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**COMMISSION STAFF WORKING DOCUMENT**

**Countering racism and xenophobia in the EU: fostering a society where pluralism,  
tolerance and non-discrimination prevail**

## 1. Introduction

The European Union is based on a set of common, fundamental values, which include respect for human dignity, freedom, equality and respect for human rights and the rights of people belonging to minorities. As reflected in Article 2 of the Treaty on the European Union (TEU), these common values characterise a society where pluralism, non-discrimination and tolerance prevail. Upholding these values is necessary, not only to protect the rights of people belonging to, or being perceived to belong to minorities, but also to safeguard the personal freedoms and rights of all people residing in Europe, including those perceived to belong to the majority population.

According to a recent Eurobarometer survey on the future of Europe<sup>1</sup>, more than four in ten respondents say the EU best embodies freedom of opinion, tolerance and openness to others. Yet, in recent times, EU values have come under strain. There are fears and feelings of insecurity, in particular in moments of social and economic change, and there are signs that intolerance, racism, xenophobia and discrimination are on the rise in our societies. While these fears and their root causes need to be addressed, it is also important to educate and promote understanding that rights come with duties and responsibilities for all citizens.

A considerable proportion of respondents to the latest EU Minorities and Discrimination Survey (EU MIDIS II), carried out by the EU Agency for Fundamental Rights (FRA) reported high levels of discrimination because of their ethnic or immigrant background as well as potentially related characteristics, such as skin colour and religion. They also experienced harassment and violence motivated by hatred<sup>2</sup>. A recent European Parliament study concluded that people from ethnic or racial minorities in the EU experience higher risks of economic hardship, poor quality housing, residential segregation, unemployment and assault, whose individual impact is quantifiable in lost earnings from €1.8 billion up to €8 billion.<sup>3</sup> Perceptions over discrimination, as regularly captured by Eurobarometer surveys, also confirm that, while socially, Europeans are steadily becoming more diverse, the proportion of those that think discrimination in the EU is widespread has generally increased since 2012, with discrimination on the grounds of ethnic origin continuing to be regarded as the most common.<sup>4</sup>

Against this background, the Commission has stepped up its actions to address these challenges. This Staff Working Document provides an overview of the progress achieved and outlines some areas that merit particular attention in the near future.

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<sup>1</sup> Special Eurobarometer 467 (2017), <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2179>

<sup>2</sup> EU Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey* (2017), <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

<sup>3</sup> European Parliament, *Equality and the fight against racism and xenophobia: cost of non-Europe* (2018), [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/615660/EPRS\\_STU\(2018\)615660\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/615660/EPRS_STU(2018)615660_EN.pdf), based on data collected from the European Social Survey (ESS) and Eurostat.

<sup>4</sup> 64%, according to the latest Eurobarometer on Discrimination in the EU (Special Eurobarometer 437(2015), <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/search/discrimination/surveyKy/2077>).

The Commission has undertaken a comprehensive policy approach to foster equality and non-discrimination<sup>5</sup> as well as to the prevention and fight against all forms of racism and xenophobia: Sections 2 to 5 focus on the horizontal measures taken to address these issues while Section 6 outlines the responses to specific challenges faced by particular groups or communities.

## **2. Legal action to combat racism, xenophobia and discrimination**

### *The EU legal framework*

The Commission's work to combat racism, xenophobia and discrimination rests on a solid legal framework based on a number of general provisions of the Treaties<sup>6</sup> with the general principles of non-discrimination and equality, which are also reaffirmed in the EU Charter of Fundamental Rights.<sup>7</sup>

One of the key instruments in this legal framework is the Racial Equality Directive which implements the principle of equal treatment irrespective of racial or ethnic origin in the areas of social protection, social advantages, education, and access to and supply of goods and services.<sup>8</sup>

With the aim of developing further a horizontal legal framework, the Commission adopted on 2 July 2008 a proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. The scope of this proposal covers social advantages and protection, including

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<sup>5</sup> Beyond measures to tackle racism and xenophobia this approach includes other sectorial initiatives such as the ongoing implementation of the EU List of Actions to advance LGBTI Equality and continuing efforts to promote gender equality. For further reference see [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/list-actions-advance-lgbti-equality\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/list-actions-advance-lgbti-equality_en) and [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality_en). In this context, the European Commission is also increasingly focussing on the issues of multiple and intersectional forms of discrimination and intolerance, which may involve the interaction of several grounds such as gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Moving beyond a single ground-based perspective means being able to address the specific needs of groups facing multiple disadvantages.

<sup>6</sup> In particular, Articles 19 and 67(3) TFEU.

<sup>7</sup> In particular, Articles 20 and 21 of the Charter which, respectively, reaffirm the principle of equality before the law and the prohibition of discrimination on any grounds including race, colour, ethnic origin, religion or belief and belonging to a national minority.

<sup>8</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive'). Besides the Racial Equality Directive, the Equality Directives include the Employment Equality Directive (Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation), the Gender Equal Access to Goods and Services Directive (Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and woman in the access to and supply of goods and services), the Gender Equality Directive (Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation - Recast) and the Gender Equality in Self-Employment Directive (Directive 2010/41/EU of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC).

healthcare, education, access to and supply of goods and services, including housing.<sup>9</sup> However, the proposal, which requires unanimity, has been stalled in the Council for more than 10 years. The Commission continues to encourage constructive discussions to reach a consensus.

The EU is also equipped with a Framework Decision on combating racism and xenophobia by means of criminal law<sup>10</sup>, which sets the framework for a common response to racist hate speech and hate crime. It obliges Member States to penalise the public incitement to violence or hatred against persons defined by reference to race, colour, religion, descent or national or ethnic origin, including when committed online. It also requires them to ensure that the racist and xenophobic motivation is considered as an aggravating circumstance or can be taken into account in the determination of the penalties for any other criminal offence. This legislation has been complemented by EU rules to protect victims of crime, enshrined in particular in the Victims' Rights Directive<sup>11</sup>, which obliges Member States to ensure a fair and non-discriminatory treatment of victims of crime, and pays particular attention to victims of crime motivated by hate and bias.

### ***Ensuring the correct transposition and implementation of EU legislation***

In its role as Guardian of the Treaties, the European Commission closely monitors the transposition and implementation of EU legislation in the Member States. In 2014, the Commission issued a joint report on the application of the Racial Equality Directive and the Employment Equality Directive.<sup>12</sup> The Commission has not hesitated, when necessary, to initiate infringement procedures against Member States that do not comply with these Directives. In 2014-2016, the Commission launched infringement proceedings concerning discrimination of Roma children in education in breach of Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin against three Member States.

Moreover, the Equality Directives oblige the Member States to set up Bodies for the Promotion of Equal Treatment.<sup>13</sup> While, by now, all Member States have established such an "equality body" (or bodies)<sup>14</sup>, the Commission recommendation of 22 June 2018 on standards

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<sup>9</sup> COM(2008)426 final.

<sup>10</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

<sup>11</sup> Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

<sup>12</sup> COM(2014)2 final, 17.01.2014, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0002&from=EN>. Member States are required to report again to the Commission on the application of these Directives by 2019.

<sup>13</sup> The set-up of an equality body (or bodies) is required under the Racial Equality Directive, the Gender Equal Access to Goods and Services Directive, the Gender Equality Directive (recast) and the Gender Equality in Self-Employment Directive.

<sup>14</sup> Member States are obliged to ensure that the equality bodies provide independent assistance to victims of discrimination in pursuing their complaints about discrimination, conduct independent surveys concerning discrimination, publish independent reports and make recommendations on any issue relating to discrimination.

for equality bodies indicates further measures to ensure that they function in an effective and independent manner.<sup>15</sup>

In 2014, the Commission issued a report on the implementation of the Framework Decision on combating racism and xenophobia<sup>16</sup> which highlighted transposition gaps in a number of Member States, in particular in relation to the offences of incitement to racist and xenophobic violence and hatred, the racist and xenophobic motivation of crimes, the liability of legal persons and jurisdiction. Since 2014, the Commission has had the power to oversee the application by Member States of the Framework Decisions and has held bilateral talks at both technical and political level with almost all the Member States to ensure the full and correct legal transposition of this instrument. Some good progress can be reported, with several Member States adopting amendments to bring their laws in line with the Framework Decision. This work must continue to ensure effective enforcement of this hate crime and hate speech legislation as well as to address transposition gaps.

The Commission has also stepped up its enforcement action to ensure full implementation of the Victims Rights Directive into the Member States' national laws, on which the European Commission had already issued a guidance document in 2013.

### ***Fostering concrete progress and making EU legislation a reality on the ground***

Ensuring correct transposition of legislation is not sufficient. In order to make a difference on the ground for the groups that the laws and policies aim to protect, efforts need to be stepped up in the whole enforcement chain to ensure effective implementation.

The creation and work of expert fora has offered a key opportunity to foster discussions and synergies between Member States, civil society and other key stakeholders. This has helped to identify the gaps and challenges as well as the measures needed to improve responses to racism, xenophobia and discrimination at national and at EU level.

In 2015, the European Commission set up an High Level group on Non-discrimination, Equality and Diversity which has facilitated exchanges of experiences and good practices as well as the development and implementation of policies and programmes at EU and national level in the field. In the future, the High level Group will continue to work on horizontal tools, such as the implementation of the Recommendation on Standards for Equality Bodies and will remain a hub for discussion and collaboration.

Issues related to the prevention and fight against racist hate crime and hate speech have been addressed in the EU High Level Group on combating racism, xenophobia and other forms of

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<sup>15</sup> C(2018) 3850 final, available at [https://ec.europa.eu/info/sites/info/files/2\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/info/files/2_en_act_part1_v4.pdf). The instrument is addressed to the Member States and encourages them to implement the standards, which cover the equality bodies' mandate, their independence, resources, access and accessibility, as well as their capacity to coordinate and cooperate at national and international levels.

<sup>16</sup> 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.

intolerance which was established in 2016. This group has developed into a unique forum for discussion, exchange and strengthened cooperation between EU institutions and agencies, civil society, international bodies and national authorities providing practical guidance tools on hate crime training, access to justice, support and protection for victims of hate crime and hate speech and hate crime recording.<sup>17</sup> Discussions pertaining to specific forms of racism and xenophobia have also taken place in this forum. On the occasion of the 10<sup>th</sup> anniversary of the Framework Decision, the group published an important Guidance Note on the practical application of these rules.<sup>18</sup>

This group will be used in the future to further assist Member States in strengthening practical cooperation between key actors at national level. This will be done with the support of expert EU bodies such as FRA and the EU Agency for Law Enforcement Training (CEPOL) and of international partners such as the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Commission against Racism and Intolerance (ECRI). This process will allow for a reinforced focus on implementing law on the ground, building on guidance and assessment of progress based on a model of constructive cooperation between all actors.

This EU High Level Group could also develop in terms of a forum for Member States to strengthen inter-ministerial coordination and cooperation at national level as well as exchanges of topics of common interest, including experiences on the need and development of national action plans against racism.

### **3. Commission action with businesses and IT companies to combat racism and xenophobia**

#### ***Countering illegal hate speech online***

While the online world offers great opportunities for economic growth and is an enabler for communication serving freedom and democracy, it also offers unlimited platforms for extremism and intolerance to spread virally in a way that would have been unthinkable 15 years ago. Indeed, the toxic and divisive narratives that have emerged in recent years pollute the space available for free and open exchanges. A 2016 Eurobarometer survey showed that 75% of those that follow or participate in debates online have come across episodes of abuse,

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<sup>17</sup> For more information, see the dedicated page of the Register of European Commission's Expert Groups, <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3425> and the dedicated webpage [ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=51025](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51025)

<sup>18</sup> Guidance Note on the practical application of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (2018), available at [https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=55607](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=55607). The Guidance aims to assist Member States to respond to the need for the authorities to have sufficient knowledge of relevant legislation and clear guidelines, practical tools and skills to be able to identify and deal with the offences covered by the Framework Decision.

threats or hate speech against journalists, bloggers or people active on the web; for almost half of them, this resulted in a hesitation to engage in online discussions.<sup>19</sup>

The Commission has over the past years worked intensively to ensure that the internet remains a free, safe and tolerant space where EU laws are enforced, in full respect of the right to freedom of expression. Significant efforts have been made in particular to counter the proliferation of illegal hate speech online, as defined by national laws implementing the Framework Decision on Racism and Xenophobia.

A major flagship initiative led by the Commission in this area is the Code of Conduct on countering illegal hate speech online, presented together with Facebook, Microsoft, Google (YouTube) and Twitter, in May 2016.<sup>20</sup> The Code's main objective is to ensure that illegal hate speech is expeditiously assessed and, where necessary, removed.

The impact of the Code of Conduct has been regularly monitored and the most recent results show a very positive trend. Two and a half years after signature of the Code, evaluations show that IT Companies respond to notices within 24h in the majority of cases and remove on average 72% of content notified to them, compared to 59% in 2017 and only 28% in 2016.

In addition to progress in terms of removal of illegal hate speech, the Code of Conduct has fostered synergies between the IT companies, civil society and Member State authorities in the form of a structured process of mutual learning and exchanges of knowledge<sup>21</sup>. This has contributed to improving the effectiveness of the notification procedures, the quality of the content management policies in the companies and has encouraged joint campaigns and projects in the area of education and counter narratives.

The positive results of the work under the Code of Conduct has also attracted the attention of other IT companies and since 2018, Instagram, Google+, Snapchat, Dailymotion and most recently *jeuxvideos.com*, announced their intention to join the Code which now covers approximately 86% of the market share of social media platforms in Europe.

The Commission will continue to monitor the implementation of the Code of Conduct, to encourage its broad uptake by more IT companies, including SME's and to foster coalition building processes between national authorities, IT Companies and civil society. The Code of Conduct also recognises the value of independent counter-narratives and support to educational programs fostering positive narratives. The Commission will continue to facilitate these promising developments to allow for a scaling up of activities by the stakeholders in this area, for example by fostering exchanges of ideas, design and technical know-how to create visible and coordinated campaigns.

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<sup>19</sup> Special Eurobarometer 452(2016),

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/special/search/media%20pluralism/surveyKy/2119>

<sup>20</sup> [https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=42985](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=42985)

<sup>21</sup> For example, assessing the illegality of online hate speech content requires a good understanding of how hate speech manifests itself in different historical, linguistic and regional contexts, in addition to understanding the substance of the relevant legal provisions.

### *Promoting diversity in the workplace*

The Commission continues to promote diversity and inclusion in the workplace, not only through legislation but also by encouraging voluntary initiatives by businesses, through the EU Platform of Diversity Charters. These Charters outline the measures the employer will undertake to promote diversity and equal opportunities in the workplace, regardless of race or ethnic origin, sexual orientation, gender, age, disability and religion.

The EU Platform, which was set up in 2010, has grown significantly in the recent years and is now covering 22 Member States<sup>22</sup> and over 10,000 signatories in Europe. Concrete activities include good practice sharing seminars with employers as well as practical guides on how to create inclusive and diverse workplaces. In addition, the Commission has launched an initiative Employers Together for Integration<sup>23</sup> to give visibility to what employers are doing to support the integration of refugees and other migrants into the labour market.

## **4. Support to key actors to combat racism and xenophobia**

### *Better data for better policies*

Equality data<sup>24</sup> are crucial as a means to assess how legislation and policies to promote equality and non-discrimination are being implemented and to monitor and measure progress on the ground. The European Commission published a revised Handbook on equality data in 2016<sup>25</sup>, as well as a set of studies in 2017, which provided more detailed information on certain grounds or per Member State<sup>26</sup>. Based on this research, the High Level Group on non-discrimination, equality and diversity mandated a Subgroup on Equality Data<sup>27</sup> to prepare a set of non-binding guidelines on improving the collection and use of equality data<sup>28</sup>. In 2019,

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<sup>22</sup> Austria, Belgium, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, The Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia, Spain and Sweden

<sup>23</sup> [https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/european-dialogue-skills-and-migration/integration-pact\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/european-dialogue-skills-and-migration/integration-pact_en)

<sup>24</sup> Equality data is defined as any piece of information that is useful for the purposes of describing and analysing the state of equality. The information may be quantitative or qualitative in nature. It could include aggregate data that reflect inequalities or their causes or effects in society.

<sup>25</sup> European Commission (2016), European Handbook on Equality Data – 2016 Revision.

<sup>26</sup> For more information, see [https://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=112035](https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=112035)

<sup>27</sup> The Subgroup on Equality Data is composed of representatives from the European Commission, FRA, Eurostat, as well as representatives from national administrations, national statistical institutions or equality bodies. National representatives were nominated to take part in the subgroup by Belgium, Bulgaria, Croatia, Hungary, Estonia, Finland, Germany, Greece, Ireland, Italy, Lithuania, Netherlands, Romania, Spain, the United Kingdom, as well as Norway.

<sup>28</sup> The Guidelines include for example a diagnostic tool/checklist assessing the availability of equality data collected at national level as well as a compilation of good practices. <https://ec.europa.eu/info/policies/justice->

the work on equality data collection will continue with country visits presenting good practices under the expertise of the FRA. A new Eurobarometer on Discrimination will look at the current situation of discrimination in the European Union in 2019. The survey will cover discrimination based on gender, race/ethnicity, age, religion/belief, sexual orientation and disability and it will establish trends against past surveys.

Good progress is also being made towards improving national methodologies for recording and collecting data on hate crimes, through a series of country workshops led by the FRA to test and implement guiding principles on hate crime recording agreed in 2017. This work has, and will also in the future, continue to, form an important part of the work of the EU High Level Group on combating racism, xenophobia and other forms of intolerance.<sup>29</sup>

### ***Dedicated EU funding***

The Commission has prioritised funding under the Rights, Equality and Citizenship programme for projects aimed at preventing and fighting racism, racial intolerance and discrimination with an average yearly budget of 12 million EUR. It has funded projects on improving responses to racist hate crime and speech and better supporting victims; monitoring, preventing and countering racist speech online and racism in the media; fostering tolerance and mutual respect through interreligious and intercultural activities; better understanding and addressing the specificities of particular forms of intolerance, including Antisemitism, anti-Muslim hatred, Afrophobia and anti-Black racism, antigypsyism and xenophobia and anti-migrant hatred.

Financial support has also been provided under the Europe for Citizens programme<sup>30</sup> with around EUR 4.6 million granted annually to organisations and projects on European remembrance related to the origins of totalitarian regimes and to commemorate the victims of their crimes. Preference is given to actions which build knowledge, encourage tolerance, mutual understanding and intercultural dialogue.

In addition, through the Asylum Migration and Integration Fund<sup>31</sup>, specific actions have been supported which aim to raise awareness of migrants' contribution to European societies and to promote a positive narrative on migration and community building at local level through volunteering.

The Erasmus+ programme has dedicated funding<sup>32</sup> to promoting social inclusion. For example, the School Exchange Partnerships in Erasmus+ aim at strengthening the European dimension in schools and promoting the values of inclusion and tolerance as underlined in the Paris Declaration on *Promoting citizenship and the common values of freedom, tolerance and*

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and-fundamental-rights/combating-discrimination/tackling-discrimination/network-experts-field-anti-discrimination\_en

<sup>29</sup> For more information: see <http://fra.europa.eu/en/project/2017/subgroup-methodologies-recording-and-collecting-data-hate-crime>

<sup>30</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL\\_2014\\_115\\_R\\_0002&qid=1398334046443](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2014_115_R_0002&qid=1398334046443)

<sup>31</sup> [https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund\\_en](https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en)

<sup>32</sup> <https://eacea.ec.europa.eu/erasmus-plus>

*non-discrimination through education.* In 2018, 1700 projects were supported with 190 million EUR through such Partnerships.

Promoting pluralism, tolerance and non-discrimination remain at the forefront in the Multiannual Financial Framework proposed by the European Commission for the next programming period, as one of the major strands of the future Rights and Values programme<sup>33</sup>. The future programme will be instrumental in supporting capacity building of civil society at community level as well as to strengthening the important role of European networks of civil society organisations.

## **5. Mainstreaming the fight against racism, xenophobia and discrimination**

The European Commission has increasingly invested its efforts in mainstreaming effectively the prevention and fight against racism, xenophobia and discrimination across all EU policies.

By way of example, through the European Semester exercise, the Commission steers and monitors Member States' action in order to make policies more inclusive of groups who are victims of discrimination and exclusion, in particular the Roma. Since 2012, five Member States<sup>34</sup> have received country specific recommendations (CSRs) on Roma inclusion. These increasingly focused on education, calling for systemic measures to promote Roma children's participation in quality inclusive mainstream education. Investment priorities under the 2014-2020 European Structural and Investment Funds programming period were directed to tackle policy challenges highlighted in the CSRs.

In the area of media policy and the digital single market, the revised Audiovisual Media Services Directive adopted in 2018 aligned its existing provisions on 'hate speech' with the relevant definition in the Framework Decision on Racism and Xenophobia while extending its remit to cover all the discriminatory grounds listed in Article 21 of the Charter. The scope of the Directive has also been extended to cover 'video sharing platforms' and introduced specific rules on reporting and flagging with regard to such platforms<sup>35</sup>. A set of operational measures to be taken by companies and Member States, was set out in the 2018 Recommendation on measures to tackle effectively illegal content online, also covering illegal racist hate speech<sup>36</sup>. Furthermore, a number of key actions were put forward and are being implemented with regard to media literacy and critical thinking, as follow up to the 2016 Colloquium on Fundamental Rights on "Media Pluralism and Democracy".<sup>37</sup>

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<sup>33</sup> [https://ec.europa.eu/info/law/better-regulation/initiatives/com-2018-383\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/com-2018-383_en)

<sup>34</sup> Bulgaria, Czech Republic, Hungary, Romania, Slovakia.

<sup>35</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council 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) in view of changing market realities OJ L 303, 28.11.2018, p. 69–92

<sup>36</sup> Commission Recommendation of 1 March 2018 on measures to effectively tackle illegal content online, C(2018) 1177 final

<sup>37</sup> For more information, see [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions\\_40602.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf)

In the field of culture, the EU and all Member States are Parties to the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions<sup>38</sup>. Through the New European Agenda for Culture, Council Work Plan for Culture and the Creative Europe programme, the Commission supports policy collaboration and transnational projects on intercultural dialogue, on the role of culture and the arts in the inclusion of refugees and migrants, and on culture for social inclusion and cohesion<sup>39</sup>.

The Commission has also increased attention to the education dimension, in particular within the framework of the implementation of the 2015 Paris Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education<sup>40</sup> which states that “the primary purpose of education is not only to develop knowledge, skills, competences and attitudes to embed fundamental values, but also to help young people – in close cooperation with parents and families – to become active, responsible and open-minded members of society.” The implementation of the Paris Declaration also includes the proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching<sup>41</sup>, adopted in 2018 as well as the support to national efforts in this area through a dedicated working group<sup>42</sup> and targeted funding opportunities.

It should also be noted that the Council recommendation on key competences for lifelong learning<sup>43</sup> promotes a key competence on citizenship. This includes raising awareness and understanding of one’s own identity and cultural heritage as well as knowledge and a critical understanding of the main developments in national, European and world history. It promotes the knowledge, skills and attitudes that can help learners become responsible and active citizens. Likewise, the Council recommendation on promoting common values, inclusive education, and the European dimension of teaching promotes respect of minorities.<sup>44</sup>

Furthermore, a pilot project, requested by the European Parliament, to monitor and coach, through sports, young people at risk of radicalisation was launched in 2017<sup>45</sup>. A similar pilot project will be implemented in 2019.

The dialogue with churches, religious associations or communities, philosophical and non-confessional organisations carried out by the European Commission under Article 17 TFEU also offered the opportunity for high-level discussions touching upon tolerance and living together.<sup>46</sup>

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<sup>38</sup> The most recent EU report under the UNESCO 2005 Convention is available here:

<https://en.unesco.org/creativity/monitoreo-e-informes/informes-periodicos/informes-25>

<sup>39</sup> EU culture policy framework: [https://ec.europa.eu/culture/policy/strategic-framework\\_en](https://ec.europa.eu/culture/policy/strategic-framework_en). Intercultural dialogue: [https://ec.europa.eu/culture/policy/strategic-framework/intercultural-dialogue\\_en](https://ec.europa.eu/culture/policy/strategic-framework/intercultural-dialogue_en)

<sup>40</sup> [https://eu2015.lv/images/notikumi/2015-3-10\\_Declaration\\_EN.pdf](https://eu2015.lv/images/notikumi/2015-3-10_Declaration_EN.pdf)

<sup>41</sup> Council Recommendation of 22 May 2018 on promoting common values, inclusive education, and the European dimension of teaching, ST/9010/2018/INIT

<sup>42</sup> [https://ec.europa.eu/education/policy/strategic-framework/expert-groups/citizenship-common-values\\_en](https://ec.europa.eu/education/policy/strategic-framework/expert-groups/citizenship-common-values_en)

<sup>43</sup> <https://eur-lex.europa.eu/legal>

[content/EN/TXT/?uri=uriserv:OJ.C\\_.2018.189.01.0001.01.ENG&toc=OJ:C:2018:189:TOC](content/EN/TXT/?uri=uriserv:OJ.C_.2018.189.01.0001.01.ENG&toc=OJ:C:2018:189:TOC)

<sup>44</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1551353282441&uri=CELEX:32018H0607\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1551353282441&uri=CELEX:32018H0607(01))

<sup>45</sup> [https://ec.europa.eu/sport/calls/eac-sport-2017-monitoring-coaching-youngsters-radicalisation\\_en](https://ec.europa.eu/sport/calls/eac-sport-2017-monitoring-coaching-youngsters-radicalisation_en)

<sup>46</sup> [https://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=50189](https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=50189)

The Commission has taken policy measures to tackle extremist ideologies which are incompatible with fundamental principles such as gender equality and to prevent radicalisation<sup>47</sup>. This was done while ensuring that the EU response to extremism does not lead to stigmatisation of any one group or community and is inspired by an inter-faith dialogue and cross-community cooperation, empowering civil society voices guided by common European values of tolerance, diversity, pluralism and mutual respect. Action to combat racism, xenophobia and discrimination is essential to foster inclusive, resilient and tolerant societies which in turn may reduce the risk factors related to radicalisation.

Similarly, the EU Action Plan on integration of Third country nationals stresses that fighting discrimination and racism against migrants and promoting a positive approach to diversity are and should be an integral part of effective integration policies.<sup>48</sup>

## **6. Addressing the specific challenges faced by particular groups or communities**

The Commission has also taken concrete action to address the racism, xenophobia and discrimination faced by specific groups and communities.

### ***Combating Antisemitism***

Since the appointment of the Coordinator on combating Antisemitism<sup>49</sup>, quarterly roundtables with Jewish umbrella organisations and visits to the Member States have strengthened the collaboration with Jewish communities, international organisations, national authorities and civil society. A number of Member States appointed national envoys on Antisemitism.<sup>50</sup>

In December 2018, FRA published the largest ever survey on the experiences of the Jewish community with Antisemitism, covering 12 Member States and 96% of Jewish communities living in the EU<sup>51</sup>. The survey results show that Jews across the EU continue to experience Antisemitism in the form of vandalism, insults, threats, attacks and even murder: almost 4 out of 10 consider emigration due to threats to their Jewish identity. The dedicated Eurobarometer on Antisemitism published in January 2019 shows that 50% of the European population considers Antisemitism a persistent problem<sup>52</sup>.

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<sup>47</sup> See in particular the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Agenda on Security, COM(2015)185 final and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on supporting the prevention of radicalisation leading to violent extremism, COM(2016)379 final.

<sup>48</sup> See the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan on the integration of third country nationals, COM(2016) 377 final.

<sup>49</sup> For general information on the Commission's policies on countering Antisemitism:

[https://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=50144](https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=50144)

<sup>50</sup> Germany, Sweden, Bulgaria, Czech Republic.

<sup>51</sup> EU Agency for Fundamental Rights, Experiences and perceptions of antisemitism - Second survey on discrimination and hate crime against Jews in the EU (2018) <http://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews>

<sup>52</sup> In addition, the results of the survey show that there is a perception gap on Antisemitism: while according to the 2018 FRA report ??? say that Antisemitism has significantly increased over the past 5 years, only 36% of the

To better recognise all forms of Antisemitism the Commissioner for Justice, Consumers and Gender Equality, endorsed in January 2017, the non-legally binding working definition on Antisemitism elaborated by the International Holocaust Remembrance Alliance (IHRA)<sup>53</sup> as a useful guidance tool, recommending its use in particular for education and training purposes for teachers, NGOs, state authorities and the media. On 1 June 2017, the European Parliament adopted a resolution on combating Antisemitism<sup>54</sup>, while on 6 December 2018 Justice and Home Affairs Ministers of all the Member States adopted unanimously a "EU Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe".<sup>55</sup>

As an expression of its commitment to continue remembrance of the Shoah and find new ways to relate this memory to the young generations, the European Union joined IHRA on 29 November 2018 as Permanent International Partner, which is an observer status<sup>56</sup>. This comes as a direct follow-up to President of the Commission's commitment for closer international cooperation in his statement on Holocaust Remembrance Day 2018. In the context of the Horizon 2020 project, the EU is supporting with 8 million EUR a project to digitalize archives at Yad Vashem in 2015-2019. A pilot project, requested by the European Parliament, to protect 1500 Jewish cemeteries in 5 European Countries<sup>57</sup> was launched in November 2018, in the framework of the European Year of Cultural Heritage.

At the international level, in a joint initiative between the EU, the United States, Canada and Israel, the first UN High-Level seminar on combating Antisemitism was organised in September 2016, followed by joint events in 2018 throughout the UN General Assembly. The annual High-Level seminar on combating racism, xenophobia and Antisemitism between the European Commission and the State of Israel is a unique forum that brings together civil servants, policymakers, academics and civil society to discuss best practices in addressing racism, xenophobia and Antisemitism.

In addition, the introduction of annual training courses for EU officials on Antisemitism and on Holocaust remembrance and fundamental rights has increased in-house awareness about anti-Jewish prejudices and stereotypes as well as the Holocaust and the role and responsibilities of officials in bringing it about.

A concrete follow-up to the 2018 Council Declaration on Antisemitism will require close cooperation between the Commission and the Member States.

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general public consider it has increased. On average, only 4 in 10 Europeans think the Holocaust is sufficiently taught in schools. Of the respondents, 34% do not know that Holocaust denial is criminalised.

<sup>53</sup> <https://www.holocaustremembrance.com/working-definition-antisemitism>

<sup>54</sup> European Parliament, B8-0383/2017, 1 June 2017 <http://www.ep-wgas.eu/2017/06/01/960/>

<sup>55</sup> European Council, 15213/18, 6 December 2018 <http://www.ep-wgas.eu/2017/06/01/960/>

<sup>56</sup> European Commission, press statement on 29 November 2018 [https://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=640113](https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=640113)

<sup>57</sup> Pilot Project [https://ec.europa.eu/culture/calls/eac-2018-s10\\_en](https://ec.europa.eu/culture/calls/eac-2018-s10_en)

## *Tackling intolerance and discrimination against Muslims*

Surveys published in 2018<sup>58</sup> show that within the EU, on average 37% of the population admits to having unfavourable views of Muslims. In up to a third of the Member States, more than one in two people from the majority non-Muslim population would not accept a Muslim as a member of their family. Widespread intolerance is fertile ground for the proliferation of racially or religiously motivated hatred. A study by the European Parliament Research Service shows that the perception of incidence of anti-Muslim hatred by the Muslim community rose from 12% in 2010 to 25% in 2016<sup>59</sup>. The 2018 FRA survey on Antisemitism reported that 72% of respondents in the Jewish community signalled a trend of growing intolerance towards Muslims<sup>60</sup>. In addition, the results of the monitoring exercises on the implementation of the Code of conduct on countering hate speech online show that anti-Muslim hatred, jointly with xenophobic hatred against refugees and migrants, features regularly on top of the list of the most widespread grounds of intolerance.

Reports on discrimination faced by Muslims are also cause for concern. The FRA MIDIS II report published in 2017 indicated that almost one in three Muslims felt discriminated against when looking for a job. Discrimination and religious biases in the area of employment are not only a matter of perception. There is evidence<sup>61</sup> that candidates who openly identify as Muslim in their CV receive fewer invitations to a job interview compared to equally qualified candidates with a religiously neutral CV. Muslim women remain the most vulnerable victims in this regard. A 2017 Equinet analysis of legal developments and case law on discrimination on religious grounds in the Member States confirms these trends<sup>62</sup>.

Following the appointment of a Coordinator on combating anti-Muslim hatred in 2015, efforts have been stepped up to ensure a coordinated policy response to these issues.

The High Level Groups on Combating Racism and Xenophobia and on Non-Discrimination and Equality have been harnessed to foster discussions on how to improve responses to hatred and discrimination against Muslims, including by stepping up investigation and prosecution of hate motivated crimes and enforcement of existing EU legislation on discrimination in the area of employment.

In order to offer a better overview of trends and challenges, FRA has made available a dedicated online repository of case law, reports and knowledge on cases of anti-Muslim hatred in the Member States<sup>63</sup>.

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<sup>58</sup> CNN poll (2018): <https://edition.cnn.com/interactive/2018/11/europe/antisemitism-poll-2018-intl/> and Pew Research Centre (2018) <http://www.pewforum.org/2018/10/29/eastern-and-western-europeans-differ-on-importance-of-religion-views-of-minorities-and-key-social-issues/>

<sup>59</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/615660/EPRS\\_STU\(2018\)615660\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/615660/EPRS_STU(2018)615660_EN.pdf)

<sup>60</sup> <http://fra.europa.eu/en/publication/2018/2nd-survey-discrimination-hate-crime-against-jews>

<sup>61</sup> See the Horizon2020 research project Growth, Equal Opportunities, Migration and Markets (GEMM): <http://gemm2020.eu/>

<sup>62</sup> [http://www.equineteurope.org/IMG/pdf/wg\\_religion\\_report\\_final\\_web.pdf](http://www.equineteurope.org/IMG/pdf/wg_religion_report_final_web.pdf)

<sup>63</sup> <http://fra.europa.eu/en/databases/anti-muslim-hatred/home>

Preventing and countering anti-Muslim hatred has become one of the funding priorities under the Rights, Equality and Citizenship programme. In addition, several projects on promoting religious tolerance and inclusion have been sponsored under the Erasmus+ programme.

The introduction, in 2017, of trainings for Commission staff on anti-Muslim hatred has increased awareness about most common biases and stereotypes on Islam and Muslims, thus fostering a culture of diversity in the institution.

After a series of roundtables with civil society actors, on 3 December 2018, the European Commission convened a high-level conference on tackling intolerance and discrimination against Muslims in the EU gathering national authorities, civil society organisations, and international organisations. Recommendations<sup>64</sup> included the need to work on education and positive narratives of tolerance and inclusion as well as the importance of cooperation and mutual recognition between civil society actors (e.g. grassroots organisations supporting victims of hate crime and discrimination) and national authorities, including law enforcement agencies. It also highlighted the need to look at discrimination from an intersectional perspective where religious grounds are connected with gender, or race/ethnic biases; affected groups and communities do not work in isolation, but build bridges and mutual support with other vulnerable groups (e.g. the Jewish or the LGBTI communities).

Dedicated and specific funds to projects on tackling intolerance and discrimination against Muslims under e.g. the Erasmus+ and the Rights Equality and Citizenship Programmes will be an important response to prevent and countering anti-Muslim hatred. The establishment of regular exchanges of good practices among relevant Member States authorities in charge of tackling intolerance, discrimination, and hatred against Muslims will have to be encouraged, in particular looking at the crucial role played by local authorities as well as equality bodies.

### ***Promoting Roma inclusion***

In 2011, the situation of Roma,<sup>65</sup> Europe's largest minority (about 10-12 million people approximately six million of whom live in the EU)<sup>66</sup>, came to the centre of political attention. The Commission, in line with a call from the European Parliament<sup>67</sup>, adopted the EU framework for national Roma integration strategies<sup>68</sup> as the first EU initiative targeting Roma that included a follow-up mechanism. Its main objectives are to fight socioeconomic exclusion of and discrimination against Roma. The framework invited Member States to design national Roma integration strategies (NRIS) and nominate national Roma contact points (NRCP) to coordinate the planning, implementation and monitoring of these strategies

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<sup>64</sup> For more details on the outcomes of the conference see:

[https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=57312](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=57312)

<sup>65</sup> In line with the terminology of European institutions and international organisations, the term 'Roma' is used here to refer to a number of different groups (e.g. Roma, Sinti, Kale, Gypsies, Romanichels, Boyash, Ashkali, Egyptians, Yenish, Dom, Lom, Rom, Abdal) and includes travellers, without denying the specificities of these groups.

<sup>66</sup> Council of Europe, 2016

<sup>67</sup> 2010/2276(INI).

<sup>68</sup> COM(2011) 133.

with a view to meeting EU Roma integration goals focusing on closing the gap between Roma and the rest of the population in access to education, employment, healthcare and housing.

Following the adoption of the EU framework, the Commission reinforced its monitoring of Member States' implementation of the Racial Equality Directive with a particular focus on the fields of education and housing. Infringement proceedings concerning discrimination against Roma children in education are ongoing. The Commission highlighted that placing Roma children in segregated schools or Roma-only classes with substandard school curricula, and diagnosing them with light mental impairment in disproportionate numbers based on their social disadvantage, are in breach of the Directive.

In the European Semester, the Commission has been steering and monitoring Member States' action in order to make mainstream policies more inclusive of Roma (with a special focus on promoting Roma participation in quality, inclusive mainstream education). In line with this, the Commission and the Council of Europe are implementing a joint project on "Inclusive schools: making a difference for Roma children".<sup>69</sup> While targeting change at school level, the project consists of four interlinked intermediate outcomes: setting up support mechanisms for pilot inclusive schools; provision of support to teachers; supporting the removal of barriers for vulnerable groups including through changes of legislation and raising awareness of the benefits of inclusive education for the general public and decision makers.

In addition, the 2014-2020 European Structural and Investment Funds have ensured an increasingly strong linkage between policy and funding priorities related to Roma inclusion. Measures promoting Roma inclusion can be programmed under the 21.4 billion EUR allocated to inclusive growth priorities in the 2014-2020 programming period. In this context, European Regional Development Fund investments may support access to inclusive (non-segregated) early childhood and primary education, infrastructure developments in health and social services, support to the regeneration of deprived urban and rural areas as well as non-segregated housing actions.

Directly managed EU funding has also been mobilised under the Rights, Equality and Citizenship Programme to finance projects fostering Roma inclusion and fighting discrimination (including antigypsyism, segregation in education and housing and discrimination in access to employment and health) across Europe. JUSTROM, the joint programme of the Commission and the Council of Europe aims to promote Roma women's access to justice through awareness raising among Roma women on discrimination, complaint mechanisms, the justice system and human rights institutions and support to legal clinics and trainings for judges, prosecutors, police officers.

Since the launch of the EU Framework for NRIS several important steps have been taken to recognise and fight antigypsyism - a specific form of racism against Roma related to deeply rooted stereotypes and prejudices that leads to discrimination and exclusion of Roma in

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<sup>69</sup> <https://pjp-eu.coe.int/en/web/inclusive-education-for-roma-children/-/inschool-new-project-of-the-european-commission-and-council-of-europe-on-inclusive-education-for-roma-childr-1>

multiple forms.<sup>70</sup> In line with a Council Recommendation adopted in 2013<sup>71</sup>, the 2015 meeting of the European Platform for Roma Inclusion was dedicated to the topic of fighting antigypsyism,<sup>72</sup> and in December 2017 the EU High Level Group on combating racism, xenophobia and other forms of intolerance had a focus session on antigypsyism. Following a recent evaluation of the EU Framework for NRIS, the Commission intends to put a clearer focus on fighting antigypsyism and discrimination to complement the inclusion approach, to strengthen the enforcement of anti-discrimination and hate crime legislation and increase effectiveness of social inclusion policies<sup>73</sup>.

Important initiatives were also set in place on the recognition and remembrance of the Roma Holocaust in line with a 2015 European Parliament Resolution<sup>74</sup>. Every year on 2nd August, the Commission commemorates the memory of the Roma victims of the Holocaust and over the last four years has been joining the Holocaust commemoration ceremony in the former concentration camp of Auschwitz-Birkenau in Poland. The Commission has been calling on the Member States to acknowledge and establish effective remembrance policies, preserve the historic sites, and promote education, documentation and research.

The Commission has also supported and implemented targeted communication activities, under the ‘for Roma, with Roma’ campaign, designed to combat prejudice and discrimination against the Roma population in the media and beyond in all Member States. It also supports the implementation of the Roma Civil Monitor<sup>75</sup>, a pilot project initiated by the European Parliament that aims to build capacity of civil society and strengthen its involvement in the monitoring of national Roma integration strategies and public policies relevant for Roma. Overall, the recent evaluation of the EU framework for national Roma integration strategies up to 2020, has shown that the EU framework is the beginning of a process that has shown positive results and has triggered an initial change in trends.

The evaluation found that the EU Framework added value by putting Roma inclusion on the EU and national agendas, by developing structures and by increasing coherence between EU policy, legal and funding instruments that have been mobilised and aligned for Roma inclusion. The evaluation confirmed that the four priority areas (employment, education, health and housing) continue to be key to Roma inclusion. It also pointed out that a specific non-discrimination goal and a stronger focus on the fight against antigypsyism could have complemented the social inclusion approach and would have made the Framework more relevant.

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<sup>70</sup> For definitions see European Commission against Racism and Intolerance: General Policy Recommendation No 13; 24 June 2011, [https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation\\_N13/e-RPG%2013%20-%20A4.pdf](https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/e-RPG%2013%20-%20A4.pdf); Alliance against Antigypsyism: Reference paper on antigypsyism, [www.antigypsyism.com](http://www.antigypsyism.com).

<sup>71</sup> [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/139979.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf)

<sup>72</sup> [https://ec.europa.eu/info/sites/info/files/2015\\_04\\_01\\_-\\_9th\\_meeting\\_of\\_the\\_european\\_platform\\_for\\_roma\\_inclusion\\_-\\_summary\\_and\\_conclusions.pdf](https://ec.europa.eu/info/sites/info/files/2015_04_01_-_9th_meeting_of_the_european_platform_for_roma_inclusion_-_summary_and_conclusions.pdf)

<sup>73</sup> COM (2018)785.

<sup>74</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0095>

<sup>75</sup> <https://cps.ceu.edu/roma-civil-monitor>

## *Addressing Afrophobia and anti-Black racism*

Growing awareness has emerged in the past years on the recognition of Afrophobia and anti-Black racism as a specific form of racism. High rates of discrimination and a worrying incidence of manifestations of hatred and bias motivated violence and racial abuse are reported to severely affect these communities, as also recently shown by research undertaken by the FRA<sup>76</sup>.

Given the need to gain a better understanding of the specific barriers, prejudices and obstacles affecting people of African descent and Black people in Europe, and as part of an internal EU reflection on the International Decade for People of African Descent proclaimed by the United Nations for 2015-2024<sup>77</sup>, the European Commission promoted a dedicated thematic discussion of the High Level Group on combating racism, xenophobia and other forms of intolerance to Afrophobia, in 2017. This was an opportunity to shed light on manifestations of structural racism, racial intolerance and discrimination facing people of African descent and Black people across the EU, affecting the enjoyment of rights and hampering participation in the political, social and economic life of society.

Based on an overview of reported trends, corroborated by data compiled by FRA<sup>78</sup>, discussions allowed a reflection on the tools and resources through which the main issues raised by stakeholders could be addressed at national and EU level. These reflections were reflected in a policy paper<sup>79</sup> and further discussed in a workshop for EU policy makers in 2018. In order to support concrete initiatives on these topics by civil society and other stakeholders, the Commission also established in 2018 a specific funding priority under the Rights, Equality and Citizenship programme.

The work carried out so far is expected to inform a process of joint reflections on how to make best use of existing tools and platforms to further empower communities and support concrete initiatives that can lead to improved responses to discrimination, racism and intolerance targeting people of African descent and Black people in the EU.

## **7. Conclusion**

This Staff Working Document has set out the progress and key achievements in the fight against racism, xenophobia and discrimination, during the Juncker Commission's mandate. It has also outlined areas where further action may be needed, to keep up with worrying trends towards increasing intolerance and polarisation in society. The Commission's commitment to upholding the values of pluralism, tolerance and non-discrimination remains steadfast.

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<sup>76</sup> EU Agency for Fundamental Rights, Being Black in the EU (2018), <http://fra.europa.eu/en/publication/2018/eumidis-ii-being-black>

<sup>77</sup> For more information, see <http://www.un.org/en/events/africandescentdecade/>

<sup>78</sup> EU Agency for Fundamental Rights, Being Black in the EU (2018), cited above, <http://fra.europa.eu/en/publication/2018/eumidis-ii-being-black>

<sup>79</sup> Conclusions paper on Afrophobia: acknowledging and understanding the challenges to ensure effective responses, available at [https://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=55651](https://ec.europa.eu/newsroom/just/document.cfm?doc_id=55651)

Annex:  
Main achievements for countering racism, racial intolerance and discrimination  
in the EU

<p><i>Ensuring the correct transposition and implementation of relevant EU legislation in all the Member States</i></p>	<p><b>Discrimination</b>  * Preparation of the follow up to the 2014 Joint report on the application of the Racial Equality Directive and the Employment Equality Directive  *The establishment of equality bodies and a Recommendation on Standards for Equality Bodies on 22 June 2018.  <b>Tackling racism and xenophobia by means of criminal law</b>  * Bilateral dialogues with Member States following the 2014 Report on the implementation of the Framework Decision on combating racism and xenophobia by means of criminal law</p>
<p><i>Fostering concrete progress and making EU legislation a reality on the ground</i></p>	<p><b>Discrimination</b>  *2015 establishment of a High Level group on Non-discrimination, equality and Diversity  <b>Tackling racism and xenophobia by means of criminal law</b>  *2016 establishment of a EU High Level Group on combating racism, xenophobia and other forms of intolerance  * Issuance of practical guidance tools on hate crime training, access to justice, support and protection for victims of hate crime, hate speech and hate crime recording as well as a Guidance Note on the practical application of the Framework Decision on combating racism</p>
<p><i>Commission action with businesses and IT companies to combat racism and xenophobia</i></p>	<p>* 2016 Code of Conduct on countering illegal hate speech online, presented together with Facebook, Microsoft, Google (YouTube) and Twitter  *Continued expansion of the EU Platform of Diversity Charters</p>
<p><i>Support to key actors to combat racism and xenophobia Better data for better policies:</i></p>	<p><b>Discrimination</b>  *2016 publication of a revised Handbook on equality data  * 2017 studies with data on discrimination certain grounds per Member State</p>

<p><i>Dedicated EU Funding</i></p>	<ul style="list-style-type: none"> <li>*Establishment of a Subgroup on Equality Data to prepare a set of non-binding guidelines on improving the collection and use of equality data</li> <li>*2018 Guidelines on improving the collection and use of equality data</li> <li><b>Tackling racism and xenophobia by means of criminal law</b></li> <li>*2017 guiding principles on hate crime recording national methodologies for recording and collecting data on hate crimes established through the EU High Level Group on combating racism, xenophobia and other forms of intolerance accompanied by country workshops led by the FRA</li> <li>*Funding under the Rights, Equality and Citizenship programme for projects aimed at preventing and fighting racism, racial intolerance and discrimination</li> <li>*Funding under the Europe for citizens programme</li> <li>*Funding under the Asylum Migration and Integration Fund</li> <li>*Funding under the Erasmus+ programme</li> </ul>
<p><b><i>Mainstreaming the prevention and fight against racism, racial intolerance and discrimination across all EU policies</i></b></p>	<ul style="list-style-type: none"> <li>* Country specific recommendations (CSRs) on Roma inclusion issued in the framework of the European Semester in 2015, 2016, 2017 and 2018</li> <li>* Non-discrimination, Roma and inclusion and equal opportunities firmly anchored in the regulations of the European Structural and Investment Funds Regulations 2014-2020 as well as in the Commission proposals for post-2020 Regulations</li> <li>*Strengthened rules on combating racial and religious hatred were in the revised Audiovisual Media Services Directive adopted in 2018</li> <li>*Adoption in 2018 of a Recommendation on measures to effectively tackle illegal content online</li> <li>*Adoption of a proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching as a follow up to the 2015 Paris Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education</li> <li>* Adoption in 2018 of a Council recommendation on key competences for lifelong learning</li> <li>*Adoption in 2016, of the EU Action Plan on integration of Third country nationals</li> <li>* Adoption of the conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on promoting the common values of the EU through sport on promoting the common</li> </ul>

	values of the EU through sport
<b><i>Combating Antisemitism</i></b>	<ul style="list-style-type: none"> <li>* 2015 Appointment of a Coordinator on combatting Antisemitism leading quarterly roundtables with Jewish umbrella organisations and visits to the EU Member States</li> <li>* 2018 Fundamental Rights Agency survey on the experiences of the Jewish community with Antisemitism and in 2019 the publication of a dedicated Eurobarometer on Antisemitism</li> <li>* 2018 European Union adherence to the International Holocaust Remembrance Alliance (IHRA) on 29 November 2018 as Permanent International Partner.</li> <li>* Continuation of an annual training for EU officials on Antisemitism</li> <li>* 2018 Justice and Home Affairs Ministers adoption of a EU Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe</li> </ul>
<b><i>Tackling intolerance and discrimination against Muslims</i></b>	<ul style="list-style-type: none"> <li>* 2015 Appointment of a Coordinator on combatting Antimuslim hatred leading series of roundtables with civil society actors</li> <li>* 2017 Fundamental Rights Agency MIDIS II report</li> <li>* 2018 High-level conference on tackling intolerance and discrimination against Muslims</li> <li>* Fundamental Rights Agency establishment in 2018 of an online repository of case law, reports and knowledge on cases of anti-Muslim hatred in the Member State</li> <li>* Establishment in 2017 of training for EU officials on Antimuslim hatred</li> </ul>
<b><i>Promoting Roma inclusion and improving responses to antigypsyism</i></b>	<ul style="list-style-type: none"> <li>* Publication of the Roma integration indicators scoreboard (2011-2016) based on surveys carried out by FRA</li> <li>* Initiation of infringement proceedings under the Racial Equality Directive concerning discrimination against Roma children</li> <li>* Yearly meetings of the European Platform for Roma Inclusion and the network of National Roma Contact Points</li> <li>* 2017 EU High Level Group on combating racism, xenophobia and other forms of intolerance, focus session on antigypsyism</li> <li>* Adoption of the 2016 Council conclusions on accelerating the process of Roma integration</li> <li>* Publication of annual Commission reports to the European Parliament and the Council on progress in implementation of NRIS, including the results of a mid-term evaluation in 2018</li> </ul>

<b><i>Acknowledging and addressing Afrophobia and anti-Black racism</i></b>	* 2017 High Level Group on combating racism, xenophobia and other forms of intolerance focus session on Afrophobia followed up by a "conclusions paper on Afrophobia; acknowledging and understanding the challenges to ensure effective responses"
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