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

OPINION

European Economic and Social Committee

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

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Rapporteur: **Cristian PÎRVULESCU**

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1. **Conclusions and recommendations**

- 1.1 The EESC welcomes the EU anti-racism action plan 2020-2025 put forward by the European Commission and hopes it will help both the EU and Member State institutions to renew their efforts in combating racism and other forms of structural discrimination.
- 1.2 The Plan is relevant and timely. The unfolding of the COVID-19 epidemiological crisis has created new challenges with regard to inclusion and promotion of diversity. Already marginalised groups such as migrants have experienced major medical, social and economic hardships. In times of crisis, discriminatory attitudes and actions tend to become more prevalent.
- 1.3 Even prior to the COVID-19 crisis, the situation of minorities and vulnerable groups in the EU was deteriorating. Anti-migrant attitudes became more widespread, pushed forward by electorally driven leaders and parties instigating anti-Muslim, anti-African and anti-Asian sentiments. Historical minorities such as the Roma increasingly became targets of racially motivated hatred. The Jewish population in Europe became less and less safe, bringing back painful memories of the vicious anti-semitism that plagued the continent before World War II.
- 1.4 Against this background, the Plan aims to streamline legislative, policy and budgetary actions. While the Plan brings together all available instruments, at times it seems to lack ambition and historical depth. Its approach is too prudent, while the situation on the ground is deteriorating fast. The EESC would like to emphasise that action to combat discrimination, racism, xenophobia and other types of intolerance at European level is a clear responsibility enshrined in the founding documents of the EU. It is not optional and the division of responsibilities between EU and national authorities should not become the basis for complacency and inaction. A specific concern is how to convince all EU Member States to participate in this effort and ensure the active cooperation of various bodies, institutions and organisations at national level.
- 1.5 The EESC supports the drafting of new legislation to strengthen the role of national equality bodies.
- 1.6 The EESC also encourages the Council to adopt the Commission's 2008 proposal for the implementation of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.
- 1.7 The Framework Decision on combating racism and xenophobia by means of criminal law, a key legislative act, needs a comprehensive assessment of its implementation.
- 1.8 The online space is increasingly becoming a replacement for the traditional public sphere. It is also the space that some leaders, groups and organisations use to promote racist and discriminatory attitudes. When designing policies and procedures, a stronger emphasis should be placed on the organised spread of hate speech and on dealing with it accordingly.
- 1.9 Unfortunately, in the last decade we have seen a significant number of groups and organisations openly assuming ideas, symbols and actions originating in European interwar fascism. In the last decade they have moved from the fringes of public space to its centre, including via online

mobilisation. They have also been encouraged by political developments outside Europe – governments of large states taking nationalist and conservative stances in internal and external policy. This new mobilisation should be dealt with accordingly, not only through legislative and punitive actions, which could come too late, but through direct and decisive actions addressing the root causes of right-wing radicalisation.

- 1.10 The EESC welcomes the Action plan on the European Pillar of Social Rights presented by the Commission and hopes it will strongly support equality in the labour market, including for people with a minority racial or ethnic background. We also hope that the social commitments of EU institutions and Member States will be upheld in the difficult economic times created by the COVID-19 epidemic.
- 1.11 The EESC looks forward to the Commission's comprehensive strategy on the rights of the child planned for 2021. We hope that the strategy will include actions tackling racism and discrimination, but also links with policies and resources which could mitigate the negative effects of the epidemic and the disruptions produced.
- 1.12 A comprehensive rethinking of the EU and Member State health policy is needed, with the aim of ensuring access to high-quality services for all people and especially for those coming from vulnerable and minority groups. This includes better financing of services, developing public health infrastructure in all regions, especially in poorer areas, developing primary health services and centring service provision around the needs and rights of patients. Special attention should be paid to the rights, dignity and welfare of elderly citizens who experience isolation in care homes during the COVID-19 pandemic.
- 1.13 The historical roots of racism should be subject to renewed interest and action, especially in the area of education. New curricula and new textbooks should be developed and training programmes for teachers and educators should be organised with EU support. An interdisciplinary approach to common European history and heritage should be promoted at the secondary and tertiary levels of education.
- 1.14 The EESC joins the Commission in encouraging all Member States to develop and adopt national action plans against racism and racial discrimination. Only around half the Member States have such plans, showing a variable level of interest and commitment on the part of the Member State governments. The EESC looks forward to the identification of common guiding principles for national action plans due in 2021 and is ready to contribute to the effort.
- 1.15 The EESC hopes that the efforts made by business organisations and individual companies to create and maintain an inclusive work environment for their employees, regardless of sex, racial or ethnic origin, religion, age, disability or sexual orientation will be further enhanced. An inclusive working environment also includes real social dialogue and robust employee representation. We look forward to European Diversity Charters Month in May 2021 and the launch of the online toolkit to help companies assess their internal diversity and diversity strategies.

- 1.16 The funding for actions to combat racism and discrimination seems generous. It includes the multiannual financial framework (MFF), the new citizens, equality, rights and values programme, Horizon Europe, and the new Recovery and Resilience Facility. Based on a general evaluation of actions so far, Member State governments seem to have a limited interest in accessing various resources and working to combat racism and discrimination. The EESC considers that budgetary provisions per se are not enough and a system of incentives should be put in place.
- 1.17 The EESC welcomes the Commission's intention to work with European political parties, the European Cooperation Network on Elections, civil society and academia to improve participation under the European democracy action plan. The EESC is ready to contribute to the work and bring its own perspective and expertise.
- 1.18 The EESC encourages the Commission to better integrate various plans which have significant overlapping of objectives and instruments. We suggest integrating the Anti-Racism Plan, the strategy to implement the Charter of Fundamental Rights, the Democracy Action Plan and the Rule of Law Report. Acknowledging the fact that these plans represent distinct policy fields, we should also identify common elements and synergies.
- 1.19 One of the pillars of effective policies in the fields of democracy, the rule of law and human rights protection is a vibrant, well-organised and assertive civil society that is active at all levels - local, regional, national and European. Thus, the EESC urges the Commission to develop a comprehensive European civil society strategy to help it fulfil its democratic mission.

2. General comments

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

- 2.1.1 The EESC encourages the Commission to undertake the comprehensive assessment of the existing legal framework as soon as possible. Monitoring the transposition and implementation of EU legislation is key to ensuring effective anti-discrimination action. The EESC encourages the Commission to include in the assessment the positions of frontline civil society organisations, social partners and community groups, as well as national equality bodies. The organisations working directly with the affected groups should be also involved.
- 2.1.2 The EESC looks forward to the monitoring report on the implementation of the Racial Equality Directive due in 2021 and welcomes a possible focus on law enforcement regulation. It also encourages the Commission to proactively use the infringement procedures when necessary.
- 2.1.3 The EESC supports the drafting of new legislation to strengthen the role of national equality bodies. It is regrettable that such important institutions, which are responsible for providing independent assistance to victims of discrimination, promote equality, conduct independent surveys, and issue independent reports and recommendations, have configurations of power and functions that are too diverse. It is absolutely essential to rethink and further strengthen their roles.

- 2.1.4 The EESC also encourages the Council to adopt the Commission's 2008 proposal for the implementation of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation¹.
- 2.1.5 The Framework Decision on combating racism and xenophobia by means of criminal law², a key legislative act, needs a comprehensive assessment of its implementation. As stated in the proposal, there are serious concerns about the extent to which national criminal codes correctly criminalise hate speech and hate crimes, a concern also shared by the Committee.
- 2.1.6 Of particular concern is the proliferation of hate speech in the online space³. Even though 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, there are significant shortcomings in putting the rule into practice. National authorities have to take into consideration the freedom of speech principle and define in more detail the content of illegal online behaviour. At the same time, they have to cooperate with the information technology platforms in order to regulate access and set clearer rules for moderating and removing content. There is progress in regard to the voluntary compliance of platform providers and the removal of illegal content but continuous effort is needed to keep pace with developments in the online space.
- 2.1.7 The online space is increasingly becoming a replacement for the traditional public sphere. It is the space in which the majority of social interaction takes place, for a variety of needs and purposes, from buying goods and services, entertainment, information, education, cultural consumption, to civic and political mobilisation. It is a vast space, in which the development of technology and services pushes forward the boundaries of sociability and interactions. It is also the favourite space for political leaders, groups and organisations to promote their values and ideologies, to interact with the public and mobilise for action⁴. Some of them place racist and discriminatory attitudes at the centre of their political action and mobilisation. When designing policies and procedures, a stronger emphasis should be placed on the organised spread of hate speech and on dealing with it accordingly.
- 2.1.8 Unfortunately, in the last decade we have seen a significant number of groups and organisations openly assuming ideas, symbols and actions originating in European interwar fascism. These include parties in national parliaments, extra-parliamentary parties, political movements and militias, all rooted in a political culture of hatred and discrimination. In the last decade they have moved from the fringes of public space to its centre, including via online mobilisation. They have also been encouraged by political developments outside Europe – governments of large states taking nationalist and conservative stances in internal and external policy. This new mobilisation should be dealt with accordingly, not only through legislative and punitive actions,

1 [COM\(2008\) 426 final](#).

2 [OJ L 328, 6.12.2008, p. 55](#).

3 The online space is also increasingly targeted by states pursuing unconventional strategies to influence public opinion.

4 The EESC recommends that the European Commission better integrate this action plan with the European Digital Strategy.

which could come too late, but through direct and decisive actions addressing the root causes of right-wing radicalisation.

2.1.9 As stated in the proposal, 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. This is a step in the right direction but more action is needed. All countries should develop national responses to violent extremism. And their approach should be facilitated by joint action at EU level. The EESC looks forward to the Commission report on national responses to violent extremism. We encourage the Commission to work closely not only with law enforcement authorities, which are usually tasked with monitoring violent extremism, but also with national equality bodies, independent watchdog institutions, civil society organisations (including religious communities), social partners, the media and universities. The EESC is ready to contribute its own expertise to the development of EU joint plans to combat violent extremism. The actions should target not only visible and late-stage instances of violent extremism, but the root causes and the enabling environments which led to radicalisation and action.

2.1.10 The EESC encourages all Member States to consider ratifying without delay International Labour Organization Convention 190 (2019), the very first international treaty that straightforwardly condemns every form of violence and harassment in the world of work. As such, it has a bearing on racial, gender and all other kinds of harassment and discrimination.

2.2 **Beyond EU legislation – doing more to tackle racism in everyday life**

2.2.1 The EESC welcomes the new focus on countering discrimination by law enforcement authorities. Law enforcement authorities are working every day in all European communities and they could be key actors in the fight against racism, xenophobia and discrimination. Unfortunately, the education and training of personnel does not usually cover democracy, the protection of human rights and discrimination. In some cases, law enforcement personnel themselves develop racist, xenophobic and discriminatory attitudes, and in the worst case scenario they are linked with outside groups promoting these ideas. We welcome the work done by the European Union Agency for Fundamental Rights (FRA) and the Agency for Law Enforcement Training (CEPOL) to develop training resources and tools but this is not enough. The number of potential beneficiaries of education and training is in the order of hundreds of thousands. Therefore, cooperation with national training institutions has to be significantly stepped up, with more resources dedicated to training at EU and national level. FRA and CEPOL can also encourage national training institutes to cooperate with civil society organisations and universities in order to better adapt training content to national specificities.

2.2.2 The EESC welcomes the Commission's strong commitment to combat discrimination, inequalities in access to employment, education, healthcare and housing through policy and funding programmes. Therefore, we welcome the Action plan on the European Pillar of Social Rights presented by the Commission and hope it will strongly support equality in the labour market, including for people with a minority racial or ethnic background. We also hope that the

social commitments of EU institutions and Member States will be upheld in the difficult economic times caused by the COVID-19 epidemic.

- 2.2.3 The EESC welcomes the intention to use Next Generation EU, the Technical Support Instrument and the general budget for 2021-2027 to promote social inclusion, ensure equal opportunities for all and tackle discrimination. The COVID-19 crisis, with its disproportionate impact on vulnerable and minority people, has created the need for infrastructure development and equal access to the labour market, health and social care, housing, and high-quality, non-segregated and inclusive education and training services.
- 2.2.4 The COVID-19 crisis has exacerbated the problems of vulnerable and minority groups in relation to the job market. People with minority backgrounds experience difficulties getting jobs and, even when they have one, being paid according to their education and skill level. The economic effect of the pandemic, with large-scale layoffs and further deterioration of working conditions and pay, is hitting vulnerable and minority groups harder. We look forward to the action plan on the European Pillar of Social Rights in order to effectively address discrimination in the area of employment.
- 2.2.5 COVID-19 has also had a negative effect on education. The school closures which took place in 2020 – and will probably continue in 2021 as well – disrupted an educational process which was already insufficiently inclusive. Even before the pandemic, children and youth from vulnerable and minority groups left school early or did not participate fully in the education process. To the extent that they were participating in education, children with minority backgrounds were subject to discrimination and bullying, which the European Commission proposal does not fully acknowledge. Schools are not just educational institutions; within and around them several services are provided, from feeding to health monitoring and assistance and prevention of abuse by parents and community. Moving teaching online was an emergency solution. In many cases, this created another obstacle for vulnerable and minority children as they lacked suitable devices and an internet connection. As soon as the schools can be reopened, direct and strong action is required to start remedial teaching and service provision. The EESC looks forward to the Commission's comprehensive strategy on the rights of the child planned for 2021. We hope that the strategy will include actions tackling racism and discrimination, but also links with policies and resources which could mitigate the negative effects of the epidemic and the disruptions produced.
- 2.2.6 The EESC welcomes the work of the Radicalisation Awareness Network and hopes that its activities will be further supported and developed, especially with regard to education.
- 2.2.7 In terms of health, COVID-19 has had a significant impact. The health inequalities suffered by people with a minority racial or ethnic background have worsened. We encourage the EU Health Policy Platform to fully address the issue of reducing inequalities based on racial or ethnic origin. The EU must do much more to ensure that EU citizens and residents have access to high-quality medical services during and after the pandemic. The EU's efforts to provide medical equipment and, at a later stage, access to the vaccines, is to be praised and encouraged. But only a comprehensive rethinking of EU and Member State health policy can solve the problem of access and quality in the medium and long term for all people and especially for

those in vulnerable and minority groups. This includes better financing of services, developing public health infrastructure in all regions, especially in poorer areas, developing primary health services and centring service provision around the needs and rights of patients.

2.2.8 More action is needed in relation to housing. As stated in the proposal, discrimination on the housing market reinforces segregation, with a knock-on effect in terms of education or employment opportunities and, in the case of families with children, has a significant detrimental impact on children's development. The COVID-19 epidemic has highlighted the need for action to improve housing conditions. The prevention of infection and severe forms of the disease depends on general health conditions but also access to water and sanitation infrastructure. Segregated housing, especially in poorer areas, should be a priority. Even though funds for supporting non-segregated housing actions and ensuring access to inclusive and high-quality mainstream services are available through the cohesion policy, it is unclear whether national and local authorities are willing to access it.

2.3 **Structural racism – tackling the underlying problem**

2.3.1 Combating stereotypes and raising awareness of history is of the utmost importance for a continent free of racism and discrimination. The historical roots of racism should be subject to renewed interest and action, especially in the area of education. We welcome the Council of Europe's work on history and teaching of history. However, the tools provided are not routinely used for the large-scale teaching of history. More concerted and decisive action is needed in this direction. New curricula and new textbooks should be developed and training programmes for teachers and educators should be organised with EU support. An interdisciplinary approach to common European history and heritage should be promoted at the secondary and tertiary levels of education. A focus on education, formal and non-formal, is the cornerstone of any effective policy against racism and discrimination.

2.3.2 The role of the creative sector is also very important, acting as a bridge between social groups. Empathy and solidarity are values that form the basis of an inclusive society. We therefore welcome the focus of Creative Europe and other programmes on projects that seek to remove barriers and encourage the social inclusion and participation of underrepresented and disadvantaged groups.

2.3.3 Working with journalists is also timely and relevant. We support the Commission's endeavour to 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. The EESC is ready to contribute to such efforts.

2.3.4 The EESC urges the EC and the Member States to work on a common methodology for gathering relevant data, including data disaggregated by ethnic and racial origin. The methodology should follow the principles set by the 2002 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Programme of Action - disaggregated data collection in population statistics should be collected with the explicit consent of the respondents, based on their self-identification and consistent with human rights standards protecting privacy. The EESC considers that the work done by the Fundamental

Rights Agency in the field of data gathering is not enough and similar efforts should be organised at Member State level.

2.3.5 The EESC highlights the importance of good practice, in terms of engaging with the local level (towns) and neighbourhood/community level, where structural racism is interlaced with everyday life and work, with the aim of fostering a context of intercultural tolerance.

2.4 **A framework for delivery: harnessing EU tools to their fullest extent**

2.4.1 The EESC joins the Commission in encouraging all Member States to develop and adopt national action plans against racism and racial discrimination. Only around half of the Member States have such plans, showing a variable level of interest and commitment on the part of the Member State governments⁵. The EESC looks forward to the identification of common guiding principles for national action plans due in 2021 and is ready to contribute to the effort. The policy areas highlighted in the current action plan (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) are well structured and comprehensive. A specific concern is how to convince all EU Member States to participate in the effort and ensure the active cooperation of various bodies, institutions and organisations at national level.

2.4.2 The EESC hopes that the efforts made by business organisations and individual companies to create and maintain an inclusive work environment for their employees, regardless of sex, racial or ethnic origin, religion, age, disability or sexual orientation will be further enhanced⁶. An inclusive working environment also includes real social dialogue and robust employee representation. We look forward to European Diversity Charters Month in May 2021 and the launch of the online toolkit to help companies assess their internal diversity and diversity strategies.

2.4.3 The EESC fully supports the Commission's commitment to ensure that the fight against discrimination on specific grounds, and how these intersect with other grounds of discrimination, such as sex, disability, age, religion or sexual orientation, is integrated into all EU policies, legislation and funding programmes.

2.4.4 The funding for actions to combat racism and discrimination seems generous. It includes the multi-annual financial framework (MFF), the new citizens, equality, rights and values programme, Horizon Europe, and the new Recovery and Resilience Facility. Based on a general evaluation of actions so far, Member State governments seem to have a limited interest in accessing various resources and working to combat racism and discrimination. The EESC

⁵ According to the 2020 FRA report (June 2020, FRA), 15 Member States had plans against racism, racial/ethnic discrimination and related intolerance in 2019: Belgium, Croatia, Czech Republic, Finland, France, Germany, Ireland, Italy, Lithuania, Netherlands, Portugal, Slovakia, Sweden, Spain. The United Kingdom had one but left the EU on 1 January 2021.

⁶ According to the proposal, 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.

considers that budgetary provisions per se are not enough and a system of incentives should be put in place. A major reason for the limited interest could be the sensitive political nature of the actions and the political mobilisation of radical leaders, organisations and groups against these actions.

2.4.5 Combating racism and discrimination in external policies is also a priority, especially in a world severely affected by the COVID-19 epidemic. The EESC hopes that the values of anti-racism, non-discrimination and equality will be fully supported through the Neighbourhood, Development and International Cooperation Instrument, in cooperation with governments and civil society organisations and social partners from its partner countries⁷.

2.5 Positive action by the EU: listening and acting

2.5.1 The democratic participation and representation of groups susceptible to marginalisation, such as people with a minority racial or ethnic background, is still insufficient in most parts of Europe. Therefore, the EESC welcomes the Commission's intention to work with European political parties, the European Cooperation Network on Elections and civil society to improve participation under the European democracy action plan. The EESC is ready to contribute to the work and bring its own perspective and expertise. One priority would be to remove various legal and administrative challenges, accessibility barriers and institutional difficulties faced by people ready to engage in politics at all levels. Another would be working with parties and encouraging them to build more diverse and inclusive political constituencies, and promote leaders and candidates with a minority/vulnerable group background.

2.5.2 The EESC welcomes the Commission's commitment to regularly meet with civil society organisations and social partners active in the fight against racism at European, national and local levels to take stock of progress in the fight against racism. The EESC is ready to participate in the dialogue. It is important to include faith actors in this process.

2.5.3 The EESC welcomes the Commission's planned appointment of a coordinator for anti-racism. The coordinator will interact with Member States, the European Parliament, civil society organisations, social partners and academia to strengthen policy responses in the field of anti-racism.

2.5.4 The EESC looks forward to the Commission's planned summit against racism. The summit will be organised to coincide with the International Day for the Elimination of Racial Discrimination on 21 March 2021 and this day will be marked each year by the Commission.

⁷ [REX/508-EESC-2018](#).

2.5.5 The Commission's work to promote diversity and ensure a discrimination-free and inclusive workplace for all people, irrespective of their racial or ethnic origin or skin colour is welcomed and sets a very good standard for the operation of the other EU institutions.

Brussels, 27 April 2021

Christa Schweng

The president of the European Economic and Social Committee
