**EU contribution to the 2024 Report of the United Nations Secretary-General on the implementation of the programme of activities of the International Decade for People of African Descent**

**Introduction**

The European Union would like to thank the UN Secretary General for his call for contributions about concrete and practical steps taken through the adoption and effective implementation of national and international legal frameworks, policies and programmes to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent.

The contribution from the European Union has been drafted by the European External Action Service (EEAS) in consultation with the European Commission (DG JUST). The contribution is organised according to the theme of the International Decade of People African Descent: Recognition, Justice and Development.

**Recognition**

The [EU Anti-Racism Action Plan 2020-2025](https://commission.europa.eu/document/download/beb25da4-e6b9-459e-89f7-bcdbd3a8f0c8_en?filename=a_union_of_equality_eu_action_plan_against_racism_2020_-2025_en.pdf) sets out a number of actions to tackle racism and discrimination, putting equality at the centre of all EU policy areas, with particular attention to economic, social and cultural rights. It aims at strengthening the enforcement of EU law and provides a possibility to review policies and activities through a non-discrimination and equal opportunities perspective.

The EU Anti-Racism Action Plan strongly encourages Member States to develop and adopt national action plans against racism and racial discrimination with close involvement of civil society and equality bodies. To support Member States in these efforts, the Commission established a sub-group of Member State experts in March 2021, which elaborated common guiding principles for effective national action plans against racism and racial discrimination. The sub-group also developed a monitoring checklist for the implementation of the common guiding principles and a reporting tool for the implementation of national action plans against racism to support Member States in these efforts.

The EU Anti-Racism Action Plan encourages Member States to involve civil society organisations in the design, implementation and evaluation of the national actions plan against racism. For its implementation, the action plan calls for strengthened participation of civil society organisations working with racialized groups. The participation of civil society actors active in the fight against racism is essential to mainstream racial equality. To this end, the Commission established the [Permanent Anti-Racism Civil Society Forum](https://commission.europa.eu/document/download/da477dad-fbf8-45ce-b2a0-f432b7efc0cb_en?filename=members_of_the_permanent_anti-racism_csos_forum_2021_en.pdf) in 2021, as a consultation mechanism to meet regularly, and at least four times a year.

As a follow-up of the action plan, the Commission has also appointed an Anti-Racism Coordinator that liaises closely with people with a minority racial or ethnic background and interacts with Member States, the European Parliament, civil society and academia to strengthen policy responses in the field of anti- racism.

The Commission is currently carrying out a mid-term review on the implementation of the EU Anti-Racism Action Plan that will assess how the situation of racialized people has evolved since its adoption, the progress made, and areas that require increased focus to fully implement the action plan by 2025, considering the challenges identified and revealed by data.

The [‘Defence of Democracy’ package](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6453)**,** adopted in December 2023, includes a recommendation on civic engagement. It encourages Member States to develop a structured approach to participation processes through predictable, accessible, transparent and inclusive frameworks. This framework should ensure that citizens have an equal opportunity to participate and that there is a plurality of opinions taken into account, including those of the underrepresented, most vulnerable and marginalised persons.

The [Citizenship package](https://commission.europa.eu/publications/citizenship-package_en), adopted in December 2023 a part of the 30th anniversary of the EU citizenship, is complementary to the ‘Defence of Democracy’ package. It also intends to stimulate active citizenship and ensure that all citizens can effectively exercise electoral rights. Empowering EU citizens and ensuring inclusive democracies and equal opportunities in elections is essential for the Commission.

In March 2022, Member States reiterated their commitment by adopting [Council conclusions on combating racism and antisemitism](https://data.consilium.europa.eu/doc/document/ST-6406-2022-REV-1/en/pdf). The High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission issues annual [statements](https://www.consilium.europa.eu/en/press/press-releases/2024/03/20/international-day-for-the-elimination-of-racial-discrimination-statement-by-the-high-representative-on-behalf-of-the-european-union/) on the International Day for the Elimination of Racial Discrimination.

**Justice**

The [Racial Equality Directive](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32000L0043) establishes a framework for combating discrimination based on racial or ethnic origin. It prohibits direct discrimination, indirect discrimination, harassment, and instructions to discriminate. The directive covers discrimination in the areas of employment, vocational training, working conditions, membership of workers’ organisations, social protection, education and access to goods and services.

Almost 20 years after the implementation of the Racial Equality Directive, the European Parliament called on Member States to recognise that people of African descent are ‘entitled to protection from these inequities both as individuals and as a group, including positive measures for the promotion and the full and equal enjoyment of their rights’.

The [Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913) requires Member States to criminalisehate speech – the public incitement to violence or hatred, on grounds of race, colour, religion, descent or national or ethnic origin – and to duly take into account racist motives when sentencing perpetrators.

The Commission proposed in December 2021 to extend the current list of ‘EU crimes’ set out in Article 83 of the Treaty on the Functioning of the European Union (TFEU) to hate speech and hate crime. Such legal base would allow the Commission to address the current divergent and fragmented criminal approaches of Member States and to ensure consistent protection of victims across the EU. This requires a unanimous Council Decision, with the consent of the European Parliament, but the Council has not yet reached an agreement.

The Commission, as guardian of the Treaties, has the duty to monitor the Member States’ action in implementing EU law and to ensure that their legislation and practice comply with Treaties’ provisions and EU secondary law, under the control of the Court of Justice of the European Union. To that effect, the Commission closely monitors the implementation of the Racial Equality Directive and the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. The Commission has launched infringement procedures for partial or incorrect transposition of this latter instrument.

The [High-Level Group on combating hate speech and hate crime](https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=3425), established in 2016, helps Member States to develop training and capacity building for law enforcement, improve hate crime recording and data collection, as well as to encourage victims to report hate crime.

In March 2023, the Commission initiated a revision of the [EU Code of conduct on countering illegal hate speech online](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combatting-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en) agreed with the major online platforms in 2016. The aim of the revision is to improve the Code’s preventive capability and turn it into a tool that can help anticipate a rising threat of hate speech before content has gone viral. The Code will become a formal code of conduct under the meaning of Article 45 of the Digital Services Act (conclusion expected in spring 2024).

Hatred is a key component of extremist ideologies. The Commission, by combating these phenomena, also fights extremism, as extremist violent acts are often manifesting as hate speech or hate crimes. Close cooperation has been established in particular with the work of the Radicalisation Awareness Network and with the EU Internet Forum, bringing together practitioners, national authorities and tech industry in the fight against radicalisation, including online.

To face the urgency of a strengthened response to hate speech in the EU, in December 2023, the Commission and the High Representative adopted the [Joint Communication “No place for hate: a Europe united against hatred”](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023JC0051). The Communication sets out a series of actions to combat hate speech and hate crime in all its forms, including in particular antisemitism and anti-Muslim hatred, and to respond to its recent resurgence in the EU. One of the new actions announced is a European Citizens’ Panel on ‘Tackling hatred in society’, which will be held in April-May 2024.

According to its Article 51(1), the [Charter of Fundamental Rights of the European Union](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT) (the Charter) applies to the institutions, bodies, offices and agencies of the EU, and to the Member States only when they are implementing European Union law. The right to an effective remedy is enshrined in [Article 47 of the Charter](http://fra.europa.eu/en/charterpedia/article/47-right-effective-remedy-and-fair-trial). It ensures that in case of violations of rights that people derive from EU law, any individual, including people of African descent, can go before a court to claim that their rights are respected.

In line with Article 51(1) of the Charter, an individual may rely on Article 47 of the Charter to invoke the protection of their right to an effective remedy and to a fair trial in the context of proceedings before national courts only insofar as:

* those proceedings are related to the alleged violation of rights and freedoms which individuals may derive from Union law, or
* the object of those proceedings is related to the application or the implementation of provisions of Union law.

The Charter also establishes that in all judicial proceedings concerning EU law, everyone has **the right to a fair trial**: “A fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law and that everyone should have the possibility of being advised, defended and represented”.

National equality bodies are essential for ensuring that individuals and groups facing discrimination can enjoy their rights in full. In 2022, the Commission proposed binding legislation on common standards for equality bodies. The standards cover, among others, the equality bodies’ mandate, their powers, independence, and their resources. The legislators have recently come to an agreement and the Directives should be adopted around May 2024.

The [rights of victims](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN) of crime are also protected throughout the EU. The [Victims’ Rights Directive](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en) of 2012 ensures that victims of crimes are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner. It lays down rights for all victims of all crimes including the right to information, protection in accordance with every victim’s individual needs, general and specialist support and a set of procedural rights.

The [EU Strategy on victims’ rights](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0258) (2020-2025) is applicable to all victims of all crimes, but it pays special attention to the most vulnerable victims, such as victims of racist hate crimes. Notably, it provides for actions that encourage crime reporting, better investigation of bias motivations and strengthened support to victims of racist and xenophobic crimes.

With the proposed revision of the Victims’ Rights Directive, the Commission aims to improve victims’ access to their rights under the Directive. Particularly relevant for victims of racist hate crime is the Commission proposal to improve individual assessment of victims’ needs, to strengthen support for the most vulnerable victims, to facilitate crime reporting and to improve victims’ participation in criminal proceedings (right to be assisted at the court, right to review of decisions taken during court proceedings).

Furthermore, EU law pays special attention to specific groups of victims such as children, victims of trafficking in human beings and victims of terrorism.

**Development**

In the 2021-2027 programming period, EU funds support Member States’ efforts to promote social inclusion by ensuring equal opportunities for all and tackling discrimination. EU funds promote infrastructure development and equal access to the labour market, health- and social care, housing and high quality, non-segregated and inclusive services in education and training, for all, in particular for disadvantaged groups. The Commission’s [Renovation Wave](https://energy.ec.europa.eu/topics/energy-efficiency/energy-efficient-buildings/renovation-wave_en) initiative fosters energy efficiency in social housing and other lower income housing.

The [European Pillar of Social Rights](https://ec.europa.eu/social/main.jsp?catId=1226&langId=en) aims at bringing fairness to every citizen’s daily life irrespective of any personal characteristics, including racial or ethnic origin. The action plan on the European Pillar of Social Rights, adopted in 2021, contributes to better addressing discrimination in the area of employment. People of African descent see a particularly strong disconnect between the quality of their employment and their level of education, manifesting in a lower paid work rate among those with a tertiary degree compared to the general population. In this respect, the action plan contains a series of dedicated objectives related to persons with a minority racial or ethnic background (for example, to foster participation on the labour market, combatting stereotypes and discrimination in employment and training).

Furthermore, a [Council Recommendation on developing social economy framework conditions](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202301344) was adopted on 27 November 2023. This recommendation aims to foster access to the labour market and enhance social inclusion, including for disadvantaged and other underrepresented groups, by guiding Member States in creating a framework conducive to the growth of the social economy.

Moreover, the Commission has adopted the [European Skills Agenda](https://ec.europa.eu/social/main.jsp?catId=1223&langId=en) with social fairness as a cornerstone, including a Council Recommendation on vocational education and training (VET) which calls on VET programmes to be inclusive for vulnerable groups, including people with a minority racial or ethnic background.

The [EU Strategy on the Rights of the Child](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142) from 2021 is a policy framework encompassing the legal, policy and funding actions to strengthen the protection and the promotion of children’s rights. The strategy has the objective to build the best possible life for all children, as well as eliminating any kind of discrimination. It needs to be read in conjunction with other equality strategies. The strategy is inclusive of all children, with targeted actions to groups of children at higher risk of vulnerability, including those suffering discrimination. At the end of April this year, the Commission is planning to adopt at Commission Recommendation on integrated child protection systems. The Recommendation will encourage Member States to strengthen and develop child protection systems which support all children in a multidisciplinary approach and without discrimination, ensuring targeted support when needed.

The Council Recommendation establishing the [European Child Guarantee](https://ec.europa.eu/social/main.jsp?catId=1428&langId=en) was adopted in June 2021. It aims to prevent and combat social exclusion by guaranteeing the access of children in need to a set of key services. The proposal contains an explicit reference to the EU Anti-Racism Action Plan. It recommends that Member States, when identifying children in need and within this group, take into account, wherever appropriate, specific forms of a disadvantage, such as migrant background or belonging to racial or ethnic minority.

While responsibility for the content and organisation of education and training systems lies with Member States, strengthening inclusive education is one of the priorities for EU cooperation. Improving quality, equity, inclusion and success for all in education and training is the first strategic priority of the [European Education Area strategic framework](https://education.ec.europa.eu/about-eea/strategic-framework). This imperative for inclusion and fairness equally applies to digital learning and education, under the updated [Digital Education Action Plan](https://education.ec.europa.eu/focus-topics/digital-education/action-plan) 2021-2027. Erasmus+ also finances projects contributing to the inclusion of people with a minority racial or ethnic background.

The [EU4Health programme](https://health.ec.europa.eu/funding/eu4health-programme-2021-2027-vision-healthier-european-union_en) 2021-2027 and [Europe’s Beating Cancer Plan](https://health.ec.europa.eu/system/files/2022-02/eu_cancer-plan_en_0.pdf) address health inequalitiesby considering the specific needs of different groups (like people with a minority racial or ethnic background). Exchanges of best practices between health professionals throughout the EU and discussions with patient organisations and civil society help to ensure a patient-centred approach covering the specific needs of people with a minority racial or ethnic background. The [EU Health Policy Platform](https://webgate.ec.europa.eu/hpf/) include a specific focus on reducing inequalities based on racial or ethnic origin and pass on proposals from civil society to the EU and national level health policy makers.

Regarding discrimination on the housing market, national and local authorities are primarily responsible for measures to prevent and/or address social and residential segregation. Cohesion policy funds remain key instruments in the 2021-2027 period for supporting non-segregated housing actions and ensuring access to inclusive and high-quality mainstream services.

Compliance with the Charter remains essential, as Member States need to ensure respect for fundamental rights and compliance with the Charter in the implementation of the EU Funds, excluding financial support to actions that contribute to creating any form of segregation. In addition, in line with the horizontal enabling condition on the effective application of the Charter, Member States need to have in place effective mechanisms to ensure compliance with the Charter of the programmes and their implementation.