

Towards Racial Justice

How the EU can create lasting change for racialised people



The Equinox Initiative for Racial Justice is a people of colour-led advocacy project with solidarity and empowerment at its heart. Equinox is a coalition of racial and social justice leaders, activists and organisers from across Europe working in solidarity to influence European Union law and policy.

<https://www.equinox-eu.com/>



Brussels, March 2021.

The report was designed by Vicky Truong and reviewed by Yentyl Williams.

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.

This work can be accessed here: <https://www.equinox-eu.com/>

Supported by:



EACH ONE
TEACH ONE e.V.

**OPEN SOCIETY
FOUNDATIONS**

Contents

Concepts	5
Equinox's approach	5
Summary	6
Introduction	7
Institutional barriers in the EU racial equality framework	9
Patchwork racial equality framework	10
Political will and backlash on racial equality	15
Engagement with civil society and racialised communities	16
Toward racial justice: Recommendations to EU institutions	20
Political commitment to racial justice	21
Institutional change	22
Cohesive legislation and policy on structural racism	23
A new relationship with civil society	24
Acknowledgments	26

Concepts

Racialisation – The political process that creates, maintains and gives meaning to concepts of race. It is a process of categorising, othering, and marginalising through a myriad of systems, tools and social practices.

Racialised people – Individuals and groups who have been subject to a process of racialisation and been ascribed a particular racial category. In European societies, all people are racialised, however we use the term to refer to those that have been negatively racialised or racialised as “other”.

Racial justice – The process of collectively uncovering, challenging and actively un-doing the systems, tools and practices that maintain racism and racialisation.

Structural racism – The structures that create and maintain vulnerability, harms and precarity aligned to racial difference. Structural racism is the intertwined relationship between historical injustices, epistemic (knowledge) erasure, laws, institutions, policies, practices, and social, political and economic disparities. The effect of these factors is to further marginalise and impose violence on racialised people.

Equinox's approach

At Equinox, we look beyond fixed or objective notions of race or ethnicity and focus on power, the process of racialisation, and the factors that created these power dynamics.

Equinox uses “**racialised people**” expansively to include all those who have been subjected to different processes of racialisation. We include, but do not limit this to: People of African, Arabic, Asian, and Latin American descent, Roma and Sinti people, Sámi people, and those that are racialised as a result of their perceived membership to Muslim, Jewish and other religious communities. We also include in scope those who self-define using terms such as ‘Black’ and ‘people of colour’.

Racialisation is highly contextual. We note that the specificities and complexities of processes of racialisation challenge clear cut definitions.

Summary

The Black Lives Matter (BLM) movement and global protests against racial injustice have shed light on the deep and widening nature of structural racism in the European Union (EU). The EU's increased attention and political commitments in response to BLM protests, including the adoption of the EU Anti-Racism Action Plan, are welcome developments after a decade of limited action in the field of racial justice.

This heightened grassroots, political and institutional attention to structural racism in Europe presents an opportunity for the EU to change course and provide a meaningful route toward equality and justice.

However, the actions undertaken will only be effective in achieving racial justice and meaningful progress if they address structural and institutional racism and include racialised communities in such efforts. This requires a significant shift in EU policy, to better reflect the needs and reality of the situation of racialised communities in Europe today.

To achieve this, **Equinox proposes a new policy approach** to addressing structural racism and inequality in the EU. This report focuses on specific recommendations for change within EU institutions. Equinox will soon release recommendations on the major **“racial justice focal points”** for EU policy: climate and environmental justice, gender, law enforcement, and migration.

This paper outlines the main institutional changes that need to take place for the EU to implement structural change for racialised communities in the EU.

Equinox Initiative for Racial Justice proposes change in four key areas:

1. Political commitment to racial justice
2. Institutional change
3. Cohesive legislation and policy on structural racism
4. A new relationship with civil society

Introduction

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

- Article 2, Treaty of the European Union

The uprisings sparked by the murders of George Floyd, Breonna Taylor and Ahmaud Arbery in the United States were heard and echoed across the world. In Europe, the message loudly resonated. Protests across the continent denounced racist, police brutality and demanded affirmation that “Black Lives Matter” here too.

These actions necessitated a reaction from the European Union. They required that European institutions reflect on police violence, structural racism and exclusion of racialised people in Europe, and take unequivocal steps to address it. What ensued was the greatest political attention to racial justice at EU level in two decades.



- President von der Leyen, President of the European Commission

President Von der Leyen’s speech in June 2020 “we need to talk about racism - openly and honestly” made history.¹ For the first time, a President of the European Commission stood before the European Parliament and acknowledged the extent of structural racism in all aspects of European society, from law enforcement to housing, and education to migration.

What followed was a rapid response. On September 18, 2020, the EU adopted the Anti-Racism Action Plan 2020-2025 (ARAP) and created the position of the EU Anti-Racism Coordinator to oversee the implementation.

1. President Von der Leyen speech to the European Parliament, 17th June 2020. “We need to talk about racism - openly and honestly”: https://ec.europa.eu/commission/presscorner/detail/en/speech_20_1114

At the start of her mandate, in October 2019, European Commission President Ursula von der Leyen (VDL) appointed Helena Dalli as the first EU Commissioner for Equality and created a Commission-wide EU Task Force on Equality. Both reforms presented promising opportunities for engagement with civil society and for the mainstreaming of racial equality across EU policy areas.

While these developments are greatly welcomed, the challenge of ensuring they lead to concrete, effective action and sustainable change remains. In particular, this change must be relevant and applicable to racial justice in a European context and address deep, embedded patterns of structural and institutional racism.

This political moment is one of immense possibility and potential for structural change. For the EU institutions to make the most of this opportunity and implement the visions of the Anti-Racism Action Plan, it must address outstanding barriers in the EU's institutional framework. This paper outlines the main barriers to structural change, alongside key recommendations toward the EU to ensure lasting change for racialised people in the EU.

Institutional barriers in the EU racial equality framework

While the principle of general equality was a primary foundation of the EU, issues related to race and ethnicity were included later. The 1957 Treaty of Rome required equal pay between men and women and provided the competence for the EU to develop the first equality directives. However, it was only in the 1997 Treaty of Amsterdam through Article 13 that the EU received specific powers on other grounds including race or ethnicity.

European Union framework on Race Equality: At a Glance

In 2000, the EU adopted the Racial Equality Directive 2000/43/EC (RED) and the Employment Equality Directive 2000/78/EC - laws that currently govern discrimination in the European Union. RED prohibits direct and indirect discrimination on the grounds of race and ethnicity, while the Employment Equality Directive prohibits discrimination in employment on the grounds of age, disability, religion/belief, and sexual orientation. These Directives are complemented by the Victims of Crimes Directive 2012/29/EU and the Council Framework Decision 2008/913/JHA, which proposes criminal law responses for certain forms and expressions of racism and xenophobia. Alongside these efforts, the EU has also adopted major policies such as the 2020-2030 Strategic Roma Framework, the Code of Conduct on illegal hate speech online and more it has recently announced a forthcoming Strategy on Antisemitism.

The Commission's political leadership and civil service are responsible for overseeing the implementation of legislation and policies. Commissioner for Equality Helena Dalli is the lead Commissioner on racism although her work falls under the remit of EU Vice-Presidents Věra Jourová (Values and Transparency) and Margaritis Schinas (Promoting Our European Way of Life).

Within the civil service, issues of racial justice primarily fall under the remit of the units D1 'Roma and Non-discrimination' and C2 'Fundamental Rights Policy' which are based within the European Commission Director General for Justice and Consumers (DG JUST). Within these units, there is a specific dedicated Roma team, and three civil servants who have been appointed as dedicated coordinators on 1) Anti-Muslim hatred, 2) Antisemitism and 3) Anti-Racism (since 2021).

Whilst the EU institutions have made significant efforts to recognise widespread racial discrimination and inequality in Europe, substantial barriers prevent the institutions from ensuring substantial progress toward racial justice.



These barriers include:

1. A patchwork racial equality framework which fragments and silos issues of structural racism;
2. Limited political will and “backlash” against measures which address the full extent of structural and institutional racism;
3. Institutional, political and financial barriers to effective civil society engagement.

Patchwork racial equality framework

The EU’s legislative and policy responses to racism can be characterised as patchwork in a number of ways. Firstly, the EU has responded to rising racism and racial inequality with a legal and policy framework focused on singular, individual acts of discrimination or racist violence. By foregrounding the use of the criminal law and individual sanctions for “incidents” of racism or discrimination, **the European Union has foregrounded an individualised and reactive approach to racism.**

Yet, racism, understood as a structural phenomenon, is primarily about the position of racialised people and communities vis-a-vis states, institutions and corporations. Structural racism points to the structures that create and maintain vulnerability, harms and precarity aligned to racial difference. It is the relationship between historical injustices, epistemic (knowledge) erasure, laws, institutions, policies, practices, and social, political and economic disparities.

Structural racism engenders a state of constructed vulnerability to ongoing state violence, or to “premature death”. Rather than a reactive, individual focus, addressing structural racism necessitates attention to systems..



“

Racism, specifically, is the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.

”

- Professor Ruth Wilson-Gilmore, Professor of geography in Earth and Environmental Sciences at The City University of New York

Secondly, whilst the EU implemented horizontal measures in the form of the two Equality Directives in 2000, the institutions have since implemented a series of policy measures and institutional appointments addressing particular racialised communities, such as the appointment of coordinators for some communities (see page 8). This siloed approach to anti-racism policy at the institutional level has directed resources to addressing racial inequality experienced by some singularly defined communities to the exclusion of others. One result of this policy choice has been the erasure of some racialised communities, and, in particular, the erasure of those at the intersection between these forms of racism and other forms of discrimination.

“

Where do we fit in the EU framework?

”



How do the experiences of Black Jewish people, Queer Romanis and people of Asian descent fit in the EU framework?"

For example, in terms of racialised communities, the current institutional framework has no or lesser specific reference to people of African descent, middle-Eastern, Arab, Asian and Latin American communities, all of whom experience structural racism in Europe. Further, it is

unclear how individuals who belong to multiple racialised communities, such as for example a Black Jewish person (particularly as antisemitism and racism fall under the remit of two separate European Commissioners), or at the intersection with other forms of discrimination, such as queer Romani people, are accommodated under the EU's fragmented framework.

This siloing of anti-racism policy has affected the potential impact of EU policy. The variegated level of recognition within the European Commission's organisational structure has created competition amongst communities and stalled discussions around the acknowledgement of specific forms of racism. Amongst civil society, this has necessitated advocacy understandably directed at addressing the invisibility of certain groups in policy, such as through events such as the EU Week for people of African descent. Yet, the shift toward recognition-focused political advocacy has obscured the importance of **issue-based coalition building and advocacy on aspects of racism of common concern to all racialised communities**, such as racial profiling, police brutality, punitive border practices and discrimination in the housing market.

Thirdly, issues of racial equality and racism have been primarily confined to units of the European Commission focused on non-discrimination and hate crimes. This has made the EU framework generally ill-equipped to address institutional, structural, and the root causes of racism. This leaves significant gaps to address structural racism that manifests in other policy areas, such as law enforcement, migration, and climate and environmental policy. With respect to law enforcement, the current EU framework makes provisions for acts of racist violence committed by a member of the public (through the Framework Decision 2008/913/JHA) but not by a member of state law enforcement.

In the context of migration, there is minimal scope to address the intersection with racism. Racism and structural exclusion initiated and maintained by EU migration policy is for the most part deemed 'beyond the remit' of EU officials responsible for racism because migration is located in another Directorate General.



This disconnect allows little institutional scope to analyse how the EU's migration policy has itself created and sustained racial inequalities and a myriad of implications for the safety,

equality and freedom for those deemed 'irregular'. Rather than 'no human is illegal', the effect of EU policy is that some humans are, and as such cannot access some of the most basic rights and services necessary for human existence. Moreover, EU migration policy acknowledges the integration and socio-economic hardships experienced by migrants, but not the structural conditions which criminalise movement, specifically the role of institutions and states including EU agencies such as FRONTEX (the EU's border management agency), which has been alleged to play a significant a role in illegal pushbacks² and other forced returns.



*Illustration of protest sign:
Climate Justice is Racial Justice*

In other arenas EU institutions have overlooked the need to recognise key issues of concern to racialised communities in policy. For example, the European Commission's communication on the Green New Deal overlooks the intersection between climate breakdown and inequality.³ The communication does not make reference to the important fact that racialised communities in the EU are disproportionately likely to endure the negative environmental impacts of climate change.

In addition, the European Commission in its proposal to establish a Recovery and Resilience Facility and the NextGenerationEU recovery instrument made no specific reference to the fact that racialised communities were disproportionately affected by the pandemic. Provisions to address widening economic, health and social inequalities for the most marginalised in society are notably absent.⁴

The failure to mainstream racial equality in all areas of EU policy - from the economy, to migration, security and counter-terrorism to climate and digital policy - has created contradictions and gaps in equality and fundamental rights protection for racialised communities.

2. Priority question for written answer P-005960/2020 to the Commission Frontex's alleged involvement in illegal asylum pushbacks, 3 November 2020, https://www.europarl.europa.eu/doceo/document/P-9-2020-005960_EN.html

3. COM(2019) 640 final. Communication: The European Green Deal: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1596443911913&uri=CELEX:52019DC0640#document2>

4. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a Recovery and Resilience Facility COM/2020/408 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602841299376&uri=CELEX:52020PC0408>

Finally, representation has remained a cross-cutting institutional barrier to effective policymaking on racial equality. The EU has been widely criticised for its failure to adequately represent the diversity of Europe's population, particularly in terms of the vast underrepresentation of racial, ethnic and religious minorities employed in the EU institutions. This lack of representation has had a notable effect on policymaking on race, and often the EU has lacked significant input from the very racialised populations its policies are designed to address.

#BrusselsSoWhite, Politico Europe (2017)



Photo from [Brussels is blind to diversity](#)

The 2017 #BrusselsSoWhite campaign highlighted the absence of diverse elected officials and staff in policymaking roles in EU institutions, with numbers declining even further following the loss in UK diversity in political leadership and other policy roles in the wake of BREXIT. Numerous experts, commentators and EU insiders testified to the systemic lack of racial and ethnic diversity of the EU political leadership and civil service, cases of mistreatment and discrimination, and outlined the implications for racial justice and equality policy at EU level.

More than 50 million racialised people live in the EU. This large group is largely underrepresented in the EU's political leadership and civil service. Specifically, the European Commission has never appointed a Commissioner from a racialised background. Efforts to propose changes to ensure the EU's civil service becomes more inclusive have – until 2019-2020 with acknowledgement from Von der Leyen and Commissioner Dalli – often been

met with denial of the problem. For example, when questioned about the lack of diversity in the European Union institutions in 2016, the Commission's deputy chief spokesman, Alexander Winterstein, said the institution's "workforce pictures the full diversity we have in Europe."⁵ In other cases, explanations have been that the lack of diversity is due to the EU civil service's 'meritocratic' recruitment system and the failure of racialised candidates to apply. The lack of racialised people involved in creating legislation and policies limits the potential effectiveness of them and also leads to low levels of trust and confidence.

Political will and backlash on racial equality

Racism is political. Racism, and specifically the socio-economic and political conditions experienced by racialised people in the EU, has long been a contentious issue in the EU.

Despite recorded spikes in racist violence and attitudes since the 2008 financial crisis, many EU Member States have declined to champion comprehensive policy solutions, beyond the criminal law response to racist violence and speech. Despite the existence of EU-wide legislation on racial discrimination, some Member States are in the midst of a "backlash" against the ideology of racial equality, institutionally contesting the use of terms such as "race" and even "intersectionality". In particular, in 2018 the French National Assembly voted to remove reference to "race" in Article 1 of the Constitution ensuring equality before the law. In Germany, similar debates sparked in 2020 with proposals to remove references to race in the Basic Law. Though both countries have transposed EU laws on discrimination, supporting explicitly labelled 'race' policies remains difficult even though national and EU-level policies for women, Lesbian Gay Bisexual Transgender Intersex Queer (LGBTIQ), people with disabilities, and other demographic groups exist in their countries.

In other instances, it has been politically advantageous to counter race-based policies and racialised communities. Racist and xenophobic political leaders and movements have grown in MS in recent years and have slowly increased in power at the EU level. Far right political parties have been in leadership in more than five EU countries in recent years.

Far-right narratives and the mainstream backlash on racial equality ideologies have been increasingly influential on race equality debates in the EU. One specific example is the impact of far-right discourses on migration. For example, the Von der Leyen Commission began with significant controversy over the creation of a Vice President for "Protecting Our European Way of Life" (VP/PEWL) with a remit on migration, security, equality, interreligious dialogue, anti-Semitism and sport. Members of the European Parliament and civil society called for changes to the title due to implications that migrants pose a security and cultural threat to the EU, and to many, positioned the Jewish community against Muslim migrants.

Whilst the position was ultimately modified to "Promoting Our European Way of Life". However, the question remains as to why antisemitism is separated from other forms of racism under the remit of different European Commissioners.

5. For the full response: <https://www.euractiv.com/section/economy-jobs/video/is-the-european-commission-too-white/>



“
We are here because you were there.
”

- *Ambalavaner Sivanandan, Anti-racist activist and former Director of the Institute of Race Relations.*

Another reason this appointment was, and continues to be, considered offensive to Europe's racialised communities is the implication that the “European way of life” is one that must be promoted over others. This bears a discomfiting resemblance to the European exceptionalism which characterised and justified periods of European colonialism and enslavement. It also fails to pay due regard to the harm still caused by violence at Europe's borders, inequalities sustained by decades of austerity, and the daily racism still ensured by many of Europe's people. Colonialism, and migration are heavily intertwined - in many ways the former produced the latter, as summed up by the anti-racist thinker Sivanandan when he wrote ‘we are here because you were there.’ The inherent implication underlying EU policy, that migration is a security risk to be managed, evades this fact.

Engagement with civil society and racialised communities

The EU's model of civil society engagement has been an additional impediment to the adoption of a comprehensive framework to address structural racism in the EU. These barriers manifest in a number of ways.

First, there remain substantial barriers for grassroots anti-racism organisations to access EU policy-making processes. Organisations require sustainable financial resources to be based in, travel to/from, and/or maintain communications with Brussels as legislation can take years, and even decades in the case of race-based policies, to be adopted. Consequently, larger and well-resourced civil society organisations with a history of advocacy have fared better in contributing to EU policy development.

The long-term result has been racial equality advocacy being led by organisations that do not include members of racialised communities in leadership roles, a highly siloed EU level civil society with limited policy impact, competition for resources between race policy advocates. Additionally, a focus on recognition of forms of racism as separate phenomena, rather than organisations uniting around common, thematic policy solutions. As such, despite the expertise and lived experience of racialised communities, their knowledge and input have been underutilised in policymaking.

Case study: Funding EU Framework for Roma Integration

An analysis of previous EU policy goals designed to promote the integration of Roma communities noted the severe limitations of developing institutional funding programs. It recognised that inadequacy of funding directed at EU Member States without sufficient participation of civil society to address the structural nature of racial exclusion.

With respect to the EU Framework of Roma Integration and the Decade of Roma Inclusion 2005-2015, a number have highlighted problems.

Zeljko Jovanovic, Director of the Open Society Roma Initiatives Office noted: “[a]lthough the EU provided generous funds, Bulgaria did not use them to prevent evictions or offer alternative housing. It simply signed on to the EU Framework, just as it signed on to the Decade of Roma Inclusion, to create the appearance of pushing positive change, while in reality making few real efforts.”

“Only when the excluded and the exploited are a constituent part of setting priorities for public institutions and funds will we experience a change in the way schools educate, hospitals cure, police protect, the economy works, and elections give free voice.”⁶

In 2017, the European Commission announced a review as to how funds spent for anti-discrimination work have been spent by EU Member States. In particular, it was concerned with understanding whether they have been effective in addressing structural discrimination against Roma communities.⁷

In a study conducted by the European Parliamentary Research Service, it was noted that European funds remained the most important source of funding for interventions on Roma integration in countries with large Roma populations. However, it also noted that EU Member State governments often lacked skills to implement interventions and that funding structures were planned in a top-down manner not meeting local needs.

Secondly, the EU’s funding infrastructure on racial equality is severely limited in its capacity to support grassroots anti-racism work centred on the concerns of racialised communities. The institutional conditions to successfully retrieve funding under the flagship funding programs, such as the Rights, Equality and Citizenship Program, the European Social Fund and the Asylum, Migration and Integration Fund (AMIF), are considered restrictive and inaccessible to many racial justice organisations. Such programs place a high administrative burden on recipients at the application, implementation and reporting stages presenting barriers to

6. OSF Voices: Why Europe’s “Roma Decade” Didn’t Lead to Inclusion: <https://www.opensocietyfoundations.org/voices/why-europe-s-roma-decade-didn-t-lead-inclusion>

7. <https://www.euractiv.com/section/eu-priorities-2020/news/commission-to-review-funds-for-anti-roma-discrimination/>

8. European Parliamentary Research Service (2020) Framework for national Roma integration strategies up to 2020. [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642827/EPRS_STU\(2020\)642827_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642827/EPRS_STU(2020)642827_EN.pdf)

access for grassroots organisations. As such, the cycle of inequity amongst European NGOs working on equality and discrimination is exacerbated: larger, concentrated organisations largely unrepresentative of racialised communities receive funds, whereas grassroots, representative organisations do not. **The lack of institutional provisions that would allow for these funding structures to allow such organisations to “re-grant” funds to grassroots civil society exacerbates this cycle.**

In addition, these funding streams set a ‘top-down’ funding agenda where organisations must align with predefined priorities in order to receive funding. This agenda is set internally by the EU institutions, themselves vastly unrepresentative of racialised communities within the EU. On anti-racism issues, these priorities include work on hate crimes, countering the spread of illegal hate speech online, victim support, and projects which “encourage better understanding between communities through interreligious and intercultural activities”.⁹ Further, recipients are confined to a series of “eligible actions”, including training, mutual learning, exchange of good practices, development of ICT tools and awareness raising. Organisations whose actions fall outside of this exhaustive list are therefore denied funding for their valuable initiatives.

Thirdly, heightened scrutiny and political pressure on anti-racist civil society has created a climate of precarity for those working on racial justice. Of concern, the growth in far-right presence and the mainstream backlash on racial equality has led to a deterioration in support and protections for racial justice civil society groups. In the worst cases, this has led to dissolution of anti-racist organisations. In other cases, the over-reliance on the state for funding has led to state intervention in the working priorities of racial justice organisations and censorship for fear of organisational collapse. All such cases severely interfere with fundamental rights, in particular the freedom of peaceful assembly and to freedom of association as contained in article 12 of the EU Charter of Fundamental Rights.

Case study: Shrinking space for racial justice

The period of 2020-2021 has been one of heightened precarity and tense relations between states and racial justice organisations across Europe. The following documents some such cases:

- In a rising climate of far-right attacks in Portugal, racial justice activists, black members of Parliament and the organisation SOS Racismo have been threatened with severe acts of violence, including assassination, for their anti-racist activities. Mamadou Ba, a prominent figure and member of the Equinox Steering Committee is experiencing a number of severe threats to his safety and calls for expulsion for his activism against Portugal’s ongoing colonial legacy.¹⁰

9. For the full list of priorities of the Rights, Equality and Citizenship Program: https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/rec_

10. See the European Network Against Racism (ENAR) letter in support of Mamadou <https://www.enar-eu.org/Urgent-solidarity-call-to-support-Portuguese-anti-racist-activists;>

- In December 2020, the Cypriot Minister of Interior deregistered anti-racist NGO KISA from the Register of Associations. An arbitrary procedure, KISA was deregistered despite its compliance with all formalities required in law. KISA stated that this move was one in a series of attempts to discredit and silence independent civil society voices in Cyprus.¹¹
- The Collectif Contre l’Islamophobie en France (CCIF), a human rights organisation that monitored and advocated against anti-Muslim discrimination in France was ordered to dissolve by the French Council of Ministers in December 2020. This order included a number of accusations based on material from far-right blogs and sources. In the face of these threats, the CCIF was forced to dissolve. In its final statement, the CCIF outlined the evidence undermining the accusations.¹²
- In a number of cases uncovered in 2020, the Irish Department of Justice and Equality which oversees the immigration system has been shown to undertake surveillance and monitoring of criticism received in relation to their treatment of asylum-seekers through the system of Direct Provision. Several campaigners, including politicians, journalists, artists and especially activists and asylum seekers in the Movement of Asylum Seekers in Ireland (MASI) had their social media accounts monitored by the Department. This is particularly concerning given that this monitoring was carried out by the very same department which determines the asylum claims of the activists under surveillance.¹³

These trends have had serious implications for racial justice activists as individuals and entire communities. In addition to losing political backing and financial support, organisations, their staff and families have also been targeted by physical and online threats and violence. This has created a chilling effect on the expression of human rights defenders in the anti-racism space, with disincentives for speaking out after seeing attacks on fellow activists.

The combined effect of these factors - financial barriers, systematic-underfunding and the increased political targeting and precarity of anti-racist civil society - feeds into an **acutely shrinking space** for anti-racist civil society.

The result has been an under-resourced and over-burdened civil society at both the European and national levels. As a result, anti-racist civil society groups are limited in their abilities to effectively respond to the heightened political attention. The EU’s engagement approach has also restricted the conditions under which racialised communities can come together and organise in solidarity in a manner that enables them to most strongly advocate against structural racism affecting all communities.

11. <https://kisa.org.cy/strong-solidarity-and-speedy-judicial-review-the-response-to-the-deregistration-of-kisa-by-the-ministry-of-interior/>

12. CCIF “COMMUNIQUÉ FINAL – FINAL STATEMENT” <https://www.islamophobie.net/les-nombreuses-contre-verites-sur-le-ccif/>

13. See the statement from the Movement for Asylum Seekers: <https://www.masi.ie/2020/08/20/statement-on-the-department-of-justice-monitoring-our-social-media-tweets/>; <https://www.independent.ie/irish-news/departments-of-justice-officials-monitor-posts-criticising-direct-provision-on-social-media-39452868.html>

Toward racial justice

Recommendations to EU institutions

In this moment of immense potential, the adoption of the EU's Anti-Racism Action Plan (ARAP) is a move in the right direction. It recognises the need to tackle institutional and structural racism, including in the EU's legislative and policy framework.

However, for the EU's Anti-Racism Action Plan to fully reach its potential there must be a fuller understanding of how structural racism operates and its connection with EU legislation, policy and practice. It requires a clear strategy of implementation for putting this vision into practice. The EU must underpin its efforts by commitments to:

- Tackle racism in Europe at the institutional and structural level;
- Acknowledge the role of EU institutions' and Member States' laws, and policies in sustaining racial inequalities;
- Ensure cohesive and structural approaches to racial justice across communities.

The Equinox Initiative for Racial Justice offers the following recommendations toward European Union institutions.¹⁴ The recommendations come in four sections:



14. These recommendations are in full support of and to be taken as complementary to recommendations made by: the European Network Against Racism https://www.enar-eu.org/IMG/pdf/briefing_ec_action_plan_for_racial_equality_and_justice_final.pdf; the Center for Intersectional Justice: <https://www.intersectionaljustice.org/publication/2020-04-07-center-for-intersectional-justice-factsheet-intersectionality-at-a-glance-in-europe-and-other-anti-racist-civil-society-in-europe>.

Political commitment to racial justice

These trends have had serious implications for racial justice activists as individuals and entire communities. In addition to losing political backing and financial support, organisations, their staff and families have also been targeted by physical and online threats and violence. This has created a chilling effect on the expression of human rights defenders in the anti-racism space, with disincentives for speaking out after seeing attacks on fellow activists.

European Union leaders must recognise the root causes of racism in Europe today and propose policies and actions that are grounded in dismantling structural racism. The institutions, especially at the level of the political leadership, must also recognise the correlation between structural racism and its own legislation and policies, as well as actions committed by its own staff and agencies. To achieve this, the EU has to analyse how EU institutions laws, policies, and practices have sustained structural, racial inequalities. This must include recognising how this ultimately threatens the foundational EU principle of democracy.

Recommendation 1: The President of the European Commission to include structural racism as a high-level priority in the European Commission policy agenda, with a commitment to report on progress at every State of the Union address.

Recommendation 2: The Presidents of the European Commission, Parliament and Council to appoint a contact point for equality to their cabinets in order to demonstrate political commitment.

Recommendation 3: The European Council to adopt conclusions on structural racism and the EU's guarantee to ensure racial equality.

Recommendation 4: The EU institutions to ensure that EU Member States develop and implement National Action Plans Against Racism to ensure political commitment to addressing structural racism with concrete and resourced measures.

Any efforts to tackle institutional and structural racism must include political acknowledgment of the need to account for past injustices against racialised communities and take steps to implement historical justice. Institutional and structural inequalities today are a result of histories of enslavement, genocide and colonialism.

Recommendation 5: EU political leaders to take steps to recognise and account for past injustices relating to colonisation, enslavement, genocide and crimes against humanity, and take active steps to encourage processes of recognition, reparation and restitution by Member States.

Racial discrimination and violence by law enforcement authorities sparked this global moment and reflection on structural racism. This cannot be overlooked and must form a comprehensive part of the EU's political and institutional response.

Recommendation 6: EU political leaders must actively condemn instances of discrimination, brutality and violence by state authorities against all people in the EU regardless of their race, ethnicity, religion, nationality or migration status.

Institutional change

To practically implement the new commitments outlined in the EU's Anti-Racism Action Plan, the European Commission must take significant steps to secure the requisite level of expertise on racial equality internal to the civil service, as well as ensuring a level of institutional and policy coherence on equality and specifically racial equality.

Recommendation 7: The European Commission to set up a consultative body, such as an advisory committee on structural racism for the EU's Anti-Racism Action Plan, similar to the European Commission Advisory Committee on Gender Equality.

Once the infrastructure has been developed, the European Commission must take steps to ensure processes to mainstream racial equality considerations into all policy areas. This process would ensure that issues of racial inequality are no longer overlooked in mainstream policy areas such as health, environment and digital, but also require a holistic and cohesive analysis of all new EU policy from a fundamental rights and equality perspective.

Recommendation 8: The European Commission to implement a condition for all legislative proposals and major policy plans to be audited according to equality considerations with specific reference to racial inequality.

To bring effective and concrete change, the European Union must ensure its institutional structure is coherent with its aims to promote racial justice. This will require an internal assessment of engagement on racial justice and a restructuring of how units are organised. The lack of political authority of the coordinators and the conflicting role of the anti-racism coordinator with the other coordinators (Antisemitism, Anti-Muslim hatred) reduces the legitimacy and ability of the coordinators to bring effective change.

Recommendation 9: The European Commission should ensure adequate resources and expertise dedicated to racism, including an internal restructuring to ensure cohesion in how racism is addressed amongst the European Commission Directorate Generals and units. The Commission to implement a full thematic approach addressing racial inequalities in policy areas such as law enforcement, migration, healthcare, etc as opposed to silos on certain racialised communities.

A key indicator of success and legitimacy of the EU institutions responding to racial inequalities will be the extent to which they will look internally and address shortcomings with respect to the representation of and equal opportunities for racialised people. The commission has committed to addressing the issue with a new diversity office and staff survey that will ideally lead to a sustainable strategy to increase staff diversity at all levels including utilising recruiting, hiring, retention, and promotion schemes, and pipeline initiatives.

Recommendation 10: The European Commission, Parliament and Council to publish strategies, alongside an annual internal diversity analysis, with specific reference to anonymous, disaggregated data on racial diversity.

Cohesive legislation and policy on structural racism

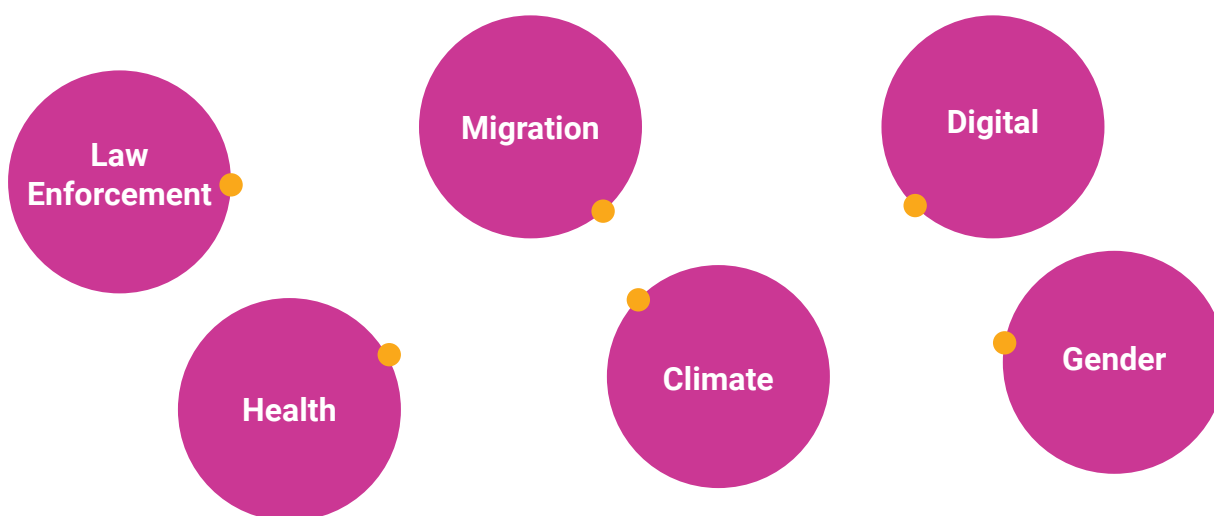
In terms of European Union legislation and policy on racism, there is an emphatic need for a shift away from the siloed and single-axis racial equality approach in favour of a great recognition of the intersectional nature of racial justice and equality. Greater cohesion as to how departments and units are organised should follow.

These shifts can be made whilst still recognising the importance of ascertaining and addressing specific harms experienced by certain communities. It is important that the EU's racial justice policy takes an intersectional perspective to the development and application of any future legislation and policies that recognise the specificity of the multiple struggles of racialised women, people with disabilities, migrants, indigenous and LGBTIQ and other marginalised communities. This shift will foster solidarity and bring concrete changes to policy as opposed to competition for recognition in institutional structures.

Recommendation 11: The EU to adopt legislation ensuring a comprehensive and intersectional EU legislative framework on equality. Civil society should be actively engaged in this process.

As highlighted in section 2, one consequence of the confinement of racial equality to certain departments and policy areas is that some EU legislation and policy areas exacerbate and even create racial inequalities. In other areas, the implications for racialised communities are largely overlooked. With particular attention to key “racial justice focal points” such as law enforcement, migration, gender, climate, digital, health, and others, such a process could manifestly improve economic and social conditions for racialised communities.

Racial justice focal points:



Recommendation 12: The European Commission to conduct and publish a legislative and policy “Racial Justice Review” with public consultation on existing EU initiatives in key “racial justice focal points” to assess the extent to which the policies exacerbate structural racism and exclusion.

Recommendation 13: The European Commission to ensure a funded and coordinated response to the Racial Justice Review, with a dedicated cross-departmental working group on racism to implement the response.

A new relationship with civil society

The underrepresentation of racialised people within EU institutions makes it even more crucial that the EU engages with civil society in a sustained and meaningful way. **The EU must move away from a “tick box” approach to civil society participation.** Rather, racialised communities and anti-racist civil society must be systematically incorporated not only in the design and development of legislation and policies, but as the main source of expertise on racial inequality. The EU’s civil society in this domain must drive the development of the racial justice agenda. Specific attention needs to be given to ensure all voices are heard, representing all racialised communities, proactively including the underrepresented members of our racialised communities.

The EU must ensure that it provides meaningful support racial justice organisations. The explicit targeting of racial justice activists and organisations by state authorities and far-right movements has exacerbated the acutely shrinking space for racial justice civil society, experiencing severe political and financial precarity.

Recommendation 14: The EU political leaders to offer political support to anti-racist human rights defenders when targeted by their governments, including by initiating infringement proceedings against Member States for the violation of the fundamental right to assembly and of association.

Recommendation 15: The European Commission to update guidelines and policy on human rights defenders to recognise and address the specific situation of anti-racist human rights defenders in Europe.

Key to reversing this precarity and the shrinking space for anti-racist civil society is to increase the resources available for vital work on racial justice. This must include the incorporation of civil society in setting of funding priorities, the development of new funding mechanisms which do not replicate exclusive and inaccessible funding practices, and ensuring in such schemes strict respect for the independence of civil society and their freedom of association and assembly.

Recommendation 16: The European Commission to develop a civil society review board for major funds such as the Rights Equality and Citizenship Fund, AMIF and the European Social Fund, including representatives from racial justice organisations, to ensure the setting of funding priorities incorporates input from civil society and meets the needs of communities affected by racism.

With the Anti-Racist Action Plan, the EU has the opportunity to change course and create conditions for structural change for racialised communities in the EU. The EU will maximise its true potential when it addresses institutional and structural racism and fully embraces its diverse populations across the EU.

Acknowledgments

Equinox Initiative for Racial Justice would like to thank Members who supported the development of this paper, including the Equinox Steering Group:

Adla Shashati
Anass Hanafi
Baila Ba Mamadou
Bulelani Mfaco
Chafika Attalai
Dinah Bons
Dounia Jari
Esther Mamadou Blanco

Maria Atanasova
Maryan Abdulkarim
Myriam Douo
Omar Ba
Peter Arvai
Vladimir Horvath
Saraya Gomis

We would especially like to thank EOTO and the Open Society Foundations for their support.

A special thank you to Julie Pascoët and Dr. Mischa Thompson for their insight and rigorous contributions in preparation of the report.

Contact

Equinox Initiative for Racial Justice

 <https://www.equinox-eu.com>

 secretariat@equinox-eu.org

 @Equinoxrji

