



# EU High Level Group on combating racism, xenophobia and other forms of intolerance

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## **AFROPHOBIA: ACKNOWLEDGING AND UNDERSTANDING THE CHALLENGES TO ENSURE EFFECTIVE RESPONSES**

*This paper is not legally binding and is intended for informal guidance only.*

**EUROPEAN COMMISSION**

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## I. Introduction

This paper, drafted by the European Commission's services (DG JUSTICE and CONSUMERS), is based on the discussions of the focus session on Afrophobia held by the EU High Level Group on combating racism, xenophobia and other forms of intolerance at its 4<sup>th</sup> meeting on 5 December 2017.

The paper also takes into account discussions held in the context of the EU People of African Descent Week hosted by the European Parliament on 14-17 May 2018.

The members of the EU High Level Group on combating racism, xenophobia and other forms of intolerance, and in particular national authorities, are encouraged to take into account and build on this conclusions paper with a view to inform and improve their responses to discrimination, racism and intolerance targeting people of African descent and Black people in the EU.

## II. Understanding the issue

It is noted from the outset that the use of the term "Afrophobia" is not universally agreed within the anti-racist movement. Some scholars and organisations have expressed preference for other terms, such as "anti-Black racism" or "Negrophobia". At the same time, the term "Afrophobia" has already been referred to in official statements by, among others, the Council of Europe High Commissioner for Human Rights and the United Nations Working Group of Experts on People of African Descent. As a matter of convention, and reflecting discussions within the EU High Level Group on combating racism, xenophobia and other forms of intolerance, this paper uses the term "Afrophobia", whose meaning is intended in the light of the considerations which follow.

Afrophobia is a term that has been used to describe the **specificities of racism that targets people of African descent**<sup>1</sup>. While different terms may be used depending on the context and the target person or collective group concerned, Afrophobia can also be generally understood as the **manifestation of racism towards Black people**, intended as all those individuals, groups and communities that define themselves as 'Black'.

Reference can be made to the definition put forward by the European Network Against Racism, according to which "Afrophobia" can be defined as "a specific form of racism that refers to any act of violence or discrimination including racist hate speech, fuelled by historical abuses and negative stereotyping, and leading to the exclusion and dehumanisation of people of African descent. It can take many forms: dislike, bias, oppression, racism and structural and institutional discrimination, among others". Accordingly, Afrophobia can be seen as "the result of the social construction of race to which generic and/or cultural specificities and stereotypes are attributed (racialisation)" which "is deeply embedded in the collective European imagination and continues to impact the lives of people of African descent and Black Europeans".<sup>2</sup>

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<sup>1</sup> People of African Descent have been defined by the United National Working Group of Experts on People of African Descent as "descendants of the African victims of the trans-Atlantic slave trade (...) Africans and their descendants who, after their countries' independence, emigrated to or went to work in Europe, Canada and the Middle East." (United National Working Group of Experts on People of African Descent, Working Paper "Identification and Definition of People of African Descent and How Racial Discrimination Against them is Manifested in Various Regions", 2003, available at [http://www2.ohchr.org/english/events/iypad2011/documents/Working\\_Group\\_on\\_African\\_Descent/2003\\_WGP\\_AD\\_Session/Definition\\_of\\_People\\_of\\_African\\_Descent-PL\\_Kasanda.pdf](http://www2.ohchr.org/english/events/iypad2011/documents/Working_Group_on_African_Descent/2003_WGP_AD_Session/Definition_of_People_of_African_Descent-PL_Kasanda.pdf)).

<sup>2</sup> See European Network Against Racism (ENAR), *Towards an EU Framework for national strategies to combat Afrophobia and promote the inclusion of people of African descent and Black Europeans*, p. 2, available at

This definition reflects the common acknowledgement by States that the manifestations of inequality and racism which people of African descent and Black people suffer from today are historically rooted in the fact that they have for centuries been victims of racism, racial discrimination, slave trade, enslavement and colonialism. The denial of many of their rights in several parts of the world including Europe, has been recognised by the international community in the context of the 2001 World Conference against Racism.<sup>3</sup> The Council of Europe Commissioner for Human Rights has also highlighted the extent of the legacy of colonialism and the slave trade on People of African descent and Black people who are today reported to be still affected in many countries by severe challenges including high poverty rates, limited social recognition and low rates of participation and representation in political and institutional decision-making processes, barriers in access to and completion and quality of education, barriers and inequality in access to the labour market, manifestations of hate speech and racial violence, and a disproportionate presence in prison populations.<sup>4</sup>

### **III. Afrophobia in Europe**

The population of people of African descent and Black people in the EU<sup>5</sup> is described as comprising 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.<sup>6</sup> There are people of African descent in all EU Member States.

The **lack of systematic data**, impacted by existing rules and practices as regards the collection of data on race and ethnicity in some Member States, is highlighted as one major obstacle to gaining awareness and an evidence-based understanding of the challenges facing people of African descent and Black people in Europe. Nonetheless, research and reports exist, which point to several issues affecting people of African descent and Black people in EU Member States<sup>7</sup>, including:

- low levels of **social recognition, under-representation and low levels of participation in the political, public and private sectors** of society;

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[http://www.enar-eu.org/IMG/pdf/afrophobia\\_strategydoc\\_final.pdf](http://www.enar-eu.org/IMG/pdf/afrophobia_strategydoc_final.pdf). See also ENAR Shadow Report 2014-2015, *Afrophobia in Europe*, p. 8, available at [http://www.enar-eu.org/IMG/pdf/shadowreport\\_afrophobia\\_final\\_with\\_corrections.pdf](http://www.enar-eu.org/IMG/pdf/shadowreport_afrophobia_final_with_corrections.pdf) and ENAR General Policy Paper No. 8, *People of African Descent and Black Europeans*, available at [http://cms.horus.be/files/99935/MediaArchive/policy/People%20of%20African%20Descent%20-%20Black%20Europeans%20GPP%208\\_Final.pdf](http://cms.horus.be/files/99935/MediaArchive/policy/People%20of%20African%20Descent%20-%20Black%20Europeans%20GPP%208_Final.pdf)

<sup>3</sup> See in this respect the 2001 Durban Declaration and Programme of Action, available at <http://www2.ohchr.org/english/bodies/cerd/docs/CERD-C-GC-34.pdf>

<sup>4</sup> See in particular the general recommendation No. 34 of the United Nations Committee on the Elimination of Racial Discrimination, available at <http://www2.ohchr.org/english/bodies/cerd/docs/CERD-C-GC-34.pdf>

<sup>5</sup> No accurate estimate exists to date of the size of the population of people of African descent and Black people in the EU. Most recent estimates reported by ENAR in its Shadow Report 2014-2015, *Afrophobia in Europe*, cited above, refer to approximately 8 million people of African descent and Black Europeans living in the 20 EU Member States surveyed (Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Spain, Sweden and the United Kingdom).

<sup>6</sup> See, among others, ENAR Shadow Report 2014-2015, *Afrophobia in Europe*, cited above, and UK Race and Europe Network, *People of African Descent in Europe*, Briefing Paper – June 2012, available at <http://www.ukren.org/uploads/Black%20Europeans%20Briefing%20Paper%20Summer%202012.pdf>

<sup>7</sup> Country specific information is, for example, included in the country reports drawn up by the Council of Europe European Commission Against Racism and Intolerance (ECRI), accessible at [https://www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry\\_en.asp](https://www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry_en.asp), as well as in the country visits reports of the UN Working Group of Experts on People of African Descent, accessible at <http://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/CountryVisits.aspx>. Among the wealth of anecdotal and country specific evidence gathered by many civil society organisations and movements across Europe, reference can be made, in particular, to the comparative research carried out by ENAR in its Shadow Report 2014-2015, *Afrophobia in Europe*, cited above, as well as in its in-focus publication *Invisible Visible Minority - Confronting Afrophobia and Advancing Equality for People of African Descent and Black Europeans in Europe*, 2014, available at [http://www.enar-eu.org/IMG/pdf/book\\_-\\_people\\_of\\_african\\_descent\\_-\\_final-2.pdf](http://www.enar-eu.org/IMG/pdf/book_-_people_of_african_descent_-_final-2.pdf), as well as to the work of the UK Race and Europe Network (<http://www.ukren.org/>) and of the European Network of People of African Descent (<https://www.enpad.net/EN/>).

- **high rates of discrimination**, including **multiple and intersecting forms of discrimination** on grounds such as sex, sexual orientation, gender identity, religion, in particular in the field of **employment**, including as regards access to the labour market and the mismatch between educational outcomes and employment; but also in the field of **education**, including as regards access to and quality of education, segregation, drop-out rates, as well as recognition of qualifications; and in the access to goods and services, including as regards access to and quality of **housing**, as well as **healthcare**;
- a worrying incidence of manifestations of hatred such as **racist violence** including violent hate crimes, **hate speech**, in particular in online and offline media and in public discourse, as well as **bullying**;
- **negative stereotyping** in particular in the media and in educational settings;
- racial abuse and discriminatory ethnic profiling in the context of **law enforcement**, **border control** and within the **criminal justice** system more generally.

Such challenges are reflected in the **findings of the second wave of the European Union Minorities and Discrimination Survey** (EU-MIDIS II) carried out by the EU Agency for Fundamental Rights (FRA)<sup>8</sup>, as regards, in particular, experiences of people of African descent<sup>9</sup> surveyed in 12 Member States<sup>10</sup>. These findings, illustrated in the **recent focus report by FRA on "Being Black in Europe"**<sup>11</sup>, 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**. For example:

- **39%** of respondents of African descent reported having **suffered racial discrimination in the 5 years before the survey** in nine different areas of life, including when looking for work, at work, in the area of education, housing, and other public or private services including public administration, restaurant or bar, public transport, shop – with rates varying from 23% up to 69% across the EU Member States surveyed;
- respondents of African descent in various Member States represent **four of the ten groups with the highest rates of hate motivated physical violence** in the 12 months before the survey out of all groups surveyed;
- **83%** of victims of racist violence of African descent **expressed dissatisfaction over the way the police handled the most recently reported incident**, compared to an average for all the groups surveyed of 70%;
- **41%** of respondents of African descent among those stopped by police in the 5 years before the survey **reported having perceived the most recent stop as ethnic/racial profiling**, compared to an average for all the groups surveyed of 33%.

These trends are also echoed, among others, in the findings of the **Council of Europe Commissioner for Human Rights**, who, on the basis of the information and evidence

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<sup>8</sup> See <http://fra.europa.eu/en/project/2015/eu-midis-ii-european-union-minorities-and-discrimination-survey>

<sup>9</sup> Defined as "immigrants from sub-Saharan Africa and descendants of such immigrants", based on their self-identification as such, and on their country of birth or the country of birth of at least one of the parents. It includes immigrants living in 12 EU Member States who were born in countries of Sub-Saharan Africa (first-generation respondents) and persons with at least one parent born in these countries (second-generation respondents). In France and the United Kingdom, the sample also includes persons from overseas departments and overseas territories, as well as the Caribbean.

<sup>10</sup> Austria, Germany, Denmark, Finland, France, Ireland, Italy, Luxembourg, Malta, Portugal, Sweden, United Kingdom.

<sup>11</sup> The selected findings were also presented by the Agency at the 4<sup>th</sup> meeting of the EU High Level Group on combating racism, xenophobia and other forms of intolerance on 5 December 2017.

gathered in the context of recent country visits, and taking into account relevant findings of the United Nations Working Group of Experts on People of African Descent, recognised that Black people in Europe are “particularly exposed to racism and intolerance in many areas of their daily life”, expressing concerns in particular over persisting **social and economic inequalities** as well as the worrying incidence of **incitement to hatred, racism and discrimination, including discriminatory policing**, accentuated in the context of the public debate and policy responses to the challenges posed by migration and terrorism.<sup>12</sup>

Concerns over the material progression of racism, racial discrimination, xenophobia and related intolerance and their significant impact on people of African descent were also expressed by States in the **outcome document of the Regional Meeting for Europe, Central Asia and North America on the International Decade for People of African Descent**, which referred in particular to “**multiple and intersecting forms of inequality and discrimination**, including in the fields of education, employment, housing, health, justice and political participation”, as well as to **contemporary forms and manifestations of racism** such as “the use of the new information and communication technologies, including the Internet, to disseminate ideas of racial superiority” and “the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice”.<sup>13</sup>

#### ***IV. Legal and policy framework at European and international level***

At EU level, a **general prohibition of discrimination, including on grounds of race and colour**, is reaffirmed by Article 21 of the Charter of Fundamental Rights of the EU, which applies to institutions, bodies, offices and agencies of the EU as well as to the Member States when they implement EU law.<sup>14</sup> **Article 19 of the Treaty on the Functioning of the European Union** provides for the legal basis for the EU to adopt appropriate action to combat discrimination. Key **EU legislative instruments** have been adopted providing for harmonised rules on tackling discrimination in a wide range of areas of life as well as manifestations of intolerance, and in particular hate speech and hate crime, on grounds of, among others, race, ethnicity and skin colour: these are, notably, the **Racial Equality Directive**<sup>15</sup> and the **Framework Decision on combating racism and xenophobia by means of criminal law**<sup>16</sup>. All the Member States<sup>17</sup> are bound by the obligation to transpose and implement this EU legislation at the national level and the competent national authorities have a responsibility to act accordingly upon any instance of racial discrimination, hate speech and hate crime, including those facing people of African descent and Black people, within their jurisdiction.

The European Commission supports in several ways efforts at the national level, including by fostering expert discussions<sup>18</sup> and by providing funding opportunities<sup>19</sup>. It also fosters the **engagement and cooperation of private actors** in the prevention and fight

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<sup>12</sup> Available at <https://www.coe.int/en/web/commissioner/-/afrophobia-europe-should-confront-this-legacy-of-colonialism-and-the-slave-trade?desktop=true>

<sup>13</sup> <http://www.ohchr.org/EN/Issues/Racism/InternationalDecade/Pages/RegionalMeetingEuropeCentralAsiaNorthAmerica2017.aspx>

<sup>14</sup> Article 51(1) of the Charter.

<sup>15</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>16</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

<sup>17</sup> With the exception of the United Kingdom, as regards Council Framework Decision 2008/913/JHA.

<sup>18</sup> Besides the EU High Level Group on combating racism, xenophobia and other forms of intolerance, whose work is also reflected in this paper, reference is made to the EU High Level Group on Non-Discrimination and Equality.

<sup>19</sup> Within the framework of the EU Programmes 2014-2020 (<https://ec.europa.eu/research/participants/portal/desktop/en/opportunities/index.html>), see in particular opportunities under the Rights, Equality and Citizenship Programme.

against discrimination and hatred, in key areas such as diversity in employment<sup>20</sup> and countering illegal hate speech online<sup>21</sup>.

Taking into account this legal and policy framework, the European Parliament has on various occasions drawn attention to manifestations of Afrophobia in the EU, in particular through the work and initiatives of the **European Parliament Anti-Racism and Diversity Integroup**, which has underlined the need to develop comprehensive responses at EU and national level to challenges such as discrimination and exclusion, including in the fields of education, employment, health and housing, under-representation in political, public, private and non-profit sectors of society, negative media stereotyping, discriminatory policing and profiling, lack of equality data collection.<sup>22</sup> This included the organisation of the first ever **EU People of African Descent Week** in May 2018, to increase awareness and discuss solutions to address increasing reports of racial discrimination and violence targeting people of African descent and Black people throughout Europe.

Issues related to discrimination, racism and intolerance faced by people of African descent and Black people are also addressed in the context of the country monitoring work carried out by the **Council of Europe High Commissioner for Human Rights**<sup>23</sup> as well as by the **European Commission Against Racism and Intolerance**<sup>24</sup>, which prepares reports and issues recommendations to Council of Europe Member States building on the obligations deriving upon them in particular from the **European Convention on Human Rights**.

At international level, multiple efforts to raise awareness and foster discussions on the recognition, prevention and fight against Afrophobia have been registered in particular since the World Conference against Racism held in Durban in 2001, which led, among others, to the creation in 2002 of a **United Nations Working Group of Experts on People of African Descent**.<sup>25</sup> Issues related to racial discrimination against people of African descent also formed the object of a **General Recommendation by the United Nations Committee on the Elimination of Racial Discrimination** in 2011.<sup>26</sup>

In 2013, the United Nations General Assembly proclaimed 2015-2024 as the **International Decade for People of African Descent**<sup>27</sup>, 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, and their full and equal participation in all aspects of society, in line with the Universal Declaration of Human Rights, the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>28</sup> The **Programme of Activities** for the International Decade, adopted in 2014<sup>29</sup>, outlines concrete, practical actions to combat racism, racial discrimination, xenophobia and related intolerance faced by people of African descent in the three thematic areas of recognition, justice and development<sup>30</sup>. The need to accelerate efforts in the implementation of the Decade and its Programme of Activities was stressed, recently, by States at the Regional Meeting for Europe, Central Asia and North America on the Decade, held in Geneva on 23-24 November 2017, where national delegations, including EU Member States, shared their experiences and good practices. These include the adoption of **plans of action on the**

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<sup>20</sup> For more information see: [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/tackling-discrimination/diversity-management/diversity-charters\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/tackling-discrimination/diversity-management/diversity-charters_en)

<sup>21</sup> For more information see: [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=54300](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300)

<sup>22</sup> See <https://www.ardi-ep.eu/fight-against-afrophia/>

<sup>23</sup> See <https://www.coe.int/en/web/commissioner/-/time-to-renew-our-commitment-and-halt-the-deterioration-of-human-rights>

<sup>24</sup> See [https://www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry\\_en.asp](https://www.coe.int/t/dghl/monitoring/ecri/activities/countrybycountry_en.asp)

<sup>25</sup> More information at <http://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/WGEPADIndex.aspx>

<sup>26</sup> General recommendation No. 34, *Racial discrimination against people of African descent*, available at <http://www2.ohchr.org/english/bodies/cerd/docs/CERD-C-GC-34.pdf>

<sup>27</sup> Resolution 68/237.

<sup>28</sup> More information at <http://www.un.org/en/events/africandescentdecade/plan-action.shtml>

<sup>29</sup> Resolution 69/16.

<sup>30</sup> See [http://www.un.org/en/events/africandescentdecade/pdf/A.RES.69.16\\_IDPAD.pdf](http://www.un.org/en/events/africandescentdecade/pdf/A.RES.69.16_IDPAD.pdf)

**implementation of the Decade** (Netherlands, Germany) or the inclusion of specific elements related to the prevention and fight against discrimination and racism against People of African Descent and Black people in the national plans of action to combat racism, racial discrimination, xenophobia and related intolerance (Sweden).

## ***V. Ensuring effective and comprehensive responses: stakeholders' perspectives***

Against this background, discussions within the EU High Level Group on combating racism, xenophobia and other forms of intolerance pointed at a number of key areas where progress is needed in order to effectively address discrimination, exclusion, prejudice, stereotyping and intolerance against People of African Descent and Black people in the EU.

The **recognition of Afrophobia as a specific form of racism** is seen as playing a key role, like for other forms of racism and intolerance, to better acknowledge and understand the specific barriers, prejudices and obstacles facing people of African descent and Black people in each national setting.

The collection of **disaggregated data on race and ethnicity** at the national level is essential to assess the situation of groups at risk of discrimination, including people of African descent and Black people, and to test and measure their experiences of discrimination and victimisation.

Building on solid data, responses should be made up of coherent but also diversified measures which shall build on Member States' existing legal obligations under relevant international and European instruments, including the **effective transposition and implementation of EU legislative instruments** such as the Racial Equality Directive and the Framework Decision on combating racism and xenophobia by means of criminal law.

Effectively countering discrimination and intolerance facing people of African descent and Black people in the EU also implies a strong focus to be put on measures addressing **structural racism** against these groups.

Targeted improvements within the institutional framework are seen as particularly urgent in the **law enforcement** and the **criminal justice** systems. Efforts should be made at national level to **prevent and end discriminatory practices** by the authorities, in particular in the area of policing, and to **counter racial disparities and inequities** affecting people of African descent and Black people within the criminal justice system, also as a means to increase levels of trust in the authorities, improve crime reporting rates, and contribute ensuring equal and effective access to justice for victims of crime. **Anti-racism training**, the design and implementation of **guidelines on good practices**, regular **cooperation with communities and civil society** and **measures to increase representation** of people of African descent and Black people in judiciary, policing and other areas of law enforcement are considered important measures which can contribute to making progress in this area.

**Preventative and positive non-discrimination measures** are also regarded as having particular relevance in this context. Particular attention should be paid, in this context, to **multiple and intersectional forms of discrimination and racism**, and the challenges faced in that respect by specific groups such as Muslims, migrants, women, LGBTI persons or persons with disabilities. These measures may include, for example, the **monitoring of recruitment and promotion practices and of workplace experiences** and the promotion of **diversity** in the field of employment, including in public administrations; measures to facilitate **equal access to quality housing** including by better preventing and countering discrimination in the private rental market; measures to better prevent and counter **discriminatory attitudes in the provision of health services**; measures to **eradicate any form of school segregation**, address **school drop-out rates** and **prevent and counter bullying and**

**discrimination in educational settings**; and measures to ensure the use of **balanced and inclusive educational curricula and textbooks**, raising awareness of histories of colonialism and enslavement and giving account of the value and diversity of cultures, histories, heritages and contributions of people of African descent and Black people while avoiding any stereotypical, derogatory or demeaning message or image concerning people of African descent and Black people.

Targeted actions aimed at **raising awareness and addressing prejudice among the general population** are seen as equally important. Particular attention should be paid in this context to the **media** sector, given their role in conveying the importance of building a diverse and inclusive society: this implies, among others, strengthening media actors' responsibility to reflect **diversity** and to adhere to ethical standards and codes of conduct, with a view to **eliminate the use of racially discriminatory or biased language or images** and avoid perpetuating prejudices and intolerance which can nurture a hostile and dehumanising environment for people of African descent and Black people. The spread of hatred and intolerance against people of African descent and Black people on the **internet and in particular on social media** should also be monitored and countered. In order to counter stereotypes and promote an informed public debate, efforts at the EU and national level towards the **official recognition and promotion of the memory of histories of slave trade, enslavement and colonialism**, including through the promotion of cultural or commemoration initiatives, the protection of related sites and memorials, and public support to research in this field, are considered crucial.

Promoting the **empowerment, representation and participation** of people of African descent and Black people in the public and political sphere is, finally, seen as a necessary precondition for the success of any targeted measures. Public authorities at all levels should, to that effect, promote and facilitate the enjoyment of the right of people of African descent and Black people to **participate in elections and to vote and stand for election**; engage in regular **dialogue with communities** of people of African descent and their representatives; and **support civil society and community based organisations** working on the prevention and fight against racism and discrimination targeting people of African descent and Black people in and outside the EU.

The **UN Decade for People of African descent** is seen as a key opportunity which should be valued by EU institutions and Member States with a view to take action and achieve concrete progress on preventing and countering Afrophobia on the ground.

## ***VI. Responding to the need for strengthened action: preliminary considerations on the way forward***

In order to address the identified challenges, and respond to the need for strengthened action to address Afrophobia at EU and national level, the integration of **targeted measures** in broader anti-racism policies, strategies and plans of action should be considered.

There are **several EU level initiatives** which may be built upon, in areas which have been identified as key, where a focus on the specific needs and challenges for people of African descent and Black people could be embedded. The following can in particular be highlighted:

- **Data collection**

The European Commission supports Member States' efforts in the area of **equality data** (intended as anonymous data in relation to equality and discrimination collected for statistical and evidence purposes) and in improving methodologies for **recording and collecting data on hate crimes**, in order to assist Member States to overcome current

challenges. This includes dedicated guidance and working groups, which also benefit from the assistance and expertise of the FRA.<sup>31</sup>

This work can effectively contribute to improving data collection for people of African descent and Black people. In this respect, it is important to:

- encourage an **accurate disaggregation** of data genuinely reflecting the situation of people of African descent and Black people, in particular through a correct choice of grounds and proxies which encompasses generations of Black Europeans regardless of 'migration background';
- encourage the collection of data of different nature and from different sources, in order to capture both **subjective experiences** of discrimination and victimisation and **structural aspects** of racism and discrimination, i.e. structural discrepancies with respect to the general population;
- ensure that any guidance or methodology developed ensures the respect of the principles of **purpose limitation, necessity and proportionality**, in line with the EU data protection *acquis*, and fully takes into account the need to mitigate any potential risks of misuse or abuse;
- ensure a **regular involvement of civil society**, including in particular community based and civil society organisations advocating for the rights of people of African descent and Black people.

In addition, **comparative data** on experiences of discrimination and victimisation of minority groups in the EU are also regularly gathered by **FRA**. In this context, FRA recently published a **focus report on "Being Black in the EU"**, based on selected findings on people of African descent from the EU-MIDIS II survey.

- **Effective implementation of the existing EU legal framework**

The European 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 deploys a wide array of tools, which range from preventive measures and early problem-solving to pro-active monitoring and targeted enforcement.<sup>32</sup> In that context, the European Commission closely monitors the implementation of the **Racial Equality Directive**<sup>33</sup> and the **Framework Decision on combating racism and xenophobia by means of criminal law**.<sup>34</sup>

**Guidance** for national authorities on the effective implementation of hate crime and hate speech legislation is being developed on the basis of the work of the EU High Level Group on combating racism, xenophobia and other forms of intolerance. When implementing this guidance at the national level, national authorities should look at the **specificities of hate crime targeting people of African descent and Black people**, as well as the **challenges faced by victims in accessing justice, protection and support** (such as underreporting also due to fear of discrimination or reprisal by investigating authorities,

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<sup>31</sup> More information available at [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination_en) and at [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=612778](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=612778); as well as at <http://fra.europa.eu/en/project/2017/subgroup-methodologies-recording-and-collecting-data-hate-crime>.

<sup>32</sup> See in this respect the Communication from the Commission "EU law: Better results through better application", C/2016/8600 available at [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C\\_.2017.018.01.0010.01.ENG&toc=OJ%3AC%3A2017%3A018%3ATOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2017.018.01.0010.01.ENG&toc=OJ%3AC%3A2017%3A018%3ATOC)

<sup>33</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>34</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

risks of re-victimisation, impact of the authorities' own bias attitudes on criminal law responses to hate crimes against people of African descent and Black people, etc).

- **Countering hate speech online and racism in the media**

Continued efforts are being pursued on the implementation of the **EU Code of Conduct on countering illegal hate speech online**<sup>35</sup>. Since its launch in May 2016, five additional major IT platforms joined the Code<sup>36</sup>, proving that it constitutes a key tool to prevent and counter the proliferation of hatred and intolerance on the internet and in particular on social media, including against people of African descent and Black people, as also shown by the results of the latest monitoring exercise presented by the European Commission in January 2018.<sup>37</sup> The Commission will continue to support this process, and is ready to assist community based and civil society organisations which may be interested in building their capacity to **monitor and notify instances of hate speech online targeting in particular people of African descent and Black people**, as this may contribute to raise awareness of the extent of the phenomenon with a view to better responses on the part of IT companies as well as national authorities.

EU initiatives to identify and promote ethical good practice in the production and use of information contribute to **combating racism and fostering quality media coverage**<sup>38</sup>, including guidance developed by the FRA.<sup>39</sup> National authorities should, where appropriate, **facilitate work by the media industry and journalists' federations** to implement these initiatives and guidance, in particular to tackle the use of racially discriminatory or biased language or images in relation to people of African descent and Black people.

- **Preventing and countering authorities' discriminatory attitudes or practices**

Initiatives at EU level can help national authorities designing and implementing measures to prevent, challenge and counter bias and discriminatory attitudes, policies or practices on the part of the authorities. The **EU Agency for Law Enforcement Training (CEPOL) offers regular training** to law enforcement authorities on diversity, non-discrimination or discriminatory ethnic profiling. Practical support to practitioners to avoid discriminatory ethnic profiling is also being released in the shape of an updated **guide on preventing unlawful profiling by the FRA**. Building on a previous 2010 guide that already included data on ethnic minority, immigrant and Roma groups' experiences of police stops<sup>40</sup>, the new guide will provide a general update, taking into account legal and technological developments. In implementing this guidance, Member States should acknowledge and address through targeted measures the particular impact of unlawful profiling practices on people of African descent and Black people.

- **Countering discrimination and fostering diversity in the field of employment**

The European Commission facilitates exchanges on diversity management in the field of employment, including through the promotion of **diversity charters**<sup>41</sup>. The Commission stands ready to encourage, in this context, initiatives to contribute **gaining a better understanding of the specific challenges** faced by people of African descent and

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<sup>35</sup> See [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=54300](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300)

<sup>36</sup> Instagram, Google+, Snapchat, Dailymotion and jeuxvideo.com, joining Facebook, Microsoft, Twitter and YouTube.

<sup>37</sup> [http://europa.eu/rapid/press-release\\_IP-18-261\\_en.htm](http://europa.eu/rapid/press-release_IP-18-261_en.htm)

<sup>38</sup> In this respect, see the conclusions of the 2016 Fundamental Rights Colloquium on media pluralism and democracy, available at <https://ec.europa.eu/digital-single-market/en/news/european-commission-presents-follow-actions-fundamental-rights-colloquium-media-pluralism-and>

<sup>39</sup> For more information, see <http://fra.europa.eu/en/publication/2008/diversity-toolkit-factual-programmes-public-service-television>

<sup>40</sup> EU Agency for Fundamental Rights, *Towards More Effective Policing, Understanding and preventing discriminatory ethnic profiling: A guide*, available at <http://fra.europa.eu/en/publication/2010/towards-more-effective-policing-understanding-and-preventing-discriminatory-ethnic>. The Guide is currently being updated.

<sup>41</sup> [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/tackling-discrimination/diversity-management/diversity-charters\\_en](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/tackling-discrimination/diversity-management/diversity-charters_en)

Black people in the access to the labour market and at the workplace, and exchanges on how to address them.

- **Preventing and countering discrimination in educational settings**

While each Member State is responsible for its own education system, several EU level initiatives support national action and help address common challenges, within a dedicated framework of cooperation.<sup>42</sup> These include targeted initiatives aimed at **promoting non-discrimination through education**, also within the framework of the implementation of the **2015 Paris Declaration on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education**<sup>43</sup>. In this context, the Commission has recently adopted a **Proposal for a Council Recommendation on promoting common values, inclusive education, and the European dimension of teaching**<sup>44</sup>, which includes recommendations on promoting inclusive education. The Commission also supports national efforts in this area through a **dedicated working group**, providing a forum for exchange on key policy issues related to fostering citizenship, fundamental values and non-discrimination in the different sectors of education and training<sup>45</sup>; as well as **funding** opportunities. Sectorial initiatives also exist in key areas such as **early school leaving**<sup>46</sup> and **preventing and tackling bullying** and school violence<sup>47</sup>. These initiatives can help national authorities reforming education and training policies and practices. In this context, the **specific disadvantages and discrimination suffered by people of African descent and Black people in educational settings** should be further explored, with a view to possible targeted measures, as well as the development and use of **balanced and inclusive educational curricula and textbooks**.

- **Recognition, awareness raising, empowerment**

It is important to create opportunities to **further promote the recognition and raise awareness** about the challenges faced by people of African descent and Black people in Europe, and to reflect on how they can be best addressed. To that effect, the Commission will continue to **make use of existing relevant fora**, such as the High Level Group on combating racism and other forms of intolerance and the High Level Group on equality and non-discrimination, to foster further discussions and exchanges on this matter with Member States and civil society organisations. The Commission also stands ready to consider the opportunity of **awareness raising and commemoration initiatives of colonialism and slave trade victims**, also as part of the EU's contribution to the International Decade for People of African Descent.

The Commission encourages national authorities and civil society organisations to make effective use of **relevant EU funding instruments** to support the design and implementation of concrete initiatives and foster the empowerment of civil society and community based organisations active in this area. A specific priority on preventing and combating Afrophobia was, for example, included for the first time under the Rights, Equality and Citizenship Programme – Annual Work Programme 2018 as part of the call for proposals to prevent and combat racism, xenophobia and other forms of intolerance.<sup>48</sup>

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<sup>42</sup> For more information, see: [http://ec.europa.eu/education/policy/strategic-framework\\_en](http://ec.europa.eu/education/policy/strategic-framework_en)

<sup>43</sup> [https://eu2015.lv/images/notikumi/2015-3-10\\_Declaration\\_EN.pdf](https://eu2015.lv/images/notikumi/2015-3-10_Declaration_EN.pdf)

<sup>44</sup> <https://ec.europa.eu/education/sites/education/files/recommendation-common-values-inclusive-education-european-dimension-of-teaching.pdf>

<sup>45</sup> [https://ec.europa.eu/education/policy/strategic-framework/expert-groups/citizenship-common-values\\_en](https://ec.europa.eu/education/policy/strategic-framework/expert-groups/citizenship-common-values_en)

<sup>46</sup> [http://ec.europa.eu/education/policy/school/early-school-leavers\\_en](http://ec.europa.eu/education/policy/school/early-school-leavers_en)

<sup>47</sup> See for example the recently published report *How to prevent and tackle bullying and school violence*, available at [https://ec.europa.eu/education/news/20161212-new-neset-report-school-bullying\\_en](https://ec.europa.eu/education/news/20161212-new-neset-report-school-bullying_en)

<sup>48</sup> <https://ec.europa.eu/research/participants/portal/desktop/en/opportunities/rec/topics/rec-rrac-raci-ag-2018.html>