

Internal briefing for Michaela's speech at the UN IGWG in Geneva in the themed panel (item 9): ***“Discussion on the draft Declaration on the promotion and full respect of the human rights of people of African descent”***
Geneva, Palais des Nations, 13 October 2022

MAIN MESSAGE – SPEECH

- Thank you Madame chair.
- I would like to thank the Office of the United Nations High Commissioner for Human Rights for having me here today. I am delighted to be here addressing these few words about the European Union's fight against racism, in particular towards people of African descent.
- Dear colleagues, I have carefully read the zero draft Declaration on the promotion and full respect of the human rights of people of African descent.
- In the EU, the population of people of African descent and Black people is a very diverse group growing and changing over time, made of **both established communities of people who have settled in Europe for several generations**, as well as more **recently settled migrants and refugees**. There are people of African descent in all EU Member States.
- The findings illustrated in the 2018 focus report *"Being Black in the EU"* by the EU Agency for Fundamental Rights show that overall, among all groups surveyed, **respondents of African descent**, together with Roma respondents and respondents with North-African background, **experienced higher rates of racial discrimination, racial harassment and violence motivated by hatred**".

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- For instance, the police stopped one in four (24 %) respondents of African descent in the five years before the survey; 11 % were stopped in the 12 months before the survey. Moreover, eight in 10 respondents (82 %) believe skin colour or physical appearance is the main reason for experiencing discrimination when looking for work.
- Dear peers, the European Commission is concerned by the high rates of discrimination, the worrying incidence of manifestations of hatred, bias, motivated violence, the rise of far-right sentiments and racial abuse reported to severely affect racialized communities and ethnic minorities.
- The first EU Anti-Racism Action Plan, adopted in September 2020, came about in the **aftershock of the murder of George Floyd in the U.S. at the hands of law enforcement**. An event, which led to *“The Black Lives Matter”* movement becoming a global human rights movement.
- September, marked **the second anniversary of the action plan** which is an ambitious policy tool. It **consists of comprehensive, horizontal and intersectional measures** to step up the fight against racism and discrimination in the EU.
- The starting point is the recognition of **structural racism**, which is the most dangerous type of racism, due to the **silent** mechanism in which it operates.
- Structural racism can be embedded in social, financial and political institutions, affecting the levers of power and policy-making.

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- Every day, people affected by racism can feel its impact on their access to jobs, healthcare, housing, financing or education, as well as cases of violence. To tackle structural racism, it is also essential to mainstream anti-racism into all EU policies and to take **measures addressing social attitudes and stereotypes**
- The EU Anti-racism action plan also **recognises** different forms of racism, from anti-black racism, antigypsyism, antisemitism, anti-Muslim hatred and anti-Asian racism. It is crucial to recognise that even though the power structures of racism function in the same way, the manifestations of racism vary. Recognising this can lead to more effective policy making.
- In addition to that, the action plan addresses the fact that racism needs to be tackled **at all levels of society** and should be addressed in a holistic way, and Anti-Racism must be mainstreamed across all EU policy areas. Moreover, at all levels of the European Union - from the international level to the Member state level all the way to the regional and local levels.
- While countering racism and racial discrimination requires determined action across many fields, the protection offered by the law is critical.
- The EU legal framework prohibiting discrimination based on alleged race or ethnicity is already very comprehensive but its application could be improved. We are constantly reviewing the implementation of the **Racial Equality Directive in member**

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states. We need to ensure the effective enforcement of the legal framework.

- Last year, the **Racial Equality Directive** application report pointed at the need to **raise awareness** among those particularly at risk of discrimination about their rights as well as existing support mechanisms. It also stressed the need to increase **trust** in the authorities and to facilitate access to justice.
- The European Commission has contracted a study on the **possible gaps** in protection of discrimination based on ethnic or racial origin and has consulted relevant stakeholders to obtain data and evidence of racial or ethnic discrimination experienced on the ground.
- The last **application report of the Directive** has revealed existing challenges in relation to the application of effective, proportionate and dissuasive sanctions.
- It also stressed the need to a further **strengthening of the visibility, the role and the effective and independent functioning of equality bodies.**
- This is why the Commission will adopt by the end of 2022 a **new proposal for legislation on binding standards for equality bodies**, which are essential for offering support to victims of discrimination, for ensuring that EU rules on equal treatment are properly enforced, and for promoting equality and non-discrimination. This initiative should therefore also improve the **protection** of people of African descent when victims of discrimination.

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- In this context, the EU calls for a strengthened role for independent **National Human Rights Institutions, including Equality bodies**, in accordance with the Paris Principles and for civil society for the prevention and elimination of all forms of racial discrimination.
- The EU is deeply concerned with the rising of **hate speech and hate crime**. Since 2008 The Council **Framework Decision on combating certain forms of expressions of racism and xenophobia** requires the criminalisation of public incitement to violence or hatred based on race, colour, religion, descent or national or ethnic origin, and which is being monitored by the European Commission through dialogue and when needed infringements proceedings,
- The Commission has made extensive efforts to ensure effective enforcement of the legislation, through targeted support to Member States and their law enforcement agencies. Yet, legislation is only part of the answer and policy efforts need to complement it.
- Last April, we reached a historic agreement on the new Digital Services Act, which enshrines the principle that what is illegal offline, should be illegal online.
- We acknowledge the persistence of racism and discrimination in our societies and the specific challenges related to the **law enforcement agencies'** approach and the relevant legislative framework.

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- EU agencies, such as the EU Agency for Fundamental Rights and the Agency for Law Enforcement Training (CEPOL) contribute **significant resources to enhance the capacity of Member States** to ensure that state actors respect fundamental rights and principles, in particular in the area of non-discrimination.
- Furthermore, The Commission strongly encourages Member States to develop and adopt **national action plans against racism and racial discrimination** by the end of 2022. This should be done with the close involvement of civil society and equality bodies.
- To support Member States in their efforts, on March 2021 the Commission established a **Subgroup** of member States experts. To facilitate EU member states efforts with the National action plans against racism, the subgroup, with the invaluable support of the fundamental rights agency, elaborated **common guiding principles** required to produce effective national action plans against racism and racial discrimination. These guidelines were officially published in March 2022.
- The next task of the Subgroup includes further supporting Member States in their efforts by drafting a **monitoring checklist** for the implementation of the common guiding principles as well as collecting of effective or promising practices related to national action plans to be placed in an online **compendium** during the first half of 2023.

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- By the end of 2023, the Commission will issue a report on the implementation of national action plans.
- The Commission is also focused on how to effectively **consult with all relevant stakeholders** to ensure that we target the needs and concerns on the ground.
- The action plan includes important steps to **provide institutional support** for the longstanding work of civil society organisations, along with forthcoming legislation, funding and political commitment to the fight for racial justice.
- The EU Anti-racism Action Plan 2020-2025 foresees strengthened participation of civil society organisations working with and for racialized groups. In effect, the Commission has set up a **Permanent Anti-racism Civil Society Forum** to inform the implementation of the action plan, participate in the consultative processes, and support the Commission in the implementation of the action plan.
- **Reliable and comparable data** are crucial to understand the reality of people suffering from discrimination all over the EU, to assess their needs and address them effectively.
- The Commission is encouraging EU Member States to move toward a harmonised approach across the EU in equality data collection, respecting data protection legislation and fundamental rights.

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- To support this aim in September of 2021 the Commission organised, a Roundtable on equality data , which focused on the collection of data, **based on racial or ethnic origin.**

The roundtable aimed to **debunk certain myths about equality data**, showing how, if collected and processed in respect to the relevant legal framework and safeguards and taking into account fundamental rights, it is in fact possible to collect such disaggregated data.

- **Data** is central in making the often seemingly abstract phenomenon of structural racism and discrimination a more concrete issue that effects people lives in access to equal opportunities. It does so by uncovering systemic trends and patterns in inequalities.
- In 2021, the Commission published one of the first deliverables of the Action Plan developed by the Subgroup on Equality Data, the **Guidance note on the collection and use of equality data based on racial or ethnic origin** in order to capture both subjective experiences of discrimination and victimisation and structural aspects of racism and racial discrimination in a harmonised way.
- Consistent with the decade's goal on the right to development, the European Commission strengthened its programmes for reducing social exclusion that take account of the specific needs and experiences of people of African descent.

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- Despite the advanced legal framework against discrimination, inequalities in access to employment, education, healthcare and housing persist and legislation needs to be backed up by policy measures. Where legal protection is not enough, the Commission **combats racism also through policy and funding programmes.**
- The **action plan on the European Pillar of Social Rights** supports equality in the labour market, including for people with a minority racial or ethnic background. It aims at bringing fairness to every citizen's daily life, whether they are learning, working, looking for a job or in retirement; living in a city or in a rural area; irrespective of any personal characteristics, including racial or ethnic origin.
- The **current societal crisis (COVID-19, energy) and their impacts** are disproportionately affecting certain marginalised racial, national or ethnic communities and population groups. They highlight and expose underlying structural inequalities and fundamental problems in various areas of social, economic, civil and political life, and exacerbating racism and racial discrimination, which exist in many parts of the world.
- The United Nations General Assembly proclaimed **2015-2024** as the **International Decade for People of African Descent**, citing the need to strengthen national, regional and international cooperation in relation to the full enjoyment of **economic, social, cultural, civil and political rights by people of African descent,**

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- and in relation to **their full and equal participation in all aspects of society**, in line with the *Universal Declaration of Human Rights*, the *Durban Declaration* and the *International Convention on the Elimination of All Forms of Racial Discrimination*".
- As it is established in the specific objectives in the UN Resolution for the International Decade, the **European commission is keen to promote a greater knowledge of and respect for the diverse heritage, culture and contribution** of people of African descent to the development of the EU society
- Madame Chair, to conclude I will say that even though we have great challenges there are also great opportunities that.
- Let me **reiterate the urgent** need to continue taking action to combat racism, discrimination, xenophobia and hatred at the European level, particularly structural racism. The European Commission, will **continue to stay committed to the fight against racism** in Europe and globally.
- I will stop here and I thank you again for your consideration.

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