



Council of the
European Union

Brussels, 6 October 2020
(OR. en)

11522/20

SOC 596
ANTIDISCRIM 101
FREMP 89
JAI 783

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	18 September 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2020) 565 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A Union of equality : EU anti-racism action plan 2020-2025

Delegations will find attached document COM(2020) 565 final.

Encl.: COM(2020) 565 final



Brussels, 18.9.2020
COM(2020) 565 final

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

A Union of equality : EU anti-racism action plan 2020-2025

We need to talk about racism. And we need to act. It is always possible to change direction if there is a will to do so. I am glad to live in a society that condemns racism. But we should not stop there. The motto of our European Union is: 'United in diversity'. Our task is to live up to these words, and to fulfil their meaning.

Commission President von der Leyen (speech to the European Parliament, 17 June 2020)

1. Introduction: living up to 'United in diversity'

Discrimination on the grounds of racial or ethnic origin¹ is prohibited in the European Union (EU). Yet such discrimination persists in our society. It is not enough to be against racism. We have to be active against it.

Racism² damages society in many different ways. Most directly, it means that a large number of people living in Europe face discrimination, affecting their human dignity, their life opportunities, their prosperity and their well-being, and often also their personal safety. Discrimination also means a failure to uphold core EU values. Everyone in the EU should be able to enjoy their fundamental rights and freedoms, and equal participation in society, irrespective of their racial³ or ethnic origin⁴. Our social, political and economic strength comes from our unity in diversity – racism weakens us all. The EU can and must do more to ensure equal treatment and equality for all.

There is now a moment of reckoning. Over half of Europeans believe that such discrimination is widespread in their country⁵. The conflict between our values of equality and the reality of ingrained racism cannot be ignored: the global Black Lives Matter movement has acted as a stark reminder. It is time to acknowledge and act against the prevalence of racism and racial discrimination, to consider what we can do, engaging at local, national, EU and international levels. The EU is built on diversity and on fostering a society of pluralism, tolerance and non-discrimination: we need to act not only out of responsibility, but also to be true to our values. Upholding values starts at home, in our own institution. The Commission will take measures to significantly improve the diversity of its staff and ensure that all can equally thrive and contribute in the working environment.

Racism comes in different forms. Overt expressions of individual racism and racial discrimination are the most obvious. All too often, racial or ethnic origin is used as a ground to discriminate – the COVID-19 pandemic and the aftermath of terrorist attacks are just the most recent cases where blame has been unjustly directed at people with a minority racial or ethnic background. People of Asian and African descent, Muslims, Jewish and Roma people have all suffered from intolerance. But other, less explicit forms of racism and racial discrimination, such as those based on unconscious bias, can be equally damaging. Racist and

¹ Direct and indirect discrimination based on racial or ethnic origin is defined in Article 2 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (the 'Racial Equality Directive').

² According to the Council of Europe's European Commission against Racism and Intolerance, racism "shall mean the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons".

³ The use of the term 'racial origin' does not imply an acceptance of theories that attempt to determine the existence of separate human races.

⁴ On the notion of ethnicity, see judgment of 16 July 2015, *CHEZ Razpredelenie Bulgaria*, C- 83/14, EU:C:2015:480, paragraph 46.

⁵ Eurobarometer 2019; Discrimination in the EU.

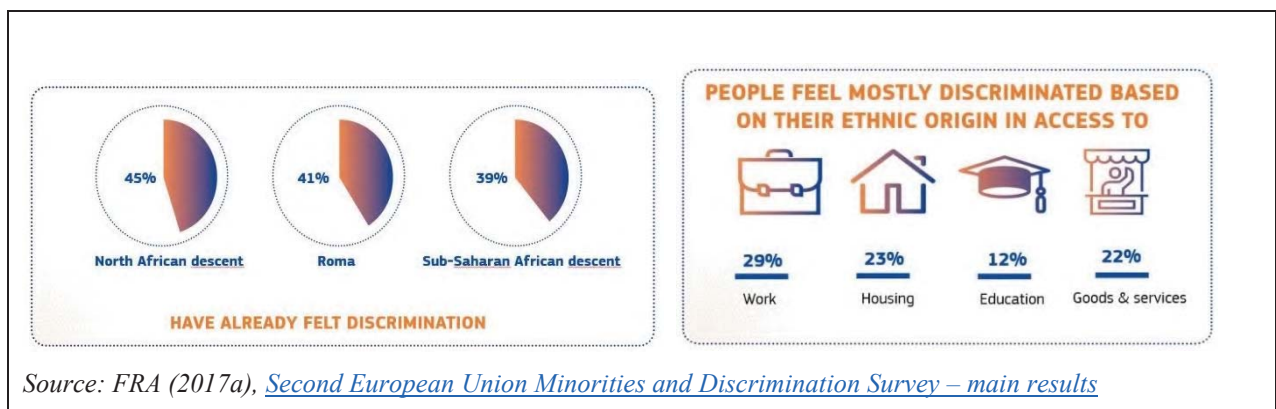
discriminatory behaviours can be embedded in social, financial and political institutions, impacting on the levers of power and on policy-making. This structural racism perpetuates the barriers placed in the way of citizens solely due to their racial or ethnic origin. Every day, people affected by racism can feel its impact on their access to jobs, healthcare, housing, financing or education, as well as cases of violence.

There are different forms of racism, for example anti-black racism, antigypsyism, antisemitism and anti-Asian racism, that link to religion or belief in cases such as anti-Muslim hatred. All share the reality that the value of a person is undermined by stereotypes based on prejudice. In addition to religion or belief, racism can also be combined with discrimination and hatred on other grounds, including gender, sexual orientation, age, and disability or against migrants. This needs to be taken into account through an intersectional⁶ approach.

The EU has legal instruments in place and a comprehensive policy to build a true Union of equality. This is now being reinforced in specific areas of equality⁷. The Commission will complement these thematic efforts by putting forward an overarching strategy to make sure that the EU Charter of Fundamental Rights is applied effectively in Member States and that charter rights, including equality and non-discrimination, are a reality for all.

This action plan sets out a series of measures to step up action, to help lift the voices of people with a minority racial or ethnic background, and to bring together actors at all levels in a common endeavour to address racism more effectively and build a life free from racism and discrimination for all.

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



Source: FRA (2017a), [Second European Union Minorities and Discrimination Survey – main results](#)

⁶ According to Article 10 of the Treaty on the Functioning of the European Union (TFEU), when ‘defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’. The European Institute for Gender Equality defines ‘intersectionality’ as an ‘analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination’. This definition applies equally to any form of discrimination.

⁷ These include the Communication [A Union of Equality: Gender Equality Strategy 2020-2025](#), (COM(2020)152 final), as well as targeted approaches for Roma and LGBTI+ equality to follow this autumn. In addition, an EU action plan on integration and inclusion is planned for 2020, a new disability rights strategy for 2021 as well as work against antisemitism.

The EU Agency for Fundamental Rights (FRA) has conducted a wide range of surveys pointing to **high levels of discrimination in the EU**⁸. These have also identified the areas of life where racial discrimination is felt most strongly.

Discrimination in the labour market is a concern not only when looking for a job but also at work where 22% of respondents felt discriminated against due to their ethnic origin or immigrant background.

The triggers for discrimination when trying to rent or buy an apartment or house seeking were names (44%), followed by skin colour or physical appearance (40%), and citizenship (22%). As regards **access to goods and services** (public administration, public transport, shops, restaurants, etc.), Roma people (28%) and people of North African descent (27%) faced the highest level of discrimination. Racial discrimination was less common in **healthcare** (3% in the past year), though with major differences between different groups: discrimination was highest among Roma people (8%), who also have a lower life expectancy compared to the general population.

Survey data also show that racial considerations influence the likelihood of being **stopped by the police**. Of the 14 % of the people surveyed who said they had been stopped by the police in the last year, 40 % perceived that the last stop was because of their ethnic origin or immigrant background.

Overall, 3 % of respondents stated that they experienced **racist violence** in the past year, with another 24 % experiencing **racist harassment** in that period⁹. Nearly half (47%) of Jewish respondents worried about becoming a victim of an antisemitic verbal insult or harassment, while over one third (40%) worry about being physically attacked in public spaces¹⁰. **Hate-motivated violence and harassment** often remains unreported, however. FRA survey data on people of African descent show, for example, that nearly two thirds (64 %) of victims of racist violence did not report the most recent incident they experienced to the police or any other organisation or service¹¹.

2.1. Tackling racism and racial discrimination through legislation: review and action

Today, action to combat discrimination, racism, xenophobia, and other types of intolerance at European level rests on an established EU legal framework. It is based on a number of provisions of the Treaties¹² as well as the general principles of non-discrimination and equality, also reaffirmed in the EU Charter of Fundamental Rights¹³.

While countering racism requires determined action across many fields, the protection offered by the law is critical. A comprehensive system of protection against discrimination requires first and foremost the effective enforcement of the legal framework, to ensure that individual rights and obligations are respected in practice. It also means ensuring that there are no gaps in this protection. Recent events highlighting racial tensions have raised concerns that the legal protections against racial or ethnic discrimination are not effectively implemented. This is also linked to concerns about the relationship between law enforcement bodies and minorities (see below section 2.2).

⁸ The figures in the box feature the following FRA surveys: [Second European Union Minorities and Discrimination Survey – main results \(2017\)](#); [Second European Union Minorities and Discrimination Survey. Muslims – Selected findings \(2017\)](#); [Experiences and perceptions of antisemitism - Second survey on discrimination and hate crime against Jews in the EU \(2018\)](#); [Second European Union Minorities and Discrimination Survey Roma – Selected findings \(2016\)](#); [Being Black in the EU \(2018\)](#).

⁹ FRA: [Second European Union Minorities and Discrimination Survey – main results \(2017\)](#).

¹⁰ FRA: [Experiences and perceptions of antisemitism - Second survey on discrimination and hate crime against Jews in the EU \(2018\)](#).

¹¹ FRA: [Being Black in the EU \(2018\)](#).

¹² Articles 2 and 10 of the Treaty on European Union (TEU), Articles 19 and 67(3) TFEU.

¹³ In particular, Articles 20 and 21.

The Commission will undertake a **comprehensive assessment** of the existing legal framework to determine how to improve implementation, whether it remains fit for purpose, and whether there are gaps to be filled. This assessment will draw on the ongoing monitoring of the transposition and implementation of EU legislation, in particular its regular dialogue with Member States and its upcoming report on the implementation of the Racial Equality Directive. Stakeholder feedback, in particular from those representing the concerns of the persons affected by racism and racial discrimination, will also be essential to identify what needs to change to maximise the extent and impact of EU action.

Racial Equality Directive and equality bodies

The Racial Equality Directive¹⁴ has shaped the legal protection against discrimination on the grounds of racial or ethnic origin for over two decades. It prohibits direct and indirect discrimination on the grounds of racial or ethnic origin in the areas of employment and occupation, education, social protection including healthcare, social advantage, and access to and supply of goods and services available to the public, including housing. In recent years, the Commission has reinforced the **monitoring of its implementation**. A particular focus was put on discrimination against Roma children in education. In 2021, the Commission will **report on the application¹⁵ of the Directive and would follow up with any possible legislation by 2022**. The report will assess what lessons should be drawn from the Directive's implementation and identify any gaps: one area to be looked at specifically in the context of possible new legislation is **law enforcement¹⁶**. The report will also help to inform continued action to prioritise **infringement proceedings** that have a major impact.

The Directive requires all Member States to designate a body to provide independent assistance to victims of discrimination, promote equality, conduct independent surveys, and issue independent reports and recommendations. These **equality bodies** are essential for ensuring that individuals and groups facing discrimination can enjoy their rights in full: they should be able to effectively perform the tasks assigned to them under EU legislation. EU law, however, leaves discretion to Member States on the powers and functioning of equality bodies. This results in major differences between national equality bodies, which the Commission sought to mitigate in a Recommendation on standards for equality bodies in 2018¹⁷. The **role and independence of equality bodies** and the potential need for new **legislation to strengthen the role of these bodies** will be an important theme in the 2021 report.

The Commission also encourages Member States to enable **strategic litigation¹⁸** at national level, in line with the Commission's Recommendation on standards for equality bodies and in accordance with their national procedural rules. Strategic litigation is key for raising public awareness and advancing in the clarification and protection of human rights.

Currently, EU anti-discrimination legislation beyond the spheres of employment, occupational and vocational training only applies to sex and racial or ethnic origin¹⁹. There is

¹⁴ Council Directive 2000/43/EC.

¹⁵ This report will be presented jointly with the report on Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

¹⁶ See section 2.2 on countering discrimination by law enforcement authorities.

¹⁷ Commission Recommendation (EU)2018/951 of 22 June 2018 on standards for equality bodies.

¹⁸ Strategic litigation is used to select suitable cases ('test cases') to bring to court in order to achieve a specific outcome. The intention is that these legal proceedings will have a positive broader impact on law and policy development as well as setting a precedent for the outcome in similar cases.

¹⁹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2004/113/EC of 13 December 2004

no horizontal approach covering all grounds of discrimination. To close the gaps in protection against any form of discrimination, the Commission will continue to encourage progress towards the required unanimity in the Council to adopt its **2008 proposal to implement equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation**²⁰.

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

The **Framework Decision on combating racism and xenophobia by means of criminal law**²¹ aims to ensure that serious manifestations of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal penalties throughout the EU. The effective implementation of this instrument is key for ensuring that hate speech and hate crimes receive an effective criminal response and that victims of crimes are recognised and provided with an effective remedy. The Framework Decision is complemented by the **Victims' Rights Directive**²², which amongst other things aims to ensure justice, protection and support for victims of hate crimes and hate speech.

Since 2014²³, the Commission has monitored the transposition of the Framework Decision in the legal systems of the EU Member States. Serious concerns exist about the extent to which national criminal codes correctly criminalise hate speech and hate crimes. As a matter of priority, the Commission will make a comprehensive effort to ensure a **full and correct transposition and implementation** of the Framework Decision across the EU, particularly where the definition of hate speech or the criminalisation of hate crime are not correctly transposed into national law and where necessary launch infringement procedures.

Racism is also experienced online. The Framework Decision requires Member States to criminalise public incitement to violence or hatred, on the grounds of colour, religion, descent or national or racial or ethnic origin, including when committed online. Yet still **illegal hate speech online** continues to increase and racist hate speech is a common occurrence²⁴. Four years ago the Commission launched the code of conduct on countering illegal hate speech online, with a voluntary commitment by information technology (IT) platforms to review and if necessary remove illegal hate speech content²⁵. The fifth evaluation on the code shows that

implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

²⁰ COM(2008) 426 final.

²¹ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating racism and xenophobia by means of criminal law. This requires Member States to criminalise the public incitement to violence or hatred, on grounds of race, colour, religion, descent or national or ethnic origin (including online).

²² Directive 2012/29/EU requires Member States to ensure a fair and non-discriminatory treatment of victims of crime, with particular attention to victims of crime committed with a bias or discriminatory motive. See the 2017 paper on key principles of victims' support for the links between the Victims' Rights Directive and the protection afforded against hate crimes; http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48874

²³ On 1 December 2014, the Commission acquired powers to oversee the transposition of framework decisions by Member States, including this instrument. See also the 2014 Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (COM (2014) 27 final).

²⁴ A Eurobarometer conducted in 2016 showed that almost half of the people that participate in online discussions hesitate to engage in online debates because of hate and threats: <https://ec.europa.eu/digital-single-market/en/news/media-pluralism-and-democracy-special-eurobarometer-452>

²⁵ The experience gathered under the code of conduct informed the work of the Commission on the Recommendation of 1 March 2018 on measures to effectively tackle illegal content online (C (2018) 1177).

considerable progress has been achieved on removing online hate speech²⁶, platforms still need to improve on transparency and feedback to users. The Commission will continue to cooperate with IT companies and extend these efforts to other social media platforms, including those that are mainly used by children and adolescents, as well as continuing to promote practical steps to counter online hate speech and promote acceptance of diversity.

A next step will come with the **digital services act**, which would increase and harmonise the responsibilities of online platforms and information service providers and reinforce the oversight of platforms' content policies in the EU²⁷. Options under consideration include obligations to put in place notice and action systems as well as reporting and transparency obligations requiring platforms to provide information on how they deal with illegal content including hate speech. This would not only promote content moderation policies that safeguard freedom of expression online, but also offer a basis for gathering data on the extent and types of racist hate speech online, helping civil society and policymakers to formulate policies that effectively target racism.

Under the umbrella of the EU Internet Forum, the Commission is working with Member States and internet companies on a reference list of prohibited violent extremist symbols and groups to be used on a voluntary basis to inform their content moderation policies. It is to be presented at the EU Internet Forum Ministerial in December 2020.

The **Audiovisual Media Services Directive**²⁸ sets out requirements protecting users of audiovisual media services and video sharing platforms from incitement to violence or hatred, as well as from discriminatory audiovisual commercial communications. It also obliges video sharing platforms to take appropriate measures to protect users from racist and xenophobic content.

It should be emphasised that any measures that limit the right to freedom of expression must respect the requirements set out in Articles 11 and 52 of the Charter of Fundamental Rights, where applicable, and the constitutional traditions of the Member States.

The Commission will:

- report on the implementation of the Racial Equality Directive in 2021;
- present, by 2022, any legislation required to address shortcomings, including to strengthen the role and independence of equality bodies;
- ensure a full and correct transposition and implementation of the Framework Decision on racism and xenophobia across the EU, including through infringement procedures.

The Commission encourages the Member States to:

- ensure that EU law is fully transposed and properly applied in Member States;
- swiftly reach an agreement on the 2008 Commission proposal to implement equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

²⁶ According to the results of the latest monitoring exercise published by the Commission in June 2020, IT companies assess 90% of flagged content within 24 hours and remove 71% of the content deemed to be illegal hate speech. More details, including grounds for reported hatred is available at: https://ec.europa.eu/info/sites/info/files/codeofconduct_2020_factsheet_12.pdf

²⁷ Communication [Shaping Europe's digital future](#) - COM(2020) 67

²⁸ Directive (EU) 2018/1808 of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive). The Directive encourages the use of co-regulation and self-regulation, to the extent permitted by the Member States' legal systems.

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

Countering discrimination by law enforcement authorities

Efficient policing and respect for fundamental rights are complementary. Law enforcement authorities are key actors in ensuring that law is obeyed and that security is ensured. Recognising diversity and ensuring fair law enforcement is essential to fighting racism. However, reports of discrimination are long standing: the FRA has included unlawful profiling and police action in its research²⁹. Such discrimination can damage trust in the authorities and lead to other negative outcomes, such as underreporting of crimes and resistance to public authority.

EU agencies, such as the FRA and the Agency for Law Enforcement Training (CEPOL) have already contributed significant resources³⁰ to enhance the capacity of Member States to ensure that fundamental rights and principles are respected by state actors, in particular in the area of non-discrimination. International organisations have also contributed to that objective³¹.

Profiling is commonly, and legitimately, used by law enforcement officers to prevent, investigate and prosecute criminal offences. However, **profiling that results in discrimination**³² on the basis of special categories of personal data, such as data revealing racial or ethnic origin, is illegal³³. In July 2020, the Council of Europe's European Commission against Racism and Intolerance (ECRI) specifically warned against racial profiling³⁴.

Through the High level group on combating racism, xenophobia and other forms of intolerance, the Commission will support Member States in preventing discriminatory attitudes within law enforcement, developing the necessary skills for investigation and prosecution against hate crimes and ensuring a fair and adequate treatment of victims³⁵. This will include a mapping of the main gaps and needs in EU Member States, and training action to detect and prosecute hate crime. The FRA will be invited to collect and disseminate good practices promoting **fair policing**, building on their existing training manual³⁶ and guide on preventing unlawful profiling³⁷. The agency should also continue to gather and publish data on police attitudes towards minorities. CEPOL should step up its work on comprehensive training packages on human rights, ethics and racism, and sharpen awareness of fair and

²⁹ Second European Union Minorities and Discrimination Survey – main results (2017)

³⁰ See, for example, an overview of the resources and initiatives to support hate crime training programmes in the EU Member States, available at: http://ec.europa.eu/newsroom/document.cfm?doc_id=43147

³¹ Council of Europe; OSCE Office for Democratic Institutions and Human Rights.

³² 'Profiling' involves categorising people according to their (perceived) personal characteristics, which can include racial or ethnic origin, skin colour, religion or nationality. While police officers can consider such characteristics when stopping an individual, they cannot use any of these characteristics as the sole or main criterion to stop the individual. Profiling that is based solely or mainly on one or more protected characteristics amounts to direct discrimination, and therefore violates the individual's rights and freedoms and is unlawful (FRA (2018), [Preventing unlawful profiling today and in the future: a guide](#)).

³³ Article 11(3) of Directive (EU) 2016/680 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

³⁴ See: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/-/ecri-warns-against-racial-profiling-in-policing-and-calls-for-a-systemic-response-to-address-racism-in-all-areas>

³⁵ In particular through the new workstream developed by the Commission's Working group on hate crime training and capacity building for national law enforcement.

³⁶ FRA (2013), [Fundamental rights-based police training – A manual for police trainers](#).

³⁷ FRA (2018), [Preventing unlawful profiling today and in the future: a guide](#).

inclusive policing among mid-level and senior police officers and law enforcement representatives³⁸.

Under-reporting of hate crime with a racist motive³⁹ is a serious obstacle to law enforcement and policy-making. The recent EU strategy on victims' rights⁴⁰ acknowledges that victims of crime belonging to disadvantaged or vulnerable communities or minorities may have low trust in public authorities, which prevents them from reporting crime. A safe environment for victims to report crime is one of the strategy's five key priorities. Diversity among staff in law enforcement services and inclusive policing can reinforce the level of trust in law enforcement authorities and thus improve crime reporting. ECRI strongly encouraged Member States to develop recruitment procedures which ensure that the composition of the police reflects the diversity of the population, as well as frameworks for dialogue between the police and members of minority groups. Trust and confidence are key to enhance the cooperation of all and hence the efficacy of law enforcement. The existing Working group on hate crime recording, data collection and encouraging reporting will **develop key guiding principles** on how to encourage victims to report hate crime, and FRA will issue a **report on encouraging hate crime reporting** in 2021.

Safety and security

Some Member States have taken action to ban racist groups and their symbols, often under hate crime, hate speech or terrorism legislation, or have established criminal sanctions linked to the denial of crimes against humanity and/or the Nazi and fascist period as well as propaganda for terrorist groups. The Commission will work together with Member States towards a better common understanding on how to address violent extremist groups. This includes a **mapping of national responses** to violent extremism to be presented to the relevant Council working groups in November 2020. Work with Member States will continue to identify gaps, best practices and recommendations in tackling violent extremism, to be presented in early 2021.

Better protection of places where people congregate must be ensured. Although primarily an issue for Member States, the Commission has stepped up its efforts under the 2017 action plan to support the protection of public spaces⁴¹. In recent years, both in Europe and worldwide, several terrorist attacks targeted people in places of worship, often motivated by racial hatred⁴². The **security union strategy**⁴³ explained how the Commission would work with both the private sector and regional and local authorities to minimise the risks to people in public spaces.

³⁸ For example, the European Police Chiefs Convention. A summer academy for mid-level police officers and future leaders could also be organised by CEPOL.

³⁹ According to the [Second European Union Minorities and Discrimination Survey – main results \(2017\)](#), 28% of respondents who experienced hate-motivated physical attacks reported the most recent incident of hate-motivated violence in the five years before the survey to the police or to another organisation or service. Reasons for under-reporting identified in FRA surveys include a feeling that reporting would not change anything (34%) and a lack of trust in or fear of the police (28%). FRA (2018), [Being Black in the EU](#).

⁴⁰ COM(2020) 258 final.

⁴¹ COM (2017) 612 final. The Commission provides a platform for exchange on good practices in the EU Forum on the protection of public spaces and provides funding for the protection of public spaces.

⁴² For instance, the Christchurch, New Zealand, mosque attacks in March 2019, the attacks on churches in Sri Lanka in April 2019 or the synagogue shooting in Halle, Germany, in October 2019.

⁴³ COM(2020) 605 final.

Risks in new technologies

Among the many opportunities it offers, the digital transition and development of new technologies can be used to strengthen the fight against racism. But it can also bring new challenges to racial equality and non-discrimination and equality of opportunities more generally, if not sufficiently and adequately framed. The Commission's white paper on artificial intelligence (AI)⁴⁴ has set out how certain uses of this fast-developing technology entail a number of potential risks. The use of algorithms can perpetuate or even stimulate racial bias if data to train algorithms does not reflect the diversity of EU society.

As an example, studies have demonstrated that AI-based facial recognition algorithms can exhibit high misclassification rates when used on some demographic groups, such as women and people with a minority racial or ethnic background⁴⁵. This can lead to biased results and ultimately to discrimination⁴⁶. The Commission and the agency EU-LISA are working on facial recognition technologies to be used in the EU's own large IT systems for border management and security⁴⁷.

EU data protection rules already contain a number of safeguards regarding the processing of biometric data for the purpose of uniquely identifying a natural person. The forthcoming **proposal for a horizontal legislative framework on AI** will specifically address the risk of bias and discrimination built in AI systems. It is expected to propose specific requirements for the quality of training datasets and testing procedures for bias detection and correction that will serve to prevent negative discriminatory effects early on, and ensure continuous monitoring and vigilance for compliance with existing equality legislation throughout the AI lifecycle. Remote biometric identification and other intrusive surveillance technology could be considered among high-risk AI applications that would need to fulfil specific requirements and undergo an ex ante conformity assessment.

Employment, education, health and housing

Despite the advanced legal framework against discrimination, inequalities in access to employment, education, healthcare and housing persist and legislation needs to be backed up by policy measures. Where legal protection is not enough, the Commission will combat racism also through policy and funding programmes.

The **European Pillar of Social Rights** aims at bringing fairness to every citizen's daily life, whether they are learning, working, looking for a job or in retirement; living in a city or in a rural area; irrespective of any personal characteristics, including racial or ethnic origin. The action plan on the European Pillar of Social Rights - to be presented by the Commission in 2021 - will further support equality in the labour market, including for people with a minority racial or ethnic background⁴⁸. Also in 2021, the Commission will present a **Child Guarantee** that will aim at ensuring a better social inclusion of all children in need and ensure their access to key services.

⁴⁴ Commission white paper on artificial intelligence - A European approach to excellence and trust (COM(2020) 65 final).

⁴⁵ See '[Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification](#)'.

⁴⁶ See FRA, '[Facial recognition technology: fundamental rights considerations in the context of law enforcement](#)'.

⁴⁷ This will build on existing work by the Joint Research Centre. The protocol will first be developed for the future shared biometric matching system, in the context of the entry exit system, and will be extended to the schengen information system in a subsequent stage.

⁴⁸ Communication on [A strong social Europe for just transitions](#) (COM(2020) 14 final).

A prosperous and social Europe depends on us all. The COVID-19 crisis has, however, exposed or even exacerbated inequalities. Making full use of the possibilities offered by **Next Generation EU** and the **Technical Support Instrument** for structural reforms, the Commission will work with Member States to ensure that support in areas such as the labour market, education and training, social protection, healthcare and housing contribute to equality.

In the 2021-2027 programming period, EU funds will support Member States' efforts to promote social inclusion⁴⁹ by ensuring equal opportunities for all and tackling discrimination. EU funds will promote infrastructure development and equal access to the labour market, health- and social care, housing and high quality, non-segregated and inclusive services in education and training, for all, in particular for disadvantaged groups.

- *Employment*

In the area of employment, the prohibition of discrimination covers the grounds of sex, racial or ethnic origin, disability, age, sexual orientation, and religion or belief. Nevertheless, discrimination at work or when looking for work is widespread; it can take many forms and affects certain groups more than others⁵⁰. People of African descent, for example, see a particularly strong disconnect between the quality of their employment and their level of education, manifesting in a lower paid work rate among those with a tertiary degree compared to the general population⁵¹. There is evidence that candidates who openly identify as Muslim in their curriculum vitae receive fewer invitations to job interviews compared to equally qualified candidates with a 'religiously neutral' curriculum vitae⁵². There is also a much higher rate of young people of North African origin, African descent or from Roma communities not in work, education or training, compared to the general population⁵³. Challenges are likely to worsen with the COVID-19 crisis, as economic downturns tend to exacerbate inequalities. In this respect, the full implementation and enforcement of existing legal instruments is key. The action plan on the European Pillar of Social Rights will also contribute to better addressing discrimination in the area of employment.

Moreover, having the right skills means being able to more easily get a job, stay employed and navigate job transitions. This requires equal access to additional upskilling opportunities for all people, regardless of racial or ethnic origin as well as other grounds of discrimination. The Commission has recently adopted a **European skills agenda**⁵⁴ with social fairness as a cornerstone, including a **Council Recommendation on vocational education and training (VET)** which calls on VET programmes to be inclusive for vulnerable groups, including

⁴⁹ Notably the European Social Fund Plus (ESF+) and the European Regional and Development Fund (ERDF). Under the proposed ESF+, Member States are to allocate at least 25% of ESF+ funding to measures fostering social inclusion and targeting those most in need. An overall target of 4% is also the ambition for supporting the most vulnerable. Apart from the ESF+ specific objective, several other EU funding instruments can be used for the integration of marginalised communities.

⁵⁰ See FRA (2017a) and FRA (2017b). For example, when asked about their experiences in the 12 months before survey, 13% of Muslim respondents replied that they felt discriminated against when looking for work. Similar experiences of discrimination when looking for work were found among 16% of Roma respondents, and 15% of North Africans.

⁵¹ FRA (2018), [Being Black in the EU](#).

⁵² See the Horizon 2020 research project on growth, equal opportunities, migration and markets' (GEMM): <http://gemm2020.eu/>

⁵³ For example, up to 76% of young people of African descent in Austria are not in work, education or training, compared to 8% among the general population (FRA (2018), [Being Black in the EU](#)).

⁵⁴ Communication [European Skills Agenda for sustainable competitiveness, social fairness and resilience](#) (COM(2020) 274 final).

people with a minority racial or ethnic background⁵⁵. Young people from disadvantaged groups, such as youth with a minority racial or ethnic background or migrant youth face additional barriers to labour market entry. The **reinforced Youth Guarantee** recognises this problem and recommends that Member States step up outreach to the most vulnerable young people, and pay due attention to all forms of discrimination⁵⁶. The **European Network of Public Employment Services (PES)** will map approaches to non-discrimination in the public employment services across the EU and foster mutual learning on this basis⁵⁷. Social enterprises, and social economy more broadly, can also be trailblazers in the movement against racial inequality and their role will be addressed in the **European action plan for social economy** to be presented by the Commission in 2021.

- *Education*

In line with the Racial Equality Directive, children from all racial or ethnic backgrounds must have equal access to education. Teachers must be trained to work with all children and be sensitive to the needs of pupils from different backgrounds, including on issues relating to racial discrimination. Schools should be safe havens, free from bullying, racism and discrimination. Children should be taught early about equality, respect and inclusion and be empowered to promote such values among their peers and in their communities⁵⁸.

While responsibility for the content and organisation of education and training systems lies with Member States, strengthening inclusive education is one of the priorities for EU cooperation. Inclusion and fairness in education will be among the priority dimensions of the **European Education Area**. This imperative for inclusion and fairness equally applies to digital learning and education, under the updated **digital education action plan** to be presented this year. The Commission will present in 2021 a comprehensive strategy on the rights of the child, which will include actions tackling racism and discrimination. Schools have an instrumental role in helping to reduce racial stereotyping and prejudice among children.

Young people can also play an important role in combating racism and discrimination. The Commission together with the Member States collected young Europeans voices through the EU youth dialogue process, which led to 11 European youth goals⁵⁹. These present a vision for a Europe that enables young people to realise their full potential, promote equality and inclusive societies.

Erasmus+ finances projects contributing to the integration of people with a minority racial or ethnic background⁶⁰. Likewise, the **European Solidarity Corps** can promote solidarity activities geared towards fighting racism and discrimination, and broad participation⁶¹. The

⁵⁵ COM(2020) 275 final.

⁵⁶ Proposal for a Council Recommendation on a Bridge to Jobs – Reinforcing the Youth Guarantee (COM(2020)277 final).

⁵⁷ Communication Youth Employment Support: a Bridge to Jobs for the Next Generation (COM(2020) 276 final).

⁵⁸ <https://rm.coe.int/ecri-general-policy-recommendation-no-10-key-topics-combating-racism-a/16808b75f7>.

⁵⁹ <https://ec.europa.eu/youth/policy/youth-strategy/youthgoals>; these are included in the EU's youth strategy 2019-2027.

⁶⁰ Erasmus+ has supported some 26 000 projects (involving over 708 000 participants) addressing topics such as equality and non-discrimination, intercultural/interreligious dialogue and inclusion, since 2014.

⁶¹ Since 2018, 2100 projects have been supported under the European Solidarity Corps on these topics, involving more than 14 500 young people.

future programmes⁶² will ensure that efforts are made to promote social inclusion and improve outreach to people with fewer opportunities, inter alia, by addressing the barriers faced by under-represented groups and minorities in accessing the opportunities offered by the programmes, and equipping project organisers and participants for interacting sensitively with people from different backgrounds.

The **Radicalisation Awareness Network**⁶³ will support effort among teachers, youth workers and the wider community of all age groups to deal with polarising debates and stigmatising speech in the classroom.

- *Health*

The COVID-19 crisis has highlighted the consequences of existing health inequalities suffered by people with a minority racial or ethnic background⁶⁴ into the spotlight⁶⁵. Racism causes trauma and can, therefore, also affect people's mental health. The new **EU4Health programme** and Europe's beating cancer plan will address health inequalities by taking into account the specific needs of different groups. Exchanges of best practices between health professionals throughout the EU and discussions with patient organisations and civil society will help to ensure a patient-centred approach covering the specific needs of people with a minority racial or ethnic background. The **EU Health Policy Platform**⁶⁶ will include a specific focus on reducing inequalities based on racial or ethnic origin and pass on proposals from civil society to the EU and national level health policy makers. The **Commission Steering group on health promotion, disease prevention and management of non-communicable diseases**⁶⁷ will be asked to select best practices on the inclusion of people with a minority racial or ethnic background in health prevention strategies to be scaled up with EU budget support. Additional research projects under **Horizon Europe** could also contribute to this work. Research should be undertaken on the socio-economic determinants of health from the racial perspective.

- *Housing*

Individuals experiencing racial discrimination are at a higher risk of poor housing conditions and residential segregation⁶⁸. Discrimination on the housing market⁶⁹ reinforces segregation⁷⁰, with a knock-on effect in terms of education or employment opportunities and,

⁶² The strategy will cover all fields of education, training, youth and sport. It will be rolled out throughout the duration of the future Erasmus+ and European Solidarity Corps programmes.

⁶³ See https://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran_en

⁶⁴ According to (FRA) EU-MIDIS II, Roma women aged 50 or above reported their health status as 'bad' or 'very bad' almost twice as often as non-Roma women (55% and 29% respectively).

⁶⁵ See 'The COVID-19 pandemic: power and privilege, gentrification, and urban environmental justice in the global north', Cities & Health and National Center for Immunization and Respiratory Diseases (NCIRD).

⁶⁶ The EU Health Policy Platform (<https://webgate.ec.europa.eu/hpf/>) is an interactive tool to boost discussion about public health concerns and share knowledge and best practices. It brings together 7000 registered non-governmental organisations groups and stakeholders inviting them to exchange among themselves and with the Commission, to pool their expertise in joint statements and disseminate actions among a wide audience.

⁶⁷ See https://ec.europa.eu/health/non_communicable_diseases/steeringgroup_promotionprevention_en

⁶⁸ European Parliament Research Service, [The Cost on Non-Europe in the area of Equality and the Fight against Racism and Xenophobia](#).

⁶⁹ According to the FRA 'Being Black in Europe' report, nearly half of respondents live in overcrowded housing (45 %), compared to 17 % of the general population in the EU. One tenth of respondents (12 %) live in conditions of severe housing deprivation, overcrowded dwellings characterised by a leaking roof, rot in the walls or windows, no bath/shower and no indoor toilet, or the dwelling being too dark.

⁷⁰ Segregation is characterised by the physical and social separation of members of a marginalised group from members of non-marginalised groups and unequal access to mainstream, inclusive and high-quality services.

in the case of families with children, significant detrimental impact on children's development.

National and local authorities are primarily responsible for measures⁷¹ to prevent and/or address social and residential segregation⁷². **Cohesion policy funds**⁷³ will remain key instruments in the 2021-2027 period for supporting non-segregated housing actions and ensuring access to inclusive and high-quality mainstream services. Compliance with the EU Charter of Fundamental Rights will remain essential, excluding financial support to actions that contribute to creating any form of new segregation. The Commission's renovation wave initiative will foster energy efficiency in social housing and other lower income housing.

The Commission will:

- ensure that the legislative framework on AI will specifically address the risk of bias and discrimination built into AI systems;
- use policy measures and funding programmes to combat racism and discrimination in access to employment, education and training, healthcare, social protection and housing;
- ensure that the upcoming comprehensive strategy on children's rights will contain particular actions on tackling racism and discrimination.

The Commission urges Member States to:

- step up efforts to prevent discriminatory attitudes among law enforcement authorities and to boost the credibility of law enforcement work against hate crimes;
- map national responses to violent extremism and identify gaps and best practices in tackling it.

FRA should collect data and disseminate good practices promoting fair policing. CEPOL should deliver effective training programmes.

3. Structural racism - tackling the underlying problem

Racism is often deeply embedded in our societies' history, intertwined with its cultural roots and norms. It can be reflected in the way society functions, how power is distributed and how citizens interact with the state and public services. It can be unconscious and is often felt through a failure to reflect the interests of the people affected by racism, even if not necessarily a direct attempt to exclude. As the impact of structural racism can be as profound and harmful as individual racism, its existence needs to be acknowledged and it must be addressed through proactive policies. An intersectional perspective deepens understanding of structural racism, and makes responses more effective.

See http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/thematic_guidance_fiche_segregati_on_en.pdf

⁷¹ This may include a broad range of actions, such as infrastructure developments in public services, employment, education and training, health and housing measures and community empowerment.

⁷² Marginalised and segregated communities can be identified by developing poverty maps at Nomenclature of territorial units for statistics (NUTS) 3 level and below.

⁷³ European Regional Development Fund (ERDF), Cohesion Fund and European Social Fund + (ESF+).

3.1. Policies to turn the tide

Combating stereotypes and raising awareness of history

Stereotypes can be centuries-old, with a tenacious hold on attitudes and a tendency to be self-perpetuating. Too often, stereotypes are reinforced by a tendency towards social divisions that place minorities in a different space from the majority, socially but also physically.

Prejudices and stereotypes can, in the first place, be addressed by acknowledging the **historical roots of racism**. Colonialism, slavery and the Holocaust are embedded in our history and have profound consequences for society today. Ensuring remembrance is an important part of encouraging inclusion and understanding: the EU should, for example, explicitly mark key commemorative days linked to racism, such as the **International Day for the Abolition of Slavery**⁷⁴, as proposed by the European Parliament⁷⁵. History and the teaching of history are an important focus of the **Council of Europe's** education programming⁷⁶. In July 2020, the Council of Europe adopted a recommendation calling for the inclusion of the history of Roma people and/or Travellers in school curricula and teaching materials. As part of EU action in the area of **culture and values**, Creative Europe and the citizenship, equality, rights and values programme will offer support for projects that seek to remove barriers and that encourage the social inclusion and participation of underrepresented and disadvantaged groups, including aspects such as the place of minorities in European society and the historical legacy of colonialism.

The way in which people with a minority racial or ethnic background are portrayed in the **media**, and whether they are represented at all, can reinforce negative stereotypes, with their under-representation in media professions further reinforcing this trend. An independent and pluralistic media is necessary for balanced democratic debate. Promoting balanced and positive narratives, increasing the awareness and knowledge of journalists, as well as fostering media literacy, are crucial ways to contribute to inclusive societies. Building on the seminars on Roma⁷⁷, the Commission will develop a series of seminars on racial and ethnic stereotypes bringing together journalists, civil society organisations and representatives of people with a minority racial or ethnic background. In addition, the Commission is working with the European Federation of Journalists on a series of online seminars planned for early 2021 to foster awareness and promote balanced storytelling about Muslims and Islam. Cultural and creative industries face similar challenges, such as under-representation among film makers, or stereotypes in other cultural output. At the same time, those industries can be powerful vehicles for promoting equality, diversity and inclusion.

In 2021 and beyond, and building on lessons learnt from past initiatives, the Commission will promote awareness-raising through targeted communication activities. This will include reaching out to high-level figures of the political, sport, business or cultural world and inviting organisations with a large outreach to lend their support.

One of the goals of **disinformation** can be to target minorities in particular, as well as to foment social unrest more broadly. The COVID-19 pandemic provided many examples of

⁷⁴ Key days include International Holocaust Remembrance Day (27 January), International Day Against Racial Discrimination (21 March), European Roma Holocaust Memorial Day (2 August) and International Day for the Abolition of Slavery (2 December).

⁷⁵ European Parliament resolution of 26 March 2019 on fundamental rights of people of African descent in Europe.

⁷⁶ See <https://www.coe.int/en/web/history-teaching>

⁷⁷ See https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=30548

this⁷⁸. The work of the **European Digital Media Observatory** in supporting fact-checkers and researchers in tackling disinformation will focus specifically on disinformation and conspiracies targeting minority communities. Mitigating racial discrimination narratives spread through disinformation is also an important part of media literacy campaigns. ‘**media literacy for all**’ projects⁷⁹ support these objectives. This work will be further developed in the forthcoming European democracy action plan and media and audiovisual action plan.

EU action on **sport** also prioritises projects that counter stereotypes and promote social inclusion through sport, including in cooperation with key organisations such as the Union of European Football Associations (UEFA) and the International Federation of Association Football (FIFA)⁸⁰. Under the 2021-2027 Erasmus+ programme⁸¹, the specific focus on grassroots sports⁸² will make it easier for people from all backgrounds, including those with a minority racial or ethnic background, to participate. The cultural sector, from music to cinema and performing arts, is a powerful area for promoting inclusion and fighting racism.

The right data for informed policy choices

Accurate and comparable data is essential in enabling policy-makers and the public to assess the scale and nature of discrimination suffered and for designing, adapting, monitoring and evaluating policies. This requires **disaggregating data by ethnic or racial origin**⁸³. However, compared to data on other grounds of discrimination, such as sex, disability and age, such data is relatively scarce. Obstacles include problems in establishing a common methodology, with some Member States collecting such data while others consciously avoid this approach. As a result, many surveys focus on the perception of discrimination or use proxies such as citizenship or country of birth. The collection of reliable and comparable data at European and national level is an essential prerequisite for effective action.

FRA plays an important role, for example through working with the Commission to support Member States’ efforts to improve the collection and recording of data on hate crime. The next two years will see new FRA surveys on the situation of immigrants and descendants of immigrants, and on discrimination and hate crime against Jews. **Eurobarometer** surveys on discrimination⁸⁴ will continue to be run periodically so that changes in attitudes and perceptions can be monitored over time.

Equality bodies can usefully cooperate to examine their own equality data collection systems, address the barriers to such systems being effective and/or comparative and interoperable, and considering how best to improve and coordinate their data collection. The Commission will support efforts to develop such coordination.

⁷⁸ Joint communication, Tackling COVID-19 disinformation - Getting the facts right (JOIN(2020) 8).

⁷⁹ Preparatory actions support new educational materials to combat disinformation, and designing ways to to raise awareness about the techniques commonly used by malicious actors in order to create, distribute and amplify disinformation over the internet.

⁸⁰ Joint initiatives include the UEFA Respect, #EqualGame and #WePlayStrong campaigns and the FIFA #stopracism and #stopviolence campaigns.

⁸¹ COM (2018) 367 final.

⁸² i.e. organised sport practised at local level by amateur sports people, and ‘sport for all’.

⁸³ Already the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2002 and the Durban Programme of Action endorsed the need for disaggregated data collection in population statistics, to be collected with the explicit consent of the respondents, based on their self identification and consistent with human rights standards protecting privacy; https://www.un.org/en/durbanreview2009/pdf/DDPA_full_text.pdf

⁸⁴ Following up on the [2019 Eurobarometer 493 on Discrimination in the EU](#) and its predecessors.

However, a more significant step is needed towards a **new approach on equality data collection**. A prerequisite for progress towards a common data set is full respect for constitutional norms, EU data protection law and the EU Charter of Fundamental Rights. Safeguards need to be in place to ensure that sensitive equality data cannot be related back to the individual. This implies full compliance with data protection rules, in particular to mitigate any potential risks of misuse or abuse. The Commission will organise a roundtable on equality data bringing together key stakeholders⁸⁵ to examine obstacles to the collection of data related to racial or ethnic origin and identify paths to a more harmonised approach, including on intersectional data as regards, for instance, religion or belief and gender. The goal should be for **Member States**, in full respect of their national contexts, to move towards the **collection of data disaggregated on the basis of racial or ethnic origin**, in order to capture both subjective experiences of discrimination and victimisation and structural aspects of racism and discrimination. This data should be comprehensive, reliable, regular and timely; mainstreamed into EU and national surveys; and both representative and comparable⁸⁶.

In 2021, **Eurostat** will run in the EU-Labour Force Survey (EU-LFS), a special module on the labour market situation of migrants, which will include aspects related to discrimination at work.

The Commission will:

- carry out a series of actions to address racial and ethnic stereotypes with the media, civil society and representatives of people with a minority racial or ethnic background;
- launch action to drive a consistent approach on equality data collection, in particular as regards data disaggregated by racial or ethnic origin.

The Commission encourages Member States to:

- actively address racial and ethnic stereotypes through the media, education, culture and sport;
- improve the collection of data disaggregated by racial or ethnic origin.

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

Action at local, regional, national and international levels

- National action plans

Racism needs to be tackled at all levels and should be addressed in a holistic way. National action plans have proven to be a successful way for Member States to offer an effective response to racism and racial discrimination, while at the same time adapting concrete actions to their own circumstances. However, according to the recent FRA report, only around half of

⁸⁵ Including equality bodies, civil society, academics, EU institutions, EU authorities such as the European Data Protection Supervisor, FRA and other EU agencies, business, statistical institutes, health workers, international organisations, Member State representatives etc.

⁸⁶ See [guidelines](#) prepared in the equality data subgroup of the High level group on non-discrimination and diversity. See also the '[principles and recommendations for population and housing censuses](#)' of the UN Statistical Commission.

Member States already have such plans⁸⁷. The Commission encourages **all Member States to develop and adopt national action plans against racism and racial discrimination**. Beyond guiding the work to tackle racism in the national context, action plans could be used as tools for sharing good practices between Member States.

The Commission proposes to work with Member States to identify common guiding principles for national action plans, with close involvement of civil society and equality bodies. By the end of 2021, the Commission will put forward the main principles and elements required to produce effective national action plans⁸⁸. This could serve as a basis for all Member States to develop and adopt national action plans by the end of 2022.

Common guiding principles could include:

- ✓ following the policy areas⁸⁹ set out in this action plan for the EU level, such as legislation to tackle racism, countering discrimination by law enforcement authorities or non-discrimination in education and training, employment, health and housing; be based on a comprehensive assessment of action needed at national level in all of the areas set out in this action plan;
- ✓ being tailored to the social, historical and cultural context and country specificities⁹⁰ to address the most pressing needs;
- ✓ involving regional and local authorities, as well as civil society and equality bodies in their design, implementation and evaluation;
- ✓ including data collection and identifying indicators to measure progress;
- ✓ drawing on the practical guidance⁹¹ from the Office of the United Nations High Commissioner for Human Rights as well as the identified key elements and principles on how to develop such plans.

The Commission invites Member States to report regularly on the implementation of national action plans. This will be instrumental for exchanges of good practices, mutual learning and for an assessment of progress at the national and EU level. The Commission proposes to report regularly on the implementation of national action plans against racism, with a first report at the end of 2023.

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

Local authorities have a lot of experience in developing effective strategies to combat racism and in building networks⁹². The Commission will continue to support such schemes and

⁸⁷ According to the 2020 FRA report (June 2020, FRA) 15 Member States have instigated government action plans against racism, racial/ethnic discrimination and related intolerance in 2019 (Belgium, Croatia, Czechia, Finland, France, Germany, Ireland, Italy, Lithuania, Netherlands, Portugal, Slovakia, Sweden, Spain and the United Kingdom).

⁸⁸ This work will be taken forward with a new joint subgroup composed of experts from the High level group on combating racism, xenophobia and other forms of intolerance and the High level group on non-discrimination.

⁸⁹ Non-discrimination legislation and the role of equality bodies; hate speech and hate crime; unlawful profiling by law enforcement authorities; risks posed by new technologies; stereotypes and historical awareness; equal access to education, employment, healthcare, housing; mainstreaming of equality concerns at national level; involving the regional and local levels; funding to combat racism; data collection, dialogue with civil society.

⁹⁰ Such as the composition of the population, specific historical and legal circumstances, and the extent of everyday prevalence of discrimination.

⁹¹ <https://www.refworld.org/docid/5566debe4.html>. The guidance calls on countries to set goals and actions, designate responsible state bodies, set target dates, include performance indicators, and provide for monitoring and evaluation mechanisms.

networks⁹³. For example, these topics could be discussed through the **URBACT programme** (supported by cohesion policy funding and linking urban policy-makers). This work can also draw on cooperation with the network of major European cities (EUROCITIES) and the UNESCO-led **European coalition of cities against racism**⁹⁴. Other local initiatives, such as the International urban cooperation (IUC) programme⁹⁵ or the Covenant of Mayors for Climate and Energy⁹⁶ could serve either as platforms or models for further developing city-level action promoting racial equality, in addition to supporting social inclusion through areas such as tackling energy poverty or access to decent housing.

Network of towns⁹⁷ projects should prioritise raising awareness and building knowledge on the role of people with a minority racial or ethnic background in European society and culture. In order to recognise and make visible cities' efforts to put in place robust inclusion policies at local level, the Commission will launch an annual designation of **European capital(s) of inclusion and diversity**.

Rural areas face specific challenges, such as remoteness, relatively high proportions of newcomers in the population (they are often migrants' first point of arrival), a potential lack of basic services and infrastructures, and higher rates of poverty and unemployment. EU funds complement national action to meet the challenges of vulnerable rural communities⁹⁸ that the upcoming long-term vision for rural areas will also look to remedy.

- *Working with the private sector*

Business organisations and individual companies have a key role to play in ensuring non-discrimination, diversity and inclusion. By signing **diversity charters**⁹⁹, organisations make a voluntary commitment to create and maintain an inclusive work environment for their employees, regardless of sex, racial or ethnic origin, religion, age, disability or sexual orientation. During the **European Diversity Charters Month in May 2021**, the Commission will organise a high-level event, which will gather policy-makers, chief executive officers of diversity charter signatories and other stakeholders to review and promote the consideration of racial and ethnic origin in diversity strategies. This will be followed up with an **online toolkit** to help companies assess their internal diversity and diversity strategies based on adjustable staff surveys, a downloadable questionnaire and recommendations for improving diversity in their organisation on the basis of the results of the assessment.

⁹² Key networks include EU Cities against Radicalisation, Nordic Safe Cities, the Strong Cities Network, and the European Forum for Urban Security.

⁹³ Such as the Partnership on the inclusion of migrants and refugees under the Urban Agenda for the EU, see <https://www.inclusionpartnership.com>.

⁹⁴ See <https://www.eccar.info/>

⁹⁵ See <https://iuc.eu/na/home/>

⁹⁶ The initiative was launched by the Commission in 2008 and today the Covenant of Mayors is the world's largest movement of cities active on energy and the climate, operating in 59 countries and embracing 10 117 local authorities.

⁹⁷ Where a partnership of towns deepen and intensify their cooperation and debate on certain issues https://eacea.ec.europa.eu/europe-for-citizens/funding_en

⁹⁸ For example LEADER, the community-based bottom-up common agricultural policy (CAP) instrument financed by the European Agricultural Fund for Rural Development, supports the development of inclusive rural communities.

⁹⁹ There are currently diversity charters in 24 Member States with over 12 000 signatories (companies, public institutions, non-governmental organisations, universities, trade unions) and in total over 16 million employees; https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/diversity-management_en

Mainstreaming

When developing policies, from social inclusion to AI, from the Green Deal to digital inclusion and from addressing hate speech to migration policies, integrating the equality dimension also includes ensuring that EU and national policies **serve the interests of all people, irrespective of their racial or ethnic origin**. The Commission will seek to ensure that the fight against discrimination on specific grounds and their intersections with other grounds of discrimination, such as sex, disability, age, religion or sexual orientation is integrated into all EU policies, legislation and funding programmes. One of the tasks of the new internal Task Force on Equality is to ensure full coverage of all policy areas. Guidance and training on mainstreaming will be developed to support all involved in the integration of an equality perspective into every stage of EU interventions, and the more active consultation of organisations representing people with a minority racial or ethnic background will be promoted throughout the Commission's policy cycle. Other EU institutions and national authorities are encouraged to cooperate on successful mainstreaming tools and practices. Member States will be able to seek technical support to mainstream equality in policy-making and reform processes through the Technical Support Instrument.

Mobilising EU funds

The EU budget supports and will continue supporting the achievement of equality objectives both through targeted actions and mainstreaming. Well-designed programmes, efficient implementation and intelligent combinations of financing within a robust legal framework can make the most of available resources, ensuring that funds reach those who need them most. The Commission's proposal for the next **multi-annual financial framework (MFF)** provides a number of important opportunities to support non-discrimination and people with a minority racial or ethnic background through EU funding. While the new **citizens, equality, rights and values programme** has specific objectives to combat discrimination, racism and xenophobia, other funds will also contribute to support investments that promote equality and inclusion such as **Horizon Europe**.

As part of **Next Generation EU**, the new Recovery and Resilience Facility will support investments and reforms essential to a lasting recovery and foster economic and social resilience and social cohesion¹⁰⁰. This support will give possibilities to Member States to foster the inclusion of vulnerable groups, including Roma and other people with a minority racial or ethnic background.

Civil society organisations are crucial actors in the fight against racism and discrimination. The Commission aims not only to ensure active cooperation with civil society but also to help secure financial support for non-governmental organisations and community-based organisations. To that end, the Commission will aim at **creating a strong partnership culture with civil society actors** to promote social inclusion, fundamental rights and equality from the policy design to the implementation phase. The Commission encourages the Member States to do the same.

As most of the EU budget is implemented by Member States¹⁰¹, they have a key role in designing targeted policies and maximising the use of funding programmes to support those affected by racism and discrimination. Member States are invited to address these needs in

¹⁰⁰ In order to receive support, Member States will have to design recovery and resilience plans addressing *inter alia* the economic and social impacts of the crisis.

¹⁰¹ 80% of the EU budget is implemented in shared management mode with the Member States with limited possibilities for the Commission to design actions on the ground.

using funds under the MFF and Next Generation EU. The Commission will aim to ensure that country-specific challenges in the area of inclusion and discrimination are properly addressed in the forthcoming partnership agreements and common agricultural policy plans, and that measures promoting equality and inclusion are implemented via operational programmes. This is also supported by the enabling conditions applicable to specific EU funds in 2021-2027 proposed by the Commission aiming to ensure respect for fundamental rights¹⁰², including non-discrimination as well as Roma equality, inclusion and participation¹⁰³.

Combating racism and discrimination in external policies

Racism is a global problem and it is important that the internal and external actions of the EU to prevent and combat racism are coherent and mutually reinforce each other. The fight against racism and discrimination on any grounds is a fundamental objective of the EU's human rights agenda in external relations and as such reflected in relevant EU's international agreements and external action policy documents, including the action plan on human rights and democracy 2015-2019¹⁰⁴, and will be included in its successor for 2020-2024 to be adopted in the last quarter of 2020. The EU human rights guidelines on non-discrimination in external action, adopted by the Council in 2019, provide conceptual and operational guidance for EU institutions and Member States in the fight against racism and racial discrimination¹⁰⁵. The EU also encourages enlargement countries to abide by the EU acquis on addressing discrimination, racism and xenophobia. Trade policy of the EU also plays a role in combating discrimination and racism¹⁰⁶.

The International Convention on the Elimination of all Forms of Racial Discrimination is central to the EU's fight against racism in the cooperation and political dialogues with partner countries and regional and international organisations. The COVID-19 crisis is likely to further exacerbate inequalities, in particular in health, where people with a minority racial or ethnic background and refugees are more vulnerable to the impacts of the pandemic¹⁰⁷. High levels of inequality also represent an obstacle to sustainable development and to the achievement of Agenda 2030 and the Sustainable Development Goals.

As regards financial support, the values of anti-racism, non-discrimination and equality, in all its senses, are firmly embedded in the European Instrument for Democracy and Human Rights and are a cross-cutting priority¹⁰⁸ in its successor: the Neighbourhood, Development and International Cooperation Instrument.

¹⁰² Through the introduction of a horizontal enabling condition on effective application and implementation of the EU Charter of Fundamental Rights.

¹⁰³ Member States programming ESF+ specific objective on promoting the socio-economic integration of marginalised communities such as Roma people must fulfil all the requirements in Annex IV to the [Commission proposal for the 2021-2027 Common Provisions Regulation](#) concerning the thematic enabling conditions for national Roma strategic frameworks. Apart from the ESF+ specific objective, several other EU funding instruments can be used for the integration of marginalised communities.

¹⁰⁴ See https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_0.pdf

¹⁰⁵ Council of the European Union, 18 March 2019, doc. 6337/19 and doc. 6338/19.

¹⁰⁶ For example, the EU Generalised Scheme of Preferences promotes ratification and implementation of the ILO Convention on Discrimination (C111) and the International Convention on the Elimination of all Forms of Racial Discrimination and EU free trade agreements also promote ratification and implementation of the ILO Convention on Discrimination (C111).

¹⁰⁷ See Food and Agriculture Organisation of the United Nations, [Addressing inequality in times of Covid-19, 28 April 2020](#).

¹⁰⁸ See also "A rights-based approach encompassing all human rights, for all EU development cooperation" (SWD (2014) 152 final).

Rising inequalities are a global phenomenon, making it increasingly important to build international partnerships to address these challenges jointly and coherently. Building on this robust external action framework, the Commission and the High Representative will seek to further strengthen partnerships with key international, regional and bilateral partners towards a new revitalised approach to the anti-racism agenda.

The Commission will:

- put forward the main principles and elements required to produce effective national action plans against racism by the end of 2021, as a result of a joint work with Member States authorities;
- issue a first report on the implementation of national action plans by the end of 2023;
- launch an annual designation of European capital(s) of inclusion and diversity;
- organise a high-level event on the consideration of racial and ethnic origin in private companies' diversity strategies in spring 2021;
- together with the High Representative seek to further strengthen partnerships with key international, regional and bilateral partners towards a new revitalised approach to the anti-racism agenda.

The Commission encourages Member States to:

- adopt national action plans against racism by the end of 2022;
- ensure that civil society representatives and equality bodies are involved in the design, implementation and evaluation of national action plans against racism.

3.3 Positive action by the EU: listening and acting

Positive action can play an important role in redressing the lack of substantive equality in societies: formal equality alone may not address the specific needs of certain groups of people. Action can be taken to offset the disadvantages to which people with a minority racial or ethnic background are exposed. EU law does not prevent Member States from adopting specific measures to avoid, or compensate for, disadvantages linked to discrimination on grounds of racial or ethnic origin where there is provision for protection.

Member States are also encouraged to identify ways to promote duties to integrate equality considerations into the day-to-day business of **public authorities**. Legal duties on the public sector to promote equality in a proactive and systematic manner, also referred to as **statutory equality duties**¹⁰⁹, place equality at the heart of public policy. They are relevant to public authorities as policy-makers, service providers, employers and procurers of goods and services. Such duties have been found¹¹⁰ to enable effective and proactive approaches to the elimination of discrimination and the promotion of equality. The Commission will continue to facilitate the sharing of good practices among the Member States in legislating for and implementing statutory duties.

¹⁰⁹ Statutory duties include preventive duties requiring organisations to establish systems and processes to prevent discrimination, institutional duties requiring organisations to establish systems and processes to promote equality for employees and service users, and mainstreaming duties requiring public authorities to have due regard to the need to promote equality in legislating, budgeting, regulating, and policy making

¹¹⁰ See Crowley N., [Making Europe More Equal: A legal duty?](#)

Inclusive democracies

Leading up to the 2019 elections to the European Parliament, there was increased awareness of the hurdles to democratic participation and representation for groups susceptible to marginalisation, such as people with a minority racial or ethnic background¹¹¹. Legal and administrative challenges, accessibility barriers and institutional difficulties stood in the way of inclusive democracy. The report on the **2019 elections to the European Parliament**¹¹² concluded that there was still progress to be made. The Commission signalled its intention to work with European political parties, the European Cooperation Network on Elections and civil society to improve participation¹¹³ and this will be part of the work under the European democracy action plan and the Commission's forthcoming report on EU citizenship. This is also an area where data collection on democratic participation of minorities would be key, to identify the scale of the problem, in full compliance with fundamental rights and data protection requirements¹¹⁴.

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

In her political guidelines, President von der Leyen stressed that “*we may have different beliefs, we may belong to different minority groups but we have to make sure we listen to each other, learn from each other and embrace this diversity.*” Policy-makers in EU institutions and Member States need to engage with and learn from people experiencing everyday racism. The Commission will prioritise listening to those affected and will implement and monitor this action plan with the involvement of people experiencing racism and discrimination. To that end, it foresees **regular consultation and dialogue** with Member States, equality bodies and local level representatives as well as with civil society organisations that represent the concerns of the individuals affected. These dialogues will not only cover the targeted measures announced in this action plan, but will also be central to the work of mainstreaming the perspectives of people with a minority racial or ethnic background into all EU policies.

This means reaching out to and engaging more with **civil society** actors on the ground. The Commission will regularly, and at least twice a year, meet with civil society organisations active in the fight against racism at European, national and local levels to take stock of progress in the fight against racism. This dialogue should also include representatives of diaspora networks, social partners¹¹⁵, political parties, businesses, education and training providers, social workers, healthcare professionals, academia, cultural and sports organisations as well as youth-based organisations. It should in particular give a voice to grassroots actors who have first-hand expertise and experience for defining the right way forward.

¹¹¹ See https://ec.europa.eu/info/sites/info/files/eu-citizen_-_type_a_report_-_infographics_-_a4_full.pdf

¹¹² [Report on the 2019 elections to the European Parliament](#) (COM(2020) 252 final).

¹¹³ The Commission will organise a workshop on elections to exchange and foster best practices on inclusive democracy with the aim of candidate lists that reflect the diversity of our societies. This workshop is planned for 2022 to inform the next European parliamentary elections in 2024.

¹¹⁴ The European Cooperation Network on elections will meet in September 2020 to launch a discussion on better data collection. The outcome of this will form part of the 2020 EU Citizenship Report planned for the fourth quarter of 2020.

¹¹⁵ The Commission and the economic and social partners have renewed their commitment to the integration of refugees and migrants (Joint Statement renewing the European Partnership for Integration of 7 September 2020) and highlighted the specific challenges faced by migrants and refugees with the COVID-19 crisis, notably that the risk of rising racism and xenophobia may represent additional obstacles to their participation in the labour market and in society at large. See: https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/european-dialogue-skills-and-migration/european-partnership-integration_en.

As regards **experts**, the implementation of the action plan should become an important focus of existing high level groups¹¹⁶. These will provide fora for discussion, exchange and strengthened coordination and cooperation between national authorities, civil society and equality bodies.

Moreover, the Commission will appoint a **coordinator for anti-racism**. The coordinator will liaise closely with people with a minority racial or ethnic background and relay their concerns to the Commission. The coordinator will interact with Member States, the European Parliament, civil society and academia to strengthen policy responses in the field of anti-racism. In addition, the coordinator will join forces with Commission services to implement the Commission's policy on preventing and combating racism.

The Conference on the Future of Europe will offer citizens from all walks of life and every corner of our Union the opportunity to discuss what matters to them, including fundamental rights and EU values which are central to our Union and its future.

The fight against racism in the EU calls for the highest political attention. The Commission will organise a **summit against racism** with the involvement of EU Institutions, Member States, civil society, equality bodies and grassroots organisations. The Summit will be organised around the **International Day for the Elimination of Racial Discrimination** on 21 March 2021 and this day will be marked each year by the Commission.

The Commission will:

- strengthen its dialogue with Member States, equality bodies, civil society organisations and local level representatives for the implementation of this action plan;
- appoint a coordinator for anti-racism;
- organise a summit against racism in spring 2021.

The Commission encourages Member States to:

- adopt specific measures to avoid, or compensate for, disadvantages linked to discrimination on grounds of racial or ethnic origin where there is provision for protection;
- identify ways to promote duties to integrate equality considerations into the day-to-day work of public authorities.

4. The EU's own human resources

The European Commission, as an employer, has to lead by example. To be a modern organisation, the Commission needs a workforce which is representative of our society as a whole.

New actions¹¹⁷ will be implemented under this Commission's mandate to promote diversity and ensure a discrimination-free and an inclusive workplace for all people, irrespective of

¹¹⁶ Notably the High level group on combating racism, xenophobia and other forms of intolerance and the High level group on non-discrimination, equality and diversity.

¹¹⁷ A number of actions have already been implemented under the Commission Communication on [A better workplace for all: from equal opportunities towards diversity and inclusion](#) (C(2017) 5300 final).

their racial or ethnic origin or skin colour. All these actions will form part of a wider set of measures in the forthcoming **human resources strategy** that will shape the modernisation of the Commission as a public administration. **A Diversity and Inclusion Office** will be created within the Directorate-General for Human Resources and Security to oversee the development and implementation of all relevant actions. The office will also ensure a “one stop shop” for all experts and services that contribute to advancing diversity, equality and inclusion across all Commission departments.

Data on the diversity of the Commission staff will, for the first time, be collected via a dedicated diversity and inclusion survey, which will be voluntary and anonymous. Its results will pave the way for evidence-based policies and measures under the human resources strategy. The survey will cover all categories of staff, and target all possible grounds of discrimination including data on racial and ethnic origin of the staff, in full compliance with data protection rules. It will serve as a basis for measuring progress in the future. Other EU institutions and bodies could take similar steps¹¹⁸.

The commitment to foster diversity applies to all levels of the organisation and therefore cover staff from all function groups and grades. The recruitment and selection processes in EU institutions are key instruments in this respect.

While the **selection process** is merit-based and follows an equal opportunities policy, greater diversity needs to be supported among candidates. A strategy will be put in place in the next six months for targeted communication¹¹⁹. By the end of 2020, the European Personnel Selection Office (EPSO) will launch a call to encourage cooperation with different expert organisations and associations representing minorities, and a **network of diversity partner organisations** set up to receive information on job opportunities and competitions. This network will also be critical for better understanding the existing disincentives to considering EU institutions as potential employers. An **equality and diversity monitoring tool** will be developed, in cooperation with Member States, to identify potential gaps in applicants, possible blocking factors and how these might be addressed.

In order to further strengthen prevention of any potential discrimination in the **recruitment process**, human resources professionals will participate in **mandatory training on unconscious bias** and will acquire further specialisation in headhunting and interview techniques. This will be backed up by **equality and diversity screenings** of recruitment processes, procedures and tools in order to identify any potential risk of bias or discrimination and the remedial actions needed. The Commission is firmly committed to take all appropriate actions to ensure effective remedy of the issues identified by the equality and diversity screenings.

The Commission’s commitment to diversity also extends to the Commission’s blue book **traineeship programme**¹²⁰. The Commission will run an equality and diversity screening of the entire programme with the aim to **present in 2021 a strategy** with specific objectives in terms of representation of applicants with a minority racial or ethnic background. These objectives will apply to the calls for applications to be launched in 2022.

¹¹⁸ The European External Action Service has already expressed its intention to join this dedicated survey.

¹¹⁹ This will include harnessing EU career student ambassadors and the ‘Back to School/University’ programme in promoting the EU career option amongst students from minority ethnic or racial backgrounds. A masterclass on diversity will take place by the end 2020 and will gather 185 EU careers ambassadors from 140 universities across Europe.

¹²⁰ Commission Decision C(2005) 458.

Taking additional steps to broaden the diversity of Commission staff would, however, be undermined if the workplace itself is not fully inclusive. The Commission will implement additional measures towards a culture of inclusiveness. The pivotal role of senior and middle managers will be underlined, including by making the **diversity and inclusion charter** of the Commission¹²¹ an integral part of the management pledge of every service. All staff will be offered regular training on unconscious bias, including in relation to racial and ethnic origin, including in intersection with other grounds of discrimination. A dedicated **internal communication campaign** will cover all aspects of diversity and inclusion, including on racial and ethnic origin. Dedicated awareness-raising actions for staff, such as staff events or articles, will be organised as part of the EU activities to mark key commemorative days linked to racism. In 2021, the event will take the form of a workshop on “Breaking the silence on racial and ethnic diversity” with personal stories of managers and staff members from various racial or ethnic backgrounds.

In tandem with preventive actions, cases of discrimination, inequality or intolerance during the recruitment process or in the workplace will continue to be rigorously followed up. This means that applicants and staff members should feel safe to report any possible **unfair, discriminatory or hostile practices**. The Commission’s policy framework on harassment is under review and will provide a framework to tackle all forms of unwelcome workplace behaviours, including those rooted in racial discrimination.

The Commission will **benchmark all its actions** to advance diversity and inclusion against other public administrations, international organisations and private companies and will engage in regular dialogue with other EU institutions. Priority attention will be paid to actions specific to applicants and staff with a minority racial or ethnic background.

The Commission will perform an assessment of the effectiveness of the actions undertaken to enhance the racial and ethnic diversity of its staff by 2023.

The Commission will:

- lead by example as an institution by taking steps to significantly improve the representativeness of Commission staff through measures targeting recruitment and selection;
- invite other EU institutions to take steps in line with those of this action plan in order to foster diversity and inclusion in their respective workplaces.

5. Conclusion

Racism strikes at the heart of EU values. Furthering the fight against racism in the EU is a shared responsibility and requires joint, resolute and ongoing efforts. The EU institutions, Member States and EU agencies, in partnership with civil society organisations, social partners and the private sector, must work together to make concrete progress towards eliminating this scourge from our societies.

The Commission invites all relevant actors and stakeholders to engage in an open, honest and continuous dialogue to help inform the further development and implementation of policies to counter racism. As part of this dialogue, the EU institutions and Member States need to bring

¹²¹ See Commission Communication C(2017) 5300.

a fresh approach to how they engage with civil society and ensure that the voices of people with a minority racial or ethnic background are heard.

The implementation of the actions presented here will be monitored, progress reported and actions adapted where needed. The Commission invites the European Parliament to regularly discuss and support the implementation of the action plan and the Council to adopt conclusions on the Member States' actions to prevent and combat racism. The Commission calls on Member States to adopt their national action plans by the end of 2022 and to maximise the use of all the tools at their disposal, in particular the possibilities offered by the funding programmes under the MFF and Next Generation EU, to support those affected by racism and discrimination. Working together, we will make a racism-free EU a reality.