**Submission to the call for inputs on patterns, policies, and processes leading to incidents of racial discrimination and on advancing racial justice and equality (UN Human Rights Council resolution 48/18) by the Secretariat of the European Commission against Racism and Intolerance (ECRI)**

**September 2022**

ECRI has been regularly looking into the incidents of systemic, structural or institutional racism and addressing them through its [country monitoring reports](https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/country-monitoring) as well as its other work, including its general policy recommendations (GPRs), statements and annual reports. The impact of Covid-19 pandemic on racial inequalities has also been highlighted and remains a focus of ECRI’s work. Some recent examples are the following:

1. [*ECRI’s statement on racist police abuse, including racial profiling and systemic racism*](https://rm.coe.int/statement-of-ecri-on-racist-police-abuse-including-racial-profiling-an/16809eee6a) *(July 2020)*

*“…During its country visits, ECRI has heard many accounts of racist police abuse, including racial profiling and acts of violence, towards minority groups or migrants. As clearly stated in ECRI’s General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, racial profiling constitutes a specific form of racial discrimination and must be expressly prohibited by law. It generates a feeling of humiliation and injustice among those groups that are subjected to it, results in their stigmatisation, negative stereotyping and alienation, and hinders good community relations. Furthermore, as concluded by the European Court of Human Rights, the perception by police officers of persons belonging to a particular community as “criminals” and the ensuing practice of racial profiling can result in “institutionalised racism”[[1]](#footnote-1).*

1. [*ECRI’s Annual Report 2020*](https://rm.coe.int/annual-report-on-ecri-s-activities-for-2020/1680a1cd59)

*(See section on Tackling deep-rooted racism in public life,* §§ 22-26)

§ 23 - *“Recent events and data have also revealed the extent to which racial profiling and racist police abuse continue to affect groups of concern to ECRI and how this has been exacerbated during the Covid-19 pandemic, reinforcing concerns in Europe about what is growingly referred to as institutional racism. Such racism is covert or overt, and resides in the policies, procedures, operations and cultures of public and private institutions. People singled out based on their skin colour or perceived or real ethnic or national origin, a frequently documented occurrence, in the case of Black and Roma persons in particular, amounts to racial discrimination and generates a feeling of humiliation and injustice among its victims, at times experiencing multiple discriminations due to their gender (e.g. Muslim women wearing headscarves) and/or their status (e.g. migrants), thus eroding their trust in society and in law enforcement bodies.* [*ECRI’s General Policy Recommendation No. 11 on combating racism and racial discrimination in policing*](https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11) *calls for explicit legal bans on such discriminatory practices. In particular, ECRI considers it imperative that effective investigations by fully independent bodies be carried out into cases of such police abusive actions. Apart from providing remedies to the immediate victims, such investigations should also identify practices amounting to institutionalised racism within the police, with a view to their termination. Some Council of Europe member states have already taken some promising steps in this regard…”*

1. [*ECRI’s Annual Report 2021*](https://rm.coe.int/ecri-2021-annual-report-24052021-en/1680a6a6d3)

*(See section on Racism in policing,* §§ 11-16)

§ 15*- In some cases, it was alleged that racism in policing was of a structural nature and therefore not limited to the behaviour of a few individual officers but representing widespread and deeply ingrained attitudes which underpin police action. The repeated occurrence of racist acts by members of police forces, as well as the use of racist language amongst individual officers, even if not directed at a specific victim (as could be found in social media chat groups), could be indicative of a more general problem. However, it could also be unfair, for the many police officers that do their challenging job in a correct manner, to draw a general conclusion.*

*§ 16 - Some member states took measures to address these problems through a set of measures, including by assessing the scale of it through independent research, making anti-racism awareness raising mandatory and more strongly integrating these topics into ongoing training for police officers; strengthening internal reporting mechanisms and investigation procedures; and trying to diversify police forces, through strong recruitment, retention and promotion policies. Some equality bodies also looked into the risks of racial profiling through the use of new and developing technologies. In this context, ECRI draws attention to its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing as well as General Recommendation No. 36 of the United Nations Committee on the Elimination of Racial Discrimination (CERD) on preventing and combating racial profiling by law enforcement officials.*

1. [*ECRI’s revised General Policy Recommendation (GPR) No. 5 on preventing and combating anti-Muslim racism and discrimination*](https://rm.coe.int/ecri-general-policy-recommendation-no-5-revised-on-preventing-and-comb/1680a5db32) *(March 2022)*

***Background and context***

§ 10 *- ECRI notes that, like all dynamics of exclusion, anti-Muslim racism is strongly context-dependent, and can vary over time and across space. As such, there is not one racism but different context-specific racisms, which can manifest - implicitly or explicitly - not only in individual attitudes and actions, but also structurally in policy initiatives or institutional arrangements. These manifestations include prejudice, stigmatisation, discrimination (including profiling), hate speech and hate crime, exclusion in key areas of life such as education, employment and housing.*

§ 14 -Anti-Muslim racism operates along three main axes: denigratory stereotyping and hatred, including hate-motivated violence; cycles of disadvantage; and negation and even obliteration of culture and religion. This phenomenon does not solely manifest in instances of interpersonal hostility or discrimination but may also be structural.[[2]](#footnote-2)

***Recommendations***

§ 8 - raise awareness among public bodies about the need to pay attention to and to address any structural forms of discrimination against Muslims and their communities, especially in the fields of education, employment, housing, access to goods and services, access to public places and freedom of movement;

§ 11 - collect and publish comprehensive gender disaggregated equality data to help identify any systemic issues and priority areas for policy responses to anti-Muslim racism and discrimination.

1. [Lingurar v Romania](https://hudoc.echr.coe.int/eng?i=001-192466) (no. 48474/14), 16 April 2019. [↑](#footnote-ref-1)
2. Structural discrimination is woven into the ways our societies function, and operates through norms, routines, patterns of attitudes and behaviour that create obstacles in achieving equal opportunities and effective equality. In the context of this GPR, it may be defined as “a pattern of discriminatory attitudes and behaviours in societal structures that, consciously or unconsciously, present obstacles to Muslims”. [↑](#footnote-ref-2)