow Report questionnaire response.

158 Greece Shadow Report questionnaire response.

159 Greece Shadow Report questionnaire response.

160 France Shadow Report questionnaire response.

161 Portugal Shadow Report questionnaire response.

## Selected list of recent information (2014-2015) regarding the cases of the people who died at the hands of the police in the UK:

› Azelle Rodney was shot dead by an armed officer from the Metropolitan Police on 30 April 2005. On 3 July 2015, the officer that shot him was found not guilty by a majority verdict.

› Sean Rigg, who suffered from paranoid schizophrenia, died following a cardiac arrest after being arrested and forcibly restrained on 21 August 2008 while in police custody in Brixton. Two officers whose evidence on oath about Rigg's death was contradicted by CCTV evidence will not face criminal charges.

› Mark Duggan was shot and killed by the police on 4 August 2011 on suspicion of him planning an attack and being in possession of a handgun. The circumstances of his death were one of the major causes for the 2011 riots. In January 2014 an inquest found that Duggan was "lawfully killed", despite being unarmed.

› Stephen Lawrence was murdered by a group of up to six White youths in a racially motivated attack in 1993. It took more than 18 years to bring two of his killers to justice. Commander Richard Walton who was removed from operational duties due to discreditable conduct in relation to the Lawrence case resumed his role.

› Jimmy Mubenga died on board a plane as he was being deported from the UK back to Angola on 12 October 2010. On 16 December 2014, the three guards who restrained and ultimately choked him to death were found not guilty of Mr. Mubenga's manslaughter.

There has not been a single conviction for a death in police custody in the UK since 1969. Notably there have been 509 people from Black, refugee and migrant communities who have died between 1991 and 2014 in suspicious circumstances in which the police, prison authorities or

immigration detention officers have been implicated, averaging to 22 per year.<sup>162</sup>

Almost all of the Member States included in this report have raised police violence as a serious concern. It appears that Black lives hold very little value for European police forces that are composed of predominantly White men. Black migrants are treated with particular carelessness, as was the case with Sylvain Faloubiyissane, a recognised refugee from the Ivory Coast. On 28 November 2013, the **Cyprus** Police Urgent Response Unit stopped immigrants for purposes of immigration control. During the altercation the police officer used enough force for Sylvain Faloubiyissane to break his leg. Following the publication of a video of the incident<sup>163</sup> the Minister of Justice ordered an immediate investigation by the Independent Authority for the Investigation of Allegations and Complaints against the Police and requested the conclusion of their report within one month. Four months later, Mr. Faloubiyissane has not been informed of the outcome of these investigations. Instead, he was charged as the aggressor who caused bodily harm to a police officer.<sup>164</sup>

**Spain** reports of several incidents where immigration officers, in their duty to police the borders with Africa, have used illegal force that has endangered and killed several Black people at a time. On 6 February 2014, at least 14 immigrants died at sea trying to reach the city of Ceuta next to the breakwater of 'El Tarajal'. Their deaths have been attributed to the actions of the officers who shot rubber bullets at the migrants. During the incident, the Civil Guard were called but not the Red Cross or the sea rescue. The incident was recorded and it is reported that the Civil Guard also threw smoke canisters close to where the victims were swimming. A **Greek** organisation published a report entitled "Greece: another refugee died in Police custody!" claiming that a 21 year old Guinean died in police custody due to lack of health care in the detention centre of Corinth. Both Greece and Spain report informal return strategies (also known as 'push backs') attempted by police officers. These 'push backs' put newcomers, including people of African descent, lives at risk and often result in deaths, such as the shipwreck in Farmakonisi, Greece, in January 2014.

162 Athwal, H. and Bourne, J. 2015. *Dying for Justice*. Institute of Race Relations. Available at: [http://www.irr.org.uk/wp-content/uploads/2015/03/Dfj\\_coverfinal.jpg](http://www.irr.org.uk/wp-content/uploads/2015/03/Dfj_coverfinal.jpg) (as cited in the UK Shadow Report questionnaire response).

163 The video is available at: <https://www.youtube.com/watch?v=S8hZBgDij3w>.

164 Cyprus Shadow Report questionnaire response.

## 8.3 Racist crimes

Almost all European countries included in this report discussed the low levels of trust that Black people have in the police. **Austria, Cyprus, Estonia, Germany, Latvia and Sweden**, in particular, make links to levels of trust and the relative low- or non-reporting of hate (or other) crimes by this group. The relationship Black people have with the police often stems from historic and systematic abuse that continues to this day, traumatised by experiences with the police in Europe and/or in their country of origin. German police officers, among others, are reported to lack adequate training, and are unwilling to handle cases of pre-traumatisation sensitively.

Racist crimes that target Black people have been linked to far right groups in Bulgaria, Greece, Italy and Sweden. Other countries report that visible minorities are at higher risk of experiencing violence (Finland, Ireland). Hate speech continues to be directed at Black people in a number of arenas and has been reported on by several Member States and is discussed in more detail in the section on hateful discourse.

In **Austria**, a survey on the living conditions of 717 Black people shows that one in five of those surveyed were victims of racist attacks in the workplace and about one in seven experienced physical attacks in a public space.<sup>165</sup>

**Table 5: Racist crimes against people of African descent**

Finland	9%/88-Somalia, 2%/18-Sudan, 1%/9-Ethiopia, 1%/9- DRC (2014-2015)
Greece	49 cases (Racist Violence Recording Network); 36 of 169 cases hate speech against PAD/BE (Forum of Migrants) (2014)
Ireland	Over 42% of reported racist crimes were against PAD/BE; highest in reporting (Mar-Dec 2014, Immigrant Council of Ireland)
Sweden	17%/1075 hate crimes against PAD/BE (2014)
Northern Ireland	14%/118 racist crimes against PAD/BE. Non-White ethnic groups much more likely, reported verbal attacks to be victims of hate crimes (0.7% Black adults compared to 0.1% of White adults, 2012/13-2014/15 CSEW) (2014-2015).

The NSU murders in **Germany** and the systematic failure of the police to investigate and prosecute the perpetrators of the hate crimes has been cited as an example of the failings of the German police and legal system regarding these specific types of crimes. A report looking at the failures suggested an improvement in the penal law regarding hate crime. Previously the penal code (paragraph 46) stated that “the motives and aims of the perpetrator” should be considered when setting the penalty for the crime, and it has now been changed to “racist, xenophobic and other inhumane aims” should be considered when the crime is perpetrated. The aim is to ensure that racist hate crimes are prosecuted as such, as the previous definition of hate crimes did not state racism as a motive, only right-wing extremism. However, while the change is well intended, it is still not clear in the German system what is marked as racism. In the German context right wing extremism and racism have been used interchangeably. As a result, racist crimes that are not perpetrated by right wing extremists are usually not identified as racist crimes.<sup>166</sup>

There are continued reports that the **Bulgarian** police lack expertise and training regarding investigations in racist crimes. In the case of *Abdu v. Bulgaria*, the European Court of Human Rights (ECtHR) ruled in 2014 that Bulgaria had failed in its obligation to conduct an effective investigation into the racist nature of an attack in which two Bulgarian nationals physically attacked and threatened two Sudanese men as they left a shopping centre. For the ECtHR, this represented a violation of the prohibition of inhuman or degrading treatment (Article 3) taken alone and in conjunction with the prohibition of discrimination (Article 14) of the European Convention on Human Rights.<sup>167</sup>

### United Kingdom

**Police vans** that transport detainees to cells in London are to be **fitted with CCTVs** in light of a net increase in the numbers of people dying in police custody. The Metropolitan Police commissioner said the decision was influenced by concerns raised by a number of bereaved families, including relatives of Sean Rigg who died in custody in Brixton.

See <http://www.theguardian.com/uknews/2015/jul/28/death-in-custody-police-detainee-transport-vans-get-cctv>

165 European Union Agency for Fundamental Rights. 2015. *Fundamental Rights: Challenges and Achievements in 2014*.

166 German Shadow Report questionnaire response.

167 European Union Agency for Fundamental Rights. 2015. *Fundamental Rights: Challenges and Achievements in 2014*.

**Germany, Greece, Ireland, Lithuania and Malta** report that Black people are often treated as perpetrators when they are in fact the victims or innocent bystanders to a crime.

The incident of Daboma Jack, the Hungarian student of Nigerian descent, reflects police attitudes in **Malta** as a policeman stood by when Daboma Jack was spat at and slapped by a woman during a chaotic moment at the Valletta (Malta) bus terminal. At the time of the incident, the police used force to arrest Mr. Jack and failed to arrest the other perpetrators, which subsequent videos from the incident showed had started the argument.<sup>168</sup> Maltese police officials and government ministers have since apologised for the treatment of Mr. Jack and the police have stated that the training of new police recruits now includes courses related to policing diverse populations.

The above incidents exemplify the poor relations between PAD/BE and law enforcement agents across several European countries.<sup>169</sup> While the attitude of the police and law enforcement authorities are complex and not all police officers are racist, some clearly have racist behaviours and the law enforcement agencies themselves can be described as institutionally racist.

## Greece

The **Racist Violence Recording Network** has provided detailed information on racist attacks of PAD/BE throughout the years and through its annual reports; it has also made long descriptions of case studies which make the personal testimonies of PAD/BE heard.

See [http://rvrn.org/wp-content/uploads/2015/05/Report\\_2014eng.pdf](http://rvrn.org/wp-content/uploads/2015/05/Report_2014eng.pdf)

<sup>168</sup> Malta Shadow Report questionnaire response.

<sup>169</sup> It must be noted that some PAD/BE individuals report good relations with the police in Estonia and Lithuania.

## 9. CONCLUSION

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In 2012 ENAR published its 2010/11 Shadow Report which included a focus on people of African descent and Black Europeans and we are now publishing this report which is entirely dedicated to Afrophobia. It is in part depressing to say that the concerns raised in 2011 remain, on the whole, still unaddressed. Black people's experience of racism and discrimination in Europe has not improved and in some instances, where policy makers have taken the eye off the ball, the situation has worsened. This report has gone some way to highlight the prevalence of racism that impacts on Black people and the way in which it manifests itself for this group.

Race is a social construct and so too is racism. These phenomena arose to justify oppression, dominance and exploitation; and they served political and economic ends. One could argue that in order to move forward, European Union Member States should not only acknowledge their role in slavery and the violent colonisation of parts of Africa and beyond, but also recognise the contribution Black people have made to the Europe of today both economically and culturally. Perhaps most worrying is that discrimination, racist bullying, biased teaching materials and practice continue to reinforce racist beliefs in children and feed structural racism. There is an opportunity missed here to develop individuals free from racist beliefs. Discrimination in employment takes place at a staggering rate and barriers to employment are erected at every stage to prevent Black people from gaining employment that matches their skills and experience. Whilst diversity and bias training are provided in some privileged workplaces to counter the racist and bigoted beliefs individuals might hold, it may come too late and be for too few.

It is important to recognise that structural and institutional racism must be addressed in order to fully dismantle racism. Discrimination in employment, housing,

education, health, political participation and criminal justice are parts of an interconnected system. It is also true to say that racial inequalities do not require racist actors or racist intentions. At the heart of this statement lies the question, how do we encourage certain members of society to share their privilege and power so that we can move towards a more just and equal Europe? Focusing on individual instances of racism can divert our attention from the structural changes that are required to achieve racial justice. This is not to say that incidents of in-person racist crimes targeting Black people are not important. On the contrary, the rising numbers of these incidents reflect the growing intolerance to difference and a growing affiliation to far-right movements. They are clear indicators that more needs to be done by policy makers.

In the course of this research we have not been able to identify a single national or European policy developed to address racial inequalities and discrimination experienced by Black people. Instead we find that Black people continue to be rejected, alienated and discriminated against. Based on the findings included in this report it is fair to ask, do European societies care for Black people at all? If so, there is little evidence to suggest that this is true.

As it currently stands there is no EU requirement for equality data collection. Equality data collection must start to take place across Europe to ensure that we know more clearly where discrimination occurs and how to develop the policies required to shift age-old White supremacist thinking handed down from generation to generation. The EU can, as it has before with other minority groups and equality legislation and policies, lead the way and set the agenda in this area. The expertise and knowledge is there but the willingness to make this a priority is urgently needed. This would be the first step in moving closer to a more equal Europe.



# AFROPHOBIA IN EUROPE

## ENAR Shadow Report 2014-2015

ENAR's Shadow Report provides a unique monitoring tool bringing together facts and developments from across Europe on racism and related discrimination. The 2014-2015 report focuses on Afrophobia in Europe and is based on 20 national questionnaire responses from EU Member States. It does not base itself solely on hard data but builds on the compilation of the experiences and analysis of those experiencing racism on the ground.

The report's focus is racism and discrimination experienced by people of African descent and Black Europeans. It discusses the most significant issues faced by Black people in many areas of their lives such as employment, education, health, housing, criminal justice and public life.

The European Network Against Racism (ENAR) stands against racism and discrimination and advocates equality and solidarity for all in Europe. We connect local and national anti-racism NGOs throughout Europe and act as an interface between our member organisations and the European institutions. We voice the concerns of ethnic and religious minorities in European and national policy debates.



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