



**European Network
Against Racism**

A close-up photograph of a hand with fingers curled into a fist, set against a blurred background of other people. The entire image is tinted with a blue color scheme.

RACIAL DISCRIMINATION

IN EUROPE

ENAR SHADOW REPORT 2016-2021





Altiero Spinelli

STOP!
FOSSIL FUELS
YOU FOSSIL
FOOLS!

NOUS AVONS
LA CHANCE
D'AVIR UN BON
PROTECTOR

ENERGIES
ET GOUVERNANTS
FOSSILES
↓
AU MUSÉE

WORD HIDE VIEW

TABLE OF CONTENTS

Foreword	5
Executive Summary	6
Introduction	7
Methodology	8
Recommendations	9
Glossary	12
Part I: Legal and Policy Developments	13
1.1. Participation in Decision-making by Racialised Groups	17
Part II: Access and Full Participation in All Collective Areas of Society	20
2.1. Racism and related discrimination in employment	21
2.2. Racism and related discrimination in housing	24
2.3. Racism and related discrimination in education	26
Higher education	28
2.4. Racism and related discrimination in healthcare	30
2.5. Racism and related discrimination in access to goods and services	33

FOREWORD

As we stand on the precipice of a new era, it's with a mix of urgency and somber reflection that we revisit the insidious presence of racism within our societies. Five years have elapsed since our last comprehensive report on racially motivated crimes, and in this span of time, our observations paint a distressing picture: racial discrimination continues to obstruct the full and equitable participation of racialised individuals across all facets of society.

The disheartening reality we confront today is one marked by a persistent impediment to inclusivity and fairness. Racism, in its myriad forms, persists as a formidable barrier that inhibits the free and equal participation of individuals from diverse racial and ethnic backgrounds. This barrier, unfortunately, remains deeply entrenched within the very fabric of our communities and institutions.

Our current report casts a piercing light on the sobering trend of escalating racially motivated crimes. These crimes, driven by hate and prejudice, not only inflict immediate harm but also reverberate through entire communities, fostering fear, division, and exclusion. Yet, amid these distressing realities, a troubling pattern emerges—a pattern characterized by the inadequate response of authorities, particularly law enforcement agencies, in addressing and rectifying such atrocities.

The criminal justice system, entrusted with safeguarding justice and equality for all, continues to falter in its duty to confront and dismantle institutional racism. This failure perpetuates a cycle of marginalization and suffering endured by racial and ethnic minorities across the European Union, impeding their access to justice and equal treatment under the law.

While legislative frameworks aimed at combating hate crimes exist in the majority of EU Member States, the effective implementation of these laws remains an uphill battle. Embedded biases within reporting agencies and systemic inadequacies hinder the true recognition and redressal of racially motivated crimes. This lacuna further exacerbates the trust deficit between affected communities and law enforcement, resulting in disparities between official data and that collated by civil society organizations.



Racial discrimination isn't confined solely to the realm of law enforcement. It permeates various spheres of society, manifesting in unequal access to education, employment, health-care, housing, and other fundamental rights. The cumulative impact of these barriers hampers the full participation and contribution of racialized individuals, thwarting the realization of a truly inclusive and diverse society.

With this report, our fervent aim is to reignite the collective commitment to dismantle systemic racism, recognizing that the eradication of this scourge is pivotal to the realization of a society where every individual, irrespective of their racial or ethnic background, can flourish and contribute without fear or prejudice.

Nyanchama Okemwa,
ENAR Chair

EXECUTIVE SUMMARY

This report covers contributions from 19 EU member states: Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, the Netherlands, Norway, Portugal, Romania, Slovakia, Spain and Sweden. The data collected for this report are based on methodology that includes the analysis of 19 questionnaire responses. The methodology and questionnaire were developed by ENAR, and the responses to the questionnaire were based on national research.

This report focuses on the manifestations of racial discrimination in key sectors such as employment, health, housing, education, sport as well as political participation. The varying and intersectional experiences of discrimination are discussed in relation to each country, highlighting the common and unique aspects of racial discrimination in Europe today. In addition, the report proposes a series of recommendations incorporating the results of research conducted in 19 countries and inputs from ENAR members—i.e., national and local civil society organisations working with racialised communities as well as representatives of such population groups.

Although an EU Anti-Racism Action Plan—a unique policy framework—was adopted in 2020 and a coordinator on combating racism was nominated by the European Commission, structural racism and discrimination remain a serious challenge in multiple sectors affecting individuals and communities. In employment, which is a crucial factor to combat social exclusion and ensure participation in socio-economic life, multiple groups such as Roma, people of African descent and racialised indigenous groups continue to experience discrimination and structural inequalities. Significant gaps in access to employment and social services, which are a direct outcome of structural racism, remain under-addressed despite the existing policy and legislative frameworks aiming to guarantee equal access to the labour market.

Discrimination is a prominent barrier to decent housing for racialised minorities, in accessing accommodation, having security of tenure and access to services. There is evidence too that racialised minorities who are LGBTIQ, disabled or unemployed experience cumulative discrimination in housing which increases their vulnerability overall. Discriminatory state policies have left some groups in dangerous living conditions, particularly during the COVID-19 pandemic. The impact of structural discrimination in the housing market and in state housing policy is evident with respect to a wide range of racialised groups.

Educational systems across Europe offer the possibility of social mobility, but in practice many leave racialised minorities at a disadvantage in accessing good quality education, receiving adequate support in education and accessing vocational, further and higher education. Racialised groups and migrants are shown to have worse health outcomes than other groups, and to receive lower quality healthcare services, including mental health services.

Data suggest that racially motivated crimes are on the rise in many EU member states. The official numbers of racially motivated crimes are generally considered to be below the true figures due to under-reporting. Hate crime responses in many states fall short of the EU Framework Directive in practice, and rising levels of hate speech warrant significant attention in this area.

There is evidence of increases in extreme anti-migrant and anti-refugee rhetoric, as well as anti-Roma and hate speech against other minoritised groups (especially LGBTIQ). Politicians as well as political and/or media commentators, including religious leaders, deliver anti-migrant statements and racist hate speech with impunity. This is resulting in anti-migrant discourses and policies being seen as acceptable and mainstreamed across the political spectrum. Racist language is a prominent fixture of sport commentaries in member states. Across Europe, examples of racist chants, threats and harassment of athletes are well known, and little seems to be done to counteract this behaviour.

Several member states have developed good practice in the informal and formal mechanisms of cooperation between civil society organisations and government agencies, although overall there remains institutional resistance to positive action on political participation. Racialised groups hold little power to influence change within the countries they reside, both in the under-representation of diversity among elected officials and low participation in electoral politics. Both national policies and the attitudes of the general public seem to be key barriers to enhancing the diversity amongst lawmakers.

The introduction of the EU Anti-Racism Plan comes at a key moment for reviewing the effectiveness of the mechanisms established to address racism in all of its forms. The challenge in the next five years will be for that review to take place in the context of rising anti-migrant sentiment and hate speech, and to result in more robust protections in practice as well as, importantly, ensuring the full participation of racialised minorities in their implementation and monitoring.

INTRODUCTION

This report covers the period January 2016 to December 2021, during which European governments continued to introduce increasing controls on immigration from outside the EU, extreme far-right politics moved increasingly to the mainstream, and the COVID-19 pandemic put marginalised communities at significant risk in terms of health, unemployment, poverty and hate crime.

This report seeks to review the available data on the experiences of racial discrimination across different sectors of daily life. In this report, we provide information on discrimination in politics, work, housing, education, health, policing and justice, goods and services, media and sport. The statistics and details provided are discussed with consideration to under-reporting, which remains a significant problem. Under-reporting can result from various causes, but is often due to the historical poor treatment of ethnic and racially minoritised groups. This report covers contributions from 19 EU member states: Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, the Netherlands, Norway, Portugal, Romania, Slovakia, Spain and Sweden. Throughout this report, data from the various contributors is compared and contrasted, as well as given context from existing EU policies and directives. Examples are provided of practices, policies and case studies from various countries to further describe the situation in different countries.

Part 1 looks at legal and policy developments in the period 2016 to 2021 to assess the progress made in this area, and

also the areas in which legislation or policy highlights regression on racial equality. 2023 marks 20 years since the first 15 EU member states were obliged to transpose the Race Equality Directive into domestic law. The Directive has shaped the legal protection against discrimination on the grounds of racial or ethnic origin for over two decades. It prohibits direct and indirect discrimination on the grounds of racial or ethnic origin in the areas of employment and occupation, education, social protection including healthcare, social advantage and access to and supply of goods and services available to the public, including housing. The Racial Equality Directive does not currently cover law enforcement. In Part 2, we assess the extent of racial discrimination in these aforementioned areas. Part 3 addresses the role of criminal law and law enforcement in racial discrimination, both in the experience of victims of hate crime and in the disproportionate representation of racial minorities in the criminal justice system.

This report shines a particular spotlight on the structural discrimination that reproduces racial inequalities in Europe. The EU and most national policy frameworks almost entirely focus mainly on individual forms of racial discrimination and hatred, overlooking the other dimensions of racism that are structural, institutional and historical. In addition, existing legislation is not consistently implemented by member states, and lacks the support which would enable racialised groups to use the mechanisms it provides in order to access greater protection against discrimination.

METHODOLOGY

This report is based on a collaborative research approach carried out across Europe. ENAR contracted civil society organisations and independent consultants in the 19 aforementioned EU member states to carry out research at a national level, and respond to a questionnaire developed by the ENAR secretariat. The research at a national and EU level was carried out between 2021 and 2022. The list of researchers is listed below. The national research involved desk-based research, interviews and meetings.

The data collected were then submitted to the ENAR secretariat, which was then reviewed by the report authors. The data from the questionnaire responses were used as a basis for this ENAR Shadow Report. Civil society organisations involved with the initial research were consulted in the drafting of the report to check for accuracy and further information. Follow up meetings and desk-based research were also carried out at the ENAR secretariat to support the drafting of the report.

National Researchers

Bulgaria	Zdravko Andonov	Independent researcher
Croatia	Lucija Mulalić and Cvijeta Senta	Centre for Peace Studies
Cyprus	Dr. Natalie Alkiviadou	AEQUITAS
Estonia	Egert Rünne	Human Rights Center of Estonia
Finland	Sara Kezia Heinonen	Independent researcher
France	Kristy Romain	Independent researcher
Germany	Dr. Anisoara Moldovan	Independent researcher
Greece	Eleni Takou	Independent researcher
Hungary	Marcell Lorincz	Foundation of Subjective Values (SVF)
Ireland	Lucy Michael and Daniel Reynolds	Lucy Michael Research
Italy	Mackda Ghebremariam Tesfau'	Independent researcher
Lithuania	Dr. Vilana Pilinkaite Sotirovic	Aistė Frišmantaitė
The Netherlands	Fakiha Ahmed	Independent researcher
Norway	Patience G-Kristiansen	Hamba Consulting
Portugal	Evalina Dias	Djass-Association of Afro Descendant
Romania	Andreea Georgiana Oglagea	Independent researcher
Slovakia	Katarína Krejčíková	Opre Roma Slovakia
Spain	César Arroyo López	INEEYS
Sweden	Maria Nilsson	Independent researcher

RECOMMENDATIONS

These recommendations are informed by the data and analysis provided by the national researchers. They are the key or common recommendations identified across many member states. The recommendations listed here are related to the findings included in this report, and they sit alongside the recommendations already included in previous ENAR Shadow Reports, many of which are still relevant.

Government legislation and policies

- States must ensure equal access to justice by providing administrative and financial legal assistance to victims of racially motivated violence, if they wish to appeal the outcome of their cases or make a complaint regarding the treatment of their case.
- States must develop effective national action plans against racism that meet the needs of racialised population groups, and make commitments within this plan to collect and publish disaggregated data on hate crimes; initiatives to improve relationships between minority groups and the police; and actions to review policies and practices within the criminal justice system that may have a discriminatory impact on racialised groups.
- States and equality bodies should support each other to establish a fully independent complaint body or mechanism to investigate complaints of the mishandling of hate crime cases and allegations of criminal offences by the police or within the criminal justice system.
- States must make recording of hate crimes with a hate motive systematic and mandatory, and clearly outline this position in all of their policies, guidelines and manuals.
- States must develop clear codes of practice or guidelines that include a definition of hate crime that can be shared across the criminal justice system. There must be consistency in the guidelines, definitions and standards across the entire criminal justice system in every member state.
- States should ensure that the principles of equal treatment and non-discrimination are mainstreamed across all legislation and policy packages, by clearly mentioning these principles in every piece of legislation and policy and ensuring that ex-ante and ex-post assessments consider concrete measures undertaken to ensure these principles are applied.
- Participatory mechanisms that consult civil society, experts and impacted communities should be ensured in the development of policies and laws affecting minority groups.

Access to justice

- Member states must design adequate policy measures that prohibit and prevent ethnic profiling and safeguard that it is not used with impunity as a security or law enforcement measure.
- Ensure that access to free legal aid is automatic and that asylum seekers who make complaints are granted the possibility to stay for the duration of the legal procedure.
- Lower the threshold for reporting discrimination by providing easily accessible contact points and mechanisms for reporting, provide quality training for lawyers in the field of anti-discrimination law and offer adequate and timely financial, administrative and mental health support to victims throughout the court procedure.
- States must provide stronger guarantees through national legislation against discrimination by including a specific mention about racially motivated crimes, and ensuring their associated punishments reflect the seriousness of the crimes and act as a considerable deterrent.
- EU member states should take into account the concept of intersectionality in their response to hate crimes—including race, migration and social status, gender and sex, sexual orientation, disability and any other protected characteristics—at all stages of the procedure.
- States must amend their legislation to create a duty to include evidence of a racial bias motivation throughout investigations, prosecutions and through to the sentencing.
- States must commit to improving practice in the criminal justice system, going beyond the minimum standards set by the Framework Decision 2008/913/JHA for reporting, investigating and prosecuting hate crimes. Once these standards are set, continuous monitoring and evaluation is required so that these standards are maintained and improved where relevant.
- States must improve the levels of ethnic diversity in recruitment, retention and progression of police staff through targets and positive action where possible. The diversity of the police should reflect the ethnic and racial diversity of the population, including at higher management levels.
- Independent bodies, such as the Ombudsman's office or equality bodies should have an active role in the process of collecting complaints from victims and witnesses of police violence.

Reporting and recording racially motivated crime

- Police authorities should be facilitated and encouraged through legislation and policy to develop hate crime reporting through specific and safe systems, and reporting online and in locations other than the police station, improving rates of reporting. Reporting systems should be developed in close cooperation with academic and civil society experts from and/or working with communities vulnerable to racially motivated hate crimes.
- Police authorities should ensure that all officers are given appropriate training in identifying and recording hate crimes, including using the “perception test”—i.e., the victim’s perception of the crime—as the basis of the recording of hate crimes and to start investigations.
- Police authorities should record hate crimes with the bias indicator, as well as information on the ethnic or racial identity of the victim and the victim’s and/or witness’ perception of the ethnic or racial identity of the perpetrator. Any other characteristic of diversity of the victim (sex, sexual orientation, gender identity, religion, etc.) should also be taken into account to cater for an intersectional analysis of the crime and the bias motivation of the perpetrator.
- States should collect and regularly publish disaggregated data on hate crimes against racialised groups.
- Develop a firewall system that guarantees that, whatever the migration status, the victim or witness of a hate crime can report the crime to the police and the whole procedure will remain safe for them, without risk of arrest, extradition or deportation at any time before the outcome of the investigation and judicial process. In addition, victims reporting a hate crime must be guaranteed that their current or upcoming claims for a regular status will not be harmed.
- Introduce hate crime awareness raising campaigns, training and workshops for professionals working with migrants and other people vulnerable to racially motivated crimes, and consult relevant organisations and/or the affected groups in the development of these campaigns, training and workshops.

Migration

- When reviewing migration policies and legislation, ensure that they are based on principles of solidarity and human rights, considering the global situation of humanitarian developments, rather than developing policies in line with security measures and assessments.
- Promote policy measures that guarantee access to a minimum package of social rights and services, such as healthcare and shelter, in line with the European Pillar of Social Rights action plan.

- Develop national campaigns to raise awareness of the economic and socio-economic benefits that migrants, historically and currently, bring to EU member states.
- Cooperate with the media and other actors to promote tolerance and respect of other cultures, and challenge the negative perceptions of migrants.
- Limit expulsions to the most serious cases of violations of national law, and implement protective measures in respect of basic rights for irregular migrants and limits on immigration detention.
- Develop policy measures targeting refugees and migrants from countries at risk based on the example of the policy for hosting Ukrainians.
- Allocate adequate public investment, including programmes, projects and funding within national action plans against racism to fight against and prevent racial discrimination and mitigate its social, economic, mental health and other consequences on communities and individuals.
- Ensure equal opportunities for all by providing language courses and training adapted to the different needs of vulnerable groups, with sufficient courses made available.

Labour market

- Introduce human rights-centred policy measures targeting refugees and migrants from countries at risk, allowing adequate and timely examination of individual cases to ensure legal entry in the host country, as well as access to socio-economic rights including employment as an effective measure to reduce their socio-economic vulnerability. Create new channels for labour migration, reflecting the real labour needs of the EU.
- Ensure that free movement and labour market participation within the EU do not result in an ethnic stratification of European labour markets, and create inequalities between nationals and foreigners in terms of working conditions and social benefits. Ensure that all beneficiaries of international protection and asylum seekers who work legally and pay social contributions have equal access to social welfare benefits.
- Develop national social inclusion policies and action plans with a focus on racialised groups, including migrants, addressing issues of accessibility of the labour market; decent working conditions and eventual abuses such as exploitation; skills recognition and acquisition, career progression, mobility and vocational training within the European Pillar of Social Rights Action Plan and national plans against racism.
- Introduce measures that facilitate the transfer of work permits to new jobs, thereby avoiding situations of exploitation and reducing the likelihood of informal employment situations.

- Recognise that all migrants, especially undocumented or irregular migrants, are vulnerable to exploitation in a range of areas, and are entitled to basic human rights protections.
- Ensure access to protection and redress for migrant workers who have suffered exploitation and violence, regardless of migration status.
- Provide ways for undocumented workers to regularise their administrative status.
- Ensure that there is easy recognition of qualifications.
- Ensure that all migrant workers have the right to be unionised.
- Regularly collect, publish and monitor data on discrimination faced by migrants in the labour market, registering data on migration status and ethnicity where available.
- Facilitate access to the labour market by developing programmes in which migrants' skills and competences are matched with job shortages and opportunities.
- Promote and finance civil society organisations' initiatives providing support to migrants that are victims of discrimination in the labour market.

Political participation

- Actively include racialised groups in civil society consultations in all policy areas as a matter of equality and to address the effects of structural discrimination in policymaking.
- Develop capacity building programmes for racialised minorities and migrants to promote full and effective political participation.
- Collect disaggregated data of candidates in elections along with cases of harassment against candidates.
- Promote diversity in elected officials in order to better represent the population.
- Develop means of monitoring and protecting minority candidates from violence during political campaigns and /or elections.
- Investigate and monitor the causes of lower voter turnout, and promote electoral participation in collaboration with civil society and experts.

Housing

- Efforts should be taken to tackle spatial segregation and "ghettoising" of areas, whilst ensuring access to decent and affordable housing.
- EU members should ensure basic standards of housing for all in policies and promote equal access to housing for minority communities.

Education

- EU member states should guarantee equal access to education for all by providing adequate financial and digital support, especially in the case of e-learning through all educational grades and settings.
- Segregation of students should be banned and monitored within national policy frameworks, such as national anti-racism action plans.
- Prevent negative representation of racialised communities in society by conducting assessment of the educational resources used in educational settings to avoid any content, textbooks or other resources depicting racialised groups in biased ways.
- EU members should ensure that the content of curriculums being taught in schools should not omit or reframe events from history, such as downplaying their roles in colonisation and (trans-Atlantic) slavery.
- EU member states should collect data on cases of discrimination in education and submit it to the European Commission to advance an effective policy response to discrepancies in education.
- Refugees should be given equal access to higher education and targeted financial supports developed to enable them to participate fully.

Health

- States should ensure equal access to basic healthcare and preventive services, including mental health for all, regardless of administrative, legal or financial status.
- States should allocate adequate public investment under both the EU4Health programme and national action plans against racism to assess the unmet health needs of racialised groups.
- States should design measures to reduce the gap between racialised groups and mainstream society, raise awareness among health workforces and provide them with high quality training opportunities to address the needs of minority communities.
- Sensitivity training should be provided to all healthcare staff in collaboration with policies of non-discrimination and equal treatment.
- States should ensure the provision of language support in healthcare services and public health promotion, including making resources available in a variety of languages.
- Educate health professionals on providing adequate information, with appropriate translation where needed, to patients from racialised and marginalised communities.
- Mental health services supporting racialised communities should be developed and made easily accessible.

GLOSSARY

Discrimination: European law makes the distinction between two types of discrimination: direct and indirect. Direct discrimination occurs where one person is treated less favourably than another in a comparable situation, on the grounds of protected characteristics. Indirect discrimination applies when people belonging to the same groups suffer from different consequences as the result of apparently neutral provisions, criteria or practices. The EU Race Equality Directive regulates some specific forms of discrimination, such as harassment, instruction to discriminate and victimisation, but does not specifically address structural discrimination based on racial or ethnic origin.

Racialised groups: Racialisation is the very complex and contradictory process through which groups come to be designated as being of a particular “race” and on that basis subjected to differential and/or unequal treatment. Put simply, “racialization [is] the process of manufacturing and utilizing the notion of race in any capacity” (Dalal, 2002, p. 27). While white people are also racialized, this process is often rendered invisible or normative to those designated as white. As a result, white people may not see themselves as part of a race, but still maintain the authority to name and racialize “others”.¹

Ethnicity: Ethnic groups are identified by criteria such as ethnic nationality, race, colour, language, religion, tribe, customs of dress or eating and various combinations of these characteristics.

Intersectionality: Coined by Kimberlé Williams Crenshaw in 1989, Intersectionality is a concept with roots in Black feminism that considers the interconnected nature of a number of systems of oppression, such as racism, sexism, homophobia and classism. The theory highlights how social identities, such as race, gender, sexuality, class, marital status and age, overlap and intersect in dynamic ways that shape each individual. Almost any socially constructed category can shape identity; the theory of intersectionality has focused specifically on the intersection of those categories which have been definitive for the allocation of economic, social and political rights and privileges. Intersectionality shows how two or more forms of discrimination co-constitute and shape each other. The concept demands that we examine the various and intertwined power structures of our world, including racism, patriarchy, economic exploitation and more.

Integration: The term is used broadly to refer to the incorporation or participation of certain groups and individuals into various parts of society.

Hate crimes: Criminal acts committed with a biased motive towards particular groups of people. It is this biased motive that makes hate crimes different from other crimes. The term “hate crime” describes a type of crime, rather than a specific offence within a penal code. To be considered a hate crime, the offence must meet two criteria: first, the act must constitute an offence under criminal law; second, the act must have been motivated by racial bias in our case.

Migrants: The term “migrant” is used in this report to refer to all categories of migrants—third country nationals, refugees, asylum seekers, regular, irregular and undocumented migrants—unless otherwise stated.

Race: The socially constructed classification of humans into groups based on physical traits (such as skin colour), ancestry, religion, genetics or social relations and/or the relations between them.

Racial justice: The systematic fair treatment of people of all races, resulting in equitable opportunities and outcomes for all. Racial justice—or racial equity—goes beyond “anti-racism”. It is not just the absence of discrimination and inequities, but also the presence of deliberate systems and support to achieve and sustain racial equity through proactive and preventative measures.

Racism: The prejudice, discrimination or antagonism directed toward someone of a different race, based on the belief that one’s own race is superior. Racism, as an ideology, exists in a society at both the individual and the institutional level. Consequently, the systemic nature of racism, as well as who holds the power to perpetuate it, is becoming more popular in mainstream discourses of the term. There are two further definitions of racism which are used in the report: **Institutional racism** describes not only explicit manifestations of racism at direction and policy level, but also the unwitting discrimination at the organisation level. Indirect, institutional racism is more subtle, hidden but equally pervasive and damaging. **Structural discrimination** refers to a range of laws, policies, rules, attitudes and behaviours in institutions and society, which cause barriers and prevent equal access to rights and opportunities for minority groups. Structural discrimination is often aligned with privilege, and disadvantage aligned with societal norms, power and dominance related to race, gender, religion, sexuality and other social, economic and cultural power relations.

¹ <https://www.racialequitytools.org/glossary>

PART I: LEGAL AND POLICY DEVELOPMENTS

In this section, we discuss both the positive and negative impacts of new developments as well as the implementation of specific EU policies affecting especially vulnerable racialised groups. The EU develops and suggests various policies and strategies for introduction into member states' national frameworks. On 18 September 2020, the Commission published its plan to step up action against racism in the European Union, organising two Anti-Racism Summits in 2021 and 2022, respectively. The European Commission strongly encouraged member states to develop and adopt national action plans against racism and racial discrimination (NAPARs) in 2022, with close involvement of civil society and equality bodies. To support member states in their efforts, the Commission established a subgroup of member states experts, which elaborated common guiding principles required to produce effective NAPARs. All member states were due to have their national plans in place by 2022; as these country reports were compiled, there were 17 NAPARs either in the process of being discussed, designed or implemented. Since that date, the variation in those plans has become starkly evident, with criticism of France's plan for "ignoring institutional racism"² contrasted with the explicit underpinning of Ireland's plan, which explicitly names systemic forms of racism.³ As part of the EU anti-racism plan, the Commission has also undertaken a comprehensive assessment of the existing legal framework in order to determine how to improve implementation, whether it remains fit for purpose and whether there are gaps to be filled.⁴

² Human Rights Watch (6 Feb 2023) France's Anti-Racism Action Plan Ignores Institutional Racism, <https://www.hrw.org/news/2023/02/06/frances-anti-racism-action-plan-ignores-institutional-racism>

³ Ireland, National Action Plan Against Racism, 21 March 2023, page 8.

⁴ https://commission.europa.eu/system/files/2020-09/a_union_of_equality_eu_action_plan_against_racism_2020_2025_en.pdf

All countries have reported progress in the implementation of legislation and policy to advance or protect the rights of racial minority groups. Implementation of the EU Race Equality Directive was reported in a majority of countries (Bulgaria, Croatia, Cyprus, Finland, Germany, Greece, Ireland, Lithuania, Italy, Portugal, Romania, Slovakia, Spain and Sweden). The Swedish government has been reviewing the Discrimination Act and the mandate of the Discrimination Ombudsman, in order to include discrimination by public legal authorities in relation to individuals.⁵ Shortcomings in the implementation of the Race Equality Directive were noted (Cyprus and Germany). Cyprus has been accused of non-compliance with Article 13 of the Racial Equality Directive regarding the appointment of the Ombudsman.⁶ In Germany, organisations and legal entities have no legal standing to bring complaints on behalf of victims of discrimination before a court, and this includes the Equality Body of the Federal Anti-Discrimination Agency, which cannot file complaints before a court or to intervene as *amicus curiae*, third party or expert.⁷ A minority of countries had no evidence of implementing the Race Equality Directive (Estonia, Hungary and the Netherlands).

Legislative developments

Positive legislative developments are evident in a small number of areas. In an effort to reduce discrimination, Sweden made amendments to the Anti-Discrimination Act (2017), making employers and educational institutions responsible for taking active measures to prevent and counteract discrimination.⁸ In 2016, Greece developed new legislation that promotes equal treatment and combats discrimination in employment, as well as facilitates workers' rights through free movement.⁹ In 2019, Cyprus allowed foreign domestic workers to join or form trade unions.¹⁰ For the improvement of minority group rights, Ireland officially recognised Irish Travellers (Minceir/Pavee) as a distinct ethnic group in 2017 (important for policy direction, although it did not create any new individual, constitutional or financial rights).¹¹ Membership of the Traveller community was already recognised as an equality factor in Irish equality legislation, separate to eth-

nicity. Greece passed legislation in 2018 (pending a ruling by the European Court of Human Rights at time of writing¹²) providing Muslims with the option of secular or Islamic law (Sharia) in matters of family and/or inheritance law, whereas previously Islamic law court hearings were mandatory.¹³ Croatia updated its Law on International and Temporary Protection (previously the Asylum Act) to align with the Common European Asylum System, adding provisions for refugees' rights, including the right to learn languages, the right to study and work the same as Croatian citizens, as well as cultural and religious freedoms.¹⁴ Ireland introduced draft hate crime legislation in 2021 to fill a longstanding gap in the protection of minorities, and the Traveller Culture and History in Education Act 2018 introduces the indigenous culture of the Traveller community into the school curriculum.¹⁵ Germany adopted measures and legislation to tackle right-wing extremism and racism in general, although UNCERD and NGOs believed the excessive focus on xenophobia, antisemitism and right-wing extremism may lead the Federal Government to neglect other forms of racism.¹⁶ In 2016, Lithuania extended the competence of the Equal Opportunities Ombudsperson, adding new provisions of Article 17 (2) of the Law on Equal Treatment.¹⁷

Across Europe, negative legislative developments have consistently been targeted at refugees and asylum seekers. The 2015 Syrian refugee crisis was a period of significantly increased movement of refugees followed by the emergence of reactive political movements, and legislative and policy responses which most often differentiated between refugees and asylum seekers. The new Greek framework on International Protection, amended in 2020, has been criticised by the Greek National Commission for Human Rights (GNCHR), the Ombudsman and civil society for significantly reducing safeguards for international protection applicants, adding further pressure to the administrative and judicial authorities, putting excessive burden on asylum seekers and focusing on punitive measures.¹⁸ In the most extreme cases, legislation has severely restricted international protection

5 Förstärkt skydd mot diskriminering i kontakt med rättsvårdande myndigheter, 3 oktober, 2020, Utredningen En effektiv och ändamålsenlig tillsyn över diskrimineringslagen, dir. 2018:99, dir. 2019:63, dir. 2020:102. Regeringskansliet, arbetsmarknadsdepartementet, www.regeringen.se

6 Demetriou C, "Country report on Non-Discrimination: Cyprus" (2021) European Network of Legal Experts in Gender Equality and Non-Discrimination, p.12-13.

7 CoE, ECRI Report on Germany, 2020, para. 2.

8 CERD/C/SWE/CO/22-23, 2018, Positive aspects, p 1, point 3.

9 Directive 2000/43/EC; Directive 2000/78/EC; Directive 2014/54/EU

10 Dr. Nasia Hadjigeorgiou, Assistant Professor, University of Central Lancashire Cyprus, (online interview-4.12.21).

11 Dáil Éireann (2017) Report on Recognition of Traveller Ethnicity: Motion (Vol. 953 No. 02) 1st June 2017.

12 The European Court of Human Rights found a violation of Article 14 of the European Convention on Human Rights in conjunction with Article 1 of Protocol No. 1 to the Convention (Molla Sali v. Greece, 20452/14, ECHR, 19 December 2018).

13 Law 4511/2018 amending Article 5 of Law 1920/1991

14 Croatia (2015) Law on International and Temporary Protection (Zakon o međunarodnoj i privremenoj zaštiti).

15 Dáil Éireann (2021) Traveller Culture and History in Education Bill (2018) (Vol. 1009 No. 6) Thursday, 1 July 2021.

16 United Nations, Committee on the Elimination of Racial Discrimination. September 2008. 'Concluding observations of the Committee on the Elimination of Racial Discrimination - Germany', CERD/C/DEU/CO/18, para. 15; UN, CERD, 2015, Concluding observations, CERD/C/DEU/19-22, para. 7.

17 Lithuanian government. 2018. Combined ninth and tenth periodic reports submitted by Lithuania under article 9 of the Convention, due in 2018, pp. 15-17.

18 Law 4636/2019 and Law 4686/2020 modified certain provision of Law 4636/2019

overall, such as in Hungary which has limited the asylum system dramatically, making it nearly impossible to gain refugee status in Hungary (with a few exceptions), and criminalising those who offer support.¹⁹ The European Court of Justice found that by passing the measure, Hungary had failed to fulfil its obligations under EU law. The Prime Minister has continued to refuse to abide by the ECJ ruling. Hungary had previously closed its controversial “transit zones” in response to a 2020 ECJ ruling that they constituted illegal detention.²⁰

There are also notable cases of governments reducing the legal protections for racial and religious minorities (often overlapping). In 2019, the Dutch government removed the subcategories of race and religion from discrimination law, resulting in data of discrimination on these grounds not being recorded.²¹ In France, the 2021 “Law on Separatism” imposed new restrictions on various religious minority groups, particularly Muslims.²² Cyprus’ Equality Body was criticised by ECRI in 2019 for failing to carry out their duties as an equality body, including activities supporting vulnerable groups issuing any publications or reports or recommendations on discrimination issues since 2016.²³

The European Commission began infringement proceedings against Estonia in October 2020, with formal notice to the government to fully transpose the framework decision on combatting certain forms and expressions of racism and xenophobia by means of criminal law. Estonia had failed to transpose criminalisation of specific forms of hate speech, denying or gross trivialisation of international crimes and the Holocaust. Additionally, Estonia has not fully criminalised hate speech by omitting public incitement to violence or hatred directed at groups, as well as by having inadequate penalties.

Policy developments

The implementation of anti-discrimination and inclusion measures more commonly appears in policy developments than in new legislation. Five countries have implemented policies to support all minority ethnic groups (Cyprus, Estonia, France, Germany and the Netherlands). Estonia’s Welfare Development Plan 2016–2023 includes promotion of equality and equal treatment, targeting issues such as better protection of minorities and a high quality protection mechanism for protection against discrimination.²⁴ Croatia enacted

two Action Plans on Integration (2017-2019) to improve the social position of ethnic minorities. At first its title included all foreign citizens, but in practice it focused only on people who received international protection.²⁵

Educational measures for inclusion were expanded in Finland, Cyprus, Germany and Sweden amongst others. In 2019, Finland extended obligatory pre-school to the Roma community.²⁶ In 2017, Cyprus introduced new regulations for the operation of public secondary schools to safeguard the right to education for all children, and to prevent discrimination in accessing education.²⁷ There is some evidence of ongoing commitment to existing strategies, too. Germany has implemented the EU Framework for National Roma Integration through integrated policy packages in general inclusion policies.²⁸ Sweden has worked continuously towards their National Action Plan Against Racism, developing related strategies, policies and positive action measures that have been implemented.²⁹

Group-specific equality and inclusion interventions

According to the 2019 Report on National Roma Integration Strategies, Roma communities across Europe have seen benefits in terms of education, health and general wellbeing.³⁰ Some integration strategies have shown no significant improvements for Roma communities (Ireland, Norway, Portugal, Romania, Sweden). In 2009, the Oslo region of Norway began efforts to improve living conditions of Roma communities.³¹ Sweden has made no legal initiatives relating specifically to the priority areas in the strategy on Roma inclusion 2012-2032.³² Only 16 of 130 actions in Ireland’s five year Traveller and Roma Inclusion Strategy were completed by the final year.³³

19 Hungary, country report.

20 Judgment in Case C-821/19 *Commission v Hungary* (Criminalisation of assistance to asylum seekers).

21 OSCE ODIHR. (n.d). Hate Crime Reporting. Overview: Netherlands.

22 Law No. 2021-1109; France, country report.

23 ECRI (2019) Conclusions on the implementation of the recommendations in respect of Cyprus subject to interim followup. 6 June 2019. <https://rm.coe.int/interim-follow-up-conclusions-on-cyprus-5thmonitoring-cycle/168094ce05>

24 Estonia, country report.

25 Croatia, country report.

26 Jourova, V. (2019) 2019 Report on National Roma Integration Strategies: Key Conclusions. Factsheet, European Commission.

27 Cyprus, country report.

28 Federal Ministry of the Interior. (2011) “Report from the Federal Republic of Germany to the European Commission. An EU Framework for National Roma Integration Strategies up to 2020. Integrated packages of measures to promote the integration and participation of Sinti and Roma in Germany”, pg 28.

29 Sweden, country report.

30 Jourova, V. 2019. 2019 Report on National Roma Integration Strategies: Key Conclusions. Factsheet, European Commission.

31 Ministry of Labour and Social Inclusion. 2009. Action plan for improvement of the living conditions of Roma in Oslo.

32 Sweden, country report.

33 Minister for Children, Equality, Disability, Integration and Youth (2021) Traveller Community. Dáil Éireann Debate, Wednesday - 21 April 2021.

Elsewhere, the need for Roma-specific policy or strategy has been denied altogether. The Estonian Ministry of Culture maintains that the number of Roma in Estonia is small and all integration services offered already include the Roma.³⁴ Cyprus does not recognise Roma as a separate group from the Turkish Cypriots.³⁵ In Hungary, Roma NGOs criticised the lack of Roma-specific aims in the National Social Inclusion Strategy given the level of disadvantage of Roma there.³⁶ Germany has opted for integrated policy packages in its general social inclusion policies, but was criticised for inadequate Roma consultation.³⁷

Bulgaria, Croatia, Cyprus, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Norway, Portugal, Romania and Slovakia reported that there were no specific developments related to the International Decade for People of African Descent. However, there are some other types of developments in this area, mainly in research. Finland's Non-Discrimination Ombudsman published a landmark report on discrimination experienced by people of African descent, noting authorities' inability or reluctance to take racism seriously as one of the most significant issues facing this group.³⁸ The Swedish Government commissioned research on the high level of hate crimes against People of African Descent and their experiences of the criminal justice system as victims.³⁹ France reported projects promoting authors of African descent.⁴⁰ The Netherlands has created new police guidelines prohibiting racial profiling and established an internet-based discrimination hotline for victims of racist crimes.⁴¹

Collection of disaggregated data on minority ethnic groups

Ethnic data collection is under development in a minority of countries (Croatia, Ireland, Portugal, Spain and Sweden). Forms for statistical monitoring of court cases related to discrimination and the grounds of discrimination in Croatia have been in use by the Ministry of Justice and Administration since 2013.⁴² Portugal's National Action Plan to Combat Racism and Discrimination (2021-2025) includes a survey on the conditions, origins and trajectories of the resident population in Portugal, and will be carried out by the National Statistics Institute with the aim of contributing to preventing and combating racism and discrimination.⁴³ The Swedish Government regularly initiates and funds new thematic studies to assess discrimination; in 2020, the Living History Forum was given the task to map recent studies of people's experiences of racism in contact with public institutions in Sweden.⁴⁴ The Spanish National Office to Fight Hate Crimes implemented a hate crime survey in 2020-21.⁴⁵ Disaggregated equality data collection of ethnic groups is a noted gap in Irish government data. Ireland collects ethnicity data in the census, but not in most public services.⁴⁶ No evidence of new methods of data collection were reported in other countries (Bulgaria, Cyprus, Estonia, France, Greece, Hungary, Italy, Lithuania, the Netherlands, Romania and Slovakia).

34 Ministry of Culture. Response to request for information, 21 September 2021.

35 Trimiklionitis N & Demetriou C, 'Franet National Contribution to the Fundamental Rights Report 2021 – Cyprus' (2021) University of Nicosia & Symfilios, p.18; ECRI Report on Cyprus (fifth monitoring cycle) CRI(2016)18 (7 June 2016); ECRI Report on Cyprus (fifth monitoring cycle) CRI(2016)18 (7 June 2016), p.19.

36 Hungary, country report.

37 Rroma Informations Centrum e.V. 2013. Position des Romano-Bündnis (Berlin) zum "Berliner Aktionsplan zur (gegen die) Einbeziehung ausländischer Roma".

38 The Non-Discrimination Ombudsman. 2020. Report on the discrimination experienced by people of African descent. A summary. Ministry of Justice.

39 Brå får i uppdrag att studera afrofobiska hatbrott, 18 december, 2020. www.bra.se

40 France, country report.

41 United Nations (n.d.). Available at: <https://www.un.org/en/observances/decade-people-african-descent/actions-taken>

42 Croatia Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (2013) (Ured za ljudska prava i prava nacionalnih manjina Vlade RH). Official Gazette 151/2013 (Narodne novine 151/2013).

43 Portugal, country report.

44 Sweden, country report.

45 Spain, country report.

46 Ireland, country report.

1.1. PARTICIPATION IN DECISION-MAKING BY RACIALISED GROUPS

Participatory mechanisms for affected groups

The participation of impacted groups is essential to the development of effective policy actions addressing racism, discrimination and hate crime. There is growing recognition that national policies, strategies and plans are more successful when developed with the participation of all stakeholders. There are also myriad mechanisms which empower groups, while also holding the state accountable. Working groups with impacted communities were the most common form of consultation (Croatia, Estonia, Ireland, Lithuania, Norway and Spain). The Croatian National Roma Inclusion Plan 2021-2027 was developed with a working group of 46 members and 43 deputies, including representatives from state bodies, the Roma, civil society, academia, the Ombudsperson and special ombudspersons (for children, persons with disabilities and gender equality).⁴⁷ Similarly, Ireland drafted the National Traveller and Roma Inclusion strategy, with eight NGOs representing the Roma and Travellers communities.⁴⁸

Some countries built participatory mechanisms into policies (Finland, Germany, Greece and Sweden). The Finnish Action Plan for Combating Racism and Promoting Good Relations Between Population Groups included a participatory process between the government and civil society.⁴⁹ Proposals and reports by the Finnish government are also drafted in conjunction with NGOs, experts and researchers. The German National Plan Against Racism was also developed for collaboration between state (federal and Länder level) and civil society.⁵⁰ The Greek National Action Plan Against Racism was designed to have annual evaluations by The National Council Against Racism and Intolerance, although no evaluation has happened as yet.⁵¹ Bulgaria reviews the National Roma Integration Strategy through data on indicators at the national

and regional levels.⁵² In 2016, the Romanian Ministry of Education established a National Commission for Desegregation and Educational Inclusion, including representatives of Roma NGOs and experts.⁵³ The National RSC Platform constituted by Italy in 2017 is a tool developed for dialogue between the National Office against racial Discrimination (UNAR), RSC Associations and public administrations involved in the National Strategy.⁵⁴ No mechanisms were reported in a notable proportion of countries (Cyprus, France, Hungary, Italy, the Netherlands, Portugal and Slovakia).

Governmental or parliamentary efforts to advance political interests of minorities are evident in nine countries (Bulgaria, Croatia, the Netherlands, Germany, Greece, Hungary, Italy, Portugal and Slovakia). Germany has established a Cabinet Committee for the Fight against Right-Wing Extremism and Racism, in response to rising far-right sentiments.⁵⁵ Slovakia has upcoming plans for the protection of the rights of national minorities on the agenda of the Parliamentary Committee on Human Rights.⁵⁶ When developing legislation, the majority of countries have no formal, or limited, participatory mechanism for affected groups (Bulgaria, Cyprus, Estonia, Finland, France, Germany, Italy, Lithuania, Norway, Portugal and Romania). The reasons for this vary. For example, in the case of Germany, consultation is on an ad hoc basis;⁵⁷ Sweden has participation in the design of legislation but not in the implementation;⁵⁸ in Ireland the National Traveller and Roma Inclusion Strategy was developed with NGOs representing the Roma community;⁵⁹ in Finland, the Citizens Initiative Act (2012) uniquely allows 50,000 persons of voting age to submit legislative proposals to Parliament, which includes minority ethnic voters but not non-citizens.⁶⁰

47 Croatian Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, Decision On the Establishment of the Working Group on Drafting the National Roma Inclusion Plan for the Period 2021 to 2027, and the Action Plan for the Implementation of the National Roma Inclusion Plan for the Period 2021 to 2027.

48 Irish Department of Justice and Equality (2017) National Traveller and Roma Inclusion Strategy, (2017-2021).

49 Finnish Government (2020) Government invites civil society to participate in seeking ways to combat racism. Press release, Ministry of Justice, 22.10.2020.

50 Germany, country report.

51 Greece, country report.

52 Bulgaria, country report.

53 Framework Order 6134 on the prohibition of school segregation in pre-university schools, 21.12.2016.

54 Italy, country report.

55 Bundesregierung. Einrichtung eines Kabinetts Ausschusses.

56 Slovakia, country report.

57 Deutscher Bundestag. Drucksache 19/21178, 21.07.2020, pp. 3-4.

58 Sweden, country report.

59 Irish Department of Justice and Equality (2017) National Traveller and Roma Inclusion Strategy, (2017-2021).

60 Finland, country report; Digital and Population Data Services Agency website.

Civil society capacity to act

Funding is a major challenge facing anti-racist organisations. Many NGOs operate with less funding that is needed to meet their aims (Bulgaria, Finland, Germany, Ireland, Italy, Norway, Romania, Slovakia and Sweden). A few countries have cut funding (Cyprus, Estonia and Greece) or there is no government funding at all (Portugal). This is a growing issue, as NGOs have to compete for funding through various projects (Ireland, Italy, Norway and Portugal). However, state agencies are increasingly using binding service level agreements, specifically to prevent state funds from being used for advocacy. Organisations in Germany rely on funding from donations, membership fees and other contributions in order to maintain their independence. In Ireland, the Electoral Act 1997 prohibits organisations who promote causes or solutions to societal problems or any political work from engaging in fundraising.

Government criticism of NGOs working to support racialised groups is common (Bulgaria, Cyprus, Estonia, France, Ireland, Italy, Lithuania, Romania, Portugal and Spain). In France, several Muslim organisations and a watchdog on secularism critical of Islamophobic policies were closed by the French government.⁶¹ NGOs supporting racialised groups or their activities have been criminalised in Croatia, Italy and Hungary. Croatia's criminalisation of civil society organisations is particularly aimed at organisations and activists protecting the rights of refugees and migrants. This push-back is due to perceived increases in anti-refugee sentiments (Estonia, Greece, Italy, Lithuania and Spain). Government rhetoric around NGOs has even led to attacks from private citizens (Finland and Greece). Threats and intimidation are common issues facing anti-racist NGOs (Bulgaria, Croatia, Cyprus, Finland, Germany, Greece, Ireland, Italy, Portugal, Romania and Sweden). There have been active efforts to undermine anti-racist movements by the far-right (Bulgaria, Estonia, Lithuania and Portugal). Government strategies to address extremism have rarely addressed the far-right threat. Finland's Counter-terrorism Strategy (2018-2021) blames asylum seeker numbers for mobilising extremists⁶².

Participation in electoral politics

Under the EU Charter of Fundamental Rights (Article 40), EU citizens have the right to vote and run in municipal elections. The EU also provides guidelines on NGO inclusion (DG enlargement, guidelines for EU support to NGOs in enlargement countries (2014-2020)), and general principles and minimum standards for the consultation of interested parties (COM/2002/0704). Despite this, there has been slow growth in diversity of elected officials, and limited progress on the participation of diverse groups informing policy developments. In fact, there has been an increase of polarisation in politics; the rise of far-right rhetoric has emboldened more politicians to use racist rhetoric and incite hatred. The lack of sanctions and consequences for politicians and decision-makers has done little to discourage this behaviour.

Under-representation of minorities among elected officials is common across Europe (Bulgaria, Cyprus, the Netherlands, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Portugal, Slovakia and Spain). Many countries require electoral candidates to hold citizenship of the country (Bulgaria, Cyprus, Germany, Greece, Ireland, Italy, Lithuania and Spain). Cyprus restricts the powers of representatives from minority religious or ethnic groups, who are confined to "observer" status.⁶³ Additionally, minorities face hostility that deters many from campaigning or pushes them to withdraw (the Netherlands and Ireland). Campaign regulations can directly exclude minority cultures. For example, Bulgaria bans the use of any language different than the official language of the country, and one candidate was fined for using Turkish subtitles in campaign adverts.⁶⁴ Low turn-out in voting is common among minority voters (Croatia, the Netherlands, Finland, Germany, Ireland, Slovakia and Sweden). Due to an absence of fundamental social inclusion such as lack a permanent address, a common requirement for registration to vote, the Roma community experience lower participation in political life (Bulgaria, Cyprus, Greece, Portugal, Romania and Slovakia). Little or no data was provided in country reports for the Netherlands, Italy, Romania or Norway on the ethnicity of candidates, voter turnout or incidents of abuse against political candidates or representatives.

61 France, country report; Ministère de l'intérieur, Décret no 2021-716 du 4 juin 2021 instituant un comité interministériel de la laïcité, NOR : INTD2117330D, <https://www.legifrance.gouv.fr/download/pdf?id=9Uk-1DoJYRxCGneV001n4TjvytpTEMRDhxfRZ7iYE1vA=>

62 Finland, country report.

63 Cyprus, country report.

64 Art. 181, para 2 of the Electoral Code; Mestan v. Bulgaria, complaint N° 24108/15, communicated on 15.04.2021; Bulgaria, country report.

Politicians and political candidates experiencing abuse and racism was common, including from other elected officials (Croatia, Cyprus, France, Germany, Greece, Ireland, Italy, Lithuania, Norway, Portugal, Spain and Sweden). Most often, this involved questioning their suitability for leadership or calling for them to return to their country of origin, such as in 2021 when the Croatian president publicly attacked a Serbian politician.⁶⁵ In Italy, a councillor told another official to respect the way of things or go back to where he is from,⁶⁶ and in the UK, the Irish Taoiseach (prime minister) was referred to as a “typical Indian” in 2018 by a member of the House of Lords.⁶⁷ There were also several prominent examples of Islamophobia in politics. Croatian politicians often shared Islamophobic comments⁶⁸ and, in 2019, a campaign of hate was conducted against a Turkish candidate in Cyprus for the European Parliament (later elected MEP).⁶⁹ In Greece, a Muslim MP often receives insinuations they are aligned with Turkey.⁷⁰ Candidates more widely receive threats and intimidation from the public. In 2021, the first Somali-born MP in Finland received a hangman’s noose in the mail along with racist threats.⁷¹ In Germany, a Syrian man, hoping to be the first Syrian refugee in parliament, stood down fearing for his safety and that of his family following threats.⁷² The Taoiseach of Ireland received frequent racist threats because of his Indian heritage, as did the Lord Mayor of Dublin who is of Chinese heritage.⁷³ Online abuse of minority politicians is a growing issue (Ireland, Italy, Norway, Portugal and Sweden). The mainstream media also portrays politicians of colour in less favourable ways. Both politicians and the media often evade consequences through “dog-whistling”, therefore making implications of candidates or politicians without the use of directly racist or discriminatory language.⁷⁴

65 Zebić, E. 22 April 2021. “Na komemoraciji u Jasenovcu hrvatski predsjednik nastavio napade”. Radio Slobodna Evropa.

66 C.O.R., available at: 10-05-2018, Ladispoli (RM) – Lazio.

67 BBC NEWS (2018) “Leo Varadkar: Peer criticised for Irish PM ‘typical Indian’ tweet”. BBC NEWS, 30 Apr 2018.

68 Croatia, country report.

69 University of Cyprus (2019) Press release on the election of Niazi Kizilyürek.

70 In.gr (2016) “Verbal attack of Golden Dawn MPs against Hussein Zeibek”, August 2016.

71 YLE News (2021) First Somali-background MP sent noose in the mail. YLE NEWS. 11.11.2021. Available at: <https://yle.fi/news/3-12184286>

72 Deutsche Welle (DW) (2021) “Syrian refugee withdraws bid for German parliament seat after threats”. 30 March 2021.

73 Bracken, A. & Edwards, R. (2021). “Round-the-clock armed garda protection for Varadkar after ‘credible’ death threats issued against him”. The Independent.ie, 21 Mar 2021; Coyne, E. (2020) “Irish politicians from minority backgrounds suffer more online abuse”. The Independent.ie, 23 Nov 2020.

74 Norway, country report.

PART II: ACCESS AND FULL PARTICIPATION IN ALL COLLECTIVE AREAS OF SOCIETY

This section gives an overview on discriminatory and racist trends and patterns in the areas of employment, education, health, housing, goods and services, political participation, media and criminal justice. In the period under review, all national reports indicate that despite many good initiatives by state actors, civil society and NGOs to combat discrimination in all its insidious forms, it continues to play a significant role in preventing members of many ethnically minoritised groups from participating fully in all collective areas of society. Lack of monitoring data has also been identified throughout the reports as a major obstacle to understanding the extent of discrimination in the collective areas.



2.1. RACISM AND RELATED DISCRIMINATION IN EMPLOYMENT

EU directives require that all member states implement mechanisms for equality in employment, both in terms of access and discrimination.⁷⁵ These recognise the importance of work to a range of other factors affecting economic, social and psychological security and belonging. However, EU policy also requires all member states to implement labour market needs tests, and to prioritise EU citizens over non-EU nationals for employment. This has led to additional discrimination against non-EU citizens as businesses avoid the paperwork involved, even where the labour market needs test would be easily met.

Manifestations of racism and related discrimination of minorities in employment in your national context

Common consequences of racial inequality in the labour market are unemployment, barriers to work, direct and indirect discrimination. The main manifestation of discrimination against minorities is in recruitment, where there are multiple barriers to entering the labour market (Bulgaria, Croatia, Cyprus, the Netherlands, Finland, Germany, Greece, Ireland and Norway). Roma in particular have endured more discrimination in entering the labour market due to lack of skills, insufficient qualifications and racial discrimination, but there is evidence that discrimination continues to be the key determinant of Roma exclusion from the labour market (Bulgaria, Croatia, Cyprus, Finland, Greece, Hungary, Lithuania, Romania and Slovakia). People of Roma heritage often work in the informal economy, increasing their job insecurity and limiting their entitlement to unemployment benefits. Black and Muslim communities also face particular discrimination in recruitment (Estonia, Finland, France, Ireland and Norway). Despite laws against discrimination in recruitment, job advertisements actively discourage certain groups from applying, either directly or indirectly, by requiring certain documents or language requirements. Employers can also legitimate their discrimination as a “better candidate”, but various studies have shown that similar CVs with non-European sounding names are less likely to receive an interview. Researchers are

concerned about potential bias in AI recruitment systems, due to the ingrained discrimination in recruitment.⁷⁶

Representation of racialised groups in key sectors

Minorities are over-represented among low-skill jobs such as hospitality, construction and agriculture (Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland and Slovakia). Consequently, it is common that racialised groups are over-represented in low-paid, temporary or part-time work (Bulgaria, Croatia, Cyprus, Estonia, France, Germany, Greece, Ireland and Slovakia).⁷⁷ Racialised groups are also over-represented in precarious employment (Bulgaria, Croatia, Cyprus, Finland, Germany and Greece). Croatia reported migrants are over-represented in roles with low language needs, such as cleaning services.⁷⁸ Highly-skilled migrants are commonly under-employed, in roles they are over-qualified for or in roles where they are under-paid for their skills and service. Highly educated migrants report being discriminated against when applying for jobs, in spite of strong language skills and other resources. In Portugal, migrants face poorer career prospects than nationals, as well as low wages, fewer promotion prospects, unfavourable working conditions and frequent verbal or physical harassment.⁷⁹ There is evidence of a trend towards migrant entrepreneurship across the EU, enabled by reduced restrictions for third country nationals and international protection applicants in some member states, as in Germany for instance. However, there are also significant consequences of labour market restrictions applied directly against migrants.⁸⁰ Cyprus has a restricted list of sectors for displaced migrants, while domestic workers from outside the EU are regulated solely by the migration ministry, with no oversight of their employment by the labour ministry.⁸¹

⁷⁵ Race Equality Directive 2000/43/EC, Directive 2000/78/EC, Directive 2006/54/EC, Directive Proposal COM(2008)462.

⁷⁶ ENAR (2021) Artificial intelligence in HR: how to address racial biases and algorithmic discrimination in HR? https://www.enar-eu.org/IMG/pdf/2020_equal_work_algorithmic_discrimination_1_.pdf

⁷⁷ Country reports.

⁷⁸ Croatia, country report.

⁷⁹ Cichon, L. (2019) Lisboa: ISCTE-IUL. Dissertação de mestrado.

⁸⁰ Cyprus, country report.

⁸¹ Cyprus, country report.

Refugees also share the issues commonly faced by other migrants, such as recognition of qualifications, language barriers and discrimination by employers, but are often subject to the same labour market rules as other non-EU workers even after they have approved residency. International protection applicants are particularly affected by labour market restrictions. Several countries significantly restrict the roles or pay grades in which refugees are allowed to work. Ireland requires international protection applicants to have a salary of 30,000 euro.⁸² In Germany, the COVID-19 pandemic impacted on refugees and asylum seekers to a much greater extent than other groups.⁸³ Germany only allowed employment to applicants living outside of reception centres up to 2020, but now permits some centre residents to work and allows discretionary self-employment.⁸⁴

Data on the proportion of minorities among CEOs and board members of the top 100 richest companies is limited by the lack of confirmation by businesses themselves. The limited information available shows little representation of minorities among the top CEOs and company boards. There is a systemic lack of representation among all higher positions. France evidenced this point with data showing 89% of people surveyed were never interviewed by a racialised minority.⁸⁵ In Estonia, which has the highest rates of corporate level diversity, a survey of 25,000 corporate boards showed that 75% still had all-Estonian boards, 9% had mixed nationality boards and 16% were entirely non-Estonian.⁸⁶

Key statistical data

In many countries, data on employment is not disaggregated by ethnicity, and instead can be found according to by nationals and non-nationals (Cyprus, Estonia, France, Germany, Greece, Lithuania, Spain and Romania). However, the Roma community were reported to be the most common group to face high unemployment (Bulgaria, Croatia and Slovakia). Unemployment among minorities can intersect with gender; across ethnic groups minority women report lower employment than minority men. In Croatia, 58% of Roma women surveyed were never employed. Minorities of African or Asian descent also had higher levels of unemployment than their white peers (Norway).

There is high variability in the data categories used by EU member states. For example, Estonia uses citizenship to compare labour market participation rates, while French data is available for those who are foreign-born as well as descendants of foreign-born individuals. In Germany, unemployment statistics only use the categories German and foreign citizens.⁸⁷ OECD comparative data shows that Greece, Belgium, Spain and France have the lowest rates in Europe of employment amongst foreign-born residents, while Italy and Greece have the lowest rates in Europe of employment amongst foreign-born women.⁸⁸ Employment data often covers experiences of heterogeneous groups (migrants, refugees and established communities of ethnic or religious minorities in Europe), and it can therefore be difficult to disaggregate discrimination from the natural consequences of migration to a new country and labour market.

Cases and/or examples of racial discrimination in the labour market

Discrimination in the workplace is a common experience across the EU. In Lithuania, the most common complaints submitted to the Office of the Equal Opportunities Ombudsman are related to discrimination in the workplace.⁸⁹ In France 2019 and 2020, out of the 4% of racist discrimination cases registered by the police, two-out-of-five were discrimination related to the professional sphere.⁹⁰ Sweden had some of the highest increases in reporting in this period, doubling between 2017 and 2020.⁹¹ However, there are still significant levels of under-reporting. Litigation levels are low among racialised groups, and particularly amongst migrants who are fearful of losing their residence or work permits (Cyprus and Ireland).

82 Ireland, country report.

83 P Hoffmeyer-Zlotnik and M. Stiller (2023) AIDA: country report: Access to the labour market - Germany. <https://asylumineurope.org/reports/country/germany/reception-conditions/employment-and-education/access-labour-market/>

84 Germany, country report.

85 France, country report

86 Poliitikauuringute Keskus Praxis. 2015. Uuring mitmekesisusest Eesti ettevõtetes. Uuringu aruanne. 17 December 2021. Executive Summary in English, pg. 31-33.

87 Mediendienst Integration. November 2021. "Arbeitsmarkt: Arbeitslosigkeit von Menschen mit Migrationshintergrund". Available at: <https://mediendienst-integration.de/integration/arbeitsmarkt.html>, accessed 19.11.2021.

88 OECD (2023) Foreign-born employment (indicator). doi: 10.1787/05428726-en (Accessed on 1 April 2023).

89 Lithuania, country report.

90 France, country report.

91 DO, Diskrimineringsombudsmannen, Rapport 2021:1, Statistik 2015-2020, Statistik över anmälningar, tips och klagomål som inkommit till Diskrimineringsombudsmannen åren 2015-2020, s. 35. "Antalet anmälningar, tips och klagomål om diskriminering inom arbetslivet som har samband med etnisk tillhörighet respektive kön är vanligast".

Discrimination in recruitment policies is reported in both advertisements and in experiments with applications using non-European sounding names. In Germany, advertisements may state “German as mother tongue” was required with no obvious reason.⁹² A study in the Netherlands revealed job agencies prefer to hire an individual with a Dutch-sounding name over an applicant with a foreign-sounding name, despite equal qualifications.⁹³ Studies showed similar results in Ireland, Italy and Norway. Discrimination has also been shown over generations. A study in Italy revealed that call back rates are lower for first-generation immigrants than for second-generation immigrants.⁹⁴ However, second-generation applicants were still significantly less likely to be successful relative to applicants with Italian sounding names. First-generation women had an 18% call back rate, 30% for men, and among the second-generation women it became a call back rate of 24% and 40% for men.

Indirect discrimination is harder to prove due to challenges distinguishing between discrimination by individuals and a policy of discrimination by the company. Language requirements and women’s dress are common examples. Finnish language requirements are emphasised in most job advertisements, even if the job title itself would not require perfect Finnish.⁹⁵ Similar examples of discrimination are reported in Germany, Greece and Ireland. In France, Muslim women report resistance to the hijab, and Black women feel pressured to not openly wear their natural hair.⁹⁶ In Germany, removing the hijab is sometimes set as a condition for employment.⁹⁷ Indirect discrimination may also mean a lack of career progression. More than one third of doctors in Ireland trained abroad, but within the Irish healthcare system, current laws reserve professional development for Irish-qualified medics.⁹⁸

Discrimination can manifest itself in different ways, such as in Greece, where an Iranian man was tricked into signing a resignation written in Greek, while the employer was aware he did not understand the document.⁹⁹ It may also be victimisation after a complaint has been made, as was the case in Portugal where a Black woman was fired because of her complaint against a trainer, who described African passengers as monkeys.¹⁰⁰ Such victimisation is forbidden by the EU Race Directive. Anti-Roma sentiment is evident, too, although increasingly the subject of legal complaint. A high-profile case in Slovakia concerned a Roma woman who was refused a social worker position despite being the best qualified and experienced among the candidates.¹⁰¹ There was both direct and indirect discrimination related to employment during the COVID-19 pandemic; migrants were more likely to be working in retail or customer-facing roles and in contact with the public, as well as in cleaning and healthcare jobs where they were at higher risk. In these sectors, precautions were frequently flouted. In 2020, Bulgaria installed police checkpoints in Roma neighbourhoods to counteract the spread of COVID-19, and residents lost their jobs as a result.¹⁰²

92 ADS, 2018, Diskriminierung in Stellenanzeigen, p. 10.

93 Andriessen, I. (2019) *Ethnic discrimination in the labour market: The dutch case. Race discrimination and management of ethnic diversity and migration at work* (pp. 129-151). Emerald Publishing Limited.

94 Busetta, G., Campolo, M.G. and Panarello, D. 2018. “Immigrants and Italian labor market: statistical or taste-based discrimination?”. *Genus* 74(4): 1-20.

95 Kotoutumisen osaamiskeskus. Maahanmuuttajien työmarkkina-asema valtaväestöä heikompi. Kotoutuminen.fi.

96 France, country report.

97 ADS, 2021, Vierter Gemeinsamer Bericht, pg. 54.

98 Pollak, S. (2020) The Irish Health System is “wasting a lot of talent”. *The Irish Times*. Sat Oct 10; Humphries, N. Bidwell, P. Tyrrell, E. Brugha, R. Thomas, S. & Normand, C. (2014). “I am kind of in a stalemate”. *The experiences of non-EU migrant doctors in Ireland. Health professional mobility in a changing Europe*. 233-247. Brussels: WHO European observatory on health systems and policies.

99 Ombudsman, “Equal treatment. Special Report 2018”.

100 Portugal, country report.

101 TV Noviny.sk (2018) Historický rozsudok slovenského súdu v prípade diskriminácie.

102 Bulgaria, country report.

2.2. RACISM AND RELATED DISCRIMINATION IN HOUSING

Housing is recognised as a right in Article 34 of the EU Charter of Fundamental Rights, which states that access to housing is important for combatting social exclusion and poverty. In a resolution adopted in March 2019, the European Parliament recognised the impact of systemic racism on access to housing, and called for measures to address the issue. The resolution emphasised the importance of combatting discrimination in housing policies, and ensuring that individuals from racial and ethnic minority communities have equal access to housing. The FRA MIDIS Survey (published in 2017) showed that almost one-out-of-four respondents (23%) encountered discrimination in access to housing in the five years before the survey.¹⁰³

The EU Racial Equality Directive recognises discrimination in housing in respect to access to and supply of goods and services available to the public, and this applies both to the public and private sectors. The Racial Equality Directive covers all aspects of housing: sale and letting of properties; allocation of tenancies and management of rented accommodation in the public and private sectors; housing loans; and residential care institutions. In 2018, the Council of Europe called for measures to address discriminatory practices in housing policies and ensure that individuals from racial and ethnic minority communities have equal access to affordable and decent housing. The recommendation emphasised the importance of addressing the underlying causes of discrimination, such as poverty and social exclusion. In its Action Plan on Integration and Inclusion 2021-2027, the European Commission acknowledged the specific impact of systemic racism in housing on migrants.¹⁰⁴ ENAR has previously highlighted the persistence of discriminatory practices in housing policies, and the impact of systemic racism on access to housing for racial and ethnic minority communities.

Ethnic segregation and ghettoisation

Racially segregated housing creates racial isolation, with disproportionate costs to the opportunities, networks, education, wealth, health and legal treatment of racialised groups. These institutional and societal systems build-in individual bias and racialised interactions, resulting in systemic racism. There are continuing patterns of distinct racial segregation

of communities and “ghettoisation” of recognisable areas predominantly occupied by racialised groups across Europe (Cyprus, the Netherlands, France, Hungary, Lithuania, Portugal, Romania and Sweden). Although official data on the housing situation of racialised groups is not consistently collected across Europe, available data highlights some key patterns. In Finland, Greece and Ireland, data shows that racialised groups are over-represented among the homeless.¹⁰⁵ Racialised groups are also under-represented amongst home owners and over-represented in the private rental sector (Germany, Ireland and Italy).

Many Sinti, Roma and Travellers in CoE member states continue to live in conditions falling far below the minimum standards for adequate housing, and many Travellers still face forced sedentarisation policies or lack halting sites. Their substandard, insecure and often segregated housing conditions lead to major problems in other areas of life, such as education, employment and health. The European Committee of Social Rights found Ireland to be substantially deficient in the provision of Traveller accommodation, in violation of the Revised European Social Charter. Accommodation is often wholly unsuitable for human habitation with insecure electricity and inadequate sanitation. These living standards contributed to the significantly higher rate of COVID-19 infections among Travellers when compared to the general population.¹⁰⁶ A French survey found 14% of “Travellers” have no access to tap water.¹⁰⁷ Despite efforts in France to reduce unauthorised settlements, many Roma are driven to live in informal settlements because decent housing is inaccessible.¹⁰⁸ Similarly in Greece, 45% of Roma live in housing distinctly worse than the rest of the Greek population.¹⁰⁹

There are also clear cases of institutional racism against Roma by public authorities. In Bulgaria, a local authority demolished residential buildings predominately used by Roma families after the mayor declared the residents “illegal”.¹¹⁰ The Euro-

¹⁰³ FRA (2017) Second European Union Minorities and Discrimination Survey: Main results, Luxembourg, Publications Office.

¹⁰⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX-3A52020DC0758&qid=1632299185798>

¹⁰⁵ Russell, H., Privalko, I., McGinnity, F. & Enright, S. (2021) Monitoring Adequate Housing in Ireland. Dublin: Irish Human Rights and Equality Commission; The Housing Finance and Development Centre of Finland (ARA). 2021. Homelessness in Finland 2020. Report.

¹⁰⁶ European Committee of Social Rights, Findings 2021 (2022), pg. 96. <https://rm.coe.int/findings-2021-en/1680a5eed8>

¹⁰⁷ France, country report.

¹⁰⁸ France, country report.

¹⁰⁹ Greek Ministry of Labour, “National Action Plan for the Social Integration of Roma 2017-2021”.

¹¹⁰ NOVA. 4 August 2020. “Demolishing of illegal buildings in the neighbourhood in Stara Zagora”.



pean Commission was asked to commence infringement proceedings against Bulgaria because of the practice of Bulgarian government bodies to target Roma families for eviction and demolition of their only homes, constituting direct discrimination.¹¹¹ Since then, there have been 3,000 demolitions, apparently breaching domestic, EU and international law, but approved by Bulgarian courts nonetheless.¹¹² In Portugal, both Roma and people of African descent are noticeably concentrated in social housing estates and unauthorised settlements. There has been significant concern about illegal forced evictions without rehousing, supported by public authorities which are contrary to national law.¹¹³ Similar cases were reported in Greece where it is illegal to tear down settlements before relocation. In 2017, a Romanian city council evicted 104 Roma families from flats, without offering alternative accommodation, although the city had no other social housing available.¹¹⁴ In several countries, forced evictions of Roma continued even during the height of the COVID-19 pandemic (Romania and Lithuania). Both Bulgaria and Slovakia during the pandemic placed Roma settlements under mandatory quarantines, enforced by police and the military.¹¹⁵ In Slovakia, anti-Roma walls have been built in 13 neighbourhoods.¹¹⁶

Case study: Roma evictions by public authorities

In Lithuania, there have been multiple legal cases relating to the demolition of a Roma settlement and subsequent homelessness. Vilnius Municipality's Roma Integration Plan aimed to improve the living conditions of Roma residing in a 60-year-old settlement. The settlement was demolished in 2020 mid-pandemic, and many residents could not find affordable accommodation in the city. Families were obliged to cover demolition costs, and also pay to clean up the area. Those who did not move out when required were subject to police harassment. Fines amounted to around 5,000 euro

per family, and the municipality refused rent compensation for anyone who took accommodation outside the city, putting them at risk of eviction and homelessness. The court found that the decision of the municipality not to pay rent outside the city was unlawful and unreasonable.¹¹⁷

Racial discrimination in the private sector

Reports of discrimination in housing are predominantly connected to securing accommodation from private landlords (Croatia, Cyprus, Finland, France, Germany, Italy and Sweden). Landlords are reportedly refusing viewings or rentals to racialised groups and abusing minoritised tenants. In France, minoritised individuals and/or families are 15% to 40% less likely to be able to secure rental accommodation (up to 40% for those of sub-Saharan origin).¹¹⁸ An Estonian landlord was successfully taken to court over withdrawing a rental agreement after realising the renter was Black.¹¹⁹ In Croatia, migrant and refugee activists have highlighted the discrimination against African people in private housing.¹²⁰ Research in the Netherlands indicates that discrimination starts with applications for viewings, finding people with "minority" or non-European sounding names are less likely to be contacted.¹²¹ Similarly, in Germany, 54% of migrants were found to receive an offer for housing, compared to 69% of non-migrants.¹²² Racialised groups, Roma in particular, frequently live in lower quality housing due to discrimination by landlords and property agents. Families and individuals often live in conditions damaging to their health, as they are left in housing with lower access to clean water and sanitation¹²³, as well as dealing with energy poverty. Refugees also experience discrimination, often having even fewer options, leaving them in a state of anxiety (Croatia, Cyprus, Estonia and Greece). Roma and Irish Travellers who do find accommodation often face intimidation (threats, criminal damage and arson) from other residents (Bulgaria, Cyprus, Finland, France, Germany, Greece, Hungary, Ireland, Lithuania, Portugal, Romania, Slovakia, Spain and Sweden).

111 Open Society Foundation (2017) Memorandum: Violations of EU Law and Fundamental Rights by Bulgaria's Discriminatory Treatment of Roma in the Area of Housing, <https://www.opensocietyfoundations.org/publications/memorandum-violations-eu-law-and-fundamental-rights-bulgaria-s-discriminatory>

112 <https://www.opensocietyfoundations.org/publications/demolition-of-roma-homes-in-bulgaria>

113 Portugal, country report.

114 Mandache, M. (2020): 36.

115 Amnesty (2020) Letter to the Council of Europe re Quarantines of Roma settlements in Bulgaria and Slovakia https://www.amnesty.eu/wp-content/uploads/2020/05/AI-Letter-to-the-CoE-Quarantines-of-Roma-settlements-in-Bulgaria-and-Slovakia-require-urgent-attention_15.05.2020.pdf

116 Slovakia, country report.

117 Kontvainė, V. 2020. The State of Roma Persons 2020. Research report. Available at http://www.romuplatforma.lt/wp-content/uploads/2020/07/Romu-padėtis-2020_TYRIMO-ATASKAITA_galutinė.pdf ; <https://www.aljazeera.com/features/2020/12/14/lithuanias-roma-struggle-to-find-new-homes-after-city-eviction>; previously discussed in Chopin, I., Germaine, C., & Tanczos, J. (2017). Roma and the Enforcement of anti-discrimination law. European Commission.

118 France, country report.

119 Eesti Inimõiguste Keskus. 2021. Kas sind on üüriturul diskrimineeritud? Jaga oma #JäinKoduta lugu!

120 Croatia, country report.

121 DutchNews.nl (n.d.). Discrimination more common in rental housing outside the big four cities.

122 Müller, A. 2015. Diskriminierung auf dem Wohnungsmarkt Strategien zum Nachweis rassistischer Benachteiligungen. Berlin: Antidiskriminierungsstelle des Bundes, p. 65.

123 United Nations General Assembly Resolution 64/292 (2010) explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights, as an aspect of the right to an adequate standard of living recognised in the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 11.

2.3. RACISM AND RELATED DISCRIMINATION IN EDUCATION

The right to education is outlined in Article 14 of the EU Charter of Fundamental Rights, and has been supplemented by additional EU policies (Council Directive 2000/43/EC, Council Resolutions; Council Directive 2000/43/EC; OJ C 153, 21.6.1989, pp. 1-2; OJ C 312, 23.11.1995, pp. 1-3). The Racial Equality Directive (RED) prohibits racial discrimination in the field of education in both the private and public spheres.¹²⁴ Inequalities continue in education, with widespread evidence of racism and discrimination. Roma people in particular face discrimination in education. This can take the form of segregation, unnecessary enrolment of Roma children in special education schools, bullying, exclusion or denying Roma students access to education. This collectively affects minorities' educational achievements, as well as causing early school-leaving amongst minoritised groups. Gaps in data collection have persisted, making it a challenge to fully understand educational inequalities and limiting the resources informing policy.

Main manifestations in education

Discrimination in schools is common, evidenced by the common reporting of racist language. 54% of minority students in Germany stated teachers used racist language¹²⁵, while 48% of children in Sweden had heard or seen racism at school.¹²⁶ There is a high rate of school dropouts amongst racialised groups compared to the general population across Europe (Bulgaria, Croatia, Cyprus, the Netherlands, France, Greece, Ireland, Italy and Romania). People of Roma heritage have the highest dropout rates in multiple EU member states (Bulgaria, Croatia, Cyprus, France, Greece, Hungary, Ireland, Lithuania and Romania). This has been linked to a number of variables; cost, child poverty, inequalities in access to e-learning and discrimination by staff and non-Roma parents. In France, up to 90% of Roma teenagers are not in school because of refusals to register Roma children in local schools, or because of persistent forced evictions.¹²⁷

The segregation of students into separate classes or schools was common (Bulgaria, Croatia, Cyprus, Estonia, Finland, Germany, Greece, Hungary, Ireland, Portugal, Romania, Slovakia and Sweden). In Croatia, one-in-five Roma children attend classes attended only by other Roma children¹²⁸; in Hungary this is the case for nearly half of all Roma children.¹²⁹ In Finland, people of African descent who were born in Finland report discrimination in education, being directed to Finnish as a second-language classes, despite being native speakers.¹³⁰ Discrimination in assessment is reported in several countries (the Netherlands, Germany, Slovakia and Sweden). A Dutch survey of Moroccan and Turkish descended students revealed 40% suspect their marks were lowered.¹³¹ In Germany, identical essays were marked lower if labelled with a Turkish name.¹³² This evidence contributes to arguments that educational policy is making little progress integrating minorities (Cyprus, Finland, Greece, Lithuania, Portugal, Romania and Spain). Language barriers persist as an issue affecting outcomes for migrants and children of migrants (Croatia, the Netherlands, Estonia, Finland, Germany, Italy, Slovakia and Sweden); only two countries provide additional language classes outside school hours to not hinder learning (Bulgaria and Turkey).

The COVID-19 pandemic highlighted resource inequality in education. Minoritised groups, particularly Roma and refugees, do not have equal access to e-learning resources, including digital devices, the internet and other resources (Bulgaria, Croatia, France, Italy, Lithuania and Romania). As a result, minority children experience impacts on their education, including lower educational achievement and higher school dropout rates (Bulgaria, Croatia, the Netherlands, France, Greece, Hungary, Ireland, Italy, Lithuania and Romania). A few countries reported no data on education and ethnicity, limiting data informing policies (Cyprus, Estonia and Ireland).

124 European Commission, Directorate-General for Justice and Consumers, Gergely, D., Farkas, L., Racial discrimination in education and EU equality law, Publications Office, 2020, <https://data.europa.eu/doi/10.2838/422144>

125 Afrozensus, 2021, p. 179.

126 Vuxna – vad gör dom? - Barns röster om rasism i skolan. Rädda Barnen, August 2021. / Adults – What do they do? – Children's Voices on Racism in Schools, Swedish Save the Children, August 2021, Samira Abutaleb Rosenlundh, Markus Lundström and Anna Vogel.

127 France, country report.

128 European Commission against Racism and Intolerance. ECRI report on Croatia (fifth monitoring cycle). 2018. page 27, para. 78.

129 Rorke, B. (2016). Segregation in Hungary: The Long Road to Infringement. European Roma Rights Centre.

130 Non-Discrimination Ombudsman. 2021. Yhdenvertaisuusvaltuutetun vuosikertomus 2020.

131 United Nations Committee on the Elimination of Racial Discrimination (2021). Concluding Observations on the Combined twenty-second to twenty-fourth periodic reports of the Kingdom of the Netherlands.

132 Sprietsma, M. 2009. 'Discrimination in Grading?' Experimental evidence from primary school'. ZEW - Zentrum für Europäische Wirtschaftsforschung/ Center for European Economic Research, ZEW Discussion Papers 09-074.

Bias in textbooks is a prevalent issue (Bulgaria, Croatia, Cyprus, the Netherlands, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, Portugal, Romania, Slovakia, Spain and Sweden). This commonly presents as exclusion of minority groups from historical events, including indigenous groups (Bulgaria, Croatia, Cyprus, Finland, Hungary, Ireland, Lithuania, Romania, Slovakia and Spain). Finnish education lacks content on the indigenous Sámi¹³³, and Roma communities were most often omitted (Bulgaria, Hungary, Lithuania, Slovakia and Spain). To a lesser extent, depictions of certain nationalities or groups as an “enemy” were reported (Bulgaria, Cyprus, Finland and Greece). This is pervasive in Cyprus, where textbooks are prejudiced towards Turkish Cypriots, Turks and other groups which remotely resemble “the enemy”.¹³⁴ Greece has similar depictions of Turkish people.¹³⁵ Finnish textbooks have depicted Muslims and Arabs as threats to western values.¹³⁶

An important issue raised was the downplaying of a member state’s role in colonisation of other parts of the world (the Netherlands, Finland, France, Germany, Italy, Portugal and Sweden); Sweden has omitted its role entirely.¹³⁷ The depiction of Africa is also an issue, presented as a poor continent in need of support, or romanticised and exoticised. Education systems reinforce rather than challenge popular theories of racism, and endorse colourblind racism through definitions and explanations that individualise, minimise and naturalise racism. Textbooks describing slavery from the colonialist perspective and framing colonialism as a positive development or contribution for African nations were reported. In the Netherlands¹³⁸ and Portugal¹³⁹, school resources have been the subject of critique. As curriculum and textbooks differ between regions, the particular stereotypes vary, but school resources can remain for years, allowing the issue to linger. Additionally, addressing teachers’ opinions on sensitive topics is a serious challenge.

Cases of racial discrimination in education

There were reported incidents of racist bullying, discrimination by staff and discriminatory policies (Croatia, France, Greece, Italy, Slovakia and Sweden). Uniform policies directly affect the Muslim community (Bulgaria, Cyprus and Sweden). A Bulgarian student was forced to transfer schools because of their hijab; this was considered lawful by the state.¹⁴⁰ Similarly, a principle in Cyprus removed a student from the school for wearing their headscarf,¹⁴¹ and in 2018 a Romanian university professor was accused of discrimination for asking a Muslim to remove their hijab during class.¹⁴² Since 2015, infringement proceedings have been pursued against Slovakia, Hungary and the Czech Republic.¹⁴³

Discrimination in education has long-term effects on the lives of the students, and in some cases there is evidence to suggest racialised groups are being discouraged from certain career paths (Finland, Germany and Greece). In Germany, Turkish students are systemically under-represented in recommendations for higher secondary education.¹⁴⁴ Teaching staff are the perpetrators of many reported cases of discrimination. An Italian teacher was reported after doing the fascist salute and using racial stereotypes and slurs against people of African descent.¹⁴⁵ In Hungary, a primary school director assaulted a 12-year-old Romani boy.¹⁴⁶ Violence is most common, however, from fellow students, and racism from students is an issue that seems present in all nations, affecting all minoritized students. A Muslim schoolgirl in Ireland was threatened by fellow students that acid would be thrown in her face during a science class.¹⁴⁷ The French government launched a campaign of pro-secularism in schools using flyers of minoritised children in situations that promote secularism.¹⁴⁸ However, this carries the message that minoritised children are against secularism.

133 Wesslin, S. (2021) Oppkirjoissa saamelaiset esitetään usein historiaan kuuluvana kansana – saamelaisten tunnettuutta halutaan lisätä Suomen kouluopetuksessa. *Yle Uutiset*, 5.1.2021.

134 Alkiviadou, N. & Andreou, A. (date?) “Words that Matter” - A Glossary for Journalism in Cyprus: A Socio-Legal Appraisal in “Media and Democracy” (ed. Antoniadou E) Epiphaniou Publishers.

135 Greece, country report.

136 Athanasiou-Krikelis, L. (date?) “Representing Turks in Greek Children’s and Young Adult Fiction”, in Edinburgh University Press, Volume 13, Issue 1.

137 Report on the Universal Human Rights People of African Descent in Sweden, 29th March 2018, Alternative Report to Sweden’s 22nd and 23rd periodical reports to the Committee on the Elimination of Racial Discrimination, Dr. Michael McEachrane and LL.M., Jur. Lic. Madubuko Diakité on behalf of the Afro-Swedish National Association, Afrosvenskarnas Riksförbund, ASR.

138 Park, J. (2020) Looking in, Looking Out: Toward Diversity and Inclusion in the Field of Dutch and Flemish Art; Mitchell, M., Ricardo, M., Sarajlic, B. (2014) Whitewashed Slavery Past? The (Lost) Struggle Against Ignorance about the Dutch Slavery History.

139 Portugal, country report.

140 Supreme Administrative Court (2017) In the Name of the People. Application Nos. N^o 9152/2016, Judgement of 21 November 2017 (final).

141 Demetriou, C. (2021) “country report on Non-Discrimination: Cyprus” European Network of Legal Experts in Gender Equality and Non-Discrimination, pg 30.

142 Știrile ProTV (2017) Profesor de la Universitate, acuzat de discriminare la adresa unei studente musulmane. 02 November 2017.

143 https://www.europarl.europa.eu/doceo/document/E-9-2022-001989_EN.html

144 Beicht, U. and Walden, G. 2018 “Übergang nicht studienberechtigter Schulabgänger/-innen mit Migrationshintergrund in vollqualifizierende Ausbildung”. BIBB (Bundesinstitut für Berufsbildung) Report.

145 C.O.R., available at: 12-10-2019, Livorno (LI) - Toscana

146 ERRC (2020, May 15) Director of segregated Gyöngyöspata school must not get away with assaulting a 12-year-old Romani boy. European Roma Rights Centre.

147 Michael, L. (2020) Reports of Racism in Ireland: Data from iReport.ie 2019. Dublin: INAR.

148 <https://www.lavoixdunord.fr/1062037/article/2021-08-28/laicite-l-ecole-campagne-d-affichage-du-ministere-jugee-raciste-et>

2.2.1. Higher education

Racialised groups are under-represented in higher education across Europe (Cyprus, the Netherlands, Finland, Greece, Hungary, Norway, Portugal, Romania, Slovakia and Spain). In Finland, less than 0.5 % of all university students are from a racialised group.¹⁴⁹ There are particular barriers for the Roma, facing discrimination at every stage of education (Bulgaria, Hungary, Romania and Slovakia). However, Bulgaria reported that Roma students in higher education has increased six times in the last 10 years.¹⁵⁰ Discrimination against Muslims was also reported (Bulgaria and Cyprus). In Cyprus, the Muslim Turkish community are actively excluded from higher education, among other minorities, by requiring Greek proficiency for courses.¹⁵¹ Similarly, Greek universities can request Greek citizenship in order to be accepted. A major barrier to education affecting many is the cost and the lack of financial support.

These factors are compounded for refugees, who have additional barriers to accessing higher education due to their status and/or missing documents. Croatian higher education institutes do not always recognise the legal category of refugees, causing them to enrol as foreign nationals, which requires them to obtain certain documents and pay high fees.¹⁵² Unrecognised foreign qualifications and complicated systems for conversion are also a barrier to higher education for all migrants, but for refugees in particular (Croatia and Finland).

Even when racialised groups get into higher education institution, there is still discrimination. Racial discrimination in higher education often manifests as lower grading, belittling or offensive remarks, coming both from professors and other students. The majority of reports of discrimination from institutions are about staff (the Netherlands, France, Germany, Greece, Ireland, Italy, Portugal and Sweden). Racialised students report being invisible in the curricula and class. In education generally, teachers are not well equipped to recognise diversity in the classroom, and use incorrect and sometimes intentionally offensive language. French research suggests more than four-out-of-10 students perceived as non-white are victims of racism in the course of their studies, a quarter reported this racism came from teachers.¹⁵³ Racist bullying is a persistent issue (Bulgaria, the Netherlands, Finland, France, Germany and Portugal). There was a lack of data on the proportion of minorities in higher education, and limited data offered on the rates of complaints only in a minority of countries (Estonia and Lithuania). Estonia reported no data based on race, ethnicity or religion and education.¹⁵⁴

Racism in higher education is not limited to the students, since staff are often underestimated, socially excluded or suffer various forms of (micro)aggression, invalidation and intellectual disparagement (Ireland and the Netherlands). Recent research of Irish higher education institutes highlighted that minority staff experience social exclusion from events, racial microaggressions, a disproportionate workload and exclusion from mentorships.¹⁵⁵ This impacts their career progression, especially for academics. The consequences of this can be seen in the reported lack of diversity and representation among leadership at universities (Ireland and Norway). Many countries did not have any data on the racial or ethnic identification in university leadership, highlighting this as a hidden issue (Bulgaria, Croatia, Cyprus, Estonia, France, Germany, Greece, Hungary, Italy, Lithuania, Portugal, Romania, Slovakia and Spain). The available data indicated under-representation of minorities in authority positions (the Netherlands, Ireland, Norway, Portugal and Spain).

149 Airas et al. (2019) Taustalla on väliä. Ulkomaalaistaustaiset opiskelijat korkeakoulupolulla. Kansallisen koulutuksen arviointikeskuksen julkaisuja 22:2019.

150 Tsvetanova, K. (2021) "In 10 years: The number of Roma with higher education has jumped six times". Dnes.bg, 18 January.

151 Cyprus, country report.

152 Kelava, M. 23 June 2021. "Fakulteti teško dostupni azilantima". H-alter.hr.

153 France, country report.

154 Estonia, country report.

In the Netherlands, out of 469 professors across all universities, less than a dozen are persons of colour.¹⁵⁶ Dutch humanities and social science departments are highly homogeneous—predominantly white Dutch male scholars; this low level of representation was common right down to the part-time roles in universities. In Ireland, only 2-8% of university staff are from racialised groups.¹⁵⁷ Sweden showed promising diversity, with almost 30% of all professors from a minoritised group, 18% assisting professors and 73% of the temporary teaching staff were from a minoritized group.¹⁵⁸

Cases of racial discrimination in higher education

It must be acknowledged that discrimination in education is under-reported for various reasons, such as age, awareness and lack of evidence. The majority of cases were reports of discrimination from teaching staff (Bulgaria, Estonia, France, Germany, Hungary, Ireland, Italy, Portugal and Sweden). Most often, in cases of hate speech from lecturers directed at students, unfortunately, these reports are not dealt with effectively. A Hungarian lecturer was reported for using racial and sexist language against Vice President Kamala Harris;¹⁵⁹ an evaluation by the university took several months to terminate his contract. Similarly, Pedro Cosme Vieira (a professor at the University of Porto) has faced complaints by his students, but does not seem to have been reprimanded.¹⁶⁰ In 2017, the Norwegian Equality and Anti-Discrimination Ombud reported that the University of Oslo had not done enough to prevent harassment at work.¹⁶¹

Some universities have tried to justify racism. Estonian universities refused access to third-country students approved for admission for “public health” during COVID-19, although there were no efforts for testing or isolation.¹⁶² A Finnish university received backlash for an event where students dressed as racial characters, but justified it as an intercultural event.¹⁶³ A professor in France was accused of Islamophobia and his students passionately denounced him, however, the school defended the professor, claiming it was a misunderstanding.¹⁶⁴ There are debatably more consequences for staff calling out racism in higher education, than for staff being racist.

Representation of racialised scholars in the curriculum

Many reports indicated a lack of data or research on this topic (Croatia, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Lithuania, Norway, Romania, Slovakia and Spain). In part this is because curriculums are not accessible beyond students directly enrolled in the classes. There is no evidence of a structural approach to the inclusion of minority communities in university curriculum; it depends on the department and staff, with English and Philosophy departments showing the most efforts. It is noted that the names and author photos presented do not always reveal the national or ethnic background of scholars or thinkers. Sociology courses have the most recognisable representation of minorities, such as the feminist and civic activist bell hooks. With that said, promising efforts have been reported (Italy and Portugal). In Italy, postcolonial and decolonial studies became relevant only recently, and critical race studies are not yet part of institutional education although it is growing, even with resistance to the use of a racial lens in social analysis.¹⁶⁵

156 White, T. (n.d.). The Battle for Equality: Academic Discrimination.

157 Kempny, M. and Michael, L. (2021) Race Equality: In the Higher Education Sector. Dublin: The Higher Education Authority (HEA).

158 Personal vid Universitet och högskolor. Higher Education. Employees in Higher Education 2019. Sweden's Official Statistics SCB and UKÄ Universitetskanslersämbetet, Utländsk bakgrund bland den forskande och undervisande personalen, antingen utrikes född eller med två utrikes födda föräldrar, p 33.

159 Hungary, country report.

160 Portugal, country report.

161 Volla, M. et al. (2020) Krever rettferd for Adam. Klassekampen, 3 November.

162 Chancellor of Justice (2021) Response to request for information, 15 December 2021.

163 Parikka, V. (2021) Klassikkopellistä rävähti rasismikohu Helsingin yliopistolla: Fuksit pukeutuivat Afrikan tähti -hahmoiksi, opiskelijajärjestö pyytää anteeksi. Helsingin Sanomat, 18.10.2021.

164 <https://www.franceinter.fr/reunions-non-mixtes-affiches-denoncant-des-profs-a-grenoble-que-reste-il-de-la-polemique-autour-de-l-unef>

2.4. RACISM AND RELATED DISCRIMINATION IN HEALTHCARE

Discrimination in healthcare is a common issue for racialised communities. The Treaty on the Functioning of the European Union outlines the protection of public health in Article 168, including research into the causes of inequalities and prevention. Unfortunately, there is a broad lack of disaggregated data on health, and mental health in particular. Barriers to access and discrimination by healthcare workers remain a persistent issue.

Main manifestations of racism and discrimination of minorities in healthcare

The most common consequence of racial discrimination in healthcare across Europe was poor health (Bulgaria, Croatia, the Netherlands, Finland, Greece, Hungary, Ireland, Lithuania, Portugal, Romania, Slovakia, Spain and Sweden). This is directly linked to the lower quality of healthcare and preventive services that these groups receive (Bulgaria, Croatia, Cyprus, the Netherlands, Finland, France, Germany, Greece, Ireland, Italy, Portugal, Romania and Sweden). These issues directly affect Roma people (Bulgaria, Croatia, Greece, Hungary, Ireland, Lithuania, Portugal, Romania and Slovakia). This is because of multiple administrative, financial and other barriers facing the Roma and Traveller communities in accessing healthcare, before considering discrimination by healthcare staff.

Roma people are more exposed to communicable and non-communicable diseases at a younger age than the general population, and some diseases are more common, although this is at least in part due to the poor living conditions they face, often by state policy. One of the clearest manifestations of these inequalities is the stark difference in life expectancy (Bulgaria, the Netherlands, Greece, Hungary, Lithuania, Portugal, Romania and Slovakia). In some reports, the life expectancy within the Roma community was over 15 years lower than the general population.¹⁶⁶ Refugees are also at risk of poor health from discrimination (Croatia, Croatia, Cyprus, France, Finland and Greece). Refugees receive lower quality healthcare due to limited coverage, language barriers and a general lack of awareness of the system.

Language barriers contribute to and maintain inequalities (Croatia, Croatia, the Netherlands, Estonia, Germany, Ireland and Italy). Migrants often do not have high enough proficiency in the national language to express their symptoms fully, resulting in under-diagnosis. Language barriers also limit the ability of minorities to avail of mental health services. Estonian psychologists do not accept patients who do not speak Estonian, even if a translator is involved.¹⁶⁷ The language barrier is an important issue affecting access; in Finland only 40% of men and 33% of women from racialised groups reported that they were proficient in accessing health services or making appointments.¹⁶⁸ Additionally, there is a lack of information being provided in a range of languages (Bulgaria, Croatia, Cyprus, France and Norway).

The most marginalised communities, including refugees and Roma, experience significant indirect racial discrimination accessing health insurance (Bulgaria, Croatia, the Netherlands, France, Germany, Greece, Romania and Slovakia). In France, refugees cannot apply for healthcare policies in the first three months upon arrival, followed by a three-month wait for processing.¹⁶⁹ There are also reports of different pricing. Dutch research suggests people with “non-Western” backgrounds have higher healthcare costs.¹⁷⁰

Institutional racism in medicine embeds bias in healthcare workers. For example, “white skin bias” in diagnosis, symptoms and signs of certain diseases present differently on different skin types but are not recognised. In Germany, 66.7% of Black people surveyed believe that their health problems are not being taken seriously by their family physician.¹⁷¹ In Italy, non-Italian cases of COVID-19 were diagnosed two to four weeks later than in Italian citizens.¹⁷² Discussing medical racism is taboo in many countries; in France medical racism has never been discussed openly.¹⁷³ Experiences of discrimination decrease people’s willingness to go to health services,

¹⁶⁶ Portugal, country report.

¹⁶⁷ Estonia, country report.

¹⁶⁸ Kuusio, H. et al. (2020) Ulkomaalaistaustaisten terveys ja hyvinvointi Suomessa: FinMonik-tutkimus 2018–2019. Report 1/2020, Finnish Institute for Health and Welfare.

¹⁶⁹ France, country report.

¹⁷⁰ Statistics Netherlands (2020) “Annual Integration Report 2020”.

¹⁷¹ Afrozensus (2021) p. 142.

¹⁷² Epicentro – Istituto Superiore di Sanità (2021) “Le differenze di impatto della pandemia da COVID-19 sui cittadini italiani e stranieri”.

¹⁷³ France, country report.

and increase the odds of long-term health problems. It is already reported that minorities are accessing healthcare services less. Even though most Roma people in Lithuania have health insurance, they often avoid going to the doctor because they do not trust medical settings.¹⁷⁴

The COVID-19 pandemic highlighted health inequalities experienced by racialised groups (Bulgaria, the Netherlands, Finland, France, Greece, Ireland, Italy, Portugal, Slovakia, Spain and Sweden). Governments imposed quarantine measures on Roma communities, often without evidence of infection.¹⁷⁵ There were reports of refugees being isolated in their settlements and experiencing problems accessing healthcare due to delays in the system.¹⁷⁶ Information about social distancing policies and the risks of COVID-19 were not communicated well enough to minorities in the beginning of the pandemic, especially those living in segregated areas, as guidance was often only in the national language.

Data on the mental health of people from racialised groups

There is a consistent absence of information about health in the form of disaggregated data by race, especially concerning mental health (Bulgaria, Croatia, Cyprus, the Netherlands, Estonia, Finland, France, Germany, Italy, Lithuania, Romania, Slovakia, Spain and Sweden). However, various studies show racialised groups are more at risk of non-psychotic mental disorders (Bulgaria, Estonia, Finland, Germany, Greece, Hungary, Ireland and Portugal); studies suggest this is connected to experiences of racism and discrimination. Research from Norway found minorities who had experienced discrimination were at double the risk of mental illness¹⁷⁷—the more discriminated against a group feels, the greater the risk. Data from Hungary showed moderate depression was three times more common, and major depression was four times more common for Roma compared to non-Roma people.¹⁷⁸ Similarly, 90% of Irish Travellers agree that mental health problems are common among their community.¹⁷⁹ A German report found there are minimal differences in the physical health of people with and without a migrant background, however, overall migrants have worse mental health.¹⁸⁰ This is supported by research from Portugal, comparing two children of the same sex, belonging to families with the same

income and parents with identical education.¹⁸¹ The first generation immigrant child was 2.5 times more likely to develop mental health problems.

It has been suggested that presentation of disaggregated data could be problematic, causing stigmatisation of already vulnerable minority groups by association with mental health problems, although with the improving public discourse around mental health, it may be that not discussing the effect of discrimination on mental health will just allow the issue to persist. Racism's effect on mental health has been an increasingly popular topic in public discussions, thanks to mental health professionals who themselves are from minoritised groups, as well as growing awareness of environmental factors such as water quality, sewage, ethnic tensions and unstable political situations.

Cases and/or examples of racial discrimination in healthcare

Discrimination against healthcare workers from racialised groups was a common report (the Netherlands, France, Germany, Greece, Italy and Portugal). This included examples of racist language or physical violence against staff. In the Netherlands clients and/or patients refused help based on the names or appearance of the care worker, particularly skin colour and religious clothing.¹⁸² Healthcare workers and insurance providers also discriminate. For example, a Hungarian study suggests prejudice attitudes and discrimination are more common in wards where there is a prevalence of disadvantaged patients (HIV+, homeless, etc.).¹⁸³ Discrimination against Roma people is reported in the widest range of countries (Bulgaria, Croatia, Greece, Hungary, Lithuania, Portugal, Romania and Slovakia). Black immigrants experience significant disparities in access to health services and outcomes, such as Somalis in Finland and Sweden,¹⁸⁴ and African immigrants in Portugal.¹⁸⁵

174 Kontvainé, 2020.

175 Romania, country report.

176 Cyprus, country report.

177 Minoritetsstress, rasisme og psykisk helse. Voksne for Barn Organisasjonen. Minoritetsstress, rasisme og psykisk helse - Voksne for Barn (vfb.no).

178 Hungary, country report.

179 Behaviour & Attitudes (B & A), Traveller Community National Survey (July 2017).

180 Robert Koch-Institut (Hrsg). 2015. Gesundheit in Deutschland. Gesundheitsberichterstattung des Bundes. Gemeinsam getragen von RKI und Destatis. Berlin: RKI, pg. 175-178.

181 Portugal, country report.

182 Hanan Nhass and Joey Poerwoatmodjo (2021) "When the patient is not at his best".

183 Marek E, Kalmár R, Faubl N, Orsós Zs, Németh T. [Prejudices and their healthcare implications. Lessons learnt from a national survey]. *Orv Hetil.* 2020; 161(19): 789–796.

184 Finland and Sweden, country reports.

185 Portugal, country report.

There seems to be a lack of policies and training around ethnic diversity; 74% of Irish healthcare workers were unaware of any policies for providing culturally specific care for Muslim women.¹⁸⁶ Muslim women report incidences of verbal abuse, and being told to remove their headscarves. The most common consequence of this discrimination was under-diagnosis or downplaying the severity of a patient's condition. A young Afro-Swedish Muslim man, a doctor and father, was denied emergency care while suffering a stroke.¹⁸⁷ His life-threatening condition was downplayed by the paramedics and nurses, calling his symptoms "cultural fainting". In another case, a Black woman who called the emergency services in France was laughed at by the operator for her accent, who hung up without sending help and she died a few hours later.¹⁸⁸

There were several examples of segregation. During the COVID-19 pandemic, Roma communities had restricted access to healthcare, and some settlements were purposely isolated regardless of the existence of cases of COVID-19. In addition, ethnic segregation of Roma people in hospitals and medical settings, including maternity wards, is observed in many EU member states and a recent decision of the European Committee of Social Rights found that such practices are in contradiction with the European Charter of Fundamental Rights.¹⁸⁹ The Slovakian Ombudsman pointed out the selective approach to the quarantine of Roma settlements, highlighting a Roma patient who remained in quarantine for more than 52 days.¹⁹⁰ Asylum seekers in Croatia reported institutional segregation in a public health clinic in 2018; a neighbourhood with a reception centre separated the first floor of the clinic, the doctor's office and the waiting room for asylum seekers only.¹⁹¹

186 Wilson, J. (16 Nov. 2021) Migrants face barriers to accessing health and social services, committee hears, *The Irish Times*.

187 Västra Götalandsregionen nedprioriterade akut sjukdomstillstånd, Dom i domstol, 26 maj 2021, www.do.se and DO överklagar dom om "kulturell svimning"; Sara Pramsten, *Läkartidningen*, 2021-06-18.

188 https://actu.fr/grand-est/strasbourg_67482/affaire-naomi-musenga-moquee-par-le-samu-un-nouvel-element-sur-sa-mort-rendu-public_46638858.html, <https://www.bondyblog.fr/politique/mort-de-naomi-musenga-nier-la-dimension-raciste-cest-passer-a-cote-du-fond-du-probleme/>

189 Decision of the European Committee of Social Rights (*European Roma Rights Centre v. Bulgaria*) (2019), <https://www.coe.int/en/web/european-social-charter/-/the-decision-of-the-european-committee-of-social-rights-on-the-merits-of-the-complaint-european-roma-rights-centre-v-bulgaria-is-now-public>

190 Hajčáková, D. 2.11.2021, Karantény osád nepálie. Daily newspaper SME.

191 Matejčić, B. 6 January 2018. 'Ambulanta na kraju grada: Svi u jednoj čekaonici, osim azilanata. Diskriminacija ili...?' *Tportal.hr*.

2.5. RACISM AND RELATED DISCRIMINATION IN ACCESS TO GOODS AND SERVICES

The right to equality in access to goods and services is set out in the EU Racial Equality Directive. Limited official data on discrimination in this area makes it difficult to analyse the full extent and causes of the problem. Discrimination in social settings such as bars, clubs and restaurants is a well-known issue, as well as discrimination in financial and public services. In part, this discrimination is the consequence of low awareness of rights, and goes under-reported due in part to a lack of information and promotions of rights, obligations and reporting systems.

Key manifestations of racism and related discrimination with access to goods and services in the public and private sector

Discrimination in private services was most common, with profiling by security or management being a frequent issue in terms of access—for example, being asked for identification and then refused entry (Bulgaria, Croatia, Finland, France, Germany and Hungary). Profiling of asylum seekers was highlighted, although other minorities are treated in a similar way. In one case, an innocent 18-year-old Roma girl in Romania was beaten by a security guard of a supermarket, who suspected her of shoplifting.¹⁹² Racialised groups report less access or poor quality public services, including sanitation services like water (Bulgaria, Cyprus and Italy). Roma and Traveller communities experience the most discrimination in access to goods and services (Bulgaria, Croatia, Finland, Greece, Hungary, Ireland, Portugal, Romania, Slovakia, Spain and Sweden). Roma settlements in Bulgaria are not included in or have poor or outdated infrastructure (water, sewerage, electricity network, etc.).¹⁹³

Most cases involved refused entry to shops, restaurants or bars (Bulgaria, the Netherlands, Finland, France, Ireland, Italy, Portugal, Romania, Slovakia and Spain). In several incidents, there were reports of denied essential services, banks in Croatia and Greece closed, denied or changed accounts of refugees.¹⁹⁴ In Greece, banks have refused to open accounts for asylum seekers, stating the applicant's card is not rec-

ognised as an identification despite being provided by the government.¹⁹⁵ Discrimination by banks caused particular issues during the pandemic; banks “blocked” asylum seekers’ accounts, creating problems in terms of receiving their salary or completing transactions.

The most common reports in respect of public services involved refused entry, denied service and being removed from premises (Croatia, the Netherlands, Finland, France, Germany, Hungary, Ireland, Italy, Portugal, Romania, Slovakia, Spain and Sweden). The source of discrimination varies from institutional racism to individual racism, or arguably both. In Italy, between 2016 and 2021, there were numerous reports of drivers, conductors and other transport staff discriminating against racialised people.¹⁹⁶ A face covering ban in the Netherlands that has been used against Muslim women, allows the expulsion of a person from public transportation and from educational, governmental and nursing care institutions, as well as some public spaces (failure to leave results in a criminal fine).¹⁹⁷

Migrants are commonly excluded from government schemes or certain state benefits (e.g., Cyprus and Italy). Irregular migrants are particularly vulnerable to discrimination, and eventually tolerate the discrimination due to fear of deportation. Asylum seekers are excluded from the Cyprus National Guaranteed Minimum Income scheme.¹⁹⁸ There are also examples of policies that exclude racialised minorities, most often the Roma or Muslim communities (Croatia, Cyprus, Greece, Ireland and Italy). The cumulative effect of these forms of discrimination creates systemic social exclusion of racialised minorities from public space and from public services.

192 Gavrilaş, C. 2020. Tânăra de 18 ani, de etnie romă, bătută cu bestialitate de agenții de pază ai unui hipermarket. Motivul: au bănuit-o de furt. Adevărul, 21 decembrie 2020.

193 Grekova, M., Zahariev, B., Tranev, I and Jordanov, I. (2020) COVID-19 in the Roma neighbourhoods in Bulgaria. p.45. Sofia. Open Society Institute – Sofia.

194 Croatia, country report; Greece, country report.

195 Greece, country report.

196 Italy, country report.

197 Guy, J. (2019) The Netherlands has introduced a ‘burqa ban’ -- but its enforcement is in doubt. CNN News.

198 Cyprus, country report.

2.6. RACISM AND RELATED DISCRIMINATION IN MEDIA AND CULTURE

The influence of media and culture on influencing public opinion cannot be understated. The media has both an opportunity and a responsibility to offer balanced reporting, including promoting the perspective of minority groups. Past ENAR Shadow Reports agree that reporting of racialised groups is negative and distorted. Cases of hate speech and incitement to hatred are still frequently reported across Europe, especially in portrayals of Roma, Muslims, migrants and asylum seekers, and particularly of people of African or Asian descent. Hate speech is a growing issue seen on social media platforms in all countries.

European bodies have recognised the importance of combating racism and discrimination in culture and media, and have taken steps to promote diversity and tolerance. The European Union's Audiovisual Media Services Directive requires broadcasters to promote diversity in their programming and prohibits incitement to hatred on the grounds of race, ethnicity, religion or nationality. The European Commission against Racism and Intolerance (ECRI) country reports often address issues related to the media, such as negative stereotypes and hate speech.

The European Parliament has adopted resolutions calling for action to combat racism and discrimination, including in the media. For example, in 2019, the parliament adopted a resolution calling for a “zero tolerance” approach to hate speech and racism in the media. The European Broadcasting Union (EBU) has developed guidelines for promoting diversity and combating stereotypes in broadcasting. The EBU also supports initiatives to increase the representation of diverse groups in the media, such as the European Youth Media Days programme.

Key manifestations

Throughout the media, culture and the arts, the marginalisation of racialised minorities is evident in media coverage (Bulgaria, Croatia, Cyprus, France, Germany, Greece, Hungary, Lithuania, Portugal, Romania, Slovakia and Spain), use of racial and ethnic stereotypes (the Netherlands, Estonia, Finland, France, Germany, Greece, Italy, Lithuania, Portugal and Slovakia) and under-representation (Bulgaria, the Netherlands, Finland, France, Germany, Hungary, Italy, Norway and Sweden).

Public hate speech without consequences was reported in France, Germany, Greece, Lithuania and Romania. Racist speech on media ranges from very explicit statements to implied stereotypes. In politics, these can both be starkly portrayed. In Greece, migrants are frequently portrayed as receiving more support and benefits than Greek citizens.¹⁹⁹ In media reporting, there is a trend of highlighting the perceived ethnicity of people almost exclusively when they are minorities. The Bulgarian media automatically labels ethnic Roma as “gypsy” in their reports, but if a copy features ethnic Bulgarians they are more creative with labels.²⁰⁰ This is especially true in cases involving violence, or otherwise “high profile” stories

Across all countries, anti-Roma sentiment in media was common (Bulgaria, Croatia, Hungary, Ireland, Lithuania, Romania, Slovakia and Spain). In Bulgaria, coverage is often driven by negative prejudices against the Roma.²⁰¹ This is true even when legislation exists, such as Croatia's Electronic Media Act (EMA), which prohibits inciting hatred or discrimination; there the main media narrative around Roma continues to centre on non-assimilation.²⁰²

Anti-refugee narratives were also present (Croatia, Cyprus, Germany and Lithuania). These vary somewhat between countries depending on the political context. In Cyprus, asylum seekers are frequently portrayed as lazy and false, and Muslim asylum-seekers are connected to a national narrative of the “Islamisation/Turkification” of Cyprus.²⁰³ The OSCE survey of 10 European countries showed that in nine-out-of-10 countries, at least 50% of the respondents believe that Muslims “do not want to integrate” into society. Greece ranked first for this view (78%).²⁰⁴

199 OSCE (2020) “Understanding Anti-Muslim Hate Crimes: Addressing the Security Needs of Muslim Communities”.

200 Bulgaria, country report.

201 Spasov, O., Ognyanova, N. and Daskalova, N. (2016) “Media pluralism monitoring 2016”.10. Centre for Media Pluralism and Media Freedom.

202 Lalić, S. Senta, C. 2020. Narativi mržnje u internetskim medijima i internetskoj komunikaciji u Hrvatskoj. Zagreb: Centre for Peace Studies.

203 KISA (2019) “Hate Speech in Public Discourse”, pp. 19, 24.

204 Greece, country report.



In terms of levels of employment and participation in media, there was a general trend of slow progress. In the Netherlands, national statistics show that ethnic minority under-representation remains stagnant.²⁰⁵ In Finland in 2020, only 5% of characters were from Black or other inoritized backgrounds, with their roles often limited to storylines around their ethnicity.²⁰⁶ This is part of a broader issue where racialised groups are represented in media only through the lens of their minority group.

A prominent issue in the arts is confronting historical racism. The French government has criticised taking down statues and explicitly refusing to change streets names of colonial figures, rather than contributing to change.²⁰⁷ There have been complaints of tokenism in selection and funding. There are examples of blatant discrimination and racism in the arts (Germany, Hungarian, Italy, Norway, Portugal and Sweden). In Finland, the Sámi are routinely ignored in terms of their contributions to the national culture, but many models and celebrities have been accused of culturally appropriating traditional Sámi outfits.²⁰⁸

Cases of racial discrimination in the field of media, culture and arts

Reports in this period feature many high-profile figures that used hate speech or racial language (Bulgaria, Cyprus, Finland, Greece, Hungary, Romania and Sweden). For example in 2020, former French president Sarkozy publicly compared people of African descent to apes.²⁰⁹ In Cyprus, high profile coverage has been given to multiple statements by the Archbishop of Cyprus on Turkish people in Northern Cyprus,²¹⁰ and describing Muslim refugees as a “threat to the nation”.²¹¹ A high profile radio show in Estonia featured hate

speech—the host subsequently sued critics for defamation.²¹² In 2016, the Hungarian government paid for a series of anti-migrant billboards, blaming migrants for terrorist attacks across Europe.²¹³

Racist speech is also prolific in news media reporting (Cyprus, Estonia, France, Italy and Romania). There are numerous examples of sensationalist coverage using racial stereotypes (Finland, France, Ireland and Portugal). In 2020, one of Finland’s largest newspapers published coverage linking youth criminality to migration.²¹⁴ Moreover, French TV hosts launched a discussion on the alleged benefits of using Africa as a trial continent to test the COVID-19 vaccines.²¹⁵

The use of blackface and racist mimicry is surprisingly still a prominent issue in Europe (Croatia, the Netherlands, Finland, France, Greece and Italy). In 2021, Bavarian comedian Helmut Schleich used blackface in a political satire sketch about a former Bavarian politician²¹⁶, and in Greece, blackface was the subject of a complaint to the Greek National Council for Radio and Television.²¹⁷ The Croatian TV show “Your Face Sounds Familiar” has received complaints of racism because of its competitors repeatedly performing in blackface.²¹⁸ A play at Sorbonne University France was blocked by activists for its use of blackface.²¹⁹ An Estonian TV show had celebrities imitate Black singers while wearing blackface.²²⁰

In the arts, cases of racial discrimination are less commonly reported, because networks of patronage prevent people in the sector from easily speaking out. In Germany, an actor with Nigerian roots accused directors at the Düsseldorf Theatre (Düsseldorfer Schauspielhaus) of racist attitudes, insults and bias in casting actors.²²¹ Italian ArtTribune chief-editor Massimiliano Tonelli used the N-word in a tweet, in which he criticised the Contemporary African Art Fair in London for being “a ghetto”.²²²

205 Netherlands, country report.

206 Audiovisual Producers Finland (2020) Diversity and Representation in Finnish Film & Television 2020. Metropolia.

207 France, country report.

208 Ahvenjärvi, K. (2017) Kulttuurinen omiminen on vallankäyttöä. Poliitikasta.fi, 29.6.2021.

209 France, country report.

210 Cyprus, country report.

211 KISA (2019) “Hate Speech in Public Discourse”, p.14.

212 Eesti Inimõiguste Keskus (2020) The Centre helps to stand up for freedom of expression in court.

213 kormany.hu, 2015-2019.

214 Kuokkanen, K. (2020) Helsingin keskustassa liikkuu nyt joukoissa yli sata mahdollisesti vaarallista nuorta – Asiantuntijoiden mukaan taustalla on uusi maahanmuuttoon liittyvä ilmiö. Helsingin Sanomat, 10.11.2020.

215 <https://fr.hespress.com/138215-apres-ici-bfmtv-auteur-dun-derapage-et-de-propos-racistes.html>

216 Neue Westfälische (2021) “Bayerischer Rundfunk: Rassismusvorwürfe nach “Blackfacing” in Satireshow”. April 2nd 2021

217 Generation 2.0 RED, Blackface is insulting, February 2019. Available at: <https://g2red.org/blackface-is-not-new/>

218 Duhaček, G. 20 December 2020. ‘Stručnjak objasnio u čemu je problem blackfaceom u Tvoje lice zvuči poznať’. Index.hr.

219 France, country report.

220 K.Grossthal. 2020. Rassismi taunimiseks piisab inimikkusest.

221 Neue Westfälische (2021) “Rassismus-Vorwürfe am Düsseldorfer Schauspielhaus”. 22 March.

222 Di Cori, A (2021) “La frase razzista del direttore di Artribune: ‘Una mostra piena di quadri di negri’. Poi si scusa’. La Repubblica. 15 October 2021.

2.7. RACISM AND RELATED DISCRIMINATION IN SPORT

Sport is a key institution of social connection, but sporting events and clubs are a common sites of discrimination and racist language. EU FRA data on racism and ethnic discrimination in sport in 2010 indicated that racism and discrimination were becoming increasingly prevalent in both amateur and youth sport.²²³ Eurostat data from 2017 shows that 3% of athletes from inoritized backgrounds have experienced racist violence in the previous year, with another 24 % exposed to racial harassment. Sports organisations are increasingly moving towards inclusive practices and acting against discrimination, often because of the risk of losing funding if they do not. However, work is also needed to tackle the racism from spectators who often use racist language at events to intimidate players, and in more recent years harassment has moved to social media platforms. Sport can be a powerful force for intergroup contact and outreach to marginalised groups, bringing together athletes from different (geographical, cultural, religious and social) backgrounds in a single “sporting community”. Additionally, most EU citizens when surveyed agree that sport is a means of combating discrimination.²²⁴

The under-representation of racialised groups in sport teams is common across Europe (Bulgaria, Cyprus, Finland, Germany, Ireland, Slovakia and Sweden). This is partially due to lack of support for minority athletes, both financially and through encouragement. (Bulgaria, Finland, Portugal and Sweden). Additionally, sports funding and availability of sport facilities can be lower in racialised areas, which is connected to systemic under-funding of minority dominated areas (France). Explicit policies of exclusion in sports clubs also do exist (Cyprus and Italy). In Cyprus, racialised groups have formed their own clubs because of discriminatory club policies, which exclude people who not perceived to be of Greek Cypriot heritage.²²⁵

A major manifestation of racism is spectator behaviour at sports events. Racist incidents occur during and following sport events, including racist slurs, chants or symbols aimed at athletes (Croatia, the Netherlands, Greece, Ireland, Portugal, Romania and Spain). This is particularly prolific among young people (Croatia and Italy). Racist comments on both social media and in the mainstream media is also a growing issue (France, Ireland, Italy, Portugal, Romania and Spain). Threats in person and acts of violence have also occurred (France, Italy and Sweden).

Policies to counter racism and support racialised groups are being adopted at both the local and national levels (Bulgaria, Croatia, the Netherlands, Germany, Ireland, Italy, Slovakia, Spain and Sweden). The Royal Dutch Football Association launched a Plan of Action Against Racism and Discrimination.²²⁶ The plan highlights three main components: prevention, identification and sanctioning. As part of this, a new anti-discrimination app was produced allowing fans to anonymously report abuse. Policies aiming to diversify sports teams are also emerging (Finland, Ireland and Romania). The Irish GAA have included anti-sectarian and anti-racist principles, and committed to increasing participation among people from diverse backgrounds in GAA sports by 30% by 2025, as part of the “Bring It On” campaign.²²⁷ However, there was no indication of policies supporting minorities in sport by a number of counties (Cyprus, Estonia, France, Greece, Hungary, Lithuania, Norway and Portugal).

In 2019, 140 Members of the European Parliament (MEPs) wrote to the Union of European Football Associations (UEFA) calling for “urgent action” against racism and discrimination in the wake of an incident during a match in the Netherlands.²²⁸ In 2020, after a number of high-profile incidents of racist chanting and abuse from the stands directed at players, FIFPRO announced that it will support players or teams who decide to walk off the pitch and provide assistance “in any way necessary”, noting that “Sanctions passed by sporting organisations have had no significant effect and law enforcement in many countries has failed to provide appropriate responses to prosecute the perpetrators of these crimes”.²²⁹

223 Fundamental Rights Agency (2010) Racism, ethnic discrimination and exclusion of migrants and minorities in sport: A comparative overview of the situation in the European Union, October 2010. http://fra.europa.eu/sites/default/files/fra_uploads/1207-Report-racism-sport_EN.pdf

224 EU Commission (2005) Special Eurobarometer 213: The citizens of the European Union and sport https://data.europa.eu/data/datasets/s1403_62_0_213?locale=en

225 Cyprus, country report.

226 5KNVB Media (2020) Plan of Action Against Racism and discrimination.

227 GAA.ie (2021) GAA invites clubs to open their doors for GAA National Inclusive Fitness Day.

228 <https://twitter.com/samiraraf/status/1197210582623170561?s=20>

229 <https://fifpro.org/en/rights/inclusion/statement-moussa-marega>



Despite growing support for policies against racism, the bodies overseeing sport struggle with racism. There is a lack of action dealing with reported racism (Croatia, Finland and France), and reports of racism from these organisations themselves (Bulgaria, France and Germany). This is a particular issue where policies restrict the diversity of staff in management positions (Cyprus). There are limited statistics on racist incidents in sport, which is unsurprising as recording is left to the sports organisations. A few countries record statistics regularly (the Netherlands, Italy, Norway and Spain), while others have indications of reporting inconsistently and by an external group (Croatia, Ireland, Portugal and Sweden). Some countries collected no data at all (Estonia, Greece, Hungary and Lithuania). The most common response to racism in sport were fines for racist speech, chants or symbols including the swastika (Bulgaria, Croatia, Cyprus, Finland and Romania). In a few incidents, a team or referee stopped an event due to racism from spectators (Finland, Germany and Italy).

PART III: RACISM AND RELATED DISCRIMINATION IN CRIMINAL JUSTICE

Racialised groups across Europe continue to experience significant discrimination in the area of criminal justice policy and practice, both as victims of crime (including but not restricted to hate crimes), and as groups disproportionately subject to policing powers, profiling and detention. In this section, the experiences of and responses to hate crime by government and criminal justice agencies are addressed first, highlighting the growth of practitioner supports in this area as a positive development, though in the context of the rapid rise of hate crimes since 2016, an insufficient response to protect racialised groups. Secondly, this section describes the continued gap between the available and necessary protections in law enforcement for racialised groups, as EU anti-discrimination legislation is as yet inapplicable in this area.



3.1. HATE CRIMES

The 2008 Framework Decision on combating racism and xenophobia by means of criminal law²³⁰ requires the criminalisation of public incitement of violence or hatred based on race, colour, religion, descent, national or ethnic origin, and aimed to ensure that serious manifestations of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal penalties. It was complemented by the 2012 Victims' Rights Directive²³¹, which amongst other things aimed to ensure justice, protection and support for victims of hate crimes and hate speech. In turn, this was followed by the 2020 EU strategy on victims' rights²³², acknowledging that victims of crime belonging to disadvantaged, vulnerable and/or minoritised communities may have low trust in public authorities, which deters them from reporting crime.

The European Commission took initiated infringement procedures against 11 EU member states for not fully and correctly transposing the Framework Decision into national law.²³³ Legislation to criminalise hate crimes falls short in several countries in this study. The Netherlands' and Ireland's Criminal Codes do not contain hate crime provisions or a legal definition of hate crime, which makes it difficult to distinguish hate crimes from other types of crimes. Several countries also have no legal distinction for hate speech (Cyprus, Finland and Ireland). In Ireland, new hate crime and hate speech legislation is under parliamentary scrutiny.²³⁴ Failure to address hate crime in legislation is itself a manifestation of institutional racism, wherein the protection of racialised groups is not seen as being of sufficient importance.

The European Convention on Human Rights (ECRI) recommends combatting racism and discrimination through a system of recording and monitoring racist incidents. Accurate recording is important for criminal justice and to inform future policies. ODIHR/OSCE requests all EU member states to submit hate crime data annually, which it publishes along-

side NGO data; Finland has been one of the most consistent in this practice. Romanian authorities do not compile full statistics on hate crime, and have not submitted data to the ODIHR since 2018.²³⁵ Belgium has been criticised by ODIHR for failing to distinguish in its recorded statistics between crimes and other forms of discrimination.²³⁶ In 2021, Lithuania approved amendments to articles on hate crime and hate speech in its Criminal Code. Italy also has significant problems in compiling its data.²³⁷ Nevertheless, there is evidence of efforts being made to improve national responses. Bulgaria requested assistance from the OSCE/ODIHR to review the Bulgarian Penal Code, primarily for provisions related to anti-discrimination, hate crime and hate speech, including compliance with international commitments and standards.²³⁸ Italy has developed a special commission against hate crimes (the "Segre Commission"); since becoming active in 2021, the committee focused mainly on hate speech and incitement to hatred.²³⁹

With increasing evidence of extreme-right violence and increased hate speech in mainstream media and politics across Europe, statistics on hate crimes point both to a high rate of under-reporting, under-recording and failures in prosecution. The French Interior Ministry reported a significant rise in hate crimes against racialised groups in 2021, particularly against men of African descent.²⁴⁰ Germany reported a 20% rise in extreme-right attacks between 2019 and 2020, particularly against Muslims and Jews.²⁴¹ Italy reported a sharp rise in 2016, but a relatively consistent level of hate crimes on ethno-racial and religious grounds overall between 2017 and 2021.²⁴² The impact of hate speech is reflected in the nature of high profile hate crimes reported in this period. Refugees and asylum seekers were particularly the subject of incitement to hatred from 2016. Meanwhile, racialised groups including Roma, Jews, Muslims and east Asians were blamed for the COVID-19 pandemic from 2020 onwards.

230 <https://eur-lex.europa.eu/EN/legal-content/summary/framework-decision-on-combating-certain-forms-and-expressions-of-racism-and-xenophobia-by-means-of-criminal-law.html>

231 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

232 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-strategy-victims-rights-2020-2025_en

233 EU Agency for Fundamental Rights (FRA) Fundamental Rights Report 2022. <https://fra.europa.eu/en/publication/2022/fundamental-rights-report-2022-fra-opinions>

234 Ireland, country report.

235 Romania, country report.

236 <https://hatecrime.osce.org/belgium>

237 Italy, country report.

238 Bulgaria, country report.

239 Italy, country report.

240 2021 saw surge of racist crimes in France: Report. AA.com <https://www.aa.com.tr/en/europe/2021-saw-surge-of-racist-crimes-in-france-report/2532525#>

241 <https://www.trtworld.com/magazine/rising-hate-crimes-and-discrimination-is-making-germany-unlivable-46672>

242 OSCAD (2020) Monitoraggio dei crimini d'odio. Available at: https://www.interno.gov.it/sites/default/files/2021-03/presentazione_dati.pdf, accessed 31 december 2021.

There are common issues in the recording of hate crimes reported to police. For example, in Cyprus police were reported as not accurately recording hate crimes reported to them²⁴³, in Hungary bias motivation is seemingly not recorded²⁴⁴ and in Germany the Amadeu Antonio Foundation has been critical of official statistics that significantly under-count hate crimes compared to its own records.²⁴⁵ Robust recording of hate crime requires both adequate policy and practice guidance, monitoring of recording systems and training of personnel to identify and record bias motives. There are major disparities across mainland France: the number of racist crimes recorded by the security forces in relation to the number of inhabitants is significantly higher in eastern France and in most big cities;²⁴⁶ subsequently, France has strengthened its monitoring mechanisms and established a specialised hate crime unit.²⁴⁷ In Croatia, police do not take reports of racist crime seriously, and seemingly do not believe the victims of crimes.²⁴⁸ Across Europe, the number of professionals trained to collect reports of hate crimes remains low, which may contribute to the number of recognised and reported hate crimes. This is despite extensive work by ODIHR to provide training and support in this area.²⁴⁹ Trust in police and in the value of reporting hate crimes is low amongst racialised groups in a number of countries, and this is particularly true amongst undocumented migrants and migrants without permanent residence because of fears of deportation (Cyprus, Estonia, Lithuania, Romania and Slovakia).

It is a common problem to track the outcomes of investigations and prosecutions.²⁵⁰ The difficulties reported in many countries of prosecuting hate crimes both result from problems earlier in the process of recording and investigation, and in turn lower reporting rates as the value of reporting is seen to diminish. Because of this, even countries with substantive hate crime legislation must continually monitor its effectiveness in practice, and ensure that training and practice support robust investigation and prosecution methods. Germany has been repeatedly criticised by international bodies for institutional racism in police investigation of far-right attacks on racialised groups.²⁵¹ The perpetrator of a synagogue attack was able to use their criminal trial to mount a lengthy speech denying the Holocaust, which is a further criminal offence in

Germany.²⁵² Cases that are successfully taken to prosecution often require undeniable evidence. In Sweden, 46% of all hate crimes reported in 2018 were dropped from investigations, and less than 5% of the cases led to prosecution.²⁵³ However, the ODIHR has recognised how Hungary has made progress in prosecuting hate crimes effectively.²⁵⁴

Hate speech has been the focus of far fewer countries than hate crime in this period, although it has recently become a much greater focus of attention. The 2008 Framework Decision requires the criminalisation of public incitement to violence or hatred based on race, colour, religion, descent or national or ethnic origin. Austria, Belgium, Croatia, Finland, France, the Netherlands, Norway, Portugal and Sweden all have hate speech legislation or legislation, which includes hate speech. Older legislation in countries such as Belgium and Germany relates to Holocaust denial, although not all European countries have this type of explicit statement on denial. Finnish police in 2017 established a system to report online racist content in order to investigate criminal hate speech.²⁵⁵ In 2019, Cyprus had its first and only hate speech case taken before the court.²⁵⁶ In the Netherlands, the 2011 conviction of far-right politician Geert Wilders for insulting Moroccans was confirmed by the Supreme Court in 2021, but he was acquitted of inciting hatred and discrimination, and no punishment was issued.²⁵⁷ In Greece, ECRI noted that refugees, asylum seekers and other migrants, as well as Roma and members of LGBTI communities remain victims of frequent hate speech, at times involving politicians and even state officials. A number of measures have been taken to reduce hate speech in broadcasting on TV and radio.²⁵⁸ Italy's "Segre Commission" was initially set up to look specifically at hate speech and incitement to hatred before being expanded to consider hate crimes.²⁵⁹ Germany introduced new legislation on social media harassment in 2017, while France's new law on online hate speech was rejected by the Constitutional Council. Ireland passed a new law on online harassment in 2020, and new hate speech legislation

243 Chowdhury S & Kassimeris C, 'Racist Violence in Cyprus' KISA, p.3.

244 Hungary, country report.

245 Amadeu Antonio Stiftung. 2021. Todesopfer rechter Gewalt.

246 France, country report.

247 ECRI (2022) Report on France (sixth monitoring cycle) <https://rm.coe.int/ecri-sixth-report-on-france-adopted-28-june-2022-published-21-septembre/1680a81883>

248 Croatia, country report.

249 OSCE/ODIHR 2021 Hate Crime Report. <https://hatecrime.osce.org/>

250 Italy, country report.

251 UN, CERD, 2015, Concluding observations, CERD/C/DEU/19-22, para. 10.

252 BBC. 2020. 'Halle synagogue attack: Germany far-right gunman jailed for life'. 21 December.

253 Handlagda hatbrott, Utrednings- och lagföringsbeslut för anmälda brott med ett identifierat hatbrottsmotiv åren 2013-2016 och 2018. Rapport 2021:1, BRÅ, s. 4.

254 Hungary, country report.

255 European Commission against racism and Intolerance (2019) ECRI Report on Finland, fifth monitoring cycle. ECRI Secretariat, published 10.9.2019. p. 19.

256 Trimiklionitis N & Demetriou C, "Franet National Contribution to the Fundamental Rights Report 2020 – Cyprus" (2020) University of Nicosia & Symfilios, p.13.

257 <https://nltimes.nl/2021/07/06/supreme-court-upholds-wilders-guilty-verdict-hate-speech-trial>

258 ECRI (2020) Report on Greece (sixth monitoring cycle). <https://rm.coe.int/ecri-first-report-on-greece-adopted-on-28-june-2022-published-on-22-se/1680a818bf>

259 Italy, country report.

is under parliamentary scrutiny to replace a much-criticised 1989 law on incitement.

Ethnic and religious hate speech, published in connection with media content on the internet and on social media, has for years been common in Sweden. Threats and harassment towards public media figures, especially ethnic minorities, is frequent but the legal system at large does not yet prioritise investigating and prosecuting hate speech. However, in 2021, the Swedish Supreme Court significantly increased criminal responsibility for persons administering or moderating internet discussions on internet pages, such as Facebook, by using an old “bulletin board” law.²⁶⁰

260 Näthat fortsatt bortprioriterat, Dagensarena.se, 15 sept, 2021, Carl Andersen. BBS-lagen (Bulletin Board System) eller lagen om ansvar för elektroniska anslagstavlor.

3.2. CRIMINAL JUSTICE

The European Convention on Human Rights and Policing Handbook was published to inform law enforcement of the rights and freedoms of all European citizens, in the interest of independent, impartial and effective delivery of services. Despite this, the issues of institutional racism and abuse of power within the justice system has persisted, and very likely impacted on the accurate recording of racism and discrimination. Country reports cite institutional racism as a common problem underpinning the treatment of racialised groups (Croatia, Cyprus, Estonia, Finland, France, Hungary, Ireland, Italy, Lithuania, Norway, Portugal, Romania, Slovakia and Spain).

Policy and Legislative Developments in Policing and Criminal Justice

Policies aiming to diversify the police were reported in several countries (Ireland, Romania and Sweden). Ireland introduced reforms to encourage diversity, internships and a new uniform that doesn't discriminate against religious dress, as well as its first equality and diversity policy.²⁶¹ Sweden has made reforms to train and employ more police officers, and diversity within the police force has been promoted.²⁶² Explicit policies to improve relations between police and racialised groups are not common (Croatia, the Netherlands, Greece, Ireland, Italy, Romania and Sweden). In 2021, several Dutch political parties submitted a bill to ban ethnic profiling in recognition that it is a violation of Article 1 of the Dutch constitution.²⁶³

Police oversight and human rights monitoring are crucial elements in addressing brutalisation and over-criminalisation of racialised groups. In 2021, Croatia announced the establishment of the Independent Border Monitoring Mechanism, aimed to provide independent human rights monitoring of border-related operations involving migrants and asylum-seekers, but its independence has been challenged.²⁶⁴ Greece established the National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA), aiming to resolve the

disparity between official investigations of the Greek Police (ELAS) and allegations of racist aggression committed by police forces.²⁶⁵ A new Human Rights Institute in Sweden is planned to begin 2022, with a mandate to oversee state authorities compliance with human rights.²⁶⁶

Racial and ethnic profiling

Racial profiling is reported as an ongoing concern for racialised groups right across Europe (Croatia, Cyprus, the Netherlands, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Romania, Slovakia, Spain and Sweden). In 2021, ECRI urged Council of Europe member states to take action on racial profiling as data is gathered across Europe on the problem. The United Nations Committee on the Elimination of Racial Discrimination (CERD) in 2020, urged the Irish government for the second time to legislate to prohibit racial profiling²⁶⁷, and in 2021 raised concerns that racial profiling is a common practice of Dutch police officers²⁶⁸.

In 2019 and 2020, the EU's Fundamental Rights Agency (FRA) reiterated its concerns of previous years over discriminatory ethnic or racial profiling in a number of European countries including Belgium, Germany, Finland, the Netherlands, Sweden and the United Kingdom²⁶⁹. Evidence of profiling exists in other countries, such as France where Black or men perceived to be North African are 20 times more likely to be stopped by police.²⁷⁰ Finnish research reports that police practices that risk ethnic profiling are related to (1) the control of foreign nationals, (2) suspicion and search related to crimes, (3) public order policing and (4) traffic stops.²⁷¹ Without sufficient criteria for reasonable suspicion in policy, police are not required to specify the grounds for their checks, allowing the issue of racial profiling to persist.

261 "Diversity and Integration Strategy 2019-2021", An Garda Síochána.

262 Sweden, country report.

263 Epping, M. (2020) Black lives matter: "Why the American protests have resonated in the Netherlands".

264 Croatia, country report.

265 Greece, country report.

266 *ibid.*

267 United Nations Committee on the Elimination of Racial Discrimination (2020) Concluding observations on the combined fifth to ninth reports of Ireland.

268 United Nations Committee on the Elimination of Racial Discrimination (2021) Concluding Observations on the Combined twenty-second to twenty-fourth periodic reports of the Kingdom of the Netherlands.

269 FRA Your Rights Matter: Police Stops https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-survey-police-stops_en.pdf

270 France, country report.

271 Keskinen, S. et al. (2018) The stopped – ethnic Profiling in Finland. Swedish School of Social Science, University of Helsinki.

Disproportionate use of police powers to stop and search

Even where there are laws that restrict racial and ethnic profiling, abuse of power by the police is a concern reported by most countries in this study (Croatia, Cyprus, the Netherlands, Finland, France, Germany, Greece, Ireland, Portugal, Romania, Slovakia and Spain). Most countries lack official disaggregated data of racial profiling and stop and search incidents (Croatia, Cyprus, the Netherlands, Finland, Germany, Ireland, Italy, Lithuania, Romania, Slovakia, Spain and Sweden). In the Netherlands, police checks are not systematically registered on the basis of race, ethnicity or heritage.²⁷² European countries often outline in policy that a reason must be given for a stop and search, but most reports suggest that either a reason is not given, or the reasons given are not appropriate to the context.

Young people are more often stopped, particularly those of noticeably non-white (and therefore perceived as foreign) backgrounds. A survey in France confirms this by reporting that 80% of people with the profile of “young man perceived as Black or Arab” have been inspected in the last five years, as opposed to 16% for the rest of those surveyed.²⁷³ Similar research results emerged from Germany.²⁷⁴ Police in Portugal reportedly patrol the racialised and peripheral territories of the city of Lisbon to control space typically occupied by racialised groups.²⁷⁵ Roma people are particularly affected by this discriminatory practice (Bulgaria, Greece and Hungary).

Muslims are those perceived to be the most impacted by counter-terror measures during this period (Bulgaria, Germany, Ireland and Sweden), and racial profiling is a concerning consequence of counter-terror measures (Estonia, Finland and Portugal). This was particularly visible after attacks on Brussels and Berlin in 2016, but continued through the period covered by this report. Croatia has no specific counter terrorism measures, besides stop and search, which in practice has affected minorities of African descent.²⁷⁶ The Internal Security Service of Estonia highlighted that new immigrants, including refugees, often stand out for their completely different values, which is perceived to pose a threat to public order and security.²⁷⁷ German law on residence has been amended twice, in 2017 and in 2019, making it easier to put “individuals considered to be a threat to public safety”, and also without German citizenship, in deportation detention. This affects asylum seekers more so and there are con-



cerns that this leads to swift deportations.²⁷⁸ The use of the expression “extremism” in counter-terrorism strategies creates ideas and imagery of Muslims as extremists, contributing to increased Islamophobia in criminal justice and subsequent law enforcement focus and immigration controls.

Even if racial profiling is not part of the institutional culture of the police and law enforcement, it is possible it occurs at an operational level. A 2017 report from Ireland found that five-out-of-six victims of racist incidents would not report to the police or other official body, and this was based on previous negative encounters with the police, including stop and search incidents.²⁷⁹

Norway has introduced a new system to attempt to counter the issue of bias in stop and search, and tickets are now to be issued in Oslo for anyone who is stopped by the police, with the intention of allowing individuals to contest profiling.²⁸⁰

272 ControleAltDelete (n.d.) “File: Ethnic Profiling”.

273 France, country report.

274 Afrozensus (2021) p. 120.

275 Portugal, country report.

276 Croatia, country report.

277 Estonia, country report.

278 Amnesty International Report 2020/21, p. 169; UN, Report of the Working Group of Experts on People of African Descent, 2017, A/HCR/36/60/Add.2, para. 58.

279 Civic Nation, Ireland, <https://civic-nation.org/?country=612>, cited in ECRI 2019.

280 Lindvåg, A. (2021) Oslo tester ny metode mot etnisk profilering: Kvittering når politiet stopper deg. Vårt Land, 3 December.

Police violence and deaths in custody

Abuse of power by the police is most often visible in harassment and excessive force. Cyprus reported allegations of physical abuse of detainees by police, as well as several allegations of verbal and racist abuse.²⁸¹ Portugal is at the top of the western European countries with the highest number of cases of police violence.²⁸² The risk of abuses is higher for Portuguese people of African heritage and migrants, which indicates racial discrimination by the security forces. Abuses of power have not been addressed in many nations. In 2015, the ECHR delivered over 20 judgements condemning Romania for cases of police violence and the failure of authorities to effectively investigate inhuman and degrading treatment by the police, including racially motivated ill-treatment.²⁸³

However, official data on police brutality is not commonly collected or published (Bulgaria, Cyprus, Germany, Hungary, Ireland, Italy, Lithuania, Portugal, Romania, Slovakia and Sweden). Croatia reported a stark rise in reports gathered by several non-governmental organisations monitoring police conduct in border areas. In 2016, three incidents were recorded, while in 2021 there were over 100 incidents.²⁸⁴ Greece reported a similar but less drastic rise.²⁸⁵ ENAR documented detailed incidents of police brutality and state violence in five EU member states during the period 2015-2020.²⁸⁶ In recent years, anti-Black Pete protesters in the Netherlands have experienced violence by police, with nearly 200 protesters arrested in Rotterdam in 2016.²⁸⁷ A Turkish man in Cyprus was beaten so badly in the street there was a flood of complaints from citizens who witnessed it.²⁸⁸ Portugal reported that despite a lack of official statistics, racist violence by police is a commonly known issue.²⁸⁹

Examples of policies that empowered police or otherwise could cause tensions were reported (Bulgaria, Cyprus, Finland and Germany). Bulgarian political comments on the Roma, including false statements and criminalising stereotypes, legitimated increased police harassment and violence against them.²⁹⁰ Bulgaria also directed further police harassment by using EU funds to train police officers to “counter terrorism” among Roma.²⁹¹ Cyprus installed a policed wired fence to “defend against illegal migration” across part of the Green Line (dividing the north and south of Cyprus).²⁹² Finland, while introducing a ban of ethnic profiling in the Aliens Act, also gave police and the border guard more power to conduct ID checks on foreign citizens, without having to give a reason for stops.²⁹³ A new German Federal Police Law in 2017 allowed police officers alone to decide if and when they turn on their body cameras.²⁹⁴

There is an absence of official data on deaths in custody disaggregated by race (Bulgaria, Croatia, Cyprus, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Norway, Portugal, Romania, Slovakia, Spain and Sweden). This is common across most EU states. For example, the Netherlands only publishes the number of people killed by police violence when a firearm was used.²⁹⁵ Available information on deaths of racialised persons in custody are usually only in national or local media. There are frequent failures across the same countries to investigate deaths in prison affecting people of African descent, Roma descent, asylum seekers and migrants.

After three Moroccan men seeking asylum in Croatia died in detention, a fourth man (and only survivor) lodged a suit against Croatia in the European Court of Human Rights in 2017. The Court found that the state failed to implement the provisions of domestic law guaranteeing respect for the right to life and in particular, they failed to deter similar life-endangering conduct in the future.²⁹⁶

281 Cyprus, country report.
282 Portugal, country report.
283 ECRI, 2019: 22.
284 Nwabuzo, O. (2021) “The sharp edge of violence: Police brutality and community resistance of racialised groups”. Brussels: ENAR.
285 <http://rvrn.org/>
286 https://www.enar-eu.org/wp-content/uploads/enar_report_-_the_sharp_edge_of_violence-2.pdf
287 Nearly 200 anti-Zwarte Piet protesters arrested in Rotterdam (2016).
288 KISA, ‘Hate Speech in Public Discourse’ (2019), pp.20-21
289 Portugal, country report.

290 Angelova, D. and Kukova, S.2020. Guilty by Default. p 15. Sofia: Bulgarian Helsinki Committee.
291 <https://www.euractiv.com/section/non-discrimination/news/mep-romeo-franz-names-racist-colleagues/>
292 Avraamidou M, ‘Nationalism meets Racism in a Divided Cyprus’ (2021) Open Democracy.
293 Keskinen, S. et al. 2018. The stopped – ethnic Profiling in Finland. Swedish School of Social Science, University of Helsinki.
294 Haug-Jurgan, Y. 2019. ‘Bodycams – Verspielte Chance für mehr Vertrauen in Rechtsstaat und Polizei’. Grundmenschrechtsblog. Humboldt Law Clinic Grund- und Menschenrechte (HLCMR).
295 Lilit Magazine (2020) The Dutch House of Representatives quietly approved an amendment, offering lower penalties for officers who commit police violence.
296 DARAIBOU v. CROATIA (European Court of Human Rights) 84523/17, January 17, 2023

Disproportionate sentencing and imprisonment

The sentencing and imprisonment rates of racialised groups compared to national populations highlight the ways structural racism results in very serious consequences for racialised and migrant persons, with recurring impacts on their families and communities. The increased experiences of social problems (such as poverty and homelessness) are compounded by criminalisation, profiling and police harassment (also affecting those with higher incomes and citizenship) to significantly increase the numbers of people facing prosecution from racialised groups. It is rare that official data is available on the numbers of people prosecuted by race or ethnicity, but there is evidence across Europe that overall numbers and sentencing disparities lead to disproportionate rates of imprisonment.

The Netherlands report that young people with a migrant background are five times as likely to be identified as a suspect and ten times more likely to receive a prison sentence for the same offence as (white) Dutch peers.²⁹⁷ In France, a foreigner is three times more likely to be tried in an immediate appearance, five times more likely to be placed in pre-trial detention and eight times more likely to be sentenced to prison.²⁹⁸ Estonia reported that nationals received less than half (44%) of all sentences, and more sentences were given to Russians (47%).²⁹⁹ However, disaggregated data on racialised individuals is still not available in most of the countries in this study (Bulgaria, Croatia, Cyprus, Finland, France, Germany, Lithuania, Norway, Romania, Slovakia, Spain and Sweden).

Official data of prison populations is not commonly disaggregated either by race or ethnicity (Bulgaria, Croatia, Cyprus, Finland, Germany, Lithuania, Portugal, Romania, Slovakia and Sweden). Two countries reported over-representation of Roma (Bulgaria and Slovakia). The highest proportion of Roma prisoners was reported by Hungary, with over 53%.³⁰⁰ France has a large Muslim prison population, ranging from 40 to 60%.³⁰¹ Some countries break down their prison populations, but not by all ethnicities. Cyprus statistics are divided between foreigners and Cypriots.³⁰² Greece reported more than half (53%) of the prison population were foreign nationals, including Roma people.³⁰³ Ireland reports a significant over-representation of Travellers in the prison and youth justice system, and Traveller women (mainly imprisoned for minor offences) make up 22% of the female prison population despite being only 0.7% of the general female population.³⁰⁴ Statistics over time have not changed drastically; Finland reported a rise in the foreign prison population of only 3% over 10 years.³⁰⁵ Italy reported a decline in foreign prisoners by 4.5%.³⁰⁶ Spain similarly reported a year-on-year decline of the foreign prison population.³⁰⁷

297 ControleAltDelete (n.d.) "Ethnic Profiling in Amsterdam".

298 France, country report.

299 Ministry of Justice. Response to request for information, 04 January 2021.

300 Hungary, country report.

301 France, country report.

302 Cyprus Statistical Service: Prisons.

303 Convicts Upskilling Pathways Erasmus+ Project, Detainees in Greece, February 2020.

304

305 Finland, country report.

306 Garante nazionale dei diritti delle persone private della libertà personale. 2021. Rapporto sulle visite effettuate nei Centri di permanenza per i rimpatri nel periodo 2019-2020.

307 Spain, country report.

PART IV: SPECIAL THEME: MIGRATION AND INCLUSION

Structural racism is reflected clearly in the policies in Europe that apply to immigration from outside the EU, asylum seeker reception and policies to facilitate migrant participation in all domains of economic, political and social life. Immigration policies are often justified as a way to protect jobs and control the number of people coming into the country, but they disproportionately affect racialised groups. Migrants from outside Europe experience a wide range of exclusions which are formally sanctioned in law and policy, as well as illegal forms of racial discrimination and violence. Rights to mobility, economic participation, voting and citizenship and family reunification are all limited in various ways across Europe. Fewer rights result in poorer access and quality of services received by migrants, as well as impacting their sense of belonging and long-term integration. Migrants from within the EU also experience increased levels of illegal forms of racial discrimination and violence, as we have discussed in previous sections. In this section, we highlight just a small range of the ways in which migrants are subject to institutional and structural racism. This is intended to be an illustrative rather than a comprehensive account of the key manifestations of these.



Most European countries lack fully developed migration policies and/or social inclusion policies with a focus on migrants (Croatia, Cyprus, the Netherlands, Estonia, Finland, France, Greece, Hungary, Lithuania and Portugal). Integration and citizenship policies for migrants often group migrants from a wide range of countries and circumstances together, and treat them as a homogenous group. As highlighted in several country reports, there remain significant barriers to migrants to enter the job market (Bulgaria, Cyprus, Germany, Ireland, Italy, Norway, Portugal, Romania and Sweden). Job scarcity, low wages, low language proficiency and unrecognised qualifications often result in unemployment and under-employment. Migrants are vulnerable to unfair work conditions (Bulgaria, Croatia, Norway, Romania, Slovakia, Spain and Sweden). This could involve employment without a contract, dismissal without reason, delayed payments, non-payment of social security and overtime work, discrimination against their religion and culture and differences in pay compared to nationals. Policy can also act as a barrier, as in Germany where refugees are not allowed to work during the first six months (if they live in a reception centre for asylum seekers), or during the first three months (if they don't live in a reception centre).³⁰⁸

Discrimination in housing is prolific and migrants have difficulties accessing accommodation, are more at risk of homelessness, and face challenges accessing homeless services. (Croatia, Cyprus, Estonia, Ireland, Lithuania, Portugal and Sweden). Almost half of all homeless people in Sweden are foreign-born.³⁰⁹ Migrants in education experience discrimination and barriers, such as a lack of language provision or exclusion (Croatia, Cyprus, Hungary, Ireland and Italy). Migrants also experience racism and oppression from the police (Croatia, Cyprus, Estonia, France, Ireland and Italy). There have been many reports and examples of police hitting homeless migrants to get them to move in France.³¹⁰ The key migrant group experiencing exclusion, discrimination and racism are refugees, especially those of (perceived to be of) Arab descent and/or Muslim (Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Hungary, Ireland, Lithuania, Portugal, Romania, Slovakia and Sweden). There are frequent contradictions between asylum laws and the realities experienced by refugees and asylum seekers across Europe. Cyprus in particular has been condemned by the European Court of Human Rights for its treatment of migrants and refugees.³¹¹

Many European countries ban or reduce access to basic public services without residency permits, and restrict access to those with permits (Croatia, Cyprus, the Netherlands, Estonia, Finland, Germany, Greece, Ireland, Italy, Lithuania, Poland, Spain and Sweden). This is a key issue for migrants seeking medical services. Asylum seekers in Croatia have the right to only basic medical assistance, but no access to any other basic social service.³¹² Irregular migrants in Italy are excluded from services and welfare due to citizenship requirements, including public housing and other family support.³¹³ In Cyprus, Roma and Turkish Cypriots have less access to basic services compared with Greek Cypriots.³¹⁴

Another barrier to access of services is the lack of familiarity with the systems. Limited language support or access to information in foreign languages is a key cause of inter-generational exclusion (Bulgaria, Croatia, the Netherlands, Estonia, Hungary and Italy). Refugees in the Netherlands can only claim a medical translator for a general practitioner for a maximum period of six months, which is simply not enough time to learn a new language fluently enough to confidently discuss one's health.³¹⁵

Migrants attempting to avail criminal justice services encounter issues due to a lack of familiarity with the system, even simply filing a report (the Netherlands, Germany, France, Portugal and Slovakia). For migrants in France, many are unaware of their rights, usually relying on NGOs to support them in accessing the justice system.³¹⁶ This is a challenge in many countries due to limited available support (the Netherlands, Germany, Hungary, Italy, Lithuania, Portugal, Slovakia and Spain). A greater issue stems from the lack of trust migrants have in the criminal justice system (Croatia, the Netherlands, Germany, Finland, Hungary, Ireland, Italy, Portugal and Slovakia). This stems from experiences of discrimination, but it is a particular issue for asylum seekers or migrants with insecure status (Bulgaria, Cyprus, Croatia, the Netherlands, Finland, France, Germany, Hungary, Italy, Slovakia and Sweden). Moreover, these groups are heavily targeted by the police. Greece is a rare case of a country allowing irregular migrants to remain in the country as victims or essential witnesses of hate crime.³¹⁷ Cyprus has some of the lowest trust from migrants, even migrants with secure residency report being fearful of the justice system in case anything “happens to their residence permits”.³¹⁸

308 Der Flüchtlingsrat Niedersachsen e.V. Arbeit und Ausbildung.

309 Nära hälften av hemlösa utlandsfödda, SVT Nyheter, Snabbkollen, 12 Feb 2020.

310 France, country report.

311 Monir Lofty v Cyprus, Application no. 37139/13, (ECHR 28 June 2021).

312 Croatia. Croatian Parliament (Hrvatski sabor) (2015). International and Temporary Protection Act (Zakon o međunarodnoj i privremenoj zaštiti). Official Gazette 70/2015 (Narodne novine 70/2015).

313 Italy, country report.

314 Cyprus, country report.

315 Netherlands, country report.

316 France, country report.

317 Racist Violence Recording Network, “2015 Annual Report”.

318 Cyprus, country report.

Authors: Lucy Michael, Daniel Reynolds

Copy editor: Bel Kerkhoff-Parnell

Reviewer: Nabil Sanaullah, ENAR Communication and Press Manager

Project manager: Ojeaku Nwabuzo, ENAR Senior Research Officer

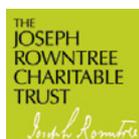
Racism is a reality in the lives of many racialised groups in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions for it.

The ENAR Shadow Report is produced to fill the gaps in the official and academic data, to offer an alternative to these data and to bring an NGO perspective to the realities of racism in the EU as well as its member states. Country reports have been produced by experts in all EU member states drawing on a wide variety of sources, and these have been compiled to present a comparative picture of racial discrimination in Europe in the period 2016 to 2021.

Published by the European Network Against Racism (ENAR) in Brussels, in 2022, with the support of the Citizens, Equality, Rights and Values Programme of the European Union, the Open Society Foundations, the Joseph Rowntree Charitable Trust and the ENAR Foundation.



**OPEN SOCIETY
FOUNDATIONS**



The content of this publication cannot be considered to reflect the views of the European Commission or any other body of the European Union, the Open Society Foundations, or the Joseph Rowntree Charitable Trust. The European Commission, the Open Society Foundations, and the Joseph Rowntree Charitable Trust do not accept any responsibility for use that may be made of the information it contains.

All case studies used in this report are based on genuine examples, although some details may have been changed in order to protect the identity(ies) of the person(s) involved. ENAR reserves the right not to be responsible for the accuracy, completeness or quality of the information provided in this report. Liability claims regarding damage caused by the use of any information provided, including any information which is incomplete or incorrect, will therefore be rejected.

ENAR - European Network Against Racism aisbl

Tel: +32 2 229 35 70

Email: info@enar-eu.org

Design and layout: www.crossmark.be



THEY GOT

GEORGE
FLOYD
H MAUD ARBERY
ME MBAYE

HAUDADE



**European Network
Against Racism**

www.enar-eu.org
info@enar-eu.org