Policy Brief

Time to Talk about and Tackle Structural and Institutional Racism in the EU

MIGRATION POLICY GROUP

Robert Bosch
Stiftung

Isabelle Chopin and Carmine Conte

October 2024

This policy brief and recommendations are the result of a two years project **'Tackling structural and institutional racism in 8 EU member states: state of affairs and recommendations for national and European level'** led by MPG and are presented at the MPG dedicated seminar on 25 October 2024 in Brussels. The project, conducted in close collaboration with national experts, examined the situation in eight EU member states (Czechia, Germany, Greece, Latvia, the Netherlands, Romania, Spain and Sweden), led to national workshops involving the national communities, and produced a Comparative analysis, 'Unpacking structural and institutional racism in 8 EU Member States: key issues and policy recommendations'. The implementation of this project was made possible by the Robert Bosch Stiftung.

Robert Bosch
Stiftung

Scan to download the analysis:

Policy Brief

Time to Talk about and Tackle Structural and Institutional Racism in the EU

Isabelle Chopin and Carmine Conte

October 2024

Current trends and challenges in the EU

Racism is not always as blatant and obvious as racial violence or hate crime which are visible, explicit and identifiable. Racism is also deeply rooted in the very structure of our society, operating within the frameworks of social, economic and political institutions and leading to inequality of treatment and continuing disadvantage.

Structural racism is a driver of social inequality across Europe, manifesting in various aspects of life, including education, employment, housing and healthcare. Racialised communities continue to face systemic barriers that undermine access to essential services and opportunities. In many countries, for example, racialised communities face obstacles to high-quality education and labour market opportunities, leading to wage differences and disparities in educational attainment. Housing segregation remains a critical indicator of structural racism across Europe. Structural racism also contributes to increasing health disparities, with racialised groups suffering disproportionately from both physical and mental health issues.

Because of structural racism, mistrust in public institutions is increasing among racialised groups, who lack trust in law enforcement and the judicial system. This mistrust is driven by the perception that institutions are either unwilling or unable to provide protection and justice in cases of discrimination.

The terms 'structural' and 'institutional' racism refer to the way inequality is embedded in our society and in institutions and notably encompass historical, societal and institutional dimensions. The legacy of slavery, colonialism and exploitation continues to impact racialised groups such as Black people, Muslims, Asians, Roma and Jews. Furthermore, the dominant values, norms, cultures and narratives preserve the privilege of white nationals over non-white individuals. Finally, public and private institutions maintain policies, practices and procedures that subtly perpetuate inequality and the exclusion of racialised groups from key sectors of society with a repetitive pattern.

Introduction

Structural and institutional racism is an insidious issue affecting the social fabric of the European Union, manifesting not only in explicit discrimination but also in subtle, systemic practices that perpetuate inequality and exclude racialised groups from key sectors of society.

This policy brief identifies the pressing need for EU decision-makers to acknowledge and tackle this pervasive challenge across Europe, which is undermining social cohesion and economic stability. It also highlights critical gaps in the existing frameworks, articulates the urgent needs for effective interventions and proposes actionable steps that EU decision-makers can take to dismantle these systemic barriers.

A significant gap exists in the legal and institutional recognition of structural racism across EU Member States. While anti-discrimination laws are in place, there is a lack of explicit definitions and comprehensive frameworks that address the complexities of structural racism. Despite these existing frameworks which aim to promote equality, significant flaws persist in data collection, policy implementation and community representation.

- Many EU Member States fail to provide comprehensive and disaggregated data that clearly outline the impact of structural racism on various demographic groups.
- Member States have not integrated specific legal definitions of structural racism, making it difficult to combat systemic inequalities effectively. In addition, the absence of cross-cutting anti-discrimination laws limits accountability within public institutions, thereby allowing discriminatory practices to persist unchallenged
- While anti-discrimination policies exist, their enforcement, if present, is often inconsistent, leading to continued inequality and inadequate protections for racialised communities.
- Racialised communities often lack a voice in decision-making processes that affect their lives, provoking a disconnection between policymakers and those most affected by structural and institutional racism. This results in a lack of tailored solutions that address the specific needs of diverse communities.

To combat structural racism successfully, there is a crucial need to establish clear, legal recognition of the phenomenon on both the national and the European level and to provide for the possibility to track disparities, fostering the opportunities for communities to participate in policy discussions and ensuring proper enforcement mechanisms.

- Anti-discrimination laws should cover all sectors, including law enforcement and public administration, while ensuring they account for intersectional discrimination.
- There is a pressing need for enhanced data collection methods that track disparities across various sectors and capture the full extent of racial disparities.
- Unfortunately, priority is often given to adopting or amending legislation whereas robust enforcement and monitoring mechanisms should be put in place.
- Fostering genuine community engagement is essential, ensuring their perspectives and experiences inform decision-making processes.

It is time for decisive action. Understanding, identifying and addressing structural and institutional racism are essential steps towards creating a more just and equitable society, but this requires more than changing individual attitudes. It demands intentional efforts, at both national and European level, to dismantle the systems that enable racial inequality.

- There is an urgent need to adopt and implement clear guidelines for Member States to develop comprehensive anti-racism strategies that address structural inequalities across all societal sectors.
- It is crucial to establish robust monitoring and accountability mechanisms, ensuring the effectiveness and transparency of these strategies and policies.
- Enhancing public recognition of structural racism through awareness campaigns and community dialogues can help shift societal perceptions and foster a culture of inclusivity. This means investing in and empowering communities which have historically been disadvantaged.
- Fostering partnerships and promoting cross-sector collaboration among governments, public institutions, the private sector and community organisations will pave the way for sustainable change

Addressing structural racism involves recognising these deep-rooted systems that perpetuate inequality. By addressing these gaps and needs through targeted actions, we can work towards dismantling structural racism and promoting equality for all. This policy brief and recommendations outline the necessary steps for decision-makers to address structural and institutional racism effectively. It advocates for both national and EU decision-makers to champion these efforts, fostering a united and proactive response to promote equality and justice for all.

1.Towards a legal definition of structural racism: Gaps in EU and national legislation

Structural racism refers to the systematic inequalities and discriminatory practices ingrained within societal institutions, such as the legal system, law enforcement and public administration. These structures disproportionately affect the life of racialised groups who cannot enjoy their fundamental rights on an equal basis with others.

The legal frameworks at both European and national level highlight a significant gap: the lack of explicit definitions of structural or institutional racism within their legal systems. While each country provides for legal protection against racial discrimination as required by EU law, the absence of specific legal recognition of structural racism presents a major challenge in effectively addressing systemic inequalities. Without targeted legal provisions, it becomes difficult to tackle these deep-rooted inequalities.

In addition, in several countries, anti-discrimination laws do not comprehensively cover all sectors, such as public institutions, law enforcement and judicial systems. This framework limits accountability and makes it harder for individuals to fight those structural discriminatory practices deeply ingrained in our society. Anti-discrimination laws should therefore be expanded to cover the public sector comprehensively, including institutions such as courts, police, tax authorities and border control agencies. Legal frameworks must account for the specific challenges of structural racism within public institutions, providing pathways for accountability.

National legislation should also recognise and protect against intersectional and multiple forms of structural racism, ensuring that individuals facing compound discrimination—on grounds such as race, gender, ethnicity and socioeconomic status—are adequately protected.

Key recommendation: Definition and enforcement

Legal recognition and definition of structural racism

EU Member States should adopt legal provisions that explicitly recognise and address structural and institutional racism. National equality and anti-discrimination laws must include clear definitions of these forms of racism, accompanied by effective sanctions for violations of equal treatment principles. These sanctions should serve as concrete deterrents, ensuring robust enforcement.

2. Breaking down barriers: Tackling structural racism in Europe through policy

Despite the adoption of the EU Anti-Racism Action Plan (2020-2025)(1), many EU Member States still lack comprehensive national strategies specifically targeting structural racism or have not renewed strategies that have expired. Very few countries have included any references to structural racism in their national policy strategies. Input from civil society organisations (CSOs) and racialised communities is clearly missing in the political decision-making process. Cross-collaboration between CSOs, communities and the public and private sectors is essential to ensure tailored decisions and measures. National equality bodies could also play a major role in addressing and tackling structural racism. In order to do so, they should strengthen their collaboration with CSOs and racialised communities.

However, across most countries, even where anti-racism strategies exist, there is generally a lack of monitoring, evaluation mechanisms and impact assessment of the existing policies. This absence of concrete action plans to tackle structural and institutional racism reduces the impact of these strategies on racialised communities. Racism does not seem to be a cross-cutting societal and policy issue, in most cases, anti-racism policies only focus on specific sectors, such as the labour market, education or housing. Similarly, countries which have adopted anti-racist strategies tend only to focus on specific groups (e.g. Roma or people of African descent) rather than addressing structural racism from a broader perspective.

1. 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

Key recommendations: Policy strategies and accompanying measures

Establish clear standards, guidelines and monitoring mechanisms

The European Commission should renew and enhance the commitments of the EU Anti-Racism Action Plan by setting clear standards for Member States on how to tackle structural and institutional racism, ensuring a cross-cutting approach in different sectors for all racialised communities. A systematic EU-level mechanism should be put in place to regularly monitor and evaluate the implementation of national anti-racism strategies, ensuring accountability for Member States and progress towards eliminating structural discrimination.

Adopt comprehensive anti-racism plans

National governments should move beyond sector-specific approaches and develop comprehensive national strategies that target structural racism across all sectors, from education and housing to law enforcement and health, including monitoring and impact assessment.

Involve racialised communities in decision-making

At both national and European level representatives of racialised communities should be involved throughout the entire policy process to ensure that specific challenges faced by ethnic and racial groups are properly considered and tailored measures corresponding to real needs are adopted.

3.Bridging the data gap: Evidence-based research as a tool to prove and eradicate structural racism

The collection of data on ethnicity is essential to assess the impact of policies and practices that perpetuate structural and institutional racism. However, most European governments do not actively promote research in this area, nor do they comprehensively collect data on ethnicity or racial identity. In some cases, Member States impose explicit prohibitions or limitations on recording information related to individuals' racial identity or ethnicity. By closing these gaps in research and data collection, European governments can first identify and examine patterns of structural institutional racism and then implement targeted policies to promote equality and social cohesion across the region.

Limited exceptions are found in a few Member States where government support for research institutes has led to significant studies on institutional racism. The widespread failure to support research results in inadequate data collection and comparative analysis of trends of social exclusion and structural discrimination. Tackling structural and institutional racism requires a coordinated approach among all Member States to enhance data collection efforts, to effectively understand and eradicate these issues from our society.

Key recommendations: Equality data

Equality data collection

National governments should collect self-reported race and ethnicity data to better understand and combat structural racism. These data should be anonymised and voluntary, ensuring that they are used to promote equality rather than for discriminatory purposes. National databases recording cases of structural and institutional racism, both qualitatively and quantitatively, would enhance transparency, combat racist crime and build trust among victims.

4. Unmasking racial bias: The urgent call to end structural racism in policing

Racial profiling and excessive use of force by law enforcement are common forms of structural and institutional racism across most European countries. These practices disproportionately affect racialised communities, perpetuating racial disparities in policing and justice systems. Despite ongoing debates, racial profiling, driven by biased risk profiles, conscious racism and unconscious biases within the police, persists due to insufficient data collection and legal safeguards.

Efforts to combat discriminatory practices remain insufficient across most countries, perpetuating distrust between racialised communities and law enforcement. Investigations into hate crimes are often inadequate, with many reports of racial discrimination being dismissed. Although some reforms have been put in place in some countries, racialised groups continue to experience heightened vulnerability. This is mainly due to a persistent lack of comprehensive and mandatory training on hate crimes, racial bias and human rights for law enforcement agencies and the judiciary (2).

These systemic issues have been the subject of legal challenges by civil society, but insufficient judicial or administrative consequences (i.e. poor awareness of available procedures, complaints not registered, lengthy and costly procedures and lack of adequate sanctions) remain an impediment to ensuring accountability and upholding the rule of law. Efforts should be put into restoring trust in the complaints mechanism systems and in the judiciary.

2. For the first time, the European Court of Human Rights found that discriminatory ethnic profiling of Roma communities by law enforcement agencies took place in Romania, in violation of Article 3 and Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. (Judgement Lingurar and others vs Romania, 16 October 2018)

Key recommendations: Racial profiling and access to justice

Ban race-based risk profiling

National governments should adopt clear guidelines for law enforcement agencies and the public sector which should explicitly prohibit the use of race or ethnicity as factors in risk assessments or profiling. Transparency in police interventions should be enhanced, for example through the systematic recording in a centralised database of stops made by police officers, to facilitate the monitoring and identification of patterns of structural discrimination.

Easing access to justice

National governments should ensure that procedures to submit complaints about discrimination in general, and structural racism in particular, are clearly communicated to the public via awareness campaigns. Delays and the costs of procedures should not act as a deterrent to victims wishing to take action and sanctions should be proportionate, effective and dissuasive (Directives 2000/43/EC and 2000/78/EC). Collective redress (such as class action and actio popularis) should be accessible in the field of discrimination on the national level.

5.Enhancing public recognition of structural racism: A path to inclusive policy reform

The degree of public recognition and official response to structural and institutional racism varies widely across Europe. In very few countries is the concept of structural racism becoming more integrated into societal discourse and policy frameworks. In contrast, in most countries there is limited recognition of structural racism, which is often treated as an isolated issue rather than a systemic problem.

NGOs and civil society point out that there is a need for formal recognition of historical injustices and systemic harms perpetrated by EU countries. Restorative justice approaches should be explored to offer racialised communities a path towards reconciliation.

Governments are encouraged to promote awareness-raising campaigns and create interactive spaces for dialogue. Public campaigns, workshops and discussions involving racialised communities can amplify their voices and foster a deeper understanding of structural and institutional racism. Providing platforms for the exchange of knowledge and experiences related to intersectional discrimination is crucial for effective engagement.

National governments must actively support open and evidence-based discussions on institutional and structural racism. By promoting strategic communication efforts that introduce fresh, fact-based narratives, policymakers can enhance public understanding of these complex issues. Ensuring that these debates are inclusive and respectful is key to broadening public awareness, while preventing potential backlash or misunderstandings. This approach will foster a more informed and united approach to combating racism.

Key recommendations: Recognition and Justice

Government recognition and restorative justice

Governments should formally acknowledge the detrimental effects of structural and institutional racism on society. Official apologies and recognition of past wrongs can pave the way for restorative justice measures, addressing historical injustices and systemic harms. This process should focus on reconciliation and healing, recognising the ongoing impact of these injustices on racialised communities.

Conclusion

Structural racism is having profound and far-reaching effects on racialised communities across Europe, perpetuating cycles of social and economic exclusion, health and educational disparities, and deep mistrust in public institutions.

MPG comparative analysis shows that, while some countries have begun to acknowledge these issues, structural racism remains largely embedded in the fabric of European societies.

Addressing these challenges requires not only public recognition of racism, but also systemic and multi-level policy reforms across different sectors, from healthcare and housing to employment and justice. A multi-dimensional approach that tackles the historical, societal and institutional components of structural racism is urgently required.

Evidence-based policymaking and enhanced accountability of those who engage in discriminatory practices are critical aspects to ensure equitable access to opportunities for all groups across Europe. EU and national policymakers can contribute to eliminating structural racism by grounding policies in data and rigorous evidence. This path would involve strengthening the existing legal frameworks, better enforcing anti-discrimination laws and ensuring greater transparency within institutions. Moreover, our public and political institutions are called on to promote a more inclusive narrative that explicitly cherishes the diverse cultures, values and experiences that are integral parts of our society. It is vital that EU institutions and Member States commit to these measures to uphold the principles of equality and justice for all.