

**Annex: EU contribution in response to the OHCHR call for inputs for the preparation of the report of the UN Secretary-General pursuant to the UN General Assembly resolution 77/205 “A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”**

In September 2020 the European Commission (EC) adopted its first **Anti-Racism Action Plan for the period 2020-2025**. Among the key developments there is the appointment of the first European Commission anti-racism coordinator in order to ensure coordination and mainstreaming into all relevant EU policies, as well as providing a direct point of contact to racialised communities and civil society organisations.

For the implementation of the EU Anti-Racism Action Plan, the European Union is increasing its efforts to apply **an intersectional approach**, rather than focusing only on the individual dimensions of discrimination, which downplays its institutional, structural, and historical dimensions. An intersectional analysis is needed to address and understand social inequalities, exclusion and discrimination from a comprehensive, systemic and structural perspective, while overcoming a single-category approach to discrimination. A key challenge identified in operationalising intersectionality and addressing intersecting forms of discrimination is the absence of intersectional equality data

[https://www.europarl.europa.eu/doceo/document/A-9-2022-0190\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2022-0190_EN.html)

A **Permanent Anti-Racism Civil Society Forum** was set up to support the implementation of the Action Plan and to provide a clear structure for consultation, including for the preparation of the [Common guiding principles for national action plans against racism and racial discrimination](#).

In November 2022, the European Commission launched the [European Capitals of Diversity and Inclusion Award](#) to recognise best practices of local authorities as sources of inspiration for other European citizens and local authorities.

On 7 December 2022, the Commission proposed new EU legislation **to strengthen the role and powers equality bodies**. The objective of this initiative is to ensure better application and enforcement of EU anti-discrimination rules by promoting equal treatment and preventing discrimination and by facilitating access to justice for victims of discrimination. The ambitious standards address the independence and resources of equality bodies, preconditions for equality bodies to be able to fulfil all their tasks. The proposals have not been adopted by the (co)legislator yet. Moreover, the **EC Equality data subgroup** developed a [Guidance note on the collection and use of equality data based on racial or ethnic origin](#).

While countering racism requires determined action across many fields, the protection offered by the law is critical. A comprehensive system of protection against discrimination requires first and foremost the **effective enforcement of the legal framework**, to ensure that individual rights and obligations are respected in practice. This is based on a number of provisions of the Treaties (Articles 2 and 10 of the Treaty on European Union (TEU), Articles 19 and 67(3) TFEU.) as well as the general principles of non-discrimination and

equality, also reaffirmed in the EU Charter of Fundamental Rights (in particular, Articles 20 and 21).

Effective protection and promotion also means ensuring that the legal framework is effectively implemented. The European Commission followed up the report on the application of the Racial Equality Directive, which identified concrete challenges and areas for improvement and undertook a **comprehensive assessment of the existing legal framework** to determine how to improve implementation, whether it remains fit for purpose, and whether there are gaps to be filled.

In November 2022, the European Commission **published the results of this assessment** in a study which showed that when it comes to possible material gaps in the legal protection against racial or ethnic discrimination, stop and search activities and the use of force by the police are areas where discrimination is perceived to occur

[https://commission.europa.eu/system/files/2022-11/possible\\_gaps\\_in\\_the\\_legal\\_protection\\_against\\_discrimination\\_on\\_grounds\\_of\\_racial\\_or\\_ethnic\\_origin.pdf](https://commission.europa.eu/system/files/2022-11/possible_gaps_in_the_legal_protection_against_discrimination_on_grounds_of_racial_or_ethnic_origin.pdf)

The study also concluded that these are areas that fall under national competence. Hence the study advocates for **further evidence gathering and the promotion of good practices** in this field. The European Union Agency for Fundamental Rights (FRA) is currently collecting such good practices on “fair policing”. The results of FRA research should be available Mid-2023.

This analysis was part of the **ongoing monitoring of the transposition and implementation of EU legislation**, in particular its regular dialogue with Member States and its upcoming report on the implementation of the Racial Equality Directive. Stakeholder feedback, in particular from those representing the concerns of the persons affected by racism and racial discrimination, was also essential to identify what needs to change to maximise the extent and impact of EU action.

Racism is also experienced online. The **Framework Decision on combating racism and xenophobia by means of criminal law** requires Member States to criminalise public incitement to violence or hatred, on the grounds of colour, religion, descent or national or racial or ethnic origin, including when committed online. Yet still illegal hate speech online continues to increase and racist hate speech is a common occurrence.

In 2018 the European Commission launched the **code of conduct on countering illegal hate speech online**, which is a voluntary commitment by information technology (IT) platforms to review and if necessary remove illegal hate speech content.

The **seventh evaluation on the Code of Conduct**, published in November 2022, shows that the number of notifications reviewed within 24 hours (64.4%) has decreased as compared to 2021 (81%) and 2020 (90.4%). The average removal rate (63.6%) is similar to 2021 (62.5%), but still lower than in 2020 (71%). Looking at the individual performance of the platforms, most of them have removed less hate speech content than in 2021. The quality of feedback to users’ notifications has improved as compared to previous monitoring exercises.

Notwithstanding the progress achieved since 2018 on removing online hate speech, platforms still need to improve on transparency and feedback to users. The EC will continue to cooperate with IT companies and extend these efforts to other social media platforms,

including those that are mainly used by children and adolescents, as well as continuing to promote practical steps to counter online hate speech and promote acceptance of diversity.

In 2022 the European Commission published the **implementing regulation** laying down rules on all procedural practical arrangements for the Digital Services Act, which aims at increase and harmonise the responsibilities of online platforms and information service providers and reinforce the oversight of platforms' content policies in the EU.

Under the umbrella of the **EU Internet Forum**, the Commission is working with Member States and internet companies on a reference list of prohibited violent extremist symbols and groups to be used on a voluntary basis to inform their content moderation policies.

It should be emphasised that any measures that limit the right to freedom of expression **must respect the requirements set out in Articles 11 and 52 of the Charter of Fundamental Rights**, where applicable, and the constitutional traditions of the Member States.

The EU Anti-Racism Action Plan promotes the adoption and implementation of **national anti-racism action plans** to concretely address and eliminate racism and racial discrimination. Several EU Member States have a stand-alone action plan against racism while others have integrated measures on combating racism as an integral part of more general national human rights action plans

Beyond action at home, the EU is engaged in **dialogue with partners and promotes targeted programmes to fight discrimination**, supporting the efforts to prevent, detect and respond to racist and xenophobic crimes or foster an inclusive environment through civil society engagement. For example, in the Middle East, creating meaningful opportunities for Arab and Jewish students to positively engage with each other and develop a common language of trust within a divided society.

A new **EC Human Resources Strategy** was adopted on 5 April 2022 after an unprecedented consultation across the Commission. The aim is to ensure that our workforce is representative of our society and that our working environment is discrimination free, inclusive and accessible will enable staff to use their full potential. To enable such a positive working culture, trust-based management will be a fundamental principle underlying each action of the strategy.