

# UNPACKING STRUCTURAL AND INSTITUTIONAL RACISM IN 8 EU MEMBER STATES:

## Key Issues and Policy Recommendations



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## **Foreword**

Racism is not always as obvious as racial violence or hate crime which are visible, explicit and identifiable. Racism is 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. This report focuses on these pervasive systems of inequality that affect both individuals and specific communities on a systemic level: structural and institutional racism.

The terms structural and institutional racism refer to the way inequality is embedded in our society and in institutions and fields such as housing, education, healthcare, social welfare, employment, policing and justice. It also refers to policies, practices and procedures which are apparently neutral but in fact severely affect only certain communities with a repetitive pattern.

Understanding, identifying and addressing structural and institutional racism are essential steps towards creating a more just and equitable society. 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. It also means investing in and empowering the communities that have been historically disadvantaged.

MPG has been working since the 1990s towards achieving racial equality, with the Starting Line Group campaign leading to the adoption of the Racial and Employment Equality Directives in 2000. Since the adoption of the two Directives, the organisation has provided numerous training courses for national civil society organisations (CSOs), victims, communities, the judiciary and lawyers on the national level and has published its research and findings extensively. Within the framework of the European network of legal experts in gender equality and non-discrimination, MPG coordinated the thematic report 'To name and address the underlying problem: Structural discrimination on the ground of racial or ethnic origin', which was written by Niall Crowley and published in 2022.<sup>1</sup>

The aim of this report is to examine the situation in eight EU member states (Czechia, Germany, Greece, Latvia, the Netherlands, Romania, Spain and Sweden), to outline the state of affairs and to provide a first set of recommendations for both the national and European level. This comparative analysis is part of a wider project, led by MPG on structural and institutional racism involving national communities directly.

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<sup>1</sup> Crowley, N. (2022), To name and address the underlying problem: Structural discrimination on the ground of racial or ethnic origin, European network of legal experts in gender equality and non-discrimination. Available online at: <https://www.equalitylaw.eu/downloads/5777-to-name-and-address-the-underlying-problem-structural-discrimination-on-the-ground-of-racial-or-ethnic-origin>

## 1. Introduction

Discrimination on the ground of racial or ethnic origin takes place not only on an individual basis, but also at the structural and institutional level. According to A. Sivanandan, Director for over 30 years of the Institute of Race Relations, “institutional racism is that which, covertly or overtly, resides in the policies, procedures, operations and culture of public or private institutions – reinforcing individual prejudices and being reinforced by them in turn”.

Structural racism includes three **historical, societal and institutional** components.<sup>2</sup> The historical element refers to the lack of adequate recognition and analysis of the historical processes of slavery, colonialism and exploitation and their impact nowadays on racialised groups ethnic groups, including Black people, Jews, Muslims, Asians, Roma and Travellers. The societal element encompasses those dominant values, norms and discourses which privilege the positions of white nationals in social, economic and political life over non-white individuals. Finally, the institutional component defines the wide set of policies, procedures, practices and perceptions within public and private institutions that silently or blatantly undermine the rights of racialised groups .

Patterns of structural and institutional and historical inequalities are embedded in European society. Minorities and people from different ethnic backgrounds are still discriminated against and denied effective access to opportunities and services on an equal basis with others. Moreover, racist discourses have become acute once more in the public sphere and Europe’s far-right movements have been highly active in providing narratives and proposing measures which ultimately intensify race discrimination and hate speech against minorities and create a hostile environment. Despite patterns of inequality and discrimination being on the rise in the EU, **structural and institutional racism is not yet present in the public and political debate**, and it is far from being properly addressed by the media, the general public and policymakers.

This report aims to shed light on existing **laws, policies, procedures, institutional practices, procedures, social behaviours and attitudes of structural racism** in the EU. It also seeks to facilitate evidence-based policymaking and identify the gaps in addressing structural and institutional racism at EU and national level.

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<sup>2</sup> Crowley, N. (2022), *To name and address the underlying problem: Structural discrimination on the ground of racial or ethnic origin*, European network of legal experts in gender equality and non-discrimination.

## **2. Methodology: a bottom-up approach**

To address the new policy priorities on the EU and national agendas to tackle structural racism, this research report adopts an **inductive and bottom-up approach** that promotes better cooperation and synergies between researchers and stakeholders, in order to inform EU and national anti-discrimination policymaking. This approach starts from the struggles of the communities and collects the necessary evidence to tackle inequalities by developing a common understanding of how racism and discrimination are institutionalised in different sectors of society. The report will make visible the contributions, struggles and cultural heritage of minority communities. The active involvement of racialised groups in the inductive research methodology and co-creation activities allowed us to have a better understanding of the needs of racialised communities.

This report on structural racism is based on research, evidence and data collected by the following **national experts in 8 EU countries**:

- **Czechia:** *David Tišer*, director of AraArt;
- **Germany:** *Kamila Schöll-Mazurek*, senior researcher at European University Viadrina; expert of the Federal Conference of Migrant Organisations in Germany; contributions from *Seyran Bostancı*, researcher of the German Centre for Integration and Migration Research (DeZIM);
- **Greece:** *Vasiliki Karzi*, attorney at law, expert at Antigone and *Athanasios Theodoridis*, attorney at law, expert at Antigone;
- **Latvia:** *Agnese Lāce*, senior policy analyst at Providus and *Laima Berzina*, junior policy analyst at Providus;
- **Netherlands:** *Dionne Abdoelhafiezkhani* and *Jair Schalkwijk*, senior researchers and project leaders at Controle Alt Delete;
- **Romania:** *Romanița Elena Iordache*, researcher, senior expert for FRANET Romania;
- **Sweden:** *Sayaka Osanami Törngren*, associate professor/senior researcher at Malmö University;
- **Spain:** *Berta Güell* and *Francesco Pasetti*, researchers at the Barcelona Centre for International Affairs (CIDOB).

The experts carried out extensive **desk research on the national level** to look at structural racism. They focused on legal and policy documents, peer-reviewed articles, books, academic and non-academic reports, debates, and collective calls for action by civil society organisations.

Moreover, the experts organised **focus groups and interviews** to directly collect inputs from individuals representing civil society organisations, racial and ethnic minority community groups, and legal experts. Personal experiences and stories were shared by anonymous individuals identifying as persons of colour, Asian, Roma, Jewish and Muslim. Data were collected between March 2023 and April 2024.

**100+ stakeholders** were involved in the bottom-up research, including:

- racialised individuals;
- Non-Governmental Organisations (NGOs);
- lawyers;

- officers in charge of assisting victims of discrimination;
- academics;
- institutional staff;
- local policymakers;
- public servants.

The material from the fieldwork has been deeply analysed and cross-checked by the Migration Policy Group's analysts, Carmine Conte and Isabelle Chopin, who have put together and synthesised the main findings of the research in this report under three main chapters, covering the legal framework, the policy framework and institutional practices and social procedures.

### **3. Executive summary**

**No explicit definition of structural or institutional racism** is enshrined in the legal systems of the eight countries included in the analysis. However, all the countries provide specific protection for victims of discrimination on grounds of race as required by EU law.

**Anti-discrimination law and its judicial interpretation are still characterised by colour-blindness.** Colour-blindness is deeply rooted in national legal frameworks, as well as in society, courts and governmental institutions, where **the notion of 'race' is not in use.**

Our research in the eight countries reveals that the main visible characteristics leading to racialisation are **skin colour and religious or traditional ethnic clothing.**

Our research indicates that in most of the countries examined structural forms of racism exist against **Roma, Black people and Muslims.** Specific and localised forms of structural racism are found in Sweden against the **Sámi population.** On the other hand, very limited data are available on structural racism against **Asians who emerge as the most "invisible" group** among the different minority communities. **Antisemitism** is addressed by national legal frameworks, but jurisprudence is still scarce on this issue and there is a low level of reporting by victims of discrimination.

**The justice system, healthcare, education, employment and housing** are the sectors where patterns of structural and institutional racism are most evident in the different countries. Structural racism is a common thread among these sectors and this has a ripple effect on the lives of members of racialised groups. Systematic discrimination in the labour market leads to unemployment among the minority population and inequalities in crucial aspects of life, such as housing, health and even education for children.

Our research shows that **racial profiling and excessive use of force by law-enforcement authorities** are very typical manifestations of structural and institutional racism in the countries examined. Racial profiling takes place when a law enforcement officer uses an individual's race or ethnicity to decide whether or not to stop them. Excessive use of force usually entails various means of violence that are often not necessary, lawful or proportionate. The racialised groups disproportionately targeted by these types of conduct are Roma, Black people, Muslims and migrants.

Structural racism also manifests itself in the daily practice and behaviour of organisations, employers, politicians and ordinary citizens against racialised groups. The main forms of structural racism identified by the comparative analysis are **online hate speech, prejudice, hostility or negative feelings, and denial of access to basic services.** These attitudes are also becoming more subtle and indirect, and are very difficult to assess and analyse. Roma, migrants and Black people are the groups most affected by these private manifestations of racism.

Despite the fact that structural racism is mentioned in the EU Anti-racism Action Plan 2020-2025, racism is not yet publicly and officially recognised as a structural problem by the media, politicians or society in general. Most **countries fail to perceive racism as a problem deeply embedded in the foundations of their society,** instead it is often considered as an abstract or isolated issue that just affects a few members of the community.



## **4. Legal frameworks on structural and institutional racism**

### **4.1 Definitions in the international and EU legal frameworks**

**There is no definition of structural discrimination in EU law.** However, Directive 2000/43/EC covers both **direct and indirect discrimination** based on racial or ethnic origin, which are defined as follows. Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin. Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Moreover, the **European Commission** has recently placed emphasis, in the **EU Anti-Racism Action Plan 2020-2025**, on the need to talk and act on racism, which is still “deeply embedded in our societies’ history, intertwined with its cultural roots and norms”. The plan notes that “as the impact of structural racism can be as profound and harmful as individual racism, its existence needs to be acknowledged and it must be addressed through proactive policies”.

At the **international level**, it is worth noting that the **UN Committee on Social, Economic and Cultural Rights** has defined “systemic discrimination” as the “legal rules, policies, practices or predominant cultural attitudes in either the public or private sector which create relative disadvantages for some groups, and privileges for other groups”.

The **Council of Europe** has also identified that “structural discrimination” is based on the way society is organised and institutions are structured. This structural discrimination operates “through norms, routines, patterns of attitudes and behaviour that create obstacles in achieving real equality or equal opportunities”.

The **European Commission against Racism and Intolerance (ECRI)** of the Council of Europe has defined “structural discrimination” as the “rules, norms, routines, patterns of attitudes and behaviour in institutions and other societal structures that, consciously or unconsciously, present obstacles to groups or individuals in accessing the same rights and opportunities as others and that contribute to less favourable outcomes for them than for the majority of the population”.

### **4.2 Definitions in the national legal frameworks of eight EU countries: no specific law on structural racism**

**No explicit definition of structural or institutional racism is enshrined in the legal systems of the eight countries included in the analysis. However, all the countries provide specific protection for victims of discrimination on grounds of race as required by EU law.**

The Racial Equality Directive requires Member States to prohibit discrimination on the ground of “racial or ethnic origin” across different areas of life and all eight countries

included such provision in their national anti-discrimination legislation.<sup>3</sup> Most of the countries have specific anti-discrimination regulations in line with Racial Equality Directive 2000/43/EC and Employment Equality Directive 2000/78/EC, with the only exception of **Latvia**, where there is no comprehensive anti-discrimination umbrella-law and the prohibition of discrimination is reflected in sectoral laws.

### Good practice

In **Germany**, despite the lack of a legal definition of structural and institutional at national level, some regional laws go beyond the scope of the national legal framework to address institutional discrimination. For instance, the Berlin State Anti-Discrimination Act (LADG) positively allows individuals to bring charges of discrimination against public institutions and closes a gap in the General Act on Equal Treatment (AGG).<sup>4</sup> The law seeks to protect against discrimination in the context of public-law activities of the state of Berlin and promote a culture that values diversity.

On the other hand, **Spain** adopted a new piece of legislation in 2022 on equal treatment and non-discrimination that aims to improve the protection of discriminated groups by establishing a more favourable regime of proportionate and reasonable sanctions to compensate victims of discrimination.<sup>5</sup> The guiding principles of this law include: i) establishing an appropriate legal framework for the prevention, attention and elimination of all forms of discrimination, ii) promoting the cross-cutting application of equal treatment in the formulation, implementation and evaluation of public policies, and iii) coordinating different public administration entities and fostering collaboration among them, social actors and civil society. Even if the law does not provide targeted provisions to address structural and institutional racism, it represents the only national regulation that expressly acknowledges the existence of structural discrimination.

### Good practice

In **Spain**, the law sets out that “it is relevant to note that discriminatory acts occur within a context of **structural discrimination** that explains historical inequalities as a result of a situation of social exclusion and systematic subjugation through social practices, beliefs, prejudices, and stereotypes” (Law 15/2022, preamble), with particular attention to antigypsyism.

In **Sweden**, the law prohibits discrimination in certain areas of the public sector, including labour market policy and social services. However, potential discriminatory acts by a police officer or customs officer towards individuals are not covered by the current legislation. To address this gap, the government is working on a legislative proposal to extend the

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<sup>3</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive'). See also, Chopin, I. and Germaine, C. (2022) *A comparative analysis of non-discrimination law in Europe 2022. The 27 EU Member States, Albania, Iceland, Liechtenstein, Montenegro, North Macedonia, Norway, Serbia, Türkiye and the United Kingdom compared*, European network of legal experts in gender equality and non-discrimination.

<sup>4</sup> The Act was passed by the Berlin House of Representatives on 04.06.2020 and came into force on 21.06.2020.

<sup>5</sup> Comprehensive Law 15/2022, of 12 July 2022, on equal treatment and non-discrimination.

protection against discrimination during public activities, including those actions taken by police officers and customs.<sup>6</sup>

Country	Grounds of discrimination in national anti-discrimination laws
<b>Czechia</b> (Anti-Discrimination Act)	<b>Race, colour, ethnic origin</b> , nationality ( <i>národnost</i> ), sex, sexual orientation, age, disability, religion or belief.
<b>Germany</b> (General Act on Equal Treatment)	Sex, <b>race or ethnic origin</b> , religion or belief, disability, age, sexual identity.
<b>Greece</b> (Equal Treatment Law)	<b>Racial or ethnic origin, descent, colour</b> , religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or characteristics.
<b>Latvia</b>	<b>Race, skin colour, ethnic/national</b> or social origin, gender, age, disability, religious, political or other conviction, property or marital status, sexual orientation or other circumstances. <sup>7</sup>
<b>Netherlands</b> (General Equal Treatment Act)	Sex, <b>race</b> , religion, belief, political opinion, nationality, heterosexual or homosexual orientation, civil (or marital) status.
<b>Romania</b> (Governmental Ordinance 137/2000 regarding the prevention and punishment of all forms of discrimination <sup>8</sup> )	<b>Race</b> , nationality, <b>ethnic origin</b> , language, religion, social status, beliefs, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV-positive status, <b>belonging to a disadvantaged group</b> , any other criterion.
<b>Spain</b> (Law 15/2022 on equal treatment and non-discrimination, 12 July 2022)	Birth, <b>racial or ethnic origin</b> , gender, religion, belief or opinion, age, disability, sexual orientation or identity, gender expression, illness or health condition, serological status and/or genetic predisposition to suffer from pathologies and disorders, language, socioeconomic situation or any other personal or social status or circumstance.
<b>Sweden</b> (Discrimination Act, 2008:567)	Sex, transgender identity or expression, <b>ethnicity</b> , religion and other belief, disability, sexual orientation, age.

<sup>6</sup> See article on this law: Utökat skydd mot diskriminering i offentlig verksamhet - Regeringen.se

<sup>7</sup> There is no general anti-discrimination legislation in Latvia. The grounds covered by the directives are, however, covered notably by the Labour Law of 20.06.2001, the Law on Prohibition of Discrimination of Natural Persons-Parties to Legal Transactions of 19.12.2012, the Law on Social Security of 07.09.1995, the Education Law of 29.10.1998 and the Consumer Rights Protection Law of 18.03.1999.

<sup>8</sup> The 'Anti-discrimination Law', Government Ordinance 137/2000 of 31.08.2000.

## Key recommendations for the EU and national legal level to tackle structural and institutional racism

- ✓ **Legal recognition of structural racism:** Legal provisions aimed at recognising and countering structural and institutional racism should be adopted. Equality and anti-discrimination laws should include a clear definition of structural/institutional racism and effective sanctions in case of any violation of the principle of equal treatment with a concrete deterrent effect. The material scope of anti-discrimination laws should also cover the public sector, including the legal system and institutions such as courts, police, tax and border control authorities. Intersectional and multiple forms of structural racism should be covered by the law as well.

### 4.3 Case-law: scarcity of court cases addressing incidents of hate crime and discrimination

**The issue of structural and institutional racism is almost never addressed at judicial level. This finding seems to reflect a wider trend related to the presence of limited national case-law on racism and discrimination in several countries.**

For instance, in **Spain**, only nine of the judicial decisions handed down in 2021 were specifically focused on racism.<sup>9</sup> In **Sweden**, the number of discrimination cases submitted to the courts is relatively small compared to the cases reported to the Discrimination Ombudsman (DO). During the period of 2011-2022, the DO shifted its focus towards issuing decisions that are not legally binding and not subject to appeal. By doing so, the DO moved away from strategic litigation as a means of counteracting discrimination and instead started to promote information and education-related activities, and non-binding opinions that cannot be appealed. This new approach led to a radical reduction in the numbers of complaints investigated and individuals' cases represented in the courts. Only two cases were taken to court in 2022 (11 settlements) compared to 12 cases in 2011 (0 settlements).<sup>10</sup> In **Romania**, the 2023 annual report on progress in the implementation of the 'National strategy on the prevention and combating of antisemitism, xenophobia, radicalisation and hate speech' underlined "the underreporting of incidents of antisemitism, xenophobia or hate speech".<sup>11</sup>

<sup>9</sup> SOS Racismo (2022), *Informe anual sobre el racismo en el Estado español, 2022. Denuncia e infra denuncia en el ámbito de la discriminación, racismo y odio desde una perspectiva victimocéntrica* (Annual report on racism in Spain in 2002. Reporting and under-reporting in the area of discrimination, racism and hatred from a victim-centred perspective).

<sup>10</sup> Data available at: <https://www.do.se/>

<sup>11</sup> Romanian Government (2023), *Raportul anual cu privire la progresul înregistrat în implementarea Strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023* (Annual Report on progress in the implementation of the 'National strategy on the prevention and combating of antisemitism, xenophobia, radicalisation and hate speech', for the period 2021-2023), May 2023, p.19.

## Case-law

### Netherlands: racial profiling during border checks by the Royal Military Police<sup>12</sup>

The Royal Military Police (KMar) is in charge of mobile security surveillance (MSM) to tackle illegal immigration and cross-border crimes. In this context, the KMar may stop people who have crossed the Dutch border and may inquire about their identity, nationality and residence status. In some cases, the KMar may also use personal characteristics based on ethnicity (such as skin colour) as indicators to execute these checks.

In the first instance, the Court did not consider the practices of the KMar to amount to structural discrimination. In contrast, the Court of Appeal ruled that the State is prohibited from making selection decisions in the performance of MSM checks based (in whole or in part) on race. It stated that "...in those cases in which the KMar bases a selection decision on race or ethnicity, the characteristic derived from race or ethnicity is decisive in that the person in question would not have been selected for a check if, in the same circumstances, that characteristic was absent (or there is a realistic risk that they would not have been selected). This inevitably means that the selection decision is based to *a decisive degree* on that racial or ethnic characteristic. The fact that other factors may also be decisive does not change this. This establishes, according to the standing case-law of the European Court of Human Rights, that there cannot be an objective and reasonable justification for the distinction made. The use of personal characteristics derived from race or ethnicity in selection decisions in the context of MSM is therefore unjustified".<sup>13</sup>

### Germany: protective practices of state institutions

In 2023, Bahar Aslan, a German-Turkish lecturer, released the following statement on the Twitter platform (now called X): "My heart starts racing when I or my friends get caught in a police check because all the brown filth inside the security authorities scares us. This is not just my reality, but that of many people in this country."<sup>14</sup> After that, she was fired by the North Rhine Westphalia (NRW) police academy and her teaching assignment for the first half of 2024 was cancelled. She brought the case to the court, which decided that the non-renewal of her employment contract at the academy, based on her criticism of the German police, was unlawful. This case shows how labour laws can be used to prevent an institution from employing an individual who was too vocal about the problem of racism within the police force and protect the *status quo*.

### Czechia: structural and institutional barriers to access education for Roma children<sup>15</sup>

The issue of structural racism was raised in a court decision concerning discrimination against Roma children in access to education in primary school. In this case, Roma children

<sup>12</sup> The Hague Court, case number C-09-589067-HA ZA 20-235 and The Hague Court of Appeal, case number 200.304.295.

<sup>13</sup> The Hague Court of Appeal, case number 200.304.295, paragraph, 8.20, available online at: <https://pilp.nu/wp-content/uploads/2023/04/Ruling-Court-of-Appeal-Amnesty-International-c.s.-v-The-State-of-the-Netherlands-14-Feb-2023-ECLI-NL-GHDHA-2023-173-translation.pdf>.

<sup>14</sup> <https://www.dailysabah.com/turkiye/diaspora/turkish-instructor-fired-for-saying-theres-racism-in-germany>

<sup>15</sup> The case was handled by the Ombudsman. The Ombudsman's report, including a link to the judgment, is available here: <https://eso.ochrance.cz/Nalezene/Edit/2812>.

were not admitted to school because the headmaster feared the reaction of parents of other children. The court found that the school had committed discrimination on grounds of ethnic origin and ordered it to apologise.

The court's decision established that the headmaster of the defendant school and the school itself did not have a negative attitude towards Roma children, but their actions were solely motivated by fear of the reaction of the majority society if they admitted a large number of Roma children to the school. The defendant school feared that it would have been perceived by the majority society as a "Roma" school, which would result in an outflow of other children. The court stated that Roma children often face prejudices and are much more vulnerable than most children. Therefore, it is vitally important that they gain a sense of acceptance and trust in their first interactions with public institutions. The judge found that the school, as a public institution, must not obstruct access to education for Roma children for fear of social reaction, but instead it should prove that their participation will promote high-quality teaching and education.

The education of Roma children was also addressed by the judgment of the European Court of Human Rights (ECtHR) in *D.H. and others*.<sup>16</sup> The ECtHR found that Czechia had discriminated against Roma children by incorrectly assigning them to special primary schools for children with "mild intellectual disabilities". They were educated according to modified curricula that limited their educational outcomes and access to the labour market. The Court, examining the situation between 1996 and 1999, found that more than 50% of children attending special schools in the town of Ostrava, where the applicants lived, were Roma and that a Roma child in Ostrava was 27 times more likely to be placed in a special school than a non-Roma child.

### General actions to tackle discrimination, including structural and institutional racism

- ✓ **Easing access to justice:** national governments should remove administrative barriers that undermine access to justice, such as excessive legal costs and lengthy procedures. In addition, translators and intercultural mediators should be made available in the justice system to ensure equitable access to justice for migrants and racialised communities.
- ✓ **Support for class actions and strategic litigations:** national governments should support the legal work of CSOs in favour of racialised groups and their representation in class-type actions and strategic litigation. Class actions can help to address structural racism because the legal costs are lower and can be shared among the different complainants. The "power in numbers" and the "media effect" could encourage victims of discrimination to engage with the justice system.
- ✓ **Effective, dissuasive and proportionate remedies:** national governments should comply with the requirements of the EU Anti-Discrimination Directives and expand legal

<sup>16</sup> European Court of Human Rights (ECtHR), *D.H. and Others v. the Czech Republic*, 2017, available online at <https://hudoc.exec.coe.int/eng#%7B%22execidentifier%22:%5B%22004-31%22%5D%7D>

remedies and sanctions available for discrimination cases based on structural and institutional racism.

- ✓ **Administrative procedures:** administrative procedures and mechanisms should be adopted to address structural and institutional discriminatory practices (e.g. in the case of denied access to public/private spaces or racist treatment by civil servants), in the event that there are no legal remedies available under anti-discrimination or criminal laws.
- ✓ **Legal assistance to victims:** court-appointed lawyers specialising in anti-discrimination and anti-racism should be made available to provide free assistance to victims of structural and institutional racism.

#### 4.4 Positive actions: lack of legal duties

**Positive actions do not exist at national level to specifically address structural or institutional racism. All eight Member States, except for Latvia, only enshrine general provisions to encourage public or private sector bodies to actively promote equality on the ground of racial or ethnic origin by adopting positive actions. However, our analysis shows that these provisions often have a limited scope or application. In most cases, preferential treatment is only allowed in specific areas of life and this does not impose a specific legal duty on the relevant actors to put in place specific measures, leaving them a wide margin of discretion on whether (or not) to act.**

In **Sweden**, positive actions entailing preferential treatment of under-represented groups are limited in the legislation. Positive actions are generally permitted concerning sex, age and disabilities, but rarely in relation to ethnicity. To give an example, in the field of work-life balance, there is no provision allowing for positive treatment on the ground of ethnicity, although such measures are permitted to achieve equality between men and women. In contrast, positive actions are allowed in a limited way in education (but only concerning folk high schools or study associations) and when it comes to starting or running a business. In **Spain**, positive actions are not conceived specifically in relation to racial or ethnic origin, but more broadly affect all forms and grounds of discrimination. This is reflected in the intersectional approach that underlies the law, in Article 7, para. 3: “In cases of multiple and intersectional discrimination, the positive action measures contemplated in this article must address the presence of different causes of discrimination”.<sup>17</sup>

In **Romania**, positive actions are provided for as an exception from the prohibition of discrimination and not as a legal duty. The definition of positive actions is phrased in general terms and is not specifically related to racial or ethnic origin. In the **Netherlands**, the law allows for a policy of preferential treatment (“affirmative action”) for ethnic minorities to promote the hiring and selection of new employees and the promotion of current employees. The policy is subject to strict requirements, such as legitimacy, due diligence and proportionality. In **Greece**, positive actions in respect of racial or ethnic origin are generally permitted in national law.<sup>18</sup> The law reiterates that any measures adopted for

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<sup>17</sup> Article 7, para. 3, Law 15/2022.

<sup>18</sup> Article 7 of Equal Treatment Law 4443/2016.

promoting and ensuring equal treatment are not considered discriminatory. In **Czechia**, measures aimed at preventing or compensating for disadvantages suffered on grounds of race or ethnicity are also recognised under national law.<sup>19</sup> This provision is interpreted as an opportunity to take positive actions and its implementation is not a violation of the principle of equal treatment.

In contrast with other countries, in **Latvia**, there are no express provisions for positive actions in the law. Thus, positive action is neither permitted nor prohibited in the law – it is possible to implement positive actions, but it is not expected. In **Germany**, Section 5 of the General Equal Treatment Act (AGG) explicitly authorises the adoption of positive action measures to eliminate discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual identity. It is worth noting that while the law permits positive action measures, there is no obligation for companies, employers or institutions to take such measures.

Experts at the national level did not observe any significant impact of these provisions on the concrete advancement of equality, but a few good practices have been found in Romania, Greece and Germany.

### **Good practice**

#### **Romania: positive actions for the education of Roma pupils**

Romania has for a long time promoted active measures to ensure equal opportunities in high school and university-level education for Roma pupils. Candidates with a Roma minority ethnic background can opt to compete just with their peers for a specific number of places allocated for that minority, which is added to the number of places available to all candidates. This means that if candidates from the Roma community achieve below the pass mark for the admission tests, they may succeed anyway. Candidates provide a statement of honour that they belong to the ethnic group and they must present a certificate from an NGO representing their ethnic community stating that they have a Roma ethnic background.

#### **Promoting the hiring of racialised groups as police officers**

The Police Academy, for its admission exams for 2021-2022, provided 480 places for police officers, border police and gendarmes working in the field of public order and security and 27 additional places for candidates with a minority ethnic background (11 Roma, nine Hungarians and seven other minorities).

### **Good practice**

#### **Greece: positive measures for the Muslim minority of Thrace**

In the field of education, Law 2527/1997 introduced a measure which ensures that a certain percentage of Muslim minority students are enrolled at Greek universities (0.5%). From 1997

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<sup>19</sup> Positive action is enshrined in Section 7(2) of the Anti-Discrimination Act (Act No. 198/2009 Coll.).



to 2019, Greece also implemented a programme for the education of Muslim children (Πρόγραμμα Εκπαίδευσης Μουσουλμανόπαιδων – PEM). The programme has the following basic goals:

- integrating minority children smoothly into Greek society through the education system;
- helping them achieve fluent knowledge of the Greek language;
- ensuring that the ethnic identity of the minority children is respected equally by educational personnel and the majority population;
- providing educators with specialist knowledge and cutting-edge educational materials;
- supporting families so that they can help children improve their performance at school.

## **Good practice**

### **Germany: the Participation Act of the State of Berlin**

The Participation Act of the State of Berlin provides concrete instruments for promoting more staff diversity in administrative bodies and better social participation of persons with a migration background:

- persons with a migration background are given special consideration for employment;
- persons with a migration background should be reached through binding regulations in job descriptions;
- support plans and objectives for persons with a migration background will be implemented in all public offices of the State of Berlin;
- the number of employees with a migration background will be recorded on the basis of voluntary disclosure;
- Berlin's administrative bodies will gear their services and measures toward the needs of a migration society;
- a specialist office at the Commissioner of the Senate of Berlin for Integration and Migration monitors the government's technical and staff-related alignment with the migration society;
- public employees receive training on issues pertaining to the migration society;
- the State Expert Commission on participation will become increasingly specialised;
- an Expert Commission for Participation and Integration will be established in each borough;
- a separate Expert Commission for Roma and Sinti will be established.

## General actions to tackle discrimination, including structural and institutional racism

- ✓ **Positive actions:** in line with Article 5 of the Racial Equality Directive and Article 7 of the Employment Equality Directive, national governments should promote the implementation of affirmative and positive actions for racialised groups in key sectors of society, including education, employment and housing (e.g. hiring people from racialised groups in the judicial system, schools, hospitals and police forces etc.). Penalties and accountability mechanisms should be introduced in case duty-holders fail to comply with the requirements to provide positive measures.

### 4.5 Gaps: colour-blindness frameworks and lack of effective compensation mechanisms

**Structural racism is not yet fully acknowledged in public discourse, public policies or the normative framework. In all countries examined, laws do not specifically target structural or institutional racism. Their focus is primarily on individual instances of discrimination rather than tackling the institutional and systemic dimensions of racism. A specific legal provision defining structural racism might constitute a first step to address this issue, but only if supported by specific and enforceable equality duties.**

**Anti-discrimination law and its judicial interpretation are still characterised by colour-blindness. Colour-blindness is deeply rooted in national legal frameworks, as well as in society, courts and governmental institutions, where the notion of “race” is not in use. Such an approach is considered problematic, because it fails to take into account the fact that race is an immutable physical characteristic and the detrimental impact of colonial laws and policies on racial minorities.<sup>20</sup> Representatives of CSOs and minority community members consulted at national level pointed out that the lack of specific wordings or definitions on race still undermine the protection of racialised groups . Another common major gap identified by different national and international actors, including individuals from minority communities, is the lack of statistics based on self-reported race and ethnicity, which makes it difficult to measure and take action against structural racism.**

In **Germany**, except for the region of Berlin, the key issue is represented by the limited scope of federal non-discrimination laws, which do not apply to the public sector and the public sphere, which undermines the possibility of making institutions accountable for discrimination. In addition, access to justice is weak for racialised groups , because of the lack of material resources and institutional support to bring legal actions. There are also no federal participation laws specifically targeted at minority and migrant communities with the aim of collecting statistics on racial discrimination and violence at the structural and institutional level. Finally, the existence of structural and institutional racism is still denied at political and society level, and there is no comprehensive legal concept or definition of these forms of racism.

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<sup>20</sup> Center for Intersectional Justice (CIJ), commissioned by the European Network Against Racism (ENAR) (2019), *Intersectional discrimination in Europe: relevance, challenges and ways forward*.

In some countries, the enforcement of the law is jeopardised by systemic barriers for racialised groups. In **Sweden**, a legal obstacle to advancing equality is the so-called “loser pays rule”, which leaves the potential individual victim of discrimination with the financial burden of paying the costs of both sides. The legal costs of a trial where the case was lost would be around SEK 100 000-200 000 (EUR 9 000-18 000), while the potential discrimination compensation if the case was won would be around SEK 20 000-80 000 (EUR 1 500-7 000). Moreover, if the perpetrator of the discrimination (a landlord, employer or merchant) loses, the costs are usually tax deductible. If a civil servant is accused of discrimination, the government agency will be liable for and pay all the legal costs. This clearly structurally limits equal access to rights for people who cannot afford to lose a legal case.<sup>21</sup> The “loser pays rule” intends to reduce the number of people who take cases to court to enforce their rights and it represents a clear example of structural discrimination as it mainly affects racialised groups.

A similar issue has been identified in **Czechia**, where the enforcement of the prohibition of discrimination is very poor. This is due to the small number of people who defend themselves against discrimination and the lack of effective sanctions for discriminatory acts. Penalties for discriminatory treatment are very low, monetary compensation is granted only if other measures (i.e. refraining from the act of discrimination, eliminating its consequences or apologising) are not sufficient.<sup>22</sup> This system is not in line with the principle, contained in EU law and CJEU case-law, that financial compensation should always be granted by the courts to the victim of discrimination. In practice, Czech courts either award no monetary compensation for non-pecuniary damages at all or just grant relatively small amounts. The lack of effective compensation mechanisms for discriminatory conduct does not have a deterrent effect on discrimination. Moreover, the Czech legal system does not provide for a public interest lawsuit (similar to an *actio popularis*) in discrimination disputes. This action is deemed crucial by relevant stakeholders to challenge in the courts systemic cases of discrimination that affect a wider range of people. The action could be brought by NGOs, for example, to avoid the situation that the burden of judicial proceedings falls entirely on the victims of discrimination. However, efforts to introduce this action at national level have so far been unsuccessful.

In **Spain**, the legal framework is affected by implementation gaps. Firstly, in terms of *de jure* guarantees, the new Law 15/2022 represents a significant step forward for the Spanish legislative framework, but one year after its approval, a large proportion of its provisions have not yet been put into practice. The implementation gap between rights and opportunities recognised “on paper” and those actually enjoyed “in practice” is not limited to the case of this specific piece of legislation, but concerns the whole Spanish regulatory system. This structural problem is rooted in: i) the lack of organisational and coordination systems between public administration entities and stakeholders, ii) the lack of resources, both material (personnel and budget allocation) and non-material (e.g. specific training in structural and institutional racism), and iii) administrative barriers (SOS Racismo 2022). These factors prevent racialised groups from accessing and exercising *de facto* the rights, opportunities and tools that the legal framework recognises them *de jure*.

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<sup>21</sup> Lappalainen, P. (2021), *Country report: Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78: Sweden*.

<sup>22</sup> Article 10(2) of the Anti-Discrimination Act.

## Key recommendations for the EU legal level to tackle structural and institutional racism

**Monitoring system:** the Commission should establish a comprehensive system to monitor the effective, dissuasive and proportionate effects of the sanctions contained in national anti-discrimination laws.

## 5. National policies and other actions

### 5.1 National strategies on racism

Country	Anti-racism and other strategies/plans/programmes
Czechia	<p><b>There is no specific anti-racism strategy or plan</b></p> <p><i>Other strategies:</i> Strategy for Equality, Inclusion and Participation of Roma for 2021-2030</p>
Germany	<p><b>National Action Plan against Racism, 2017</b></p> <p><i>Other strategies:</i> National Action Plan on Integration, 2015 Tackling Antigypsyism, Ensuring Participation, 2022 National Strategy against Antisemitism and for Jewish Life (NASAS), 2022</p>
Greece	<p><b>National Action Plan Against Racism and Intolerance 2020-2023</b></p> <p><i>Other strategies:</i> National Strategy for the Social Integration of the Roma (ESKE Roma) 2021-2030</p>
Latvia	<p><b>Plan for reducing racism and antisemitism for 2023</b></p>
Netherlands	<p><b>National Programme against Discrimination and Racism 2022</b></p> <p><i>Other strategies:</i> Action Plan on Labour Market Discrimination 2022-2025 Work Plan of the National Coordinator on Antisemitism for the period 2022-2025</p>
Romania	<p><b>There is no specific anti-racism strategy or plan</b></p> <p><i>Other strategies:</i> Strategy for the inclusion of Romanian citizens belonging to the Roma minority 2022-2027 National strategy on preventing and combating antisemitism, xenophobia, radicalisation and hate speech 2021-2023</p>
Spain	<p><b>Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia (2023-2027)</b></p> <p><i>Other strategies:</i> National Plan for the Implementation of the European Strategy to Combat Antisemitism, 2023</p>
Sweden	<p><b>National action plan against racism, xenophobia, homophobia and discrimination (2000/2001)</b></p> <p><i>Other strategies:</i></p>

**Despite the adoption of the EU Action Plan, national strategies against racism are still lacking in 2023 in Romania, the Netherlands and Czechia, where a set of different plans are in place targeting certain communities or policy areas (e.g. Roma people, the labour market, etc.). Only Greece, Germany, Latvia, Spain and Sweden have specific national strategies to tackle racism. Positively, the Greek and Spanish national strategies also provide for comprehensive definitions of structural racism.**

In **Germany**, racism is mainly addressed by the 2017 National Action Plan against Racism and the 2021 National Action Plan on Integration. Furthermore, in 2023, the Federal Government published a report on racism which sets out the following objectives:

- the causes of right-wing extremism and racism in particular should be better recognised and combated with a strong, independent state in close cooperation with civil society;
- with its measures, the German Government is committed to social cohesion, the promotion of democracy and the prevention of extremism.<sup>23</sup>

The Government report includes a specific chapter related to the “fields of action in the context of institutional and structural racism” and lists the following areas in which institutional and structural racism are found: the police, school, higher education, education and working life, public administration, political representation, health, the housing market and sport.<sup>24</sup> The definition of racism embraced by the Federal Government reads as follows: *“racism in all its facets... [denotes] beliefs and practices that are based on the systematic devaluation, exclusion and discrimination of certain groups of the population, to which biologically or culturally constructed, unchangeable and allegedly inferior characteristics and behaviour are attributed”*. This approach clearly shows that the Federal Government’s policies explicitly focus on structural and institutional discrimination based on race or ethnic origin.

In **Spain**, structural racism is defined in line with the EU Anti-Racism Action Plan (2020-2025), namely as a form of racism *“deeply rooted in the history of our societies, intertwined with their cultural roots and norms. It can be reflected in the way society functions, how power is distributed and how citizens interact with the state and public services. It can be unconscious and is often perceived in that it does not reflect the interests of those affected by racism, even if it is not necessarily a direct attempt to exclude them”*.

In **Greece**, the National Action Plan Against Racism does include the terms “structural and institutional discrimination” in relation to Afrophobia: *“A specific form of racism that refers to any act of violence or discrimination, including racist speech, fuelled by historical injustices and negative stereotypes, that leads to the exclusion and inhuman treatment of persons of*

<sup>23</sup> Lagebericht, Rassismus in Deutschland Ausgangslage, Handlungsfelder, Maßnahmen, 2023: <https://www.integrationsbeauftragte.de/resource/blob/1864320/2157012/77c8d1dddeea760bc13dbd87ee9a415f/lagebericht-rassismus-komplett-data.pdf?download=1>, p. 73.

<sup>24</sup> Lagebericht, Rassismus in Deutschland Ausgangslage, Handlungsfelder, Maßnahmen, 2023: <https://www.integrationsbeauftragte.de/resource/blob/1864320/2157012/77c8d1dddeea760bc13dbd87ee9a415f/lagebericht-rassismus-komplett-data.pdf?download=1>

*African descent. It can take many forms, including: dislike, prejudice (bias), oppression, racism and structural and institutional discrimination*". However, structural and institutional discrimination/racism are not included per se in the actions listed in the Action Plan.

In **Sweden**, the national action plan against racism, xenophobia, homophobia and discrimination was published in 2000/2001 and renewed in 2015 through additional directives. It lacks specific provisions on structural discrimination and racism, but an investigation into structural discrimination, carried out by the Swedish Government in 2003, led to the adoption of a series of Reports on education, the media, politics, employment, housing and social welfare.<sup>25</sup> The Committee Directive (2003:118) importantly concluded that *"...structural discrimination on the grounds of ethnic or religious affiliation thus refers to rules, norms, routines, accepted approaches and behaviours in institutions and other social structures that constitute barriers to ethnic or religious minorities to achieve the same rights and opportunities as the majority of the population has. Such discrimination may be visible or hidden and it can happen intentionally or unintentionally"*.

This investigation resulted in the publication of several reports on structural discrimination, highlighting the hierarchy that exists in Swedish society between white Swedes and racialised communities, including Black people, people of colour and immigrants. The investigation concretely proposed measures to counter structural discrimination based on ethnic or religious affiliation and to increase the opportunities for those who are primarily at risk of being exposed to such discrimination. To give a few examples, the report proposed the adoption of a new integration policy to combat structural and institutional discrimination due to ethnic and religious background and the creation of an agency responsible for equal opportunities and integration with tasks and powers to follow up and evaluate racism and discrimination.

On the other hand, in **Latvia**, the new 2023 Plan for Reducing Racism and Antisemitism only mentions structural racism when introducing the EU action plan and there is no other reference to structural or institutional racism throughout the text and its activities. Despite the absence of a cross-cutting strategy on racism, distinct policy actions have been adopted in Czechia and Romania, which aim to address the specific needs of racialised groups that are highly marginalised in the country. In 2021, the **Czech** Government approved the Strategy for Equality, Inclusion and Participation of Roma (Roma Integration Strategy) for 2021-2030. The Strategy considers antigypsyism as a form of institutional racism and covers areas of life where Roma are often discriminated against, including education, employment and housing.<sup>26</sup> In addition, the state has for several years been promoting the 'Hate-free culture' project to share and promote stories of people from different marginalised groups.<sup>27</sup> A very similar policy framework is present in **Romania**, where the Government has focused its efforts on countering anti-Roma racism, and this approach is currently included

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<sup>25</sup> Kommittédirektiv (2003:118), Strukturell diskriminering på grund av etnisk eller religiös tillhörighet. Available online at: [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/kommittedirektiv/strukturell-diskriminering-pa-grund-av-etnisk\\_GRB1118/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/kommittedirektiv/strukturell-diskriminering-pa-grund-av-etnisk_GRB1118/)

<sup>26</sup> The Strategy is available here (also in English): [https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/aktuality/strategie-rovnosti--zactleneni-a-participace-romu-strategie-romske-integrace-2021\\_2030-188413/](https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/aktuality/strategie-rovnosti--zactleneni-a-participace-romu-strategie-romske-integrace-2021_2030-188413/)

<sup>27</sup> For more information, see <https://www.hatefree.cz/serialy/hrdinky-romske-kazdodennosti/hrdinky-romske-kazdodennosti-pribehy-romek-ktere-se-rozhodly-nastartovat-zmenu-2> and for more information on 'Hate-free' in general, see <https://www.hatefree.cz/o-hatefree>

in the Roma Strategy<sup>28</sup> and the Antisemitism and Xenophobia Strategy.<sup>29</sup> However, the comprehensive National Strategy for the Implementation of Measures for Preventing and Combating Discrimination expired in 2013 and the draft of a national equality and non-discrimination strategy prepared in 2015 by the National Council for Combating Discrimination (NCCD) was never adopted.<sup>30</sup>

A different policy approach is applied in the **Netherlands**, where the Government pays more attention to discrimination in the labour market through the Action Plan on Labour Market Discrimination 2022-2025.<sup>31</sup> However, it is worth mentioning that the Dutch Government acknowledged structural racism and discrimination as persistent problems in society. In 2020, during the Black Lives Matter demonstrations, the Government sent several letters to the House of Representatives describing not only “racial profiling by the police and by the Government more broadly”, but also “institutionalised and widespread everyday racism”. In particular, at the end of 2020, the Netherlands was shocked by a huge scandal regarding racist practices perpetrated by public bodies in the area of [childcare support](#). In January 2021, the Dutch Government fell because of an inquiry on this issue. A few months later, the Government spoke of a “tipping point” and stated that the approach to discrimination and racism “must be given a substantial impetus as soon as possible”.<sup>32</sup> The Government announced in this letter the appointment of a National Coordinator against Discrimination and Racism (NCDR) and the establishment of a State Commission to provide new scientific insights and to implement the recommendations formulated by the NCDR, together with civil society organisations and the ministries involved.

## 5.2 Content of anti-racist strategies

**Among the eight countries analysed, Spain has adopted the most comprehensive anti-racism plan that includes a very detailed list of measures to tackle structural racism towards different racialised groups by combining legal tools, training for public authorities, capacity-building for civil society, and educational and awareness-raising initiatives. Significant political developments have also occurred in Germany, where a new Federal Anti-Racism Commissioner was established in 2023 to advance the fight against racism. In contrast, most countries do not provide clear steps on how to address structural racism in different areas of life and society. Czechia and Romania merely focus on anti-Roma discrimination and fail to recognise the stigma towards other groups.**

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<sup>28</sup> Romania (2022) *Government of Romania's strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027*, approved by Government Decision No. 560 of 28 April 2022, published in the Official Journal No. 450bis of 5 May 2022

<sup>29</sup> Romania (2021) National Strategy on the Prevention and Combating of Antisemitism, Xenophobia, Radicalisation and Hate Speech, for the period 2021-2023, and its plan of action, adopted by Government Decision No. 539/2021, of 13 May 2021, published in the Official Journal No. 517 of 19.05.2021.

<sup>30</sup> National Council for Combating Discrimination (2007), *Strategia națională de implementare a măsurilor de prevenire și combatere discriminării (2007-2013)* (National Strategy for the Implementation of Measures for Preventing and Combating Discrimination (2007-2013)).

<sup>31</sup> Ministry for Social Affairs and Employment, *Actieplan Arbeidsmarktdiscriminatie 2022-2025* (Action Plan on Labour Market Discrimination 2022-2025), available at: <https://open.overheid.nl/documenten/ronl-f19d4284a21931ba972d8cc2458998bfa4f53146/pdf>.

<sup>32</sup> Kamerbrief voortgang aanpak discriminatie en racisme. Available at: <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/06/24/kamerbrief-voortgang-aanpak-discriminatie-en-racisme>

In **Germany**, since 2022, there has been a new Federal Anti-Racism Commissioner which benefits from an annual budget of EUR 10 million. The Commissioner is anchored to the Federal Chancellery, it has extensive powers and a large budget for the implementation of its activities. Its functions are assigned to the Federal Government Plenipotentiary for Migrants, Refugees and Integration. The Commissioner's focus is to combat racism and, for this purpose, it has also set up an "antiracism expert council" composed of academics and practitioners.

The Federal Anti-Racism Commissioner promotes several activities, including:

- a national anti-racism counselling network with a community focus in 32 locations nationwide. The goal is to professionalise community-based monitoring structures and reduce the number of unreported racist incidents, with the intention that victims will feel more encouraged to report and document their experiences;
- initiatives for supporting victims of racist and right-wing violence, who often lack the necessary resources and means to create spaces for encounters and exchange;
- support for organised sport clubs and association structures;
- innovative model projects that help volunteers in their anti-racism work.<sup>33</sup>

In **Spain**, structural racism is addressed as a specific point in the Strategy which pursues three clear objectives: i) promote a review of administrative procedures to identify those exposed to discrimination and advance the modification of these procedures; ii) promote the collection of data on ethnic origin in surveys, studies and statistics to improve knowledge about the situation of groups that are discriminated against, evaluate structural racism and, where appropriate, propose measures to combat it; and iii) promote the inclusion of people of foreign origin, and other populations or ethnic groups that suffer more frequently from discrimination, in the labour, institutional and political spheres. These objectives are reflected in several action proposals at national level:

- analyses, studies and reviews on racism, racial discrimination, xenophobia and related forms of intolerance to inform and adjust policies, administrative procedures and the practical implementation of policies, administrative procedures and institutional practices;
- training and awareness-raising aimed at improving understanding of structural racism and how to combat it;
- measures to prevent and eliminate "racial profiling" by police officers;
- inclusion in curricula and in educational programmes of content to recognise the historical roots of racism, xenophobia and other forms of intolerance and to understand how certain practices are part of our history;
- commemoration of symbolic dates related to racism and racial discrimination (International Holocaust Remembrance Day, International Day against Racial Discrimination, International Day for the Abolition of Slavery, among others);

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<sup>33</sup> Lagebericht, Rassismus in Deutschland Ausgangslage, Handlungsfelder, Maßnahmen, 2023. Available at: <https://www.integrationsbeauftragte.de/resource/blob/1864320/2157012/77c8d1dddeea760bc13dbd87ee9a415f/lagebericht-rassismus-komplett-data.pdf?download=1>



- discussion about the collection of data disaggregated by racial or ethnic origin and sharing of experiences on this matter.

In **Sweden** the National Action Plan promotes a series of initiatives such as: assigning the Forum for Living History to coordinate and follow up the National Plan against Racism; assigning the Crime Prevention Council to conduct an in-depth study on antisemitic hate crimes; assigning the Sámi Parliament to carry out surveys on racism against the Sámi; assigning *inter alia* to the Norwegian Media Council the 'No Hate Speech Movement' campaign; and the allocation of resources for research.

In addition, in 2022, the Swedish Ministry of Employment published five Action Programmes to combat Antisemitism, Afrophobia, Antigypsyism, Anti-Sámi racism and Islamophobia.<sup>34</sup> These Action Programmes will be implemented between 2022 and 2024 along with the National Action Plan.<sup>35</sup> They were created in dialogue with representatives of civil society and take into consideration recommendations from regional and international human rights bodies. These Action Programmes intend to “complement the National Plan to combat racism, similar forms of hostility and hate crime, and include both measures aimed at bringing to light and combating each form of racism, and measures aimed at combating racism at large”.<sup>36</sup> The Government again stresses the importance of a unified approach in these matters which includes the work of several authorities, regional and local actors, and organisations within civil society. The action programmes specifically use the term structural racism, noting that “racist actions are not always based on an individual’s political conviction but can happen unconsciously. This means that racism, in various forms, exists as a part of society’s structures”.

In the **Netherlands**, the Government started to follow up on a number of motions that were passed in July 2020 in the House of Representatives, in the wake of the political and social debate on the Black Lives Matter demonstrations in the country. Overall, the Government sent a large number of letters on this subject to the House of Representatives in the period 2020-2021. In September 2022, the Minister of the Interior and Kingdom Relations presented the first National Programme against Discrimination and Racism to the House of Representatives to reinforce policy efforts to tackle discrimination and racism. It underlines matters of importance for the country: to actively participate in celebrating 21 March, the day marked by the United Nations as International Day for the Elimination of Racial Discrimination; to investigate the consequences of re-assessing the term “race” in the Constitution; to enable descendants of enslaved people to change their name free of charge; to help municipal authorities by developing a series of good practice guidelines for local anti-discrimination policies; to strengthen the role of the anti-discrimination agencies etc.

In addition, 160 civil society organisations directly addressed the Government, asking for action to be taken against institutional racism and emphasised that: “institutional racism has no place in our society. We are committed to eliminating racial profiling. Government

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<sup>34</sup> <https://www.government.se/government-policy/democracy-and-human-rights/asures-against-racism-similar-forms-of-hostility-and-hate-crime/>

<sup>35</sup> <https://www.regeringen.se/regeringens-politik/samlat-grepp-mot-rasism-och-hatbrott/>

<sup>36</sup> <https://www.regeringen.se/regeringens-politik/samlat-grepp-mot-rasism-och-hatbrott/>

and implementing organisations must set a good example in this respect”.<sup>37</sup> Despite the pressure from civil society and formal acknowledgement of structural racism from the Government, no concrete policy or action has yet been put in place to achieve these goals.

In **Czechia**, the Roma strategy requires monitoring of hate speech against Roma and the promotion of training for members of the police, state and local government employees on hatred and violence, antigypsyism, diversity, prejudice and stereotypes. In a similar way, in **Romania**, the Roma strategy seeks the adoption of positive actions to increase the degree of enrolment of Roma children in secondary, vocational and university education.

In **Greece**, the National Action Plan Against Racism and Intolerance 2020-2023 fails to include any concrete actions for addressing structural and institutional discrimination. Similarly, the activities included in the **Latvian** activity plan (applicable only for the year 2023) are not designed in a strategic manner for achieving a broader goal.

### **5.3 Impact of strategies: limited evaluation and implementation mechanisms**

**The national strategies on racism are often programmatic in nature and fail to provide for implementation and evaluation mechanisms to put into practice the objectives set out on paper.**

In **Germany**, the monitoring and evaluation of the measures envisaged under the National Action Plan against Racism and the other strategies is still limited. The catalogue of measures in the action plan has been criticised because it does not clarify the specific responsibilities allocated to the relevant authorities or the deadlines to achieve its goals and it does not provide for verifiable indicators to assess its implementation.

In **Spain**, the new Strategic Framework is a document to guide and promote the development of policies and actions, especially at the regional and local levels. Regional and local actors are in fact the main actors responsible for its implementation. It is worth mentioning that in 2022 the region of Navarra and Valencia implemented specific strategies to combat racism and xenophobia.<sup>38</sup> In addition, the region of Catalonia recently created the General Directorate on Migration, Asylum and Antiracism. For the first time, a region has adopted an administrative structure to tackle discrimination, including institutional and structural racism. Experts and stakeholders highlight that, given its recent adoption, it is difficult to offer an assessment of the effectiveness of the new national strategy. They agree that this is an important step forward in the fight against discrimination and structural/institutional racism. The strategy fills a gap at national level, as Spain lacked a coherent national strategy for many years and the main measures against racism were mainly focused on creating counter-narratives and campaigns to address this problem from an individual perspective. Positive developments concern how racism is approached by the new strategy: i) emphasis is given to the underlying material conditions of racism in line with EU norms and standards; ii) “whole of society” principles are included; iii) monitoring mechanisms and systems are foreseen, including indicators to measure the degree of fulfilment of the objectives on an annual basis. By contrast, the impact of the strategy is

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<sup>37</sup> <https://www.izi-solutions.com/nieuws/2021/5/19/brief-aan-de-formateurs-over-het-tegengaan-van-institutioneel-racisme-en-discriminatie>

<sup>38</sup> In Navarra, the Plan to Combat Racism and Xenophobia 2021-2026 and the Valencian Strategy for equal treatment, non-discrimination and the prevention of hate crimes 2019-2024.

limited by its programmatic and voluntary character, and the lack of specific measures supported by an assigned budget.

In **Greece**, the plan is promising on paper, but the absence of any periodic monitoring and evaluation mechanisms concerning its implementation and effectiveness may undermine the impact of the strategy on society. Similarly, in the **Netherlands** and **Czechia**, there is no regular evaluation of policies or inclusion of affected communities and/or experts in the process.

In **Sweden**, despite the existence of national policies and advocacy activities on racism, policy initiatives and education-related campaigns to reach citizens, for example through primary school education, and engage individuals working within social services, public administration and the healthcare sector are not sufficient.<sup>39</sup> Also, there is no systematic follow-up of policy implementation. Moreover, minorities who are discriminated against tend to have little knowledge of anti-discrimination laws, the judicial system and lawyers who could support them.

In **Romania**, data show a low level of interest from Romanian authorities towards structural/institutional discrimination and existing minorities. Three factors exemplify this approach: i) the failure to adopt a specific anti-racism plan or national equality strategy affecting all racialised groups, which has not been adopted since 2015; ii) the argument of Romanian officials in their responses to international assessments where they claim that the level of protection of national and ethnic minorities is already excellent and does not need any further change;<sup>40</sup> iii) the treatment of Roma-related concerns only from an economic and social perspective. In the last 20 years, public policies targeting Roma merely addressed the social needs of the Roma community, ignoring their culture and identity, and the need to increase the group's self-esteem and improve perception by the majority population.

### **Key recommendations for the EU policy level to tackle structural and institutional racism**

- ✓ **Set clear standards and guidelines:** the Commission should renew the objectives of the EU Action Plan against Racism which comes to an end in 2025. EU policies should set clear standards and guidelines for Member States in addressing the responsibility of the state and public organisations in tackling structural and institutional racism.
- ✓ **Monitoring system:** the Commission should establish a comprehensive and systematic mechanism in the long term to regularly monitor national strategies and action plans for tackling structural racism.

<sup>39</sup> <https://www.regeringen.se/pressmeddelanden/2024/05/kunskapen-om-afrosvenska-elevers-utsatthet-for-rasism-och-diskriminering-i-skolan-ska-oka/>

<sup>40</sup> Council of Europe (2019), *Fifth Report submitted by Romania Pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities – received on 8 November 2019*, ACFC/SR/V(2019)013, available at: <https://rm.coe.int/5th-sr-romania-en/16809943af>

## Key recommendations for the national policy level to tackle structural and institutional racism

- ✓ **Involvement in decision-making:** governments should involve representatives of the different minorities in the decision-making process. The involvement of targeted groups should be mainstreamed throughout all legislative processes in order to ensure that the legislator will take into account the specificities of ethnic or religious groups.

### 5.4 Other measures to address racism: campaigns, training and communication

**Despite the absence of targeted actions to tackle structural racism, a wider and more general approach against racism is taking place in Germany, Greece, Latvia, Sweden and Spain, where a range of efforts and measures to fight racism are promoted, including public campaigns, awareness-raising and capacity-building activities, research projects, counselling services, trainings and conferences. On the other hand, the Netherlands, Czechia and Romania have not taken actions and measures (yet) to combat racism beyond the existing policy and legal provisions.**

In **Germany**, the Federal funding programme Live Democracy! (*Demokratie Leben*) makes an important contribution to the prevention of racism and other forms of group-based inhumanity. The funding for the programme was increased to EUR 165.5 million in 2022. The programme supports over 330 partnerships for democracy at municipal level by funding several measures to promote democracy, diversity and prevent extremism. At state level, all 16 federal states provide financial support for democracy centres and coordinate a wide range of counselling services, research projects, scientific monitoring and programme evaluations. In addition, various networks and centres are currently being funded at federal level on crucial topics, including antisemitism, right-wing extremism, online hatred, hostility towards Muslims, antigypsyism and anti-Black racism.

In **Greece**, the Government adopted some measures for raising awareness and fostering capacity-building on equality issues. For example, in 2021, the Greek Ministry of Justice continued the implementation of the programme for the development of a comprehensive Strategy against Racism, Intolerance and Hate Crimes and an information and awareness-raising campaign against racism and intolerance 2019-2021 (funded by the EU Rights, Equality, Citizenship programme).<sup>41</sup> A website was also created for the Greek National Council against Racism and Intolerance to promote the reporting of hate crimes, raise awareness, provide information on the rights of victims of hate crimes and assist them in the effective prosecution of these crimes.<sup>42</sup> In May 2021, the Ministry of Justice carried out

<sup>41</sup> FRA (2022), *Franet National contribution to the Fundamental Rights Report 2022, Greece*, pp. 21-23, last accessed on 01.08.2023.

<sup>42</sup> Greece, National Council against Racism and Intolerance, official website, last accessed on 01.08.2023. The National Council against Racism and Intolerance was established by Law 4356/2015 (O.G. A/181/24-12-2015). It is a collective body providing advice and opinions and is subject to the jurisdiction of the General Secretariat for Human Rights of the Ministry of Justice, Transparency and Human Rights. Its members are: Ministry of Justice – General Secretariat for Justice and Human Rights, Ministry of Migration and Asylum, Ministry of Education and Religious Affairs, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Affairs, Hellenic Police, Immigration Council of the Athens Municipality, National Commission for Human Rights, Racist Violence Recording Network, National Confederation of Persons with Disabilities,

online training courses for prosecutors on racist characteristics and motives, and also organised workshops on skills and trust-building for NGOs, civil servants, members of the National Council against Racism and Intolerance and civil society representatives.<sup>43</sup> In 2022, the Ministry of Justice introduced a unified recording mechanism for incidents of racist violence<sup>44</sup> and published a guide, to be distributed in nine languages, with relevant information on the legal framework for the rights of victims of hate crimes and a list of services that can support the victims.<sup>45</sup>

In **Latvia**, offensive and hateful comments against representatives of racialised groups and social groups are a daily reality on Internet portals and social networks. In recent years, a number of educational events have been organised by public authorities, the media and non-governmental organisations to tackle hate speech. The media have actively and positively explained to the general public what hate speech is by inviting contributions from representatives of the Ombudsman. Moreover, the Society Integration Foundation implemented a number of important campaigns and projects on racial discrimination, such as Openness is Value<sup>46</sup> and CALDER – Capacity buiLding and awarEness Rising to prevent and counter intolerance in Latvia, targeting the general public and employers.<sup>47</sup> However, according to a national survey, awareness of discrimination has only changed among the younger generation and only regarding discrimination against certain groups, most prominently LGBTQI+ people.

In **Sweden**, the Discrimination Ombudsman hosted its first conference on equality data as a tool for combating discrimination in May 2023, but no progress has been made since.

In **Spain**, the General State Administration (and its related state bodies) carry out several types of actions in the field of anti-discrimination and equality, including: publications, events, working groups, inter-institutional collaborations, programmes and projects, training and capacity-building activities, subsidies, funds and grants, and information, communication and awareness-raising campaigns.<sup>48</sup> It is worth stressing that this pool of actions tends to share a wide approach against racism, discrimination and other forms of intolerance, in which structural/institutional racism is often recognised, but not specifically targeted as an objective.

A recent example is the awareness-rising campaign launched by the Ministry of Equality, 'Yes, it is racism' ([Sí, es racismo](#)), which targets both people who suffer from racial discrimination as well as the general population. While doing so, it encourages people who have witnessed situations of racial discrimination to show solidarity and denounce

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Athens Journalists Union, Research Centre for Gender Equality, General Confederation of Greek Workers, Senior Administration of Civil Servants Associations, National Council of Radio and Television, and the Ombudsman.

<sup>43</sup> FRA (2022), *Franet National contribution to the Fundamental Rights Report 2022, Greece*, pp. 21-23, last accessed on 01.08.2023.

<sup>44</sup> FRA (2023), *Franet National contribution to the Fundamental Rights Report 2023, Greece*, pp. 21-22, last accessed on 01.08.2023.

<sup>45</sup> FRA, *Franet National contribution to the Fundamental Rights Report 2023, Greece*, pp. 21-22, last accessed on 01.08.2023.

<sup>46</sup> The Society Integration Foundation is a public institution, but its partners were the University of Latvia, the Courts Administration, the State Police and the Prosecution Office.

<sup>47</sup> [https://ec.europa.eu/migrant-integration/news/latvia-openness-value-campaign-diversity-tolerance-and-non-discrimination\\_en](https://ec.europa.eu/migrant-integration/news/latvia-openness-value-campaign-diversity-tolerance-and-non-discrimination_en)

<sup>48</sup> The full list of activities carried out in 2022 by the general state administration can be found in the Annex of the new strategic framework (p.158-198).

discrimination, focusing on the fact that the best tool to combat racism is rejection by the whole of society. The campaign also aims to raise awareness about the Victim Assistance and Guidance Service of the Council for the Elimination of Racial and Ethnic Discrimination (CEDRE), which provides victims and witnesses of acts of racial discrimination with a free telephone number and 23 offices, spread across all the Spanish regions.

Another project worth mentioning is one designed to support [African and Afro-descendant people in Spain](#) and implemented in 2021 by the Ministry of Inclusion, Social Security and Migration. A database of resources and initiatives of African and Afro-descendant people was created, with the aim of deepening knowledge and creating new narratives. This awareness-raising project sought, on the one hand, to break down stereotypes of Africans and Afro-descendants and, on the other, to acknowledge the contribution of African and Afro-descendant people to the development of Spanish society.

### **Key recommendations for the EU policy level to tackle structural and institutional racism**

- ✓ **Index funding:** the EU should allocate funding to develop a European index that prioritises initiatives aimed at tackling structural and institutional racism, promoting diversity and good practices.
- ✓ **Research:** the EU should support multidisciplinary research on the impact of structural and institutional racism in different areas of life.
- ✓ **Awareness campaigns:** the Commission should launch public awareness campaigns to raise awareness of EU and national institutions and citizens about the harmful effects of structural racism, and promote inclusion.

### **Key recommendations for the national policy level to tackle structural and institutional racism**

- ✓ **Support for civil society organisations:** national governments should provide support to organisations and initiatives led by migrants and ethnic minorities. This assistance can help them establish stronger and more sustainable networks of cooperation and solidarity within society.

## **5.5 National equality bodies: vague mandates and poor actions**

**In the countries examined, there are no specific bodies established to work on structural or institutional racism. Most of the efforts on this topic are advanced by the national equality bodies in the different countries, which do not yet have a specific mandate to tackle structural racism, with a few exceptions in the Netherlands and Spain where this topic has been publicly recognised as crucial by the equality bodies. In addition, other barriers are lack of independence and the substantial resources required for national bodies to fight discrimination. These problems are exacerbated by generally low levels of cases of discrimination reported by racialised groups and weak legal support services for alleged victims.**

In the **Netherlands**, the equality body is the Netherlands Institute for Human Rights (NIHR) which provides legislative advice to the Government. The NIHR [addressed institutional racism](#) in a report and clarified what the Government has to do to actually address it.<sup>49</sup> The report highlights that institutional discrimination requires an institutional approach and the Government should structurally investigate whether its rules and policies affect different groups equally. Discriminatory government actions are currently not covered by equal treatment laws. Therefore, together with the National Coordinator Against Discrimination and Racism and the State Commission Against Discrimination and Racism, the Dutch NIHR advised the Minister of Interior Affairs to include “unilateral government action” in the General Equal Treatment Act. Preliminary figures for 2022 from the anti-discrimination bureaux show that over 800 discrimination complaints about government actions were received that could not be heard by the Dutch NIHR. A significant portion of these, namely 350 complaints, concerned ethnicity or skin colour. Moreover, the NIHR judgments are not legally binding and cannot impose penalties or measures.

The NIHR carries out other activities to tackle racism and discrimination. To give a few examples, the NIHR [developed an e-learning course for public officials](#) working at the Tax Authority and other government organisations in order to prevent biased decision-making and its discriminatory effects. The training aims to increase understanding of the effects of (conscious and unconscious) stereotypes and prejudices about ethnic minorities which may cause structural discrimination once they are part of risk profiles and work instructions. To help prevent racial profiling in practice, the Dutch NIHR [developed a human rights assessment framework for discrimination risks in the profiles organisations use](#). This assessment framework provides guidance for screening and assessing a risk profile for discrimination. It contains a minimum standard that government bodies must meet when drawing up and deploying a risk profile, based on rulings by national and international courts and monitoring bodies. The framework is mainly targeted at law enforcement officials and executive government bodies such as the Tax Authority and the Employee Insurance Agency. The NIHR is currently drafting a new version of the human rights assessment framework.

National experts and stakeholders share concerns around the role of the NIHR and its capacity to tackle discrimination effectively and independently. In 2021, the NIHR published some reports where the use of ethnicity in risk profiling is explicitly allowed when there are objective and reasonable reasons. In addition, for the past ten years, the NIHR has remained neutral in the political and societal discussion on institutional racism.

In **Spain**, there is no specific body or agency to combat structural/institutional racism in force at the national level yet, although the recently created State Authority should be responsible for this in the future. In 2022, Law 15/2022 on Equal Treatment and Non-Discrimination introduced a new national equality body replacing the previous Council for the Elimination of Racial and Ethnic Discrimination (CEDRE): the State Authority for Equal Treatment and Non-Discrimination. This is an independent, single-person body, created to assist victims of discrimination and take legal action, if needed. As the law was only approved recently, the authority has not yet been established. Considering that this body

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<sup>49</sup> College voor de Rechten van de Mens (2021), *Institutioneel racisme – Naar een mensen rechtelijke aanpak* (Institutional racism – towards a human-rights-based approach).

explicitly acknowledges structural discrimination as a key challenge to be addressed, it is reasonable to presume that some actions will be taken on structural racism.

In **Germany**, the equality body is the Federal Anti-Discrimination Agency (ADS), which has the competence to inform the public on issues related to discrimination, but does not have a clear mandate to act in the area of structural racism.<sup>50</sup> In **Czechia**, the national equality body is the Public Defender of Rights and it does not have a specific commitment to work on structural racism.<sup>51</sup> It deals with this issue exclusively in relation to individual complaints against discriminatory practices by specific natural or legal persons, but no cases of structural racism have yet been found. For a long time, the body has mainly focused its efforts on tackling discrimination against and segregation of Roma children in education and addressing online hate speech against Roma.<sup>52</sup>

In **Greece**, the national equality body is the Greek Ombudsman.<sup>53</sup> The Greek Ombudsman holds multiple mandates, but structural/institutional racism is not explicitly covered under these mandates. It should be noted that the Ombudsman does examine complaints concerning direct and indirect discrimination on grounds of colour, racial or ethnic origin, religion or religious beliefs; therefore structural/institutional discrimination could fall under its mandate as an equality body.<sup>54</sup> The Greek Ombudsman has not published any specific report on structural/institutional racism so far.

Similarly, in **Latvia**, the Ombudsman is the national equality body that is responsible for tackling discrimination based on race and ethnicity. In the annual report for 2022, the Ombudsman does not mention structural or institutional racism, and racial discrimination is not addressed at all in this reporting period. The number of applications relating to racial discrimination received is very low and the Ombudsman has recognised that they need to engage more in information activities with target groups. The concluding observations of the periodic reports of Latvia by the UN Committee on the Elimination of Racism highlight the insufficient funding of the Ombudsman's Office to work on these issues, as well as a reduction in work on racial discrimination by the equality body.<sup>55</sup>

In **Sweden**, the national equality body, the Discrimination Ombudsman (DO), does not explicitly tackle structural/institutional or systemic racism, but works on discrimination based on ethnicity or religion. The DO focuses on education and awareness-raising and only brings a few strategic cases to court. In **Romania**, no particular interest or project was identified at all in relation to the National Council for Combating Discrimination (NCCD) tackling structural/institutional racism.

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<sup>50</sup> <https://www.antidiskriminierungsstelle.de/EN/about-discrimination/grounds-for-discrimination/ethnic-origin-racism/ethnic-origin-racism-node.html>. For more information see:

<https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Jahresberichte/2022.html>

<sup>51</sup> [www.ochrance.cz](http://www.ochrance.cz)

<sup>52</sup> Research on the ethnic composition of Roma pupils from 2012: [https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/Vyzkum\\_skoly-zprava.pdf](https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf). Research and recommendations on desegregation (recommendations including a summary in English here: <https://eso.ochrance.cz/Nalezene/Edit/6670>):

[https://www.ochrance.cz/aktualne/ombudsman\\_vydal\\_prvni\\_z\\_rady\\_monitorovacich\\_zprav\\_o\\_rovnem\\_zachazeni\\_ctyrylety\\_pr\\_ojekt\\_sleduje\\_vzdelavani\\_romu\\_rovne\\_odmenovani\\_zen\\_a\\_muzu\\_a\\_procesni\\_otazky/](https://www.ochrance.cz/aktualne/ombudsman_vydal_prvni_z_rady_monitorovacich_zprav_o_rovnem_zachazeni_ctyrylety_pr_ojekt_sleduje_vzdelavani_romu_rovne_odmenovani_zen_a_muzu_a_procesni_otazky/).

<sup>53</sup> The official website of the Greek Ombudsman is available here, last accessed on 01.08.2023.

<sup>54</sup> In the past the Ombudsman has identified structural/institutional discrimination in relation to women (gender) and persons with disabilities (the latter under its mandate for the implementation of the UNCRPD).

<sup>55</sup> CERD/C/LVA/CO/6-12: Concluding observations on the combined sixth to twelfth periodic reports of Latvia, 25 September 2018.



## General actions to tackle discrimination, including structural and institutional racism

- ✓ **Support for the equality body:** national governments should increase funding for national equalities offices to address the underlying issues of underreporting and ensure diligent investigations of reported cases of structural racism, hate speech and hate crime. Enforcement requires proper accountability and follow-up mechanisms.

### Key recommendations for the national legal level to tackle structural and institutional racism

- ✓ **Strengthening collaboration between equality bodies and civil society:** equality bodies should tackle structural racism in collaboration with civil society organisations.

## 5.6 Missing ethnic data and research

**In most countries, the government fails to promote active research on trends and patterns of institutional and structural racism, although in the Netherlands and Sweden the governments provide strong support to research institutes to carry out projects on this issue. In addition, none of the countries comprehensively collect ethnic or racial data on the different racialised groups to assess policies and practices that perpetuate structural racism.**

In **Germany**, research and collection of data on racism is very difficult. For instance, there are established practices of racial profiling, but few data are available because of the unwillingness of the police authorities to cooperate in researching institutional racism. Since 2020, the German National Monitoring of Discrimination and Racism (NaDiRa) has been carrying out research on racism and monitoring racism in Germany. Their work suggests that focusing purely on quantitative research runs the risk of not fully capturing the entire structural level of racism. The main issue lies in the fact that structural racism is still missing from the public discourse and political agenda making it more difficult to assess the real impact of this phenomenon on German society.

In **Czechia**, the Government does not directly promote policy or academic research on the topic of structural/institutional racism and there is still a lack of ethnic data collected at national level. The Research Institute of Labour and Social Affairs, a public research institution established by the Ministry of Labour and Social Affairs, only conducts surveys targeting the Roma population and provides data on their socio-economic situation. Historically, stereotypes, discrimination and racism against Roma people are predominant in Czechia, where there are more than 600 socially excluded localities and ghettos in which mostly Roma people live.

In **Greece**, there is very limited academic material on structural and institutional discrimination<sup>56</sup> and there are no data collected by ethnic or racial origin in order to assess trends and patterns of structural and institutional racism.<sup>57</sup>

In **Latvia**, there is no research funded by the Government on this issue. An important academic study, 'Intercultural stereotypes and prejudices in Latvian society' found that the "intensity" of interaction with different cultural groups affects not only social openness towards other minorities, but also indicates prejudices that limit or undermine this interaction. This research shows that stronger willingness to work together or reside side-by-side with representatives from another culture facilitates the inclusion of culturally or geographically unfamiliar groups, such as Chinese or Indians, in Latvian society. By assessing the behaviour of Latvian society in different contexts of social inclusion, the most negative attitude is consistently expressed towards Muslims and Roma in the country.<sup>58</sup> As highlighted in the 'Concluding observations on the combined sixth to twelfth periodic reports of Latvia by the Committee on the Elimination of Racism', the UN Committee remains concerned about the lack of statistics on the enjoyment of economic and social rights by persons belonging to various ethnic groups. The Committee is also concerned about the lack of statistics on the representation of ethnic minorities in political life and the limited public data on the ethnic composition of the prison population.

In the **Netherlands**, the Government does indirectly promote policy and/or academic research on the topic of structural/institutional racism. For instance, the Dutch Ministry of Social Affairs and Employment funds the Inclusion & Community Platform (KIS), a programme hosted by the research institutes Verwey-Jonker Institute and Movisie. [KIS research shows](#) that institutional racism is a serious problem in the Netherlands, especially when it comes to [housing rentals](#) and the labour market. Existing evidence indicates that someone with a Dutch name has a better chance of being selected for the first round of interviews for a job than someone with an Arabic-sounding name. Moreover, since the childcare support scandal, several studies have been conducted where structural/institutional racism was proven. The [City of Utrecht](#) was the first municipality in the country to investigate institutional racism within its municipal organisation and, in June 2021, it presented a new anti-discrimination agenda. The municipality tried to set a good example and took a critical look at itself, both as an employer and as a service provider in a diverse city.

The recording of ethnicity data is prohibited in the Netherlands, but nationality/ies, place of birth and parents' place of birth are stored in a national database.<sup>59</sup> By relying on this set of data, the Government determines which ethnic group someone belongs to. The collection of disaggregated data is an essential step towards understanding and addressing structural and institutional racism, but they are not always used to assess the impact of policies and develop targeted interventions to promote equality. On the contrary, disaggregated data

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<sup>56</sup> See for example, Challoumis, C. (2022) *Θεσμικές ηλικιακές διακρίσεις* (Institutional Age Discrimination), SSRN, last accessed on 01.08.2023 and Kalpadakis, G. (2013) *Για ένα ανεξάρτητο θεσμικό μέτωπο κατά των δομικών διακρίσεων* (For an independent institutional front against structural racism), *Synchrone Themata*, vol. 121, pp. 10-13, last accessed on 01.08.2023.

<sup>57</sup> However, data on racist violence and racial or ethnic discrimination are collected and published every year by the Racist Violence Recording Network (RVRN), the Greek Ombudsman and the Ministry of Justice (for OSCE).

<sup>58</sup> Kaprāns, M., Mieriņa, I. and Saulītis, A. (2020) *Intercultural stereotypes and prejudices in Latvian society*.

<sup>59</sup> Disaggregated data is collected in the *Basisregistratie Personen* (BRP, Personal Records Database)

are often instrumentalised by extreme-right and anti-immigrant parties or by the police as well. For example, there is a positive correlation between the amount of financial resources and workforce allocated to the police in a specific area and the number of people with a migrant background who live in that area.<sup>60</sup> It is often the case that young people are targeted by the police based on factors such as their family background and/or the neighbourhoods they grow up in.<sup>61</sup>

In **Romania**, no specific policy or academic research was promoted on structural/institutional racism by the Government. Disaggregated data is instead collected for the national census and, in a limited way, by state institutions in the context of complaints or services provided. The national equality body can provide disaggregated data regarding ethnic or racial origin in relation to the complaints received, the solutions and the types of rights infringed. Reportedly, the Romanian Police has also started to collect data on hate crimes by including filters on disaggregated data by ethnicity or racial origin.

The Romanian National Institute of Statistics (*Institutul Național de Statistică*) has published the preliminary results of the Population and Housing Census conducted in 2022.<sup>62</sup> These latest data raise doubts because in 2011 the number of self-declared Roma was 621 573, while the number dropped to only 569 500 in 2022. By contrast, the European Commission, in its EU Framework for National Roma Integration Strategies up to 2020, estimates the number of Roma in Romania at a minimum of 1.2 million people.<sup>63</sup> The 2022 census showed a failure to maintain the upward trend achieved in 2011 despite the efforts made to improve the census questionnaire and overcome barriers caused by fear and discrimination.<sup>64</sup>

In **Sweden**, the most recent call was announced in May 2023 by the Government for research into institutional racism.<sup>65</sup> In the five Action Programmes, it is stated clearly that SEK 20 million per year will be dedicated to research on racism during the period 2022-2024. Other than research funding administered by the Swedish Research Council, the Government also supports the agency Living History Forum, tasked with promoting democracy, tolerance and human rights. It has the specific responsibility to raise awareness about the holocaust and communism's crimes against humanity. National administrative data in Sweden are collected only by a few different agencies, the main one being the Tax Agency. Information collected includes country of birth (which can be connected to the parents' country of birth if they are residing in Sweden) and citizenship. There is no census or survey data where respondents can self-identify their race or ethnicity.

In **Spain**, policy and academic research is directly carried out by different bodies and agencies of the general state administration. Again, it is worth stressing that studies carried out tend to share a wide approach centred on racism, discrimination and other forms of

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<sup>60</sup> <https://controlealtdelete.nl/articles/racistisch-budgetverdeelsysteem-van-politieagenten-in-nederland#gsc.tab=0>

<sup>61</sup> <https://controlealtdelete.nl/articles/top400-aanpak-is-discriminerend#gsc.tab=0>;

<sup>62</sup> Hotnews, Dan Popa, First results of the census (Primele rezultate ale Recensământului 2022), 30 December 2022.

<sup>63</sup> European Commission, EU Framework for National Roma Integration Strategies up to 2020.

<sup>64</sup> The census registered 1 002 000 Hungarians, meaning 5.3% (slight decrease compared to 6.5% in the past). Other ethnic groups are less than 1%: Ukrainians, Germans, Turks and Tatars, Lipovan Russian, Serbian, Bulgarian, Croatian, Italian, Poles, Czech, Armenians, Macedonians. The census did not take into consideration the new minorities, Muslims who came after 1980 or Africans or Asians who came to Romania as temporary workers in the last 3-5 years and who are not confronted with structural racism the way the Roma minority is affected.

<sup>65</sup> <https://www.regeringen.se/contentassets/1eef9073b4fe4077974edcac0ec5d3cc/uppdrag-att-utlysa-medel-for-ett-forskningsprogram.pdf>

intolerance. In such research, structural/institutional racism is often recognised and covered, but it is not investigated as a specific object of analysis. Moreover, no public agencies collect disaggregated data by ethnic or racial origin, making it difficult to investigate structural and institutional racism. Demographic statistics are usually determined by relying on data on country of birth and nationality, since these are the only variables that are periodically collected in registries and statistics.

To facilitate correct diagnosis and an efficient intervention in the fight against structural and institutional racism, the Ministry of Equality has initiated a debate on the feasibility of including data on ethnic origin (with information disaggregated by sex and age) in a structured way in the statistics, surveys and studies carried out at national level. This approach seeks to combat structural and institutional racism and understand the experiences of secondary victimisation suffered by some racialised groups in Spain, with particular attention to the Roma community, while respecting the principles of voluntariness, self-identification and anonymity. In this regard, the National Institute of Statistics is currently exploring how to include one question about this within a survey on attitudes towards immigration.

### **General actions to tackle discrimination, including structural and institutional racism**

- ✓ **Database of structural discrimination:** national governments should create a database for recording cases of structural/institutional racism and discrimination based on racial and ethnic grounds. Qualitative and quantitative trends regarding cases of structural racism should be published to effectively combat racist crime and enhance the transparency of procedures and trust by the victims.

### **Key recommendations for the national policy level to tackle structural and institutional racism**

- ✓ **Equality data:** national governments should collect equality data based on self-reported race and ethnicity identification.

## **6. Institutional practices, procedures, social behaviours and attitudes**

### **6.1 Unresolved historical and societal factors**

**White supremacy theories, persecution, genocide, slavery and colonialism are still “unresolved” factors and issues in the historical and social discourse of all the countries analysed, with the only exception of Latvia. These aspects still affect the lives of racial minorities and immigrants in most of the countries by perpetuating and leading to discriminatory practices and policies towards different racialised groups. In particular, Roma people represent one of the most vulnerable groups which has been and continues to be structurally and institutionally discriminated against in all the eight countries examined. Despite the significant progresses made in Europe after World War II in terms of advancing human rights, the colonial past of many European countries has contributed to reinforcing a “white-centric” attitude and narrative that is still persistent in our society, and which produces profound consequences for racialised groups who are still excluded from many areas of life.**

In **Germany**, the general discourse on the country’s colonial past is characterised by worrying reinterpretations and theories which seek to label exploitation and colonialism as “civilising missions”. The racialised categorisation of people from the colonial era is still in place today. National identity is conceived as being mainly white and German, while other people are marked as not belonging to Germany. This concept seems to be reflected in the reform of the Citizenship Act.<sup>66</sup> The impact of racism during the years of National Socialism is dutifully recognised in the country, but some logic of justification for discrimination against Sinti and Roma prevailed until the 1980s on the basis of the supposedly deficient behaviour of this group. Anti-Slavic racism under the National Socialist regime is an issue that has not been fully dealt with and which has been differently recognised in East and West Germany. OECD and PISA studies show that Germany perpetuates the exclusion of marginalised groups.<sup>67</sup>

In **Czechia**, Roma people represent the largest and longest established national minority, which has historically been the target of persecution and segregation, especially in the housing and education sectors. Most Czech Roma were murdered in concentration camps during the Holocaust, while those camps located within the country (Lety u Písku and Hodonín u Kunštátu) were administered by the Czech administration.<sup>68</sup> Since the 1960s, Roma women have also been subject to forced sterilisations and the Czech Government has officially apologised for this practice.<sup>69</sup> It is estimated that approximately one third of Roma currently still live in a situation of social exclusion.

In **Greece**, there are both historical and societal factors that are still having an impact on the lives of racial minorities and immigrants. Historically, since the revolution of 1821, Greece has been founded on the notion of a “nation-state”. According to the national Constitution (Article 3), the prevailing religion is the Greek Orthodox Church, which it is

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<sup>66</sup> <https://www.bundesregierung.de/breg-de/aktuelles/modernisation-citizenship-law-2254382>

<sup>67</sup> See more

[https://www.rassismusmonitor.de/fileadmin/user\\_upload/NaDiRa/Rassismus\\_Symptome/Rassismus\\_und\\_seine\\_Symptome.pdf](https://www.rassismusmonitor.de/fileadmin/user_upload/NaDiRa/Rassismus_Symptome/Rassismus_und_seine_Symptome.pdf)

<sup>68</sup> <https://www.coe.int/en/web/roma-genocide/czech-republic#Recognition>

<sup>69</sup> <https://www.amnesty.org/en/latest/press-release/2021/07/czech-republic-hard-won-justice-for-women-survivors-of-unlawful-sterilization/>

strongly linked to the notion of Greek nationality and citizenship. This historical heritage has led to the widespread belief that only Greek Orthodox believers can be considered as real “Greeks” at the expense of individuals belonging to other religious groups.<sup>70</sup> Moreover, Greece has been always characterised by a widespread migration phenomenon of its citizens to other countries.<sup>71</sup> It is only recently that the country started becoming a country of destination for migrants.

During the 1990s, Greece first responded to an intense influx of migrants from Albania and started introducing legal provisions for the integration of third-country nationals into its society. Later, from 2015, Greece experienced increasing migration flows from Middle Eastern and African countries as a result of the so-called “refugee-crisis”. The higher migration pressure of recent years took in place in parallel with a deep national debt and economic crisis, which strengthened extreme far-right parties and xenophobic sentiments, especially towards individuals of African and Asian heritage. In 2016, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on his mission to Greece, reported that: “... starting from 2009, Greece has been facing its worst economic crisis in recent times... Under pressure from its creditors, Greece has seen the emergence of political tensions between the government, opposition political parties and trade unions, leading to an extremely volatile political climate in which new extremist parties, including the violent neo-Nazi Golden Dawn have gained ground. Moreover, sharp reductions in public spending and public employment in combination with increases in value-added-tax rates and cuts in social benefits, have led to a rise in poverty and a permanent state of social unrest.”<sup>72</sup>

In the **Netherlands**, some of the main historical and societal factors that are still unresolved and affect these communities include the transatlantic slave trade, the colonial legacy, the World War I and II period, and migration history. The exploitation of colonies and enslaved labour led to wealth accumulation and economic development in the Netherlands, while former colonies and enslaved individuals faced impoverishment and economic disadvantage. Socio-economic disparities stemming from the colonial past still persist today and racialised groups from former colonies face systematic discrimination in Dutch society. For instance, Moluccan districts are at intervals cordoned off by police when a larger incident occurs because they are seen as a potentially violent group. This practice doesn't happen in other districts with a high population of minorities.

At Schiphol Airport customs checks of all passengers take place at the gates for Aruba, Bonaire, Curaçao, Sint Maarten and Suriname to counter drug smuggling. In addition, under a new rule in the National Old Age Pensions Act, individuals from Suriname who arrived in the Netherlands after 1999 are no longer eligible for a pension based on their years in Suriname.<sup>73</sup> People of African, Asian and Indigenous heritage, as well as immigrants from

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<sup>70</sup> Pew Research Centre, Lipka, M. (2018) ‘Greek attitudes toward religion, minorities align more with Central and Eastern Europe than West’, 31.10.2018, last accessed on 01.08.2023.

<sup>71</sup> For an in depth analysis on the history of Migration in Greece and societal changes, see: European Commission, Mediterranean Migration Observatory, Ethnicity and Migration: A Greek Story, Martin Baldwin-Edwards (coordinator) 2008, last accessed on 01.08.2023.

<sup>72</sup> UN Human Rights Council, Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on His Mission to Greece, 4 May 2016, A/HRC/32/50/Add.1, pp. 2-3.

<sup>73</sup> <https://www.uu.nl/en/news/report-on-non-compulsory-compensation-for-incomplete-dutch-state-pension-suriname-presented-to>

former colonies face prejudice, bias and unequal treatment in various spheres of life, including education, employment, housing and the criminal justice system. Extinction policies concerning Travellers' camps have been considered a violation of the human rights of Roma, Sinti and Travellers.

Other historical events have a profound impact on current emerging trends of anti-Asian racism, which dates back to the early 1600s and finds its roots in the Dutch establishment of the VOC (Dutch East India Company) after the Netherlands declared its independence from Spain. The VOC started trading with Afghanistan, South India and Bangladesh, and continued its operations throughout Asia in Japan, Indonesia, Taiwan, Malaysia and Vietnam.<sup>74</sup> To enforce their realm, Dutch authorities carried out cruelties including genocides, such as the Banda genocide in 1621 and the 1740 Batavia Massacre against Chinese minorities. The establishment of negative images and stereotypes about Asians dates back to this period and can be traced through time in literature and images.<sup>75</sup> The first wave of Asians arrived in the Netherlands in the early 1900s, in particular Chinese migrants were one of the first migrant populations to settle in Dutch society. This group started to be described as "yellow peril", "Asian plague", "untrustworthy" and other similar colonial terms and slurs from the VOC and the colonies.<sup>76</sup> As early as 1927, a motion on "The Chinese Question" was passed by the House of Representatives to request the Government to set up a committee to investigate the problems with the Chinese community and organise deportations (which did not succeed because of a lack of funds).<sup>77</sup>

In **Romania**, Roma groups were slaves until 1856 but history books and the majority of Romanian society are still largely oblivious to an experience of slavery which lasted approximately 500 years, followed by poverty, holocaust during World War II and forced settlement during communism. Educational campaigns and materials increasingly discuss the antisemitic policies taken by the Romanian authorities, and the experiences of pogroms and holocaust affecting the Jewish minority. A key role is played by the Elie Wiesel National Institute for Studying the Holocaust in Romania which is conducting monitoring work as well as educational campaigns.

Historically, **Sweden** has connections with transatlantic slavery, settler colonialism and colonial pilgrimage, including dehumanising social behaviours towards Black and Brown people in Sweden. Central to the understanding of the unresolved historical factors is Sweden's primary role in the advancement of eugenics and race biology. Sweden is also the home of the Sámi People, a marginalised indigenous population, who experience racial assaults on a systemic and personal level in Sweden.<sup>78</sup> The Sámi are recognised as an indigenous population of Sweden, and together with Jewish, Roma, Swedish Finns and

Tornedals, are considered as a national minority group. These groups are protected by specific legislation and enjoy specific rights. Peter Hervik defines Sweden (and the north of

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<sup>74</sup> <https://isgeschiedenis.nl/nieuws/de-oprichting-van-de-voc#:~:text=In%201602%20werd%20in%20Middelburg,Hollandse%20handel%20met%20het%20oosten>

<sup>75</sup> Racisme is ook wat niet wordt gezegd en wat niet wordt gezien: Agenda tot manifest tegen anti-Aziatische racisme. Available online at: <https://pac.tv/wp-content/uploads/2023/05/agendaantiaziatishracisme-v.-110523.pdf>

<sup>76</sup> Wubben, H. J. J. (1988) 'Chineez en ander Aziatisch ongedierte'. Lotgevallen van Chinese immigranten in Nederland, 1911-1940 in *Bijdragen en mededelingen betreffende de geschiedenis der Nederlanden* 103(2):286

<sup>77</sup> <https://www.delpher.nl/nl/boeken/view?coll=boeken&identificer=MMKB06:000008620:00023>

<sup>78</sup> See for example, <https://unric.org/en/sami-we-are-the-natives-of-this-country/>.

Europe, i.e. Scandinavia) as being ruled under a form of “Nordic Exceptionalism”.<sup>79</sup> This refers to a form of colour-blind racism where the people with power act as if there are no racist structures or history, while benefiting from upholding specific forms of structural racism and oppression.

In **Spain**, the persecution of Roma people during the Franco regime as a significant part of the history of Spain is not fully acknowledged at political and societal level. The same applies to the history of colonialism and slavery. The roots of institutional and structural racism are not included in the curricula and educational programmes of schools. The celebration of Hispanic Day (12 October) is also considered highly controversial by racialised communities, as it is interpreted as a symbolic glorification of the start of the history of colonialism and other contemporary forms of colonialism in Spain (e.g. through the plundering of public goods).<sup>80</sup> Moreover, the Spanish Government has not expressed its guilt or sought forgiveness for the damage caused to indigenous people in Latin America. In 2019, the President of Mexico, López Obrador, asked the Spanish Crown (Felipe VI) to do so, but he did not commit to it. On the other hand, in the same year, the Government of Catalonia did express their apologies for the damage caused by colonialism and slavery.

In contrast, there is no history of colonialism or white supremacy in **Latvia**, where the heterogeneity of immigrants has increased in the past ten years. The main historical and societal factor that marks Latvia's history was its occupation by the Soviet Union in the 20th century. This event remains in the collective memory of Latvians as a key part of the country's history, but is not tied in any way to practices or attitudes of structural racism.

## **6.2 Contextual country information on ethnic composition: living in a multiethnic and diverse society**

**Data on national racial and ethnic compositions show the existence of increasingly multicultural societies in most of the countries examined, where different racialised groups from North Africa, the Middle East, Asia and Latin America are well established in society. Some special cases are found in Latvia, Czechia and Romania, which are largely dominated by white nationals and where the most prominent racialised groups are Roma people, Ukrainians (whose presence exponentially increased after the Russian invasion of Ukraine) and ethnic Russians. The absence of colonialist policies and broad migratory flows in the past have contributed to making these countries “less diverse” in comparison with Greece, Spain, the Netherlands, Germany and Sweden. In particular, the historical, commercial, migration and colonial relationships of the Netherlands, Germany and Spain with other non-EU countries are very much reflected in the current ethnic composition of their societies.**

In **Germany**, in 2023, there were around 24.9 million people with a so-called migrant background corresponding to 29.7% of the population. Of the 24.9 million people with a migration background, around 12.6 million have a German passport, 12.9 million are foreigners and around 16.5 million have their “own migration experience” (i.e. born abroad

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<sup>79</sup> Hervik, P. (2019), *Racialization in the Nordic countries, Approaches to social inequality and difference*, <https://doi.org/10.1007/978-3-319-74630-2>

<sup>80</sup> <https://www.elsaltodiario.com/laplaza/hispaninada12-de-octubre-nada-que-celebrar-descolonicemonos>



and migrated to Germany).<sup>81</sup> According to the microcensus, the largest minority group in the country is represented by people with a Turkish migration background. Of the 21.2 million people with a “history of immigration” in 2023, 11.8% have a Turkish immigration history (around 2.5 million), 9.2% have a Polish immigration history (around 2 million), 6.5% have a Russian immigration history (around 1.4 million) and 6% have a Syrian immigration history (1.3 million).

In **Greece**, there is no official collection of ethnic data, which are only disaggregated for foreign nationals by citizenship. According to the most recent 2011 census on migration,<sup>82</sup> there were around 912 000 permanent foreign residents in Greece, including Albanians (480 851), Bulgarians (75 917), Romanians (46 524), Pakistanis (34 178), Georgians (27 407) and Ukrainians (17 008), as well as smaller groups from the UK, Cyprus, Poland, Russia, India, Bangladesh, Germany, Egypt, Moldova and the Philippines. These figures do not reflect the substantial proportion of undocumented workers who live in the country (estimated at the time of the census to be at least a third of the actual immigrant population) or naturalised individuals born outside Greece.<sup>83</sup> Moreover, it is worth mentioning that, by the end of 2022, more than 86 600 refugees and asylum-seekers were in Greece, with refugees from Ukraine representing 25% of this total.<sup>84</sup> Refugees are mostly from Syria, Afghanistan and Ukraine, while asylum seekers are from Afghanistan, Bangladesh and Pakistan.

In **Czechia**, according to the Department of Asylum and Migration Policy of the Ministry of the Interior, in 2022 the population included 636 282 Ukrainians, 117 265 Slovaks, 66 340 Vietnamese, 43 498 Russians, 19 724 Romanians, 17 884 Poles, 17 673 Bulgarians, 14 032 Germans, 11 968 Mongolians, 10 517 Hungarians and 160 971 people from other nations.

According to the National Statistical System of **Latvia**, the societal composition of the country is largely dominated by ethnic Latvians, who made up 62.4% of the population in 2023, while ethnic Russians make up 24% of the population (see figure below). Racial minorities have historically been a very small part of the Latvian population. Roma and Jewish communities are both present in Latvia: the Jewish community is between 5 000 and 10 000 people, while the Roma community is estimated at 4 677 people (beginning of 2023).<sup>85</sup>

In the **Netherlands**, in 2023 almost 27% of the general population of 17.81 million people had a migration background, defined as first or second-generation migrants (4.83 million people).<sup>86</sup> The main ethnic groups have a Turkish background, followed by Moroccans, Indonesians, Germans, Surinamese and other minorities. In terms of migrant communities, in 2022 the largest group of immigrants came from Ukraine, with 99 700 immigrants, followed by Poles, Syrians, Turks and Indians.

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<sup>81</sup> Statistisches Bundesamt (2023), *Mikrozensus – Bevölkerung nach Migrationshintergrund, Erstergebnisse 2023*, <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/Tabellen/migrationshintergrund-wohnsitz.html>

<sup>82</sup> Greece, Hellenic Statistic Authority (2011), *Migration*, last accessed on 01.08.2023.

<sup>83</sup> Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples, Greece*, last accessed on 01.08.2023.

<sup>84</sup> <https://reporting.unhcr.org/operational/operations/greece>

<sup>85</sup> <https://stat.gov.lv/lv/statistikas-temas/labklajibas-un-vienlidzibas-raditaji/sociala-ieklausanas/sociala-ieklausanas-riska-grupa-romi>

<sup>86</sup> <https://www.statista.com/statistics/519912/population-of-the-netherlands-by-background/>

**Romania** recognises the existence of 18 national minorities in its society. Roma officially represent the second largest group living in the country (after the Hungarian minority), while it is unofficially the largest minority group. According to the 2011 Census estimations, racialised groups include 1 227 623 Hungarians (6.1%), 621 573 Roma (3.1%), 50 920 Ukrainians/Ruthenians (0.3%) and 36 042 Germans (0.2%).<sup>87</sup> The presence of migrants and racial minorities is a relatively new phenomenon in Romania. For a long time, Romania was a country of transit but recently also became a country of destination for migrant workers from Sri Lanka, Bangladesh and Pakistan.

**Sweden** today is a country of ethnic and racial diversity, but it does not formally collect data on individuals' ethnicity and race.<sup>88</sup> The only available data concern a person's country of birth and origin who is categorised as having a "foreign background". According to this model, people born in Syria (197 201) represent the largest population, followed by Iraqis (145 586), Finns (129 406) and Poles (100 706). Among second generation migrants, Iraqis are the largest group (62 752).

In **Spain**, Moroccans and Romanians are the two main foreign groups in the country, followed by three European communities: British, Italians and French. Latin American groups are also prominent, especially from Colombia and Venezuela (which includes many refugees and asylum seekers), while Honduras has become a recent emigration country due to the rise of violence and political instability there. China is the most represented Asian country with a community of nearly 200 000 inhabitants in Spain.

### **6.3 Grounds of racialisation: skin colour, religious clothing, foreign language and ethnic names**

**Our research in the eight countries reveals that the main visible characteristics leading to racialisation are skin colour and religious or traditional ethnic clothing. This trend is widely present in all the countries examined where other personal factors, including speaking a foreign language and having a minority ethnic name, also represent widespread causes of discrimination. The grounds of racialisation affect all the different minority communities living in the eight countries. However, in countries characterised by less diverse societies and more recent migration flows, like Czechia and Romania, structural racism is still mainly focused on Roma, who are discriminated against based on the colour of their skin, typical surnames and traditional clothing.**

In **Germany**, racialised groups are frequently racialised based on various characteristics, such as their skin colour, religious attire or origin. Individuals are mostly racialised as Muslim, Jewish, Black, Roma, Asian and Eastern and Central European (Polish, Romanian, Bulgarian and Ukrainian).

In **Czechia**, skin colour and typical Romani surnames are often grounds for the racialisation of individuals. For instance, people with Romani surnames are less likely to be invited to a job interview or to view an apartment than people with non-Romani surnames. A similar situation exists, to a minor extent, for foreigners coming from Arab countries and more

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<sup>87</sup> <https://minorityrights.org/country/romania/>

<sup>88</sup> Sayaka Osanami Törngren and Sofia Ulver, Who Is Marketised in Colour-Blind Sweden? Racial and Ethnic Representation in Swedish Commercials 2008–2017, *Genealogy* 2020, 4(4), 100; <https://doi.org/10.3390/genealogy4040100>

recently from Ukraine.<sup>89</sup> Discrimination in the housing sector is also based on the place of residence (e.g. a locality inhabited predominantly by Roma) of the person looking for accommodation, or the fact they have a large number of children, which is usually associated in Czech society with Romani ethnicity.

In **Greece**, according to information provided by experts, the most common features that lead to the racialisation of individuals are skin colour, name, religious clothing such as headscarves, and speaking Greek with a distinctive accent. Some initial estimations on this issue are provided by the Racist Violence Recording Network (RVRN) which publishes data concerning racist violence on an annual basis.<sup>90</sup> RVRN applies a strict methodology and records cases exclusively on the basis of interviews conducted with the victims. Each RVRN organisation member appoints focal points to record these incidents, and forward them to RVRN exclusively for the purpose of recording racism and hate crimes in Greece. According to their last Annual Report, published in 2023, RVRN registered 74 incidents of racist violence.<sup>91</sup> In 33 incidents, migrants, refugees or asylum seekers were targeted due to their national origin, religion or skin colour. In one of these incidents, an individual was targeted because of their national origin, as well as their sexual orientation and gender identity. In another incident, the target of a hate crime were Roma Greek citizens on the ground of their ethnic origin. It should be noted that these numbers do not reflect the reality of racist violence, which is estimated to be much higher, but it provides a first snapshot of the grounds that motivate hate crimes in Greece.

In **Latvia**, ethnicity is one of the most prevalent identity markers in society and it is often used as a benchmark to differentiate other ethnocultural groups from ethnic Latvians.<sup>92</sup> Skin colour is the most common reason for discrimination, as was identified by 36% of respondents to a study carried out by the Latvian Center for Human Rights. This was followed by ethnicity (or being perceived as foreigners) in 25% of cases, language (mainly Russian-speakers and foreigners who cannot receive services in English) by 22% of respondents and religious affiliation to Islam in 6% of cases.<sup>93</sup>

Similarly, the general feeling towards immigration in Latvian society is based on a certain ethnic hierarchy of more or less desirable immigrant groups: the closer the immigrants' country of origin, the more positive the social attitude towards them. Accordingly, groups that are perceived to be either culturally, ethnically or geographically very distant from ethnic Latvians face higher levels of discrimination. At the same time, structural racism is

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<sup>89</sup> <https://romea.cz/cz/zaostreno/bakalarska-prace-studenta-vs-roberta-olaha-prokazala-diskriminaci-romu-na-trhu-z-bydlenim.vzdelani-romove-maji-vetsi-sanci>

<sup>90</sup> The initiative for the establishment of the Racist Violence Recording Network (RVRN) was taken in mid-2011 by the Greek National Commission for Human Rights (GNCHR) and the Office of the UN High Commissioner for Refugees in Greece (UNHCR) following two major findings: a) the absence of an official and effective data collection system and b) the need for coordination among organisations which recorded, on their own initiative, incidents of racist violence against people who seek recourse to their services. Apart from the coordinators, UNHCR and GNCHR, RVRN is comprised of 51 non-governmental organisations and civil society bodies, as well as the Greek Ombudsman and the Migrant Integration Council of the Municipality of Athens, as observers.

<sup>91</sup> Greece, Racist Violence Recording Network (2023), *2022 Annual Report*, last accessed on 01.08.2023.

<sup>92</sup> Žiga, B., Pīpiķe, R., Zankovska-Odiņa, S. (2022). *Nīderlandes, Kanādas, Zviedrijas valstu izvērtējums: diskriminācijas novēršanas prakses*, Sabiedrības Integrācijas Fonds. [https://www.sif.gov.lv/lv/diskriminacija-uz-rases-vai-etniskas-piederibas-pamata?utm\\_source=https%3A%2F%2Fwww.google.com%2F](https://www.sif.gov.lv/lv/diskriminacija-uz-rases-vai-etniskas-piederibas-pamata?utm_source=https%3A%2F%2Fwww.google.com%2F)

<sup>93</sup> Latvian Center for Human Rights (2016), *Ārvalstu studentu/imigrantu aptauja par saskarsmi ar neiecietības izpausmēm Latvijā: Rezultātu apkopojums*. <https://cilvektiesibas.org.lv/lv/news/arvalstu-studentuimigrantu-aptauja-par-saskarsmi-a-428/>

still viewed as an American or Western issue<sup>94</sup> and many ethnic Latvians tend to sympathise with pragmatic and utilitarian arguments on migration and integration that privilege migrants and racialised groups with higher professional or educational qualifications.<sup>95</sup>

In **Romania**, systematic racialisation mainly affects the Roma population, who are identified and targeted because of the colour of their skin and their traditional clothing. There are also individual incidents on racial grounds that are motivated by the skin colour of foreign workers, who are a relatively “new minority” in the country (including people from Sri Lanka, Bangladesh and Pakistan).

In **Sweden**, people experience racism and racialisation on the grounds of visible factors, which include skin, hair or eye colour, religion, language and their names. Furthermore, it is reported that people are racialised due to their accents and dialects, food habits, clothes, legal status and religious symbols such as hijabs or pagris (headdress worn by men and manually tied). Regardless of whether an individual is born in Sweden and/or is a Swedish citizen, these visible characteristics function as systems for categorising certain groups including Black, Middle Eastern, Asian and Latino people. The racialisation often happens in intersection with all the grounds mentioned above and is exacerbated by gender, sexuality, religion, sexual orientation and class. White European immigrants (Southern European and Central Eastern Europeans who were identified and racialised as “immigrants” until the 1980s) are no longer perceived by other people as belonging to another race or group, unless visible aspects (names or language) emerge. Studies show that, even if white immigrants experience discrimination, they are still considered “European” and from the “same culture” and are far from experiencing structural racism. Racialisation mechanisms are grounded in the dichotomised way of thinking of people being either “Swedish” or “immigrants” and reflected in the binary concept of being White or non-White. Research clearly indicates that non-white Swedes, regardless of whether they are citizens, Swedish-born or adopted or mixed and self-identify as Swedish, are perceived as foreigners and they are racialised as non-White because of their skin colour.<sup>96</sup>

In **Spain**, a recent study shows that the most common discriminatory grounds are related to the skin colour or physical features of racialised groups, their cultural traditions and practices, or their religious beliefs and clothing (e.g. hijab), especially for people from the Maghreb.<sup>97</sup> Focus groups organised by experts in the framework of this project also confirm

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<sup>94</sup> Dupate, K., Buka, A., Jakunova, I., Jurgelāne, I., Kučs, A., Lasmanis, A., Lāma, Ž., Liepa-Monksa, B., Putniņa, A., Rinkevics, A., Treija, D., and Zemīte, I.L. (2023), *Hate crimes and hate speech. International standards and Latvian legal regulation and its application in practice*. <https://www.sif.gov.lv/lv/media/4290/download?attachment>

<sup>95</sup> Kaprāns, M., Saulītis, A. and Mierīņa, I. (2021), *Latvijas iedzīvotāju attieksme pret imigrāciju un imigrantiem*, Sabiedrības Integrācijas Fonds. [https://fsilu.vip.lv/media/filer\\_public/54/26/54267a36-735d-4b5a-9ac6-bbbc11ef413/2021\\_imigracija\\_zinojums.pdf](https://fsilu.vip.lv/media/filer_public/54/26/54267a36-735d-4b5a-9ac6-bbbc11ef413/2021_imigracija_zinojums.pdf).

<sup>96</sup> Please see Osanami Törngren's studies which include immigrants and mixed Swedes of Asian background, and also an overview of where Asians in Sweden stand in relation to other racialised groups in Sweden. Osanami Törngren, S. (2022). 'Understanding race in Sweden: the racialisation and deracialisation of multiethnic and multiracial Swedes' in *Nordic Journal of Social Research*, 13(1), 51-66. Osanami Törngren, S., Irastorza, N., & Kazlou, A. (2023), 'Model minority and honorary White? Structural and individual accounts on being Asian in Sweden' in *Migration and integration in a post-pandemic world: Socioeconomic opportunities and challenges*, Cham: Springer International Publishing, pp. 315-342. Emilsson, H., Magnusson, K., Osanami Törngren, S. & Bevelander, P. (2014). *The world's most open country: labour migration to Sweden after the 2008 law*, Malmö University, Malmö Institute for Studies of Migration, Diversity and Welfare (MIM).

<sup>97</sup> The report by CEDRE (2020) is based on a large-scale longitudinal survey with a sample of 1 624 participants from all regions in Spain who belong to eight territorial and ethnic groups to account for the evolution of the different manifestations and causes of ethnic and racial discrimination in the period 2011-2020. These are: Eastern Europeans, Maghrebians, South

that religious clothing is the most frequent ground for Islamophobia, especially in the labour market. This factor of racialisation affects female Muslims, but also the Sikh community which is less visible. Moreover, access to housing is often denied due to accent (even in the case of Latin Americans who do not speak Iberian Spanish), foreign names and the nationality of racialised groups. Phenotypes and skin colour are also highly relevant when it comes to racism experienced by non-Mediterranean Africans (Sub-Saharan Africans), Roma people and East Asians.

In the **Netherlands**, a research study by the Netherlands Institute for Social Research (SCP) involving Surinamese and Antillean Dutch individuals found that 60% and 57% of them respectively reported experiencing discrimination based on their skin colour and 43% and 48% of them were discriminated against because of their ethnic background. An extensive survey among wearers of face-covering clothing, commissioned by the Ministry of Social Affairs, showed that since the introduction of the law prohibiting face coverings,<sup>98</sup> women who wear burqas and niqabs have suffered much more harassment and violence.<sup>99</sup> Offenders often consider the law as a licence to harass women and many of them have started to avoid public transport since the ban. Some said they avoided going to a healthcare facility because they feared confrontation. Studies also show that physical aspect and appearance play an important role in systematic racism, especially in the field of criminal justice. In this regard, suspects with a migration background are more severely punished by the court: offenders with a “foreign appearance” who speak the Dutch language are five times more likely to be sentenced to unconditional imprisonment than offenders with a “Dutch appearance” who also speak Dutch; while perpetrators with a “foreign appearance” who do not speak Dutch are 20 times more likely to be convicted.<sup>100</sup>

#### **6.4 Forms of structural and institutional racism: anti-Black racism, antigypsyism, anti-Muslim racism, antisemitism, anti-Asian and anti-Sámi racism**

**Our research indicates that in most of the countries examined structural forms of racism exist against Roma, Black people and Muslims. Antigypsyism is particularly relevant in Czechia and Romania, where this group has suffered from systematic exclusion and marginalisation in key areas of life for a long time. Structural racism against African and Afro-descendant communities is also very widespread in all the countries analysed. However, in Czechia, Romania and Latvia this group is still numerically marginal in comparison with other minorities. Islamophobia is very common in Germany, Greece, the Netherlands, Spain and Sweden and it is often linked to anti-migrant rhetoric and propaganda. Specific and localised forms of structural racism are found in Sweden against the Sámi population and in Germany against Slavic people. On the other hand, very limited data are available on structural racism against Asians who emerge as the most “invisible” group among the different minority**

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Americans, Afro-Caribbeans and Afro-Latinos, Non-Mediterranean Africans (Sub-Saharan Africans), East Asians, Indians and Pakistanis, and Roma.

<sup>98</sup> Face Coverings (Partial Ban) Act (*Wet gedeeltelijk verbod gezichtsbedekkende kleding*)

<sup>99</sup> Rapportage Inventarisatie van ervaringen na invoering wet Gedeeltelijk verbod op gezichtsbedekkende kleding. Available online at: <https://www.rijksoverheid.nl/documenten/rapporten/2021/11/01/rapportage-inventarisatie-van-ervaringen-na-invoering-wet-gedeeltelijk-verbod-op-gezichtsbedekkende-kleding>

<sup>100</sup> Wermink, H. de Keijser, J. and Schuy, P. (2012) ‘Verschillen in straffoetmeting in soortgelijke zaken Een kwantitatief onderzoek naar de rol van specifieke kenmerken van de dader’ (Differences in sentencing in similar cases. A quantitative study of the role of specific offender characteristics), *Nederlands Juristenblad*, 16.03.2012, AFL. 11.

**communities. Antisemitism is addressed by national legal and policy frameworks, but jurisprudence is still scarce on this issue and there is a low level of reporting by victims of discrimination.**

In **Germany**, Muslims, Roma, Slavic people, Jewish people, people of African heritage and Asian minorities are the groups mostly targeted by structural and institutional racism. Overall, anti-Muslim racism is the most common form of structural racism in Germany. Anti-Black racism stands out in terms of the brutality exercised against this group. However, structural racism is not yet equally recognised in all its forms. Anti-Semitism and anti-Black racism are more often acknowledged as such, compared to racism against Asians, Muslims, Slavs, and Sinti and Roma communities

Anti-Black racism is very frequent in different areas of life. According to the Afrocensus respondents, a study which highlights the experiences of Black, African and Afro-diasporic people in Germany, discrimination takes place “very frequently” and “often” in the following areas: public spaces and leisure (13.6%-22%); media and internet (24.4%-25.7%); shops and services (7.3%-18.2%), working life (10.9%-18.1%) and education (9.1%-16.3%).<sup>101</sup> In addition, more than half of the respondents stated having been stopped by the police at least once in their lives for no recognisable reason. Racism is also experienced differently across these areas of life, depending on the group.

The NaDiRa study shows that people who are racially marked report experiences of discrimination far more frequently than those who are not racially marked, both at individual and institutional level.<sup>102</sup> Among Black people, reports of experiences of discrimination prevail when dealing with police authorities, in public spaces and during leisure time. The majority of Asian men identify practices of discrimination in the context of public offices and official authorities (39.1%), whereas Asian women are mainly discriminated against in public spaces (43.2%). Muslim people report forms of racist discrimination mainly in contact with public offices and authorities (51.3%). Except for the health sector, where Black women report experiences of poor treatment most frequently (38.6%), the figures on discrimination seem to be higher for men across all the different racialised groups .

Anti-Muslim discrimination is also prevalent in Germany. An experimental study showed that women with headscarves or individuals with a Turkish-sounding name are discriminated against in the labour market.<sup>103</sup> They receive fewer invitations to job interviews despite having the same application documents as other candidates. Data also highlights that 56% of Germans do not want Sinti and Roma people living in their neighbourhood or in the city centres, because of the common stereotype that members of

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<sup>101</sup> <https://afrocensus.de/>,

<https://www.integrationsbeauftragte.de/resource/blob/1864320/2157012/77c8d1dddeea760bc13dbd87ee9a415f/lagebericht-rassismus-komplett-data.pdf?download=1>; <https://www.rassismusmonitor.de/>

<sup>102</sup> NaDiRa (2022), *Institutioneller Rassismus in der Polizei. Rassistisches Wissen und seine Nutzung* (Institutional racism in the police: racist knowledge and how it's used). NaDiRa Working Papers, Berlin, [https://www.dezim-institut.de/fileadmin/user\\_upload/Demo\\_FIS/publikation\\_pdf/FA-5383.pdf](https://www.dezim-institut.de/fileadmin/user_upload/Demo_FIS/publikation_pdf/FA-5383.pdf)

<sup>103</sup> Weichselbaumer , D. (2016) *Discrimination against female migrants wearing headscarves*, IZA Discussion Paper No. 10217.

this minority group tend to commit more crimes.<sup>104</sup> In the field of healthcare, the NaDiRa study notes that patients with names that are widely used in Germany are significantly more likely to receive a positive response to their appointment requests (51%) than patients with names that are common in Turkey (45%) or Nigeria (44%).<sup>105</sup> They also experience delayed access to medical care, in particular racially marked women postpone or even avoid medical treatment due to fears of not being taken seriously or being treated worse than others.

Antigypsyism is a very salient and alarming form of structural racism in the country. According to official reports, “Sintizze and Sinti as well as Romnja and Roma are the most rejected minority in Germany: in representative surveys, just under 29% of the population states that they feel antipathy towards this group”.<sup>106</sup> This form of racism is highly controversial considering Germany’s historical responsibility for the genocide of the Sinti and Roma (Porajmos). Antigypsyism developed over centuries of history and has led today to manifestations that differ significantly from other forms of racist discrimination. The Commission on Antiziganism (UKA) outlines that, based on historical and empirical findings, antigypsyism should be categorised as an independent relationship of power and violence. In February 2022, the Federal Government adopted a national strategy entitled ‘Combating Antiziganism, Ensuring Participation!’, which was presented by the Federal Minister of the Interior and Community. This strategy aims to promote the integration and participation of Sintizze and Sinti as well as Romnja and Roma and to combat antiziganism in Germany. As part of this strategy, the National Sinti and Roma Contact Point (NRCP) has been strengthened and a civil society monitoring centre for recording antigypsyist attacks – the Antigypsyism Reporting and Information Centre (MIA) – has already been set up.

Anti-Slavism is a widespread form of racism that has not yet been much discussed and researched in Germany.<sup>107</sup> During World War II, Germany perpetrated horrific criminal acts against Poland, including racist practices and the exploitation of Polish people in labour camps. Today, structural discrimination against Slavic people takes place in the areas of the labour market and social security, despite favourable EU laws on the free movement of persons.<sup>108</sup>

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<sup>104</sup> Decker, O., Kiess, J., Heller, A. and Brähler, E. (eds.) (2022), *Autoritäre Dynamiken in unsicheren Zeiten Neue Herausforderungen – alte Reaktionen? Leipziger Autoritarismusstudie* (Authoritarian dynamics in uncertain times. New challenges – old reactions? Leipzig Authoritarianism Study), Psychosozial-Verlag, [https://www.boell.de/sites/default/files/2022-11/decker-kiess-heller-braehler-2022-leipziger-autoritarismus-studie-autoritaere-dynamiken-in-unsicheren-zeiten\\_0.pdf](https://www.boell.de/sites/default/files/2022-11/decker-kiess-heller-braehler-2022-leipziger-autoritarismus-studie-autoritaere-dynamiken-in-unsicheren-zeiten_0.pdf)

<sup>105</sup> NaDiRa (2022), *Institutioneller Rassismus in der Polizei. Rassistisches Wissen und seine Nutzung* (Institutional racism in the police: racist knowledge and how it’s used). NaDiRa Working Papers, Berlin, [https://www.dezim-institut.de/fileadmin/user\\_upload/Demo\\_FIS/publikation\\_pdf/FA-5383.pdf](https://www.dezim-institut.de/fileadmin/user_upload/Demo_FIS/publikation_pdf/FA-5383.pdf)

<sup>106</sup> Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, Beauftragte der Bundesregierung für Antirassismus (2023) *Rassismus in Deutschland. Ausgangslage, Handlungsfelder, Maßnahmen* (Racism in Germany. Starting position, areas of action, measures), available at: <https://www.integrationsbeauftragte.de/resource/blob/1864320/2157012/77c8d1dddeea760bc13dbd87ee9a415f/lagebericht-rassismus-komplett-data.pdf?download=1>.

<sup>107</sup> <https://www.bkge.de/projekte/diskriminierung-von-menschen-osteuropaeischer-herkunft-auf-dem-arbeitsmarkt>

<sup>108</sup> Lewicki, A. (2023). East–west inequalities and the ambiguous racialisation of ‘Eastern Europeans.’ *Journal of Ethnic and Migration Studies*, 49(6), 1481–1499. <https://doi.org/10.1080/1369183X.2022.2154910>

Another issue that is rising extremely rapidly in Germany is antisemitism, which should “not to be understood as a sub-form of racism, but as a phenomenon in its own right with intersections with racism”.<sup>109</sup>

Particular challenges and forms of discrimination are also faced by Indigenous people from South America and India, whose needs and characteristics are often overlooked by the majority society. Additionally, forms of structural discrimination exist towards Kurdish and Palestinian individuals, which are not properly addressed within the context of Germany’s dominant white societal relations.

In **Czechia**, antigypsyism is the most common manifestation of structural and institutional racism. Roma are exposed to institutional racism and discrimination in different areas of life: access to housing, education, healthcare and participation in Czech society. Romani people do not participate in public political life and currently they have no representatives in the Chamber of Deputies. Their representation at regional and local level is still marginal. Their political participation in elections is also very minimal.

Another specific form of structural racism affects children of migrants and refugees. Czechia was the only EU country to prevent children of working third-country nationals from fully accessing the public health insurance system, thus denying them the right to healthcare.<sup>110</sup> However, in 2023 there was a legislative change under the Asylum Act to facilitate access to healthcare, which allows children (up to the age of 18) of foreigners from third countries, who have long-term residence in the Czech Republic, to access the public health insurance system. The Committee on the Rights of Foreigners, as an advisory body to the Government of Czechia, had for a long time advocated for a policy change on this issue. A report by Euromed also highlights the illegal pushback of unaccompanied children at the border, as well as ill-treatment, humiliation and beatings by the police. Czechia is among the countries that are most criticised for the illegal practice of holding child refugees behind bars in detention facilities.<sup>111</sup>

In **Greece**, antigypsyism, Islamophobia and discrimination against migrants, asylum seekers and refugees are widespread forms of structural racism.

### **Greece: police excessive use of violence**

All Roma (nationals and non-nationals) face issues related to arbitrary action by the police and excessive police violence. There are cases where the use of excessive force against Roma suspects has led to the death of Roma individuals. For example, in 2021 shortly after midnight, seven police officers were pursuing a private vehicle in which two young Roma

<sup>109</sup> Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration, Beauftragte der Bundesregierung für Antirassismus (2023) *Rassismus in Deutschland Ausgangslage, Handlungsfelder, Maßnahmen* (Racism in Germany. Starting position, areas of action, measures), available at: <https://www.integrationsbeauftragte.de/resource/blob/1864320/2157012/77c8d1dddeea760bc13dbd87ee9a415f/lagebericht-rassismus-komplett-data.pdf?download=1>, p. 40.

According to the Federal Association of Research and Information Centres on Antisemitism (RIAS), the number of antisemitic incidents has risen significantly since 7 October 2023. This set of data has been collected only for some countries as they are beyond the cut-off date of the national country reports.

<sup>110</sup> <https://www.charita.cz/aktuality/z-domova/děti-cizince-s-dlouhodobym-pobytem-jsou-konecne-o-krok-bliz-ke-spravedlive-zdravotni-peci/>.

<sup>111</sup> <https://www.opu.cz/wp-content/uploads/2023/05/EUROMED-en-unaccompanied-minors-report.pdf>



men were riding. The police officers started shooting at the car, resulting in the death of the front passenger.<sup>112</sup> The number of fatal injuries suffered by the victim and the total number of shell casings found at the location of the incident, as well as the violation of an explicit order from police headquarters, caused a social outcry against the police's handling of the incident and resulted in the criminal prosecution of the police officers involved.<sup>113</sup>

In 2022, there was another altercation between the police and a Roma teenager, which resulted in his death and reignited the debate around police violence in Greece against Roma. In this case, a Roma teenager allegedly fled a petrol station without paying the bill and was tracked down by the police.<sup>114</sup> One of the officers opened fire against him, injuring him in the head. The boy died a week later. The Roma community condemned the incident and addressed an open letter to the Prime Minister calling for an end to discrimination and the marginalisation of the Roma community by effectively implementing measures for their social integration.<sup>115</sup> The open letter was issued by the Roma organisation Ellan-Passe and co-signed by more than 30 Roma organisations, the majority of which represent Greek Roma.

Islamophobia is very common in the narrative of politicians and journalists who reproduce and spread Islamophobic rhetoric and hate speech in their public discourse, for example in articles and online. In December 2021, the 6<sup>th</sup> Three-Member Court of Misdemeanours of Athens sentenced the editor of *Makeleio*, an extreme-right newspaper, for a racist front page targeting Pakistanis.<sup>116</sup> The sentence was six months in prison and a fine of EUR 5 000. According to the Greek Helsinki Monitor (GHM), in January 2023, the 2<sup>nd</sup> Three-Member Appeals Court of Misdemeanours of Athens, confirmed the first-instance judgment and rejected the defendant's appeal.<sup>117</sup>

In Greece, refugees and migrants are predominantly from Asian and North African countries and are usually discriminated against because of their dark skin colour and their religious beliefs (Muslim). In most of the incidents recorded by RVRN for 2021 involving refugees and migrants, the victims identified law enforcement officials as the perpetrators.<sup>118</sup> The RVRN notes an increase in reports and testimonies about informal forced returns at the country's sea and land borders. There were also incidents of irregular arrests and forced removal of people from the mainland. According to the Network's records, racially motivated police

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<sup>112</sup> Greek Ombudsman, Special Report 2021, National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA), 2022, last accessed on 01.08.2023, p. 77.

<sup>113</sup> Greece, Efsyn.gr, Διάτρητη η ανάκριση για τη δολοφονία Σαμπάνη (Perforated interrogation for the murder of Sambanis), 18.03.2023, last accessed on 01.08.2023.

<sup>114</sup> Guardian, Greece: thousands march after death of Roma boy shot in police chase, 13-12-2022, last accessed on 01.08.2023; BBC, Anger as Roma teen shot by Greek police dies, 13-12-2022, last accessed on 01.08.2023; Ekathimerini, Roma leaders urge calm after teen shot by police dies, 13-12-2022, last accessed on 01.08.2023. According to media reports, on October 22, 2022 the Prosecutor handling the case submitted her report to the Judicial Council of Misdemeanours of Peireus, requesting the indictment of the seven police officers. A decision of the Judicial Council is still pending after the casefile was returned to the Inquiry Officer for further investigation because the coroner's report was insufficient.

<sup>115</sup> Greece, Ellan-Passe, Press Release, Open Letter to the Greek Prime-Minister (*Ανοικτή Επιστολή προς τον Πρωθυπουργό της Ελλάδας*), 16-12-2022, last accessed on 01.08.2023.

<sup>116</sup> Greece, Racist Crimes Watch, Makeleio conviction for xenophobia [following GHM's criminal complaint], (Καταδίκη Μακελειού για ξενοφοβία [μετά από μήνυση ΕΠΣΕ]), 15.12.2021, last accessed on 29.08.2023.

<sup>117</sup> Greece, Racist Crimes Watch, Final conviction of Makeleio for xenophobia [following GHM's criminal complaint], (Τελεσίδικη η καταδίκη Μακελειού για ξενοφοβία [μετά από μήνυση ΕΠΣΕ]), 20.01.2023, last accessed on 29.08.2023.

<sup>118</sup> Greece, Racist Violence Recording Network (2022), *2021 Annual Report*, last accessed on 10.10.2022, p. 7.

violence has become a growing trend in recent years (2018-2021), especially during the pandemic. RVRN appears to link this growing trend to the measures adopted for COVID-19 and the additional powers allocated to police authorities.

On the other hand, very few data are available on antisemitism practices. As noted by the European Union Agency for Fundamental Rights (FRA), there is a very limited number of recorded antisemitism cases in Greece, which never exceeds 10 cases per year.<sup>119</sup> For example, according to FRA, in 2021 the Hellenic Police recorded five incidents motivated by antisemitism, while the RVRN recorded two incidents against Jewish sacred sites. Greek courts of first instance, reporting to the OSCE/ODIHR, registered only four antisemitic crimes in 2020.

In **Latvia**, existing forms of structural racism reflect the societal composition and public attitudes towards various groups. While some groups, mostly Roma and Jews, have been residing in Latvia for centuries, they are highly stereotyped, and social prejudice motivates discriminatory attitudes against them. Other racialised groups have only recently increased their presence in Latvia (for example, immigrants of Indian, Pakistani and Sub-Saharan African origin), and the impact of regulations, actions and social attitudes against these groups is still not clear. However, our research shows that these groups mainly work in food delivery services, where they encounter extreme racist attitudes. Due to their precarious status in Latvia, as most of them have temporary residence permits, they rarely file complaints with the relevant authorities. Consequently, state institutions may be under the mistaken impression that racism is rare in the country. The focus groups organised by the national experts found experiences of blatant racism towards these groups in people's attitudes, in the rental market and occasionally with the police. Most of the population and state institutions still do not recognise the existence of racism in Latvia, but this perception is wrongly rooted in the lack of contact with those "invisible" individuals who are directly discriminated against.

In addition, hate speech towards people with different skin colour and ethnicity was identified by the Ombudsman's Office as an increasing issue in 2020 and 2021. It generally takes the form of anonymous commentaries and posts online and it becomes more prevalent as a result of specific political events. When Lukashenko's regime initiated a hybrid warfare by instrumentalising migration against Latvia, Lithuania and Poland, hate speech towards migrants and people with different skin colour escalated quickly in the country. Moreover, since Russia's war against Ukraine, hate speech on the basis of ethnicity towards Russian-speakers, Ukrainians and ethnic Russians from the local population is more prominent in Latvian society. Other international events also motivate an increase in racial slurs and hate speech from individuals. According to existing research: "Dark-skinned people are called names such as monkeys, primates, even cannibals, there are calls to sterilise them, extradite or simply just not let them into the state. Relationships between white women with dark-skinned men are strongly condemned by society in general. The Black Lives Matters movement that originated in the USA in the Summer of 2020 raised not only discussions about racism in Latvia, but also racist speech."<sup>120</sup>

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<sup>119</sup> FRA, *Antisemitism (2022), Overview of Antisemitic incidents recorded in the European Union 2011-2021*, last accessed on 01.08.2023, pp. 60-61.

<sup>120</sup> Tumule, J., and Milovs, A. (2022), *Hate speech and Euroscepticism in Latvia*.  
[https://cilvektiesibas.org.lv/media/attachments/18/08/2022/Hate\\_speech\\_and\\_EuroscepticismLV\\_qVnUsth.pdf](https://cilvektiesibas.org.lv/media/attachments/18/08/2022/Hate_speech_and_EuroscepticismLV_qVnUsth.pdf)

In the **Netherlands**, the main forms of structural/institutional racism are: anti-Black racism, anti-Muslim racism, antisemitism and antigypsyism. In relation to anti-Black racism, a report by the European Network Against Racism (2016) outlines that discrimination against Black people in the labour market is prevalent and occurs at all levels. Black students often experience anti-Black racism in educational institutions, including from teachers and staff and the “N-word” is still regularly used in the media, while Black people are stereotypically portrayed as criminals or illegal migrants. Moreover, Black people also experience racism in healthcare and the housing market, and they are more vulnerable to police violence and racial profiling. In particular, Surinamese and Antillean Dutch individuals are often discriminated against based on their skin colour and their ethnic background.

In 2003 former State Secretary Mark Rutte called on municipalities to undertake extra scrutiny of Somalis regarding welfare fraud. The court in the city of Haarlem ruled this as discriminatory and in violation of the constitution.<sup>121</sup> Controle Alt Delete monitors how many deaths occur during or following contact with law enforcement. This includes deaths during arrests, transport and custody. The case [involving the arrest of the Dutch citizen Tomy Holten shows similarities with that of George Floyd](#).<sup>122</sup> Tomy died on 14 March 2020 after he was pressed face down on the ground for a long time while an officer was kneeling on his back/neck and another officer had a police shoe on his face. Chances of a prison sentence are greater for Dutch citizens with a Moroccan or Caribbean background than for African-Americans in the US. Caribbean-Dutch young people are 10 times more likely to be put in prison in comparison to their indigenous peers, compared for the same type of crime.<sup>123</sup> The disproportion with which these groups are detained is even higher compared to that in the US (the chances of an African-American being detained is four times greater than for a white American).

### **The Netherlands: labour market, housing and social welfare discrimination**

Black job applicants are found to have less chance of progressing through the initial stages of recruitment and selection than those who do not belong to these groups.<sup>124</sup> An electronics company in Arnhem rejected an applicant for an intern vacancy for the following reason: “dark-skinned (N\*\*o)”.<sup>125</sup> The employee was summoned to court and sentenced for racial discrimination to a community service order of 40 hours.<sup>126</sup>

<sup>121</sup>

<https://myprivacy.dpgmedia.nl/consent?siteKey=w38GrRHtDg4T8xq&callbackUrl=https%3a%2f%2fwww.trouw.nl%2fprivacy-wall%2faccept%3fredirectUri%3d%252fpolitiek%252frecchter-rutte-zette-aan-tot-rassendiscriminatie%257ebc40d2da%252f>

<sup>122</sup> <https://controlealtdelete.nl/articles/is-tomy-holten-onze-george-floyd#gsc.tab=0>

<sup>123</sup> Boon, A., van Dorp MSc M., and de Boer, S. (2018), *Overrepresentation of young people with a migration background in the criminal justice chain* in *Journal of Criminology* (60) 3, 268-288.

<sup>124</sup> Thijssen, L., Coenders, M. & Lancee, B. Ethnic Discrimination in the Dutch Labor Market: Differences Between Ethnic Minority Groups and the Role of Personal Information About Job Applicants—Evidence from a Field Experiment. *Int. Migration & Integration* 22, 1125–1150 (2021). <https://doi.org/10.1007/s12134-020-00795-w>

<sup>125</sup> <https://www.ad.nl/tech/racistische-e-mail-belandt-bij-sollicitant-is-niks-neger~a75bf399/>

<sup>126</sup>

<https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:RBGEL:2014:5457&showbutton=true&keyword=%2522donker%2Bgekleurde%2522&idx=4>

Certain (unconscious) processes and structures within institutions can also lead to unequal outcomes between Black individuals and others, such as not being assigned a rental property due to negative stereotypes and prejudices.<sup>127</sup>

Data on the Dutch childcare support scandal reveals that 70% of the victims have a migration background. Caribbean-Dutch and Surinamese-Dutch individuals are relatively the most severely affected. Data shows that compared to white Dutch individuals, Caribbean-Dutch individuals are 32 times more likely to be victims.

### **The Netherlands: discrimination in technology, sports, politics and social media**

Institutional anti-Black racism is also reflected in technological appliances (revolving doors, soap dispensers and self-driving) which do not respond to a person with Black skin colour, but do respond to a person with white skin colour.<sup>128</sup> The most recent case pertains to a university's "anti-cheating software" that did not recognise a student as a human because she was Black. Black people are not involved in the development of such applications and are often overlooked.

Black Dutch people are underrepresented in politics. There are only three black MPs, one of whom (Sylvana Simons) has her own party. In 2017, a video appeared online portraying her as Zwarte Piet and as a naked African woman, while the carnival song 'Oh Sylvana' was playing in the background.<sup>129</sup> Her face was also pasted on to what was clearly a representation of a Ku Klux Klan lynching.<sup>130</sup>

Anti-Black racist messages can often be found on social media. A well-known example is the photo of a group of Black and dark-skinned players from the Dutch national football team in 2014, which received anti-Black racist reactions ranging from "All Black Petes" and "Where is the man in the mitre" to "FC Aap" (Monkey).<sup>131</sup> In sport stadiums, athletes are often shouted at by spectators with racist words, such as: N-word, K-katoenplukker (cotton picker) and Zwarte Piet (Black Pete).<sup>132</sup>

For over 20 years, the debate surrounding Islam and Muslims in the Netherlands has been intense and polarised. Approximately 5%, of the Dutch population (880 000 people) is Muslim (Central Bureau of Statistics, 2021) but people who are not Muslims but are perceived as such by others can also experience anti-Muslim racism. The ban on face coverings, alleged anti-democratic tendencies in Islamic education, foreign interference and financing of Islamic institutions, the refugee debate, and the training of imams on Dutch soil are just a selection of the themes that are part of the public and political discourse in the Netherlands on a weekly, if not daily, basis.

Aside from the fervent debate, the Muslim community in the Netherlands faces various pressures. Research shows that many citizens with a non-migrant background have negative

<sup>127</sup> <https://www.movisie.nl/sites/movisie.nl/files/2022-07/geen-ruimte-voor-discriminatie-12-7-2022.pdf>

<sup>128</sup> <https://www.oneworld.nl/mensenrechten/racisme-in-software-hoogleraar-ghebreab-waarschuwt-er-al-jaren-voor/>

<sup>129</sup> <https://nltimes.nl/2016/11/21/hague-councilor-pressing-discrimination-charges-oh-sylvana-song>

<sup>130</sup> <https://nltimes.nl/2016/11/23/man-arrested-threatening-video-black-politician>

<sup>131</sup> <https://www.ad.nl/nederlands-voetbal/reacties-op-foto-donkere-jongens-oranje-diep-triest~a5e28ec2/>

<sup>132</sup> <https://www.ad.nl/nederlands-voetbal/mendes-moreira-k-zwarte-k-neger-dat-doet-me-erg-veel-pijn~ab44432e/>

views about the presence of Muslims in the Netherlands.<sup>133</sup> Institutional anti-Muslim racism includes structural discrimination and exclusion in the housing market, within the Dutch police force or within the military.<sup>134</sup> Research shows that companies' recruitment and selection processes allowing the influence of personal preferences and biases are considered as forms of institutional racism. For instance, healthcare providers who wear a headscarf often experience discrimination and racism in their work.<sup>135</sup> Institutional racism also exists within the Dutch Government, as shown by the so-called childcare support scandal, where widespread and systemic racial profiling occurred against racialised groups. In addition, Dutch Muslims are underrepresented in politics. There is only one Muslim MP (Kauthar Bouchallikht) and she has faced racist threats since the day she was elected.<sup>136</sup>

The Netherlands Institute for Social Research (SCP) conducts periodic research on experiences of discrimination in the Netherlands. In a 2020 report, it is stated that Muslims experience relatively higher levels of discrimination compared to other groups. Overall, 55% of Muslims reported experiencing discrimination in the preceding year, compared to 21% of Christians and 25% of non-religious individuals.<sup>137</sup> Anti-Muslim racism is most frequently expressed through negative treatment (in 49% of cases) and/or unequal treatment (in 66% of cases).<sup>138</sup> Research by FRA in 2018 indicates that the Netherlands is one of the countries where discrimination based on origin or religion is most prevalent.<sup>139</sup> As many as 42% of Dutch Muslim citizens experience discrimination based on their background and 30% based on their religion. This discrimination spans various domains in Dutch society, such as the housing market, the labour market, healthcare and access to public or private social services (e.g. cultural institutions, cafes and nightclubs).

### **The Netherlands: structural discrimination in recruitment and housing**

Several studies have been conducted in recent years on discrimination in recruitment and selection using field experiments. Researchers employ a *'situation test'*, where they send nearly identical CVs to employers, with the only difference being the name or place of birth of the applicant, adjusted in a way that suggests either a person with a migrant background or a person without a migrant background. By doing this, researchers test whether individuals are rejected based on their migrant background in practice. This type of research shows that Muslims face discrimination in job applications: if the resume mentions a (perceived) Islamic country as the place of birth, the person is less likely to be invited for an interview compared to someone with the exact same CV who gives the Netherlands as their place of birth.<sup>140</sup> Furthermore, indicating that the applicant is involved in the management of an Islamic organisation significantly reduces the chances of being invited for a job interview, even if that experience is relevant to the position. Various field experiments also demonstrate discrimination in the Dutch labour market against individuals with a migrant

<sup>133</sup> [https://repository.scp.nl/bitstream/handle/publications/535/Werelden\\_van\\_verschildef.pdf?sequence=1](https://repository.scp.nl/bitstream/handle/publications/535/Werelden_van_verschildef.pdf?sequence=1)

<sup>134</sup> [https://www.kis.nl/sites/default/files/2022-06/wat\\_werkt\\_in\\_de\\_aanpak\\_van\\_institutioneel\\_racisme-def.pdf](https://www.kis.nl/sites/default/files/2022-06/wat_werkt_in_de_aanpak_van_institutioneel_racisme-def.pdf)

<sup>135</sup> <https://www.movisie.nl/sites/default/files/beheer/movisies-2021-03/26/>

<sup>136</sup> <https://eenvandaag.avrotros.nl/item/al-op-dag-een-demonstraties-en-bedreigingen-maar-kauthar-bouchallikht-gaat-vastberaden-de-tweede-kamer-in/>

<sup>137</sup> <https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>

<sup>138</sup> <https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>

<sup>139</sup> <https://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>

<sup>140</sup> Di Stasio, V., Lancee, B., Veit, S. & Yemane, R., (2021) *Muslim by default or religious discrimination? Results from a cross-national field experiment on hiring discrimination*, *Journal of Ethnic and Migration Studies*, 47:6, 1305-1326.

background, who are often Muslims.<sup>141</sup> Job applicants with a Muslim background are 40% less likely to be invited for a job interview.<sup>142</sup>

Muslim women wearing a hijab are rejected much more frequently in job interviews compared to women without a migration background, but also more frequently than Muslim women who do not wear a hijab.<sup>143</sup>

Discrimination against individuals with a migrant background has also been objectively demonstrated in the housing market by other studies: men and women with a “Moroccan-sounding name” have a lower chance of receiving an invitation to view a property compared to a house hunter with a Dutch-sounding name.<sup>144</sup>

Antigypsyism and discrimination against Sinti and Roma are visible in expressions and behaviour towards Sinti and Roma, as well as institutional policies and practices of marginalisation, exclusion, physical violence, and the devaluation of Sinti and Roma cultures and lifestyles. Sinti and Roma are treated as a foreign group and associated with a range of pejorative stereotypes and distorted images. These ethnic racialised groups have a centuries-long history of persecution, exclusion and discrimination, and they have been neglected by the Government and Dutch society in general for a long time. In the Netherlands there are an estimated 8 000–22 000 Roma and Sinti.

The European Union Agency for Fundamental Rights (FRA) has conducted research on discrimination against Sinti and Roma in various countries, including the Netherlands.<sup>145</sup> The findings indicate that Sinti and Roma face discrimination when searching for a job, in the workplace, education, healthcare and housing (both in the search for a property to rent or buy and when looking for a designated spot for a mobile home, especially in the case of Sinti people). Many Sinti and Roma express reluctance to mention their surname and/or ethnic background in job applications due to concerns about rejection. It is highlighted that 43% of Sinti and Travellers in the Netherlands have experienced hate-motivated intimidation (such as offensive remarks in public or online). 92% did not report the latest incident they experienced to the authorities. Moreover, one in three people feel (very) uncomfortable with the idea of having Roma neighbours (31%).

Monitor Social Inclusion, which provides periodic insights into the situation of Sinti and Roma, reveals that they experience discrimination within the education system regarding school advice and finding internships. Sinti and Roma children have fewer opportunities than other

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<sup>141</sup> Blommaert, L., Coenders, M., van Tubergen, F., (2013) *Discrimination of Arabic-Named Applicants in the Netherlands: An Internet-Based Field Experiment Examining Different Phases in Online Recruitment Procedures*, *Social Forces* 92(3):957-982; Ramos, M., Thijssen, L., & Coenders, M., (2019): *Labourmarket discrimination against Moroccan minorities in the Netherlands and Spain: a cross-national and cross-regional comparison*, *Journal of Ethnic and Migration Studies* (4).

<sup>142</sup>

<https://myprivacy.dpgmedia.nl/consent?siteKey=V9f6VUvIHxq9wKIN&callbackUrl=https%3A%2F%2Fwww.ad.nl%2Fprivacy-gate%2Faccept-tcf2%3FredirectUri%3D%252Fwerk%252Fdiscriminatie-op-de-arbeidsmarkt-dit-zijn-de-cijfers~a31e53d0%252F>

<sup>143</sup> <https://www.nrc.nl/nieuws/2022/07/25/met-hoofddoek-vaker-afgewezen-voor-baan-a4137314>

<sup>144</sup> <https://radar.avrotros.nl/uitzendingen/gemist/item/steekproef-van-radar-negentig-procent-van-verhuurmakelaars-discrimineert-radar-checkt/>

<sup>145</sup> <https://fra.europa.eu/nl/publication/2020/roma-and-travellers-six-countries-country-sheets>

children and are more likely to be unnecessarily placed in special education or referred to such programmes.<sup>146</sup>

### **The Netherlands: extinction policy**

The so-called “extinction policy” aims to remove all mobile home sites. Municipalities can apply this policy by removing mobile home sites when they become vacant or by offering regular housing to travellers living in mobile homes.<sup>147</sup> After a ten-year battle, the association, Sinti, Roma and Woonwagengewoners Nederland succeeded in putting an end to this policy. However, very few places have been allocated to Roma and Travellers since. Although more than 2 000 people are waiting for a caravan site, only 100 new sites have been provided in the last two years. Municipalities were ordered by the State in 2018 to provide more places, but little has happened.<sup>148</sup> The European Court of Human Rights and the National Ombudsman also ruled that the eviction policies for trailer camps followed by municipalities are discriminatory and should be abolished.<sup>149</sup> Municipalities must ensure that people have a chance of finding a new place within a reasonable period of time.

Antisemitism is a societal issue that takes different forms and affects both Jews and non-Jews. Members of the Jewish community in the Netherlands are at risk of being attacked while engaging in Jewish cultural and religious festivities, visiting kosher restaurants or walking in the street wearing a yarmulke. Antisemitic chants can still be heard at football matches, Jewish graves are desecrated and, during the COVID-19 pandemic, old and new conspiracy theories about Jews were actively shared.<sup>150</sup> Jews may be subject to stereotypes such as being greedy, controlling or manipulative, perpetuating harmful prejudices and biases.<sup>151</sup> Discriminatory and antisemitic remarks are often made in the national Parliament, during municipal council meetings or in the media and represent visible forms of institutional racism. In addition, slurs containing the word “Jew” are also used against non-Jews, particularly individuals holding public positions such as police officers, public officials, train conductors and teachers. Antisemitism is highly prevalent on social media platforms, where Jewish individuals and communities face hate speech, threats and the dissemination of antisemitic tropes and stereotypes.<sup>152</sup>

The problem of antisemitism has existed for a long time and has a long history in Europe. It has roots in Christianity since the early Middle Ages and from the 19th century onwards it also emerged in racist ideologies as a threat to the purity of the “Aryan race”. Since the establishment of the State of Israel in 1948, hatred towards Jews has also been intertwined with aversion to the State of Israel and its colonial policies towards Palestinians. Some individuals, groups and even political parties, such as Forum voor Democratie (FvD), still deny or downplay the Holocaust, spreading false narratives or revisionist theories that seek to minimise or distort the historical facts of this tragic event.<sup>153</sup>

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<sup>146</sup> Monitor Sociale Inclusie (meting 4) Derde vervolgmeting naar de woon- en leefomstandigheden Roma en Sinti in Nederland April 2020

<sup>147</sup> <https://pilpnjcm.nl/en/dossiers/extinction-policy-mobile-homes/>

<sup>148</sup> <https://nos.nl/artikel/2350797-woonwagengewoners-moeten-lang-wachten-op-standplaats>

<sup>149</sup> <https://rm.coe.int/1680656fe8>

<sup>150</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2020/12/13/nationaal-coordinator-antisemitismebestrijding-in-2021-van-start>

<sup>151</sup> <https://www.nrc.nl/nieuws/2023/04/06/sinistere-stereotypen-in-jeugdboeken-a4161508>

<sup>152</sup> <https://www.cidi.nl/social-media-spelen-grote-rol-in-antisemitisme/>

<sup>153</sup> <https://dekanntekening.nl/nieuws/fvd-debat-over-omvang-holocaust-moet-mogelijk-zijn-in-de-tweede-kamer2/>

Combating antisemitism is a collective responsibility of the Government, civil society organisations and all citizens. There are an estimated 50 000 Jews living in the Netherlands and although the Jewish community in the Netherlands is relatively small, the Government recognises antisemitism as a problem that requires a comprehensive societal approach. As of 1 April 2021, a National Coordinator for Combating Antisemitism (NCAB) was appointed to provide broad advice on streamlining efforts to fight antisemitism. The role of the NCAB is primarily to identify, connect, coordinate and advise.<sup>154</sup>

### **The Netherlands: structural discrimination: verbal threats and offensive behaviour**

Data on antisemitism from FRA in 2018 reveal that 35% of the Jews surveyed in the Netherlands reported experiencing some form of negative treatment or verbal threats in the preceding months due to their Jewish identity. This primarily included personally targeted offensive or threatening remarks, as well as offensive gestures, inappropriate staring and offensive comments online. The FRA study also found that 27% of Dutch Jews had felt discriminated against based on religion or belief in the previous 12 months, and 13% due to their ethnic background. Furthermore, the study showed that 90% of the Dutch Jewish respondents felt that antisemitism had (strongly) increased in the past five years.

Anti-Asian racism is an invisible form of racism. Pete Wu's essay for the Dutch newspaper *De Volkskrant* in 2021, 'What has not been said or is not seen', sums up the continued ignorance and invisibility of anti-Asian racism in the Netherlands and within Europe.<sup>155</sup> Anti-Asian racism is so institutionalised that it is often ignored by Dutch or European policies, researches and narratives. The turning point appears to have been the 2020 outbreak of the COVID-19 virus, which was followed by an escalation of racist and hate speech incidents against people of Asian heritage in the Netherlands. While anti-Asian racism is not a new phenomenon, social media, grassroots platforms and social movements have contributed to making this issue more visible to the general public.<sup>156</sup> According to the Dutch Statistics Bureau, there are around 1 000 000 people with an Asian background living in the Netherlands.

Since their arrival in the Netherlands, Asian people have been discriminated against and seen as "others" and have been victims of prejudices and suppression. For existential survival reasons, Asians moulded themselves into "silent generations" trying to not stand out. They were praised for being "silent" and "not creating fuss" compared to other migrant groups.<sup>157</sup> The "model minority myth" has been at the heart of why discrimination and racism against Asians is not seen or even recognised. According to this model, Asians are an integrated and "equal" part of the so-called dominant Dutch culture and society. However, structural and institutionalised racism against Asians does exist. In the healthcare system, they are often excluded from mental healthcare or elderly care services.<sup>158</sup> Asians often report being subjected to investigations by customs authorities, as there is a prejudice that

<sup>154</sup> <https://www.ncab.nl/documenten/publicaties/2022/5/27/werkplan>

<sup>155</sup> <https://www.volkskrant.nl/columns-opinie/racisme-is-ook-wat-niet-wordt-gezegd-en-wat-niet-wordt-gezien~b810c1cb/>

<sup>156</sup> <https://www.volkskrant.nl/columns-opinie/gastcolumn-aziatische-nederlanders-het-zijn-net-mensen~b4dd8391/>;

<https://www.trouw.nl/tijdgeest/ook-als-nederlands-aziatische-modelminderheid-heb-ik-last-van-racisme-en-machtsmisbruik~b1364ed17/>

<sup>157</sup> <https://www.volkskrant.nl/columns-opinie/gastcolumn-aziatische-nederlanders-het-zijn-net-mensen~b4dd8391/>

<sup>158</sup> Cheung, S. L. (2022). *Family, health, and wellbeing: the lives of Chinese immigrants in the Netherlands*, Thesis fully internal (DIV), University of Groningen, <https://doi.org/10.33612/diss.208580741>.



Asians “smuggle” illegal materials or money.<sup>159</sup> Microaggressions involve everyday, subtle, intentional and often unintentional questions, remarks, jokes or behavioural actions that reveal bias and prejudice.

In the Netherlands, grassroots organisations like Pan Asian Collective and Asian Raisins work together to create more awareness of Asian Dutch perspectives and understanding about Asian racism.<sup>160</sup> In May 2023, an agenda for a manifesto on combating anti-Asian racism was presented to the National Coordinator against Discrimination and Racism (NCDR).<sup>161</sup> The agenda outlines the key policy options and recommendations against systemic anti-Asian racism across five themes and aims to increase knowledge about Asians in the Netherlands, raise awareness about anti-Asian racism and provide tools on relevant themes and challenges.

In **Romania**, the most common form of structural/institutional racism is antigypsyism (*antițigănistă*)/anti-Roma discrimination. Antigypsyism (*antițigănistă*) as defined in Article 2 of the Antigypsyism Law 2/2021 as “both the perception of the Roma expressed as hatred against them, as well as verbal or physical manifestations, motivated by hatred against Roma, directed against the Roma or their properties, against institutions/NGOs, leaders of Roma communities or their places of worship, traditions and Romani language”. The law condemns the act of promoting, in public, in any way, antigypsy ideas, conceptions or doctrines as a crime to be punished with imprisonment from three months to three years and the suspension of some rights. The distribution or making public by any means of antigypsy materials is also a crime to be punished with imprisonment from one to five years according to Article 4. Furthermore, Article 5 provides that producing, selling, disseminating or possessing with the purpose of further disseminating antigypsy symbols are to be punished with imprisonment from three months to three years. Initiating or establishing an organisation with an antigypsy character is also defined as a crime to be punished with imprisonment from three to ten years according to Article 6. There are no reports of successful cases being brought under this law.

### **Romania: pejorative use of terms defining Roma minorities: Țigan (Gypsy)**

The most striking example of a systemic form of racism towards Roma is the positioning of the National Council for Combating Discrimination (NCCD) itself in relation to the terminology used to refer to Roma. Initially, in 2009, the NCCD asked for dialogue and respect of the right to dignity in the context of a media campaign aiming to prohibit the use of the term “Roma” in order to avoid potential confusions between “Rom/Roma/Romania”.<sup>162</sup> The NCCD spelled out the right of a minority to choose the name

<sup>159</sup> <https://www.trouw.nl/tijdgeest/ook-als-nederlands-aziatische-modelminderheid-heb-ik-last-van-racisme-en-machtsmisbruik~b1364ed17/>

<sup>160</sup> Pan Asian Collective started with the ‘We are not viruses’ petition and formed an anti-Asian racism alliance within the Netherlands. Together they organised #StopAsianHate demonstrations on 27 March and 10 April 2020 where hundreds of Asian Dutch people and allies gathered at the Museumplein in Amsterdam.

<sup>161</sup> <https://asianraisins.nl/eerste-overhandiging-agenda-tot-manifest-beleidsversterkingen-anti-aziatisch-racisme/>

<sup>162</sup> The campaign was initiated by Jurnalul National in the article “Țigan” în loc de “rom” [Gypsy instead of Roma], by Gabriela Antoniu available at <http://www.jurnalul.ro/articole/145427/propunere-jurnalul-national-tigan-in-loc-de-rom>, published on March 3<sup>rd</sup>, 2009 called for a popular initiative (certification of 100,000 endorsements as provided by Art. 74 of the Romanian Constitution). The draft was supposed to end “the confusion between this ethnicity and Romanians” and was meant to address the increasing deterioration of the image of Romanians abroad in response to the Italian crisis. The newspaper, called for signatures meant to lead to draft legislation enforcing the use of the term “Țigan” instead of “Rom.” This initiative

they prefer and emphasised that the term “Țigan” can be discriminatory when used pejoratively, under Article 2 (1) and Article 15 of the Anti-discrimination Law.

However, the NCCD took a completely different approach two years later, when confronted with a petition on the definition of “Gypsy” in the Romanian dictionary. In 2011, three NGOs, Agenția de Dezvoltare Comunitară Impreună, Asociația ACCEPT and Asociația Romilor Egalitate de Șanse filed a complaint with the NCCD against the Romanian Academy and Institutul de Lingvistică Iorgu Iordan, the research institute in charge of producing and updating the official dictionary of the Romanian language.

In their complaint, the complainants challenged one of the definitions provided for the word “Țigan” (Gypsy) as: “an epithet for a person with an ugly outlook or bad habits”. The complainants argued that this definition, endorsed by the Romanian Academy in the most important scientific explanatory document, promotes discriminatory identification and racial stereotypes and it is in itself infringing human dignity, due to the lack of a clear specification that such a definition is pejorative and might lead to discrimination. As the Dictionary provides that “Gypsy” and “Roma” are synonyms, the complainants further argued that the definition provided for the term “Gypsy” denies the right to self-identification by the Roma minority in Romania and it also triggers an association between Roma ethnicity and criminality or anti-social behavior.

The NCCD issued an ambiguous decision on this matter, arguing that the complaint did not fit its mandate, and rejected the complaint. It only made recommendations for certain changes to the Dictionary as the current definition “might be interpreted” as discriminatory due to the failure to specify the pejorative character of the definition.

In spite of the NCCD decision, the Iorgu Iordan Institute decided to amend the definitions on its own, initiated discussions with Roma and equality experts, and ended up maintaining the definition but spelling out the pejorative character of the term “Gypsy” in the updated version of the official dictionary for Romanian.

In **Sweden**, Islamophobia and Afrophobia are the most common forms of structural/institutional racism and involve relatively new racialised groups, while discrimination against national minorities (i.e. anti-Roma racism, antisemitism and anti-Sámi racism) has its roots in the history of the country. This trend is also reflected in the hate crime statistics: in 2020, 1 994 reports were registered with a total of 2 031 xenophobic and racist hate crime motives.<sup>163</sup> The category includes Afrophobic hate crimes (28%), antigypsy hate crimes (3%), hate crimes against the Sámi (1%) and other xenophobic and racist hate crimes (68%).<sup>164</sup> It should also be noted that the statistics, research and reports available mainly focus on Islamophobia and Afrophobia, which are prominent in Swedish society. On the other hand, experiences of other new racialised groups such as Latino Swedes or Asian Swedes are seldom highlighted and are difficult to identify.

In terms of Afrophobia, the vulnerability of Afro-Swedes manifests itself in all major social sectors such as education, health, housing and working life. Studies show that immigrants

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triggered the protest of Roma and human rights NGOs concerned by the underlying racist attitudes of the proposal and for the right to ethnic identity of Romanian citizens of Roma ethnic origin.

<sup>163</sup> The difference between the number of reports and the number of hate crime motives is due to the fact that in some reports more than one hate crime motive was recorded.

<sup>164</sup> <https://bra.se/statistik/statistiska-undersokningar/hatbrottsstatistik.html#Afrofobiskahatbrott>

from African countries have a lower employment rate, Afro-Swedes in general have lower wages compared to the rest of the Swedish population with the same educational level, and they face difficulties in their place of employment.<sup>165</sup> It is also clear that shades of skin colour do matter and individuals' experiences of racism may be significantly different depending on how dark their skin colour is. Hate crimes against Black people are the most frequent hate crimes in Sweden.<sup>166</sup> Harassment (25%) was the main crime category detected in 2020, followed by abuse (13%) and defamation (18%). The most common crime scenes were a public place (19%), the workplace (18%) and public transport (7%). In 48% of the reports the victim was a man and in 31% of cases it was a woman.

The Crime Prevention Council's report on Islamophobic hate crimes shows that people of Muslim background feel that they have received less support from the authorities or the healthcare system compared to others.<sup>167</sup> Another report shows how people of Muslim background are treated with prejudice, such as being assumed to be non-Swedish speakers, or looked at with suspicion in contacts with authorities.<sup>168</sup> There are numerous academic studies and reports that collect evidence on labour market discrimination against people with Middle Eastern origins and names. There are also reports on harassment in the workplace related to employees wearing a headscarf.<sup>169</sup> The most common crime categories against Muslims were molestation (32%), incitement against ethnic groups (23%) and illegal threats (20%). The most common crime scenes were the victim's home or a place adjacent to it (19%), a public place (17%) and the workplace (12%). The victim was a woman in 38% of the reports and a man in 22% of cases.

People with a Roma background are expressly recognised as one of Sweden's five national minorities and they have had a long-term historical presence in Sweden.<sup>170</sup> The majority of Roma live settled lives and represent a diverse population speaking approximately 20 dialects of the Romani language. Almost half of the approximately 50 000 Roma living in the country are descended from an initial wave of migration in the early 16th century. Since the accession of new Member States into the EU, there has been an increased level of migration of Roma into Sweden, largely from eastern EU countries. The Roma community suffers from social prejudice, stereotypes and discrimination, especially because of their clothing or names. Roma organisations have highlighted that they experience structural racism in contacts with various public organisations (schools and social services). The most common crime categories against this group were molestation (24%), incitement to racial discrimination (20%), unlawful threats (13%) and unlawful discrimination (5%). According to the third interim report of the Commission on Antigypsyism, hate crimes often go unreported by the victims as there is a belief that they will not be taken seriously, and only 1% of reports lead to actual prosecution. The home and public spaces were the most

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<sup>165</sup> See, for example, [https://catalog.lansstyrelsen.se/store/39/resource/DA\\_2021\\_\\_19;](https://catalog.lansstyrelsen.se/store/39/resource/DA_2021__19;)

<https://catalog.lansstyrelsen.se/store/39/resource/18>

<sup>166</sup> [https://bra.se/download/18.14a3dd93184189fa55016de5/1669113913209/2022\\_11\\_Afrofobiska-hatbrott.pdf](https://bra.se/download/18.14a3dd93184189fa55016de5/1669113913209/2022_11_Afrofobiska-hatbrott.pdf)

<sup>167</sup> [https://bra.se/download/18.1f8c9903175f8b2aa70762d/1622553459528/2021\\_3\\_Islamofobiska\\_hatbrott.pdf](https://bra.se/download/18.1f8c9903175f8b2aa70762d/1622553459528/2021_3_Islamofobiska_hatbrott.pdf)

<sup>168</sup>

[https://www.levandehistoria.se/sites/default/files/wysiwyg\\_media/likvardigt\\_bemotande\\_i\\_myndigheter\\_fokus\\_hbtq\\_och\\_antirasm\\_kontigo\\_2019.pdf](https://www.levandehistoria.se/sites/default/files/wysiwyg_media/likvardigt_bemotande_i_myndigheter_fokus_hbtq_och_antirasm_kontigo_2019.pdf)

<sup>169</sup> See, for example, <https://www.do.se/download/18.36cbb9ac1886717f72d1ef/1685702676115/rapport-forekomst-av-diskriminering-2023.pdf>; <https://www.do.se/download/18.36cbb9ac1886717f72d416/1686638418878/rapport-rekrytera-utan-att-diskriminera.pdf>

<sup>170</sup> [https://www.levandehistoria.se/wp-content/uploads/2022/11/rapport\\_minoritet\\_i\\_historien\\_rapport.pdf](https://www.levandehistoria.se/wp-content/uploads/2022/11/rapport_minoritet_i_historien_rapport.pdf)

common crime scenes (31%), while the victim was a woman in 36% of the cases and a man in 33% of the reports.

A study from 2021 investigating the occurrence and spread of antisemitic attitudes and beliefs in the Swedish population shows that the support for both traditional and Holocaust-related antisemitic beliefs, and Israel-related antisemitic beliefs have decreased among the population. A higher degree of antisemitic preferences and attitudes has been found among respondents born outside the Nordic countries and especially among those born outside Europe (in the Swedish context these are predominantly from the Middle East).<sup>171</sup> Jewish community members and CSO representatives involved in inter-faith dialogue and conversation observed that the number of Jewish people is smaller than newer minorities such as the Muslim or Black communities, therefore they register fewer incidents or experiences of racism.<sup>172</sup>

Individual episodes of racism are often connected to Jewish people wearing visible symbols of Judaism and are not necessarily linked to mechanisms of structural racism. Antisemitic remarks are made by some politicians, especially from the Swedish Democrats, and are considered to be very detrimental for the community. There are incidents of politicians raising questions about whether Jews are Swedish and whether Jews can be Swedish, making references to Nazi symbols and Nazi history. Antisemitic hate crimes differ from the trends assessed for other groups. In 2020, incitement against ethnic groups accounted for 52% of the main crimes with an antisemitic motive,<sup>173</sup> followed by illegal threats (15%), graffiti and vandalism (11%) and harassment (10%). The most common crime scenes were social media (16%), along with public places (15%) and conversation, texting and telephone (14%).

Anti-Sámism is a specific form of racism which takes place in the Swedish context. The Sámi population is one of Sweden's five national minorities and, since 2011, they have been specifically mentioned as a group that receives opportunities to maintain and develop their own cultural and community life. According to a report by the County Administrative Board and the Sámi Parliament, individual Sámi can face both open or hidden discrimination and abusive treatment, hatred and threats, in-person and online.<sup>174</sup> Hate crimes and harassment against the Sámi can often occur in forms of people shooting and hunting reindeer with scooters or other motor vehicles. There are also reports of death threats, sabotage, verbal insults and bullying.<sup>175</sup>

In **Spain**, antigypsyism and Islamophobia are the prevailing forms of structural and institutional racism. Data from the Special Eurobarometer (2019) about perceptions of discrimination reveals that Roma are highly discriminated against (65%), and skin colour

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<sup>171</sup> <https://www.levandehistoria.se/wp-content/uploads/2022/11/rapport-antisemitism-i-sverige-sammanfattning.pdf>

<sup>172</sup> <https://bra.se/om-bra/nytt-fran-bra/arkiv/press/2024-05-02-kraftig-okning-av-antalet-anmalda-antisemitiska-hatbrott-hosten-2023.html>

The Swedish National Council for Crime Prevention statistics show that during the period from 7 October to 31 December 2023, a total of 110 hate crimes with antisemitic motives were identified. That is nearly five times as many as the corresponding period the year before. This set of data has been collected only for some countries as they are beyond the cut-off date of the national country reports.

<sup>173</sup> The crimes often involved generally hateful or Nazi messages about Jews, which were often expressed on the Internet and in public places.

<sup>174</sup> <https://www.government.se/contentassets/08060ebbc8074fcae3a9919a6874fd9/action-programme-to-combat-racism-against-sami.pdf>

<sup>175</sup> <https://www.minoritet.se/7390>

(55%) and ethnic origin (54%) are also very common causes of discrimination.<sup>176</sup> A similar pattern is also shown in the 2020 CEDRE report, which collects data on “self-heteroperception”, referring to how migrants and racialised individuals think they are perceived by general society. In this sample, 59% of respondents mentioned at least one negative adjective about the image they think they project in general society. 89% of Roma people and 64% of Maghrebians mention negative adjectives (e.g. not integrated, criminals, inferior, wild, lazy), in comparison to the 73% of Indian and Pakistani people who mention positive adjectives.

The African and Afro-descendant communities are also severely affected by structural racism in access to housing and the labour market and, primarily, by law enforcement agents. A recent report about Afro-descendants by OBERAXE highlights different examples of racism: discrimination perpetrated by social media, attacks against Black football players (and the insufficient responses by clubs to address them), and the invisibilisation of the cultural heritage of Afro-descendants (or the dissemination of a biased one) in the history curriculum in schools, which is a form of institutional racism perpetrated by the educational community.<sup>177</sup>

Another recent report based on a survey with 1 369 respondents who were Afro-descendants or African migrants noted that the most widespread form of racism is structural racism (8.5 out of 10 points), followed by institutional racism (8 points) and everyday racism (7.6 points).<sup>178</sup> When trying to understand the motivations behind these forms of discrimination, the representatives of racialised groups highlight the following factors: insufficient equal opportunities policies; criminalisation of migrants by far right and conservative parties; practices of racial profiling; migration policies; long tradition of anti-Africanism; lack of education about the country’s colonial history; stereotypes and prejudices; lack of prosecution of aggressors; and xenophobia.

Regarding discrimination against other ethnic groups, Asian communities usually appear as unproblematic and a role model of integration (e.g. in the labour market and education). However, during the COVID pandemic they were accused of being responsible for all the damage caused. Some studies note that Asians (and especially the Chinese community) are often associated with selling low-quality products, working as “slaves” or producing “dirty and disgusting” food. This negative narrative feeds a social representation in which they are portrayed as a dishonest group that cheats people and as a threat to public health.<sup>179</sup>

Discrimination against Jews does not seem to be very widespread in Spain, but the last report of the Spanish Antisemitism Observatory (2018) observed a growing pattern of attacks against individuals, monuments, synagogues, cemeteries, shops and institutions by diverse actors belonging to the far-right (neo-Nazis), the extreme left or extremist Muslim

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<sup>176</sup> <https://europa.eu/eurobarometer/surveys/detail/2251>

<sup>177</sup> [https://www.inclusion.gob.es/oberaxe/ficheros/documentos/PDF-16-Estudio-para-el-conocimiento-de-la-C-Africana.-ACC\\_ARN\\_13.11.20.pdf](https://www.inclusion.gob.es/oberaxe/ficheros/documentos/PDF-16-Estudio-para-el-conocimiento-de-la-C-Africana.-ACC_ARN_13.11.20.pdf)

<sup>178</sup> Cea d’Ancona, M. A. and Valles Martínez, M. S. (2021), *Aproximación a la población africana y afrodescendiente en España. Identidad y acceso a derechos* (An overview of the African and Afro-descendant communities in Spain. Identity and access to rights). Available at: [https://www.igualdad.gob.es/wp-content/uploads/Aproximacion-a-la-poblacion-africana-y-afrodescendiente-\\_resumen\\_ejecutivo.pdf](https://www.igualdad.gob.es/wp-content/uploads/Aproximacion-a-la-poblacion-africana-y-afrodescendiente-_resumen_ejecutivo.pdf)

<sup>179</sup> See:

<http://repositorio.udec.cl/bitstream/11594/9432/1/TESIS%20RACISMO%20DISCURSIVO%20SOBRE%20LOS%20CHINOS%20.pdf>

groups. In addition, the hatred against Jews that circulates in the media and social media must be acknowledged, as well as that perpetrated by institutions like football clubs.<sup>180</sup>

## 6.5 Affected areas of life: justice system, healthcare, education, employment and housing

**Justice systems, healthcare, education, employment and housing are the sectors where patterns of structural and institutional racism are most evident in the different countries. Structural racism is a common thread in these sectors and has a ripple effect on the life of racialised groups. Systematic discrimination in the labour market leads to unemployment outcomes among minority communities and inequalities in crucial aspects of life such as housing, health and even education for children.**

In **Germany**, structural racism is manifested in various sectors, including the education system (where migrants and Roma face significant barriers in access to daycare centres),<sup>181</sup> the healthcare system (where patients from racialised groups report being taken less seriously),<sup>182</sup> the housing market (where individuals with non-German names have less chance of securing accommodation), and the job market (where individuals with an ethnic background are often marginalised).

In general, the education system in Germany proves to perpetuate discriminatory and unequal educational opportunities. Institutional racism exists at various levels of the school system: the political, the organisational, the interactional and the subjective.<sup>183</sup> Gomolla and Radtke worked on how institutional procedures, routines and seemingly normal practices can lead to discrimination processes at an institutional level in the German education system. The attainment of formal educational qualifications is highly correlated to the social resources and privileges that students bring with them. In particular, learners from higher social classes are more likely to receive grammar school recommendations from their school teachers than children from working-class families. This is due to discriminatory and racialised narratives that portray children and young people from racialised groups as being less able and talented. Prejudices and stereotypical knowledge manifest themselves in the everyday work of teachers, resulting in the devaluation and poorer grades of racialised children and young people.<sup>184</sup> Inadequate professional training

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<sup>180</sup> <https://observatorioantisemitismo.fcje.org/wp-content/uploads//2020/10/Informe-2017-2018-rev-1.pdf>

<sup>181</sup> Bostanci, S., Wirth, B. (2024): 'Institutioneller Rassismus in Kindertageseinrichtungen. Erscheinungsformen und Handlungsstrategien' (Institutional racism in childcare facilities. Manifestations and strategies for action), *Zeitschrift für Migration und Soziale Arbeit*, Beltz-Juventa.

<sup>182</sup>

[https://www.rassismusmonitor.de/fileadmin/user\\_upload/NaDiRa/Rassismus\\_Symptome/Rassismus\\_und\\_seine\\_Symptome.pdf](https://www.rassismusmonitor.de/fileadmin/user_upload/NaDiRa/Rassismus_Symptome/Rassismus_und_seine_Symptome.pdf)

<sup>183</sup> Gomolla, M. and Radke, F.-O. (2009), *Institutionelle Diskriminierung, Die Herstellung ethnischer Differenz in der Schule* (Institutional discrimination. The creation of ethnic difference in schools), VS Verlag für Sozialwissenschaften Wiesbaden.

<sup>184</sup> Fereidooni, K. (2016), *Diskriminierungs- und Rassismuserfahrungen von Referendar\*innen und Lehrer\*innen ,mit Migrationshintergrund' im deutschen Schulwesen. Eine quantitative und qualitative Studie zu subjektiv bedeutsamen Ungleichheitspraxen im Berufskontext* (Experiences of discrimination and racism by trainee teachers and teachers "with a migration background" in the German school system. A quantitative and qualitative study on subjectively significant practices of inequality in the professional context), Heidelberg University Library. Shure, S. (2022), 'Überlegungen zu einer diskurstheoretischen Perspektive auf Lehrer\*innenbildung in der Migrationsgesellschaft' (Reflections on a discourse theory perspective on teacher training in the migration society), in Akbaba, Y. (ed.) (2022), *Pädagogische Professionalität und Migrationsdiskurse* (Pedagogical professionalism and migration discourses), Springer Fachmedien Wiesbaden GmbH, (pp. 29-44. Mecheril, P. (2004), *Einführung in die Migrationspädagogik* (Introduction to migration pedagogy), Beltz.

of teachers seems to be a crucial issue in addressing the needs of a post-migration diverse society.

In addition, prejudicial ideas about “migrant children and educationally disadvantaged families” make schools with a higher proportion of migrants less attractive to privileged families. Families adopt various strategies, such as group enrolment with other white privileged families, to create segregated classes within schools (e.g. Lenau School in Kreuzberg) or through residential re-enrolment.<sup>185</sup> Institutional practices, including the monolingual habitus, also bring about the devaluation of the family languages of racialised pupils, who are hardly recognised in educational institutions and feel excluded from German society.

Another key area of life affected by structural racism is the labour market. There are still too few people with a migrant background working in public administration and racialised groups, especially Muslims and Roma, often cannot apply for jobs for several structural reasons (headscarf ban, lack of registered address or selection of a person with a German name for the job). By contrast, the diverse composition of start-ups based in Berlin and the diversity concepts embraced by large companies show that inequality is a social condition that can be properly counteracted by adopting positive measures to foster diversity in the workplace.

In **Czechia**, wide gaps between Roma and the rest of the population are identified in the areas of housing, education, healthcare and employment. When looking for housing, Romani people are often rejected by estate agencies or landlords offering apartments for rent. Housing is also inadequate in terms of space and quality for Roma people. Based on FRA data from 2016, a quarter of the Roma interviewed in Czechia had felt discriminated against in access to housing in the previous 12 months and up to 65% in the last five years. Roma pupils are segregated in schools that are attended mainly or exclusively by Roma pupils. In 2019, almost 15% of all Roma children were educated in schools with more than 75% Roma children and another almost 10% of Roma children were educated in schools with more than 90% Roma representation. Most of these schools are located in the Ústí nad Moravskoslezský Region. Another issue is the education drop-out rate of Roma children: 57% of Roma children aged 18-24 dropped out of education in the 2015/2016 school year, while the general drop-out rate is around 6%.

In terms of access to healthcare, according to the Roma Inclusion Index 2015 study, the average life expectancy of Roma people is 68.5 years, while that of the majority population is 78.5<sup>186</sup> Moreover, in 1972 Czechoslovakia introduced a policy that allowed public authorities to support the sterilisation of Roma women and women with disabilities to control their birth rates. Despite the fact that the policy to promote sterilisation was ended in 1991, cases of involuntary procedures continued to occur long after the establishment of the new independent republic.

In the field of employment, the 2019 Eurobarometer survey reveals that 45% of respondents would be “moderately bothered” or “bothered” if they had a Roma colleague

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<sup>185</sup> <https://zeitschrift-suburban.de/sys/index.php/suburban/article/view/96>

<sup>186</sup> <https://www.rcc.int/romaintegration2020/files/user/docs/Roma%20Inclusion%20Index%202015.pdf>

(the EU average was 30%).<sup>187</sup> The latest available data on Roma employment in 2016 clearly showed that 32% of economically active Roma in Czechia were unemployed. Among Roma aged 20-64 years, 43% reported being engaged in “paid work” as their main activity, including full-time/part-time, casual work, self-employment or seasonal work. Meanwhile, the employment rate for the general population was at 75% during the same period.<sup>188</sup>

In **Greece**, the most prominent areas affected by structural racism are the justice system and law enforcement, education and healthcare. Many cases involving excessive violence by law enforcement officers against Roma people are still pending or delayed. Roma people are also systematically excluded from decision-making processes because of a lack of recognition of the collective bodies representing the Roma as social partners in the co-design and formulation of any policy that concerns them. In addition, according to information provided by Ellan-Passe (Panhellenic Union of Greek Roma), in the field of education there is no intercultural education for Roma, i.e. the adjustment of the school curriculum to the social, cultural and educational needs of Roma (as is the case with other social groups), nor is there the possibility of enrolling older children in primary classes. In the health sector, the majority of Roma people face precarious conditions and have limited access to it. Similarly, the Greek Council for Refugees condemns the fact that asylum seekers and refugees experience structural discrimination when dealing with the public healthcare system. This issue was exacerbated by continuous delays in granting them the Provisional Social Security and Health Care Number during the COVID-19 pandemic and the requirement imposed by public hospitals to have a negative COVID-19 test to access healthcare facilities for asylum seekers.

In **Latvia**, housing and access to healthcare services are prime examples of structural racism. There are advertisements for housing that explicitly recommend certain groups not to apply (for example, Indians or Arabs).<sup>189</sup> The decision-making process also systemically excludes racialised groups. In the framework of the national anti-racism plan, policies on structural racism were made without properly consulting with people who may be affected by structural/institutional racism. Indirect representation was only ensured by the participation of organisations that work with migrants and victims of discrimination in the working group that developed the national anti-racism plan.

In the **Netherlands**, structural/institutional racism has an impact on various sectors and areas such as the justice system, housing, healthcare, education and the labour market. Racial profiling is a structural problem, as policy and manuals sometimes explicitly instruct officers to conduct racial profiling and no measures are taken against individual officers who are caught using racial profiling.<sup>190</sup> The state permits the use of ethnicity and nationality to profile civilians who are not suspected of or involved in any criminal activity. Moreover, there is structural unequal treatment throughout the entire criminal justice system. Men with a non-western migration background are subject to twice as many police stops as their white counterparts. Young people of colour are five times more likely to be labelled as a suspect and ten times more likely than white people to be sentenced to prison

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<sup>187</sup> <https://europa.eu/eurobarometer/surveys/detail/2253>

<sup>188</sup> <https://fra.europa.eu/en/publication/2016/second-european-union-minorities-and-discrimination-survey-roma-selected-findings>

<sup>189</sup> <https://makeromeu.com/lv/stasti/>

<sup>190</sup> <https://controlealtdelete.nl/dossier-etnisch-profileren?lang=en#gsc.tab=0>



for the same offence. Moreover, judges give harsher sentences to suspects with a migration background, especially Turkish, Surinamese, Moroccan, Antillian and Aruban.<sup>191</sup>

The Dutch healthcare system is still full of misconceptions about medical differences between white people and people of colour. Health scientist Charifa Zemouri explains that: “a lot of medical knowledge is based on science from colonial times”.<sup>192</sup> The scientist illustrates the consequences of this approach with the following example: “Imagine this: you have a Black man and a white man of equal weight, height and the same lung damage. For the Black man to receive the same diagnosis and medical treatment, he would need to have more severe lung damage and worse spirometry test results compared to the white man. Behind the spirometry test, there is a whole formula that corrects for ‘race’. And don’t forget, race is a socio-cultural concept assigned to people based on their outward characteristics. People of colour have a different threshold value before receiving a diagnosis.”

Research indicates that institutional racism is also present in the housing market.<sup>193</sup> Landlords and intermediaries (considered as part of the institutional field) systematically discriminate based on the origin of clients. 86% of estate agents were willing to engage in discriminatory practices on behalf of a landlord. This appears to be caused by racist and stereotypical beliefs, which influence the selection decisions regarding individual prospective tenants. As a result, individuals from majority groups are favoured while individuals from racialised groups are disadvantaged.

## Good practice

### Law to combat structural racism in the housing market

In **the Netherlands**, the Act on Good Landlordship (*Wet goed verhuurderschap*) was adopted in 2023 as a measure to combat structural discrimination.<sup>194</sup> The aim of this Act is to prevent discrimination by landlords and improve the housing situation of labour migrants.

It has been consistently demonstrated through various studies that structural discrimination exists in the labour market.<sup>195</sup> An analysis of data from Eurostat and the OECD reveals that in almost no other European country are the employment prospects for individuals with a migrant background as poor as in the Netherlands.<sup>196</sup> Another study found that an applicant with a Dutch background and a conviction for a violent offence has a significantly higher chance of receiving a positive response compared to a person with a migrant background and a clean criminal record.<sup>197</sup> As a result of a recent parliamentary investigation on discrimination, a specific focus was also placed on the labour market. The Government is now starting to promote equal opportunities for everyone and intends to encourage employers to actively contribute to this goal. To do so, it adopted the Equal

<sup>191</sup> <https://www.rechtspraak.nl/SiteCollectionDocuments/Etnisch-gerelateerde-verschillen-in-de-straftoemeting.pdf>

<sup>192</sup> <https://www.nporadio1.nl/nieuws/gezondheid/a1250f61-dec4-4e81-87d6-decc3d73fe77/zwarte-mensen-worden-systematisch-achtergesteld-bij-diagnoses-in-de-zorg>

<sup>193</sup> [https://ec.europa.eu/migrant-integration/sites/default/files/2021-05/institutioneel\\_racisme-literatuuronderzoek-def\\_0.pdf](https://ec.europa.eu/migrant-integration/sites/default/files/2021-05/institutioneel_racisme-literatuuronderzoek-def_0.pdf)

<sup>194</sup> Staatsblad 2023, 103.

<sup>195</sup> [https://www.eerstekamer.nl/overig/20220614/gelijk\\_recht\\_doen\\_deelrapport/f=/vltshvecqrzs\\_opgemaakt.pdf](https://www.eerstekamer.nl/overig/20220614/gelijk_recht_doen_deelrapport/f=/vltshvecqrzs_opgemaakt.pdf)

<sup>196</sup> <https://www.nrc.nl/nieuws/2019/07/11/onderzoek-inspectie-nog-veel-uitzendbureaus-werken-mee-aan-discriminatie-a3966873>

<sup>197</sup> <https://www.bnnvara.nl/joop/artikelen/werkgevers-prefereren-autochtone-ex-crimineel-migrant-zonder-strafblad>

Opportunities in Recruitment and Selection Act (*Wet toezicht gelijke kansen*).<sup>198</sup> The law contains regulations against discrimination and all employers in the Netherlands are required to have a procedure in place to prevent discrimination during the recruitment and selection of personnel. Intermediaries, such as temporary employment agencies and recruiters, are also obliged to comply with this law and they need to have a procedure in place to address discriminatory requests from clients.

Inequality of educational opportunities is deeply rooted in society, embedded in various underlying mechanisms within the lived experiences of children and young people. It exists within the system, the neighbourhood and the social environment of students. In Dutch society as well, there is a significant amount of inequality and unequal opportunities. Research shows that the academic success of children and young people is influenced not only by the school's input, but also by various factors such as the socio-economic position of parents, the social support available to students, and the language skills of parents in both Dutch and potentially another language.<sup>199</sup> Additionally, prejudices and discrimination also play a role in the educational opportunities children receive. Students' background plays a significant role in the school advice they receive, the expectations teachers have of them, and the educational opportunities provided to them. This is where the well-known Dutch saying comes from that "where you are born can determine your school career". Students with a migrant background consistently experience under-ambitious advice.<sup>200</sup> This means that they are more likely than students without a migrant background to receive a lower level educational recommendation than is warranted based on their final exam results.

In **Romania**, there are no studies which would allow a formal assessment of structural/institutional racism in Romania. However, informal or fragmented pieces of evidence suggest that structural racism exists in education, employment and housing. While segregation in education is being tackled by public policies and positive action in favour of Roma pupils and students, there is no discussion or progress to improve access to housing for the Roma community.

### **Romania: segregation of Roma children in education**

In a 2012 case, the NCCD found segregation of Roma children who were all assigned to the same class during enrolment and provided with a classroom in poor condition. The school was sanctioned with a fine of approximately EUR 460 (RON 2 000) and a fine of the same amount was imposed on the school inspectorate. The NCCD also required the school inspectorate to desegregate the school and monitor its activities. Based on its investigation, the NCCD concluded that "the system of assignment to class 1B is not transparent and that the criteria for assigning the children to one class or another, even if they seem neutral, have a discriminatory effect in relation to children belonging to a vulnerable category, without being objectively justified by a legitimate scope." The NCCD refers to ECtHR jurisprudence and continues by highlighting the positive obligation of the school leadership "to make sure that pupils from a disadvantaged ethnic group are not segregated in one classroom... It is the duty of the educational personnel to assign the children in classes in a proportional manner, without taking into considerations criteria (such as the choice of the

<sup>198</sup> [https://www.eerstekamer.nl/wetsvoorstel/35673\\_wet\\_toezicht\\_gelijke\\_kansen](https://www.eerstekamer.nl/wetsvoorstel/35673_wet_toezicht_gelijke_kansen)

<sup>199</sup> <https://www.nji.nl/kansengelijkheid-in-het-onderwijs/wat-is-kansenongelijkheid-in-het-onderwijs#wat-is-kansenongelijkheid-in-het-onderwijs?>

<sup>200</sup> <https://www.kis.nl/artikel/onderzoek-naar-te-laag-schooladvies-kis-zoekt-ouders-en-onderwijsprofessionals>

parents) which might infringe the rights of the pupils as well as their dignity.”<sup>201</sup> It should be highlighted that the NCCD issues warnings and recommendations (carrying no financial penalties) which are not a dissuasive, proportionate and effective remedy as requested by the Directive.

In **Sweden**, the greatest impact of structural racism is identified in employment. The minorities consulted at national level identified that many cases of racial discrimination occurred in recruitment and promotion procedures by employers. Research indicates that discrimination in employment is mostly perpetrated against Black people (born either in Sweden or in a foreign country), Black Asians and individuals with a Muslim or West Asian background. The most recent report by the equality body, mapping out 47 research articles between 2017 and 2022, identifies the following patterns related to racial and ethnic minority: people with Arabic sounding names are less often called in for an interview and the risk of facing discrimination increases for those who live in a socio-economically deprived housing areas.<sup>202</sup>

Structural and institutional racism are also present in the healthcare system. A petition against racism in healthcare was signed by over a thousand doctors and medical students, which led to the establishment of an advocacy organisation, Doctors against Racism. They propose that the issue of discrimination should be introduced as a special supervisory area, all healthcare staff should be trained about racism and specific courses on racism should be introduced into nursing training.<sup>203</sup> For instance, training for healthcare professionals only uses white-skinned medical training dolls and this has a detrimental effect for skin-cancer detection in people with darker skin.<sup>204</sup> CSO representatives have confirmed that structural racism in the healthcare system became more evident during the pandemic. The recommendations made by the Government during the pandemic were designed for middle-class Swedes who could afford to work from home, had access to digital tools and could afford to be off work. Many racial and ethnic minorities working in the service sector, living together across generations in the same accommodation or living in overcrowded conditions, did not have full access to the information provided by the Government or the necessary digital tools to be in contact with the rest of society.

Other areas which have a significant impact on people are policing, public administration and social services. The SAPO (the Swedish intelligence bureau) only investigates terrorist activities planned and carried out by people with a Muslim background, while neo-Nazi terrorism is not properly addressed.<sup>205</sup> CSO representatives also expressed concern about the systematic discriminatory practices experienced by people in contact with public administration and social services, leading to lower levels of trust towards these institutions. CSOs working with young people from racialised groups mention how they usually “avoid and almost run away” from security guards in shops and the police, due to repeated experiences of racial profiling. CSOs warn that this situation may deteriorate

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<sup>201</sup> Romania, National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării*) Decision 559, file 52-2012, 12 December 2012.

<sup>202</sup> <https://www.do.se/download/18.36cbb9ac1886717f72d416/1686638418878/rapport-rekrytera-utan-att-diskriminera.pdf>

<sup>203</sup> <https://lakartidningen.se/opinion/debatt/2022/03/rasismen-fortsatter-att-skorda-liv-i-svensk-sjukvard/>

<sup>204</sup> <https://lakartidningen.se/opinion/debatt/2023/09/dags-att-inkludera-melaninrik-hud-i-varutbildningarna/>

<sup>205</sup> [https://www.criminology.su.se/polopoly\\_fs/1.361560.1513162298!/menu/standard/file/CRD-5600-Rapport\\_Slumpvis-utvald\\_final.pdf](https://www.criminology.su.se/polopoly_fs/1.361560.1513162298!/menu/standard/file/CRD-5600-Rapport_Slumpvis-utvald_final.pdf)

because of the new “security zones”, which will allow the police to stop and body-search anyone in a specific designated area.<sup>206</sup>

### Sweden: Swedish society is designed for ethnic Swedes

Several minority community members and CSO representatives expressed the view that Swedish society has been structurally designed by ethnic Swedes for ethnic Swedes: employers or landlords look at the applicants’ names, where they live, how long they have lived in Sweden and how they write their CVs. In the education system, there is equality in the compulsory schooling for the first years in school. However, when it comes to higher education, the student’s background and place of residence affects the choice of institution, often leading to segregation and marginalisation.

In **Spain**, a study by CEDRE in 2020 reports that the most affected areas by episodes of institutional racism are: housing (especially among people from the Maghreb (46%) and Sub-Saharan African countries (48%)); access to establishments and public spaces (especially among Sub-Saharan Africans (56%) and the Roma community (58%)); treatment by the police (especially among Sub-Saharan Africans (37%), mostly linked to situations of ethnic profiling in the street assuming them to have an irregular administrative situation); education (the only sector where East Asians report a high level of discrimination (31%), linked to situations of bullying, harassment or exclusion from activities by other peers); and the labour market (where people from Sub-Saharan Africa are again among the most affected (41%), although other migrant groups also experience significant levels of above 30%).<sup>207</sup> By contrast, there are lower percentages of discrimination in the sectors of public health, treatment by the local administration and in training courses.

Besides these figures, it is important to point out patterns in each sector that are revealed both in the focus groups organised at national level and in the literature. In education, some of the root causes of institutional racism are: school segregation (not only between neighbourhoods, but also within educational institutions); the prevalence of low expectations of racialised or migrant pupils on the part of teachers and educational staff (e.g. they do not trust in pupils’ abilities to progress beyond compulsory schooling and recommend them to opt for vocational training); absence or scarcity of training on interculturality; and scarcity of inclusive measures and resources within schools to manage highly diverse classes. These issues have direct consequences in school drop-out rates and the educational trajectories of young people of migrant heritage and with a racialised background, whose opportunities to continue in post-compulsory education are jeopardised in comparison with ethnic Spanish people.<sup>208</sup>

In the labour market, we can distinguish between two types of discrimination. First, structural discrimination is generated by the general functioning of the labour market and perpetrated through horizontal and vertical segregation. This is linked to the concept of “ethno-segmentation” of the labour market, according to which migrants and ethnic groups

<sup>206</sup> <https://polisen.se/lagar-och-regler/sakerhetszoner/fragor-och-svar-om-sakerhetszoner/>

<sup>207</sup> [https://igualdadynodiscriminacion.igualdad.gob.es/destacados/pdf/08-PERCEPCION\\_DISCRIMINACION\\_RACIAL\\_NAV.pdf](https://igualdadynodiscriminacion.igualdad.gob.es/destacados/pdf/08-PERCEPCION_DISCRIMINACION_RACIAL_NAV.pdf)

<sup>208</sup> Güell, B. (2020), *Catalanes y catalanas de origen asiático: trayectorias educativas y procesos de incorporación laboral* (Catalans of Asian origin: educational pathways and labour market integration processes), Focus on International Migration, 7, Bellaterra: Universitat Autònoma de Barcelona, CER-MIGRACIONES, Servei de Publicacions. Available at: [https://ddd.uab.cat/pub/lilibres/2020/235439/Focus7\\_Catalanes\\_v4\\_1.pdf](https://ddd.uab.cat/pub/lilibres/2020/235439/Focus7_Catalanes_v4_1.pdf)

enter the secondary segment that only includes precarious jobs with poor conditions and little mobility to more qualified jobs.<sup>209</sup> The fact that there are greater rates of unemployment among migrants is also indicative of this type of discrimination. Second, institutional discrimination in the labour market is produced by public norms and administrative practices, such as barriers to accessing a job (e.g. not being interviewed or being rejected due to ethnic or racial origin), poor contracts (e.g. temporary or no contract) and precarious jobs (e.g. unstable, with the worst work schedules and with requirements to do tasks that do not correspond to that job).

Data from the CEDRE report show that people who work in agriculture and domestic work have the lowest incomes (less than EUR 1 000/month, 64% and 51%, respectively), more temporary contracts (74% and 41%) and part-time jobs (55% in domestic work). In addition, 21% of respondents consider that they are overqualified for the job they do (33% of Spanish people with a foreign background have university degrees) and only 18% were able to have their educational qualifications from their countries of origin recognised in Spain.

Administrative and public barriers are confirmed by another study which analysed what kind of problems migrant people experience in all educational areas: delays in assigning a file number and viewing it in the online system (between 1 and 1.5-year delay); delays and non-compliance with deadlines by the ministry; failure or non-existence of communication; inconvenience around receipt of fees; loss of files; requests for documentation already provided and included in the file; delays and non-compliance with deadlines by the Spanish National Agency for Quality Assessment and Accreditation (ANECA); and incongruent resolutions for the same degree, university and study programme.<sup>210</sup>

In the housing sector, structural discrimination is very evident and normalised by existing procedures and behaviours. The City Council of Barcelona undertook an experiment to test discrimination by estate agencies which accept the discriminatory requirements of landlords to reject migrants and racialised people who apply for rental accommodation.<sup>211</sup> The results show that 86% of agencies (with a sample of 350 agencies) accepted or facilitated the discriminatory requirements of landlords, and only 10% refused the discriminatory requirements, arguing that this was an illegal practice. This experiment was then repeated in Andalusia by SOS Racismo with a sample of 40 agencies and the resulting percentages were even more dramatic: 92.5% accepted or facilitated discrimination and only 2.5% refused it.<sup>212</sup> These experiments explain why many migrants and racialised people face continuous barriers when trying to rent housing, with practices including refusals of visits or being subject to extra requirements. This situation is aggravated by the scarce availability of social housing and the socio-spatial housing segregation between neighbourhoods. Another report by the City Council of Córdoba in Andalusia gives an

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<sup>209</sup> Piore, M. J. (1975), 'Notes for a theory of labor market stratification', in *Labor Market Segmentation* (pp. 125-150), Lexington, MA: DC Heath.

<sup>210</sup> Belgrano, P., Faundez, K. and Szybut-Galarza, G. (2021), *Informe sobre 'Encuesta sobre tramitación de homologación de títulos universitarios de argentinos ante España'* (Report on the 'Survey of the recognition process for Argentinian university degrees in Spain'), APASAE. Available at: <http://dx.doi.org/10.13140/RG.2.2.31730.58568>

<sup>211</sup> Ajuntament de Barcelona (2021), *Discriminación a la carta. Exclusión por motivos étnicos del mercado de alquiler de vivienda de Barcelona* (Discrimination à la carte. Exclusion on ethnic grounds from Barcelona's housing rental market). Available at: <https://ajuntament.barcelona.cat/dretsdiversitat/sites/default/files/Discriminacion-a-la-carta.pdf>

<sup>212</sup> SOS Racisme Catalunya and Pareu de Parar-me (2021), *Vigilància 0.2: Una anàlisi de dades sobre les identifications per perfil ètnic-racial*. Available at: [https://sosracisme.org/informe\\_perfil\\_racial/](https://sosracisme.org/informe_perfil_racial/)

SOS Racismo Galicia (2021) *Racismo e Xenofobia en Galicia. Informe Anual 2020* (Racism and xenophobia in Galicia. Annual report 2020). Available at: <https://www.sosracismogalicia.org/es/informes-anual/>

account of discrimination in the housing sector for people with a migrant background and the Roma community in the province of Córdoba. Results show several dynamics: a process of “ghettoisation” (40% of people with a migrant background reside in the Southern District), the precariousness of their current housing situation (49% live in shared housing/rooms and 15% live in substandard housing, shelters or on the street) and negative experiences while looking for accommodation (rejection due to nationality (33%) and physical appearance (21%) and poor treatment by estate agencies, owners or institutions (55%)).<sup>213</sup>

Regarding the institutional racism perpetrated by law enforcement agents, one of the most explicit expressions of this phenomenon is ethnic and racial profiling. SOS Racismo has been quite active in denouncing this phenomenon, assisting victims, filing complaints and pursuing strategic litigation. A recent report by SOS Racismo and Pareu de Parar-me highlights that only 5.5 in 100 Spanish people are stopped, while the proportion for foreigners is 19.3 in 100.<sup>214</sup> The report also points out that the success rate for identifications of Spanish people is quite high (there is a match between the suspicion and the actual facts), while this rate decreases with foreigners, since they are stopped for less obvious or evident reasons. It seems clear that this practice intersects with social class and presumed administrative status because only apparently (irregular) migrant people with few resources are stopped. Our focus groups reveal that ethnic profiling is also implemented in the selection of people who are asked to show their personal belongings when there is suspicion of theft in supermarkets or shops by private security guards. These situations often sow the seed for other episodes of violence with law enforcement agents.

In relation to health, racialised groups face obstacles in the acquisition of the health card or receive negative treatment from healthcare staff, as revealed by complaints data gathered by SOS Racismo. This is amplified by the language barriers experienced by migrant people and the scarcity of translators and intercultural mediators to facilitate mutual understanding between staff and patients. Many migrants and racialised people cannot access jobs in the healthcare system because they do not have Spanish citizenship.

### **Spain: barriers for Muslims and migrants**

As this quote reveals, Muslim women who wear a hijab often experience discrimination due to their clothing. *“There are many private companies that don’t allow people to wear a hijab at work (health centres, etc.). Another thing I have seen is that positions for nutritionists were recently advertised in the public health assistance centres [CAPs] and many colleagues could not apply because they did not have Spanish nationality. This is a very serious form of institutional racism. You have been here working and studying for a long time, but you do not get a place because you do not have Spanish nationality.”* (Nutritionist of Muslim background)

<sup>213</sup> Ayuntamiento de Córdoba (2023), *Discriminación hacia la población migrante y las minorías étnicas en el acceso al alquiler residencial en Córdoba* (Discrimination against the migrant population and ethnic minorities in access to rental accommodation in Cordoba). Available at: [https://www.apdha.org/wp-content/uploads/2023/05/INFORME\\_DISCRIMINACIONALQUILERRESIDENCIALCORDOBA.pdf](https://www.apdha.org/wp-content/uploads/2023/05/INFORME_DISCRIMINACIONALQUILERRESIDENCIALCORDOBA.pdf)

<sup>214</sup> SOS Racisme Catalunya and Pareu de Parar-me (2021), *Vigilància 0.2: Una anàlisi de dades sobre les identifikacions per perfil ètnic-racial*. Available at: [https://sosracisme.org/informe\\_perfil\\_racial/](https://sosracisme.org/informe_perfil_racial/)

Institutional racism is found in access to establishments and public spaces in the form of denied access to a taxi or establishments like bars, clubs, cultural or sports centres, poor treatment in public spaces, insults and physical aggression in the street due to physical appearances (e.g. skin colour, clothing or physical features).

### General actions to tackle discrimination, including structural and institutional racism

- ✓ **Invest in public and social housing:** national governments should increase the availability of public housing for rent at affordable prices across all neighbourhoods, not just in peripheries and low-income areas, to prevent racial segregation and facilitate access to housing for racialised groups. More flexible requirements for accessing social housing should also be adopted and public measures should be implemented to control the constant rise in house prices.
- ✓ **Equality duty for public spending:** national governments should introduce “equality duties” when it comes to public spending and subsidies procedures to take into consideration vulnerable racialised groups and proactively improve their situation.

### Key recommendations for the national legal and policy level to tackle structural and institutional racism

- ✓ **Combat school segregation:** inclusive measures are needed to combat school segregation not only at a territorial level, but also within educational institutions. The history and legacy of ethnic minorities, and the consequences of structural racism for these groups, should be included in school, university and other educational curricula.
- ✓ **Combat structural discrimination in the housing market:** structural discrimination in the housing sector should be addressed by introducing effective sanctions against landlords and estate agencies where necessary, along with compensation schemes for victims.

## 6.6 Experiences of racial discrimination when dealing with public administration

**All countries present administrative procedures and rules that make the life of racialised groups more difficult in comparison with the rest of population. Our comparative research has found that public administration entities impose obstacles for certain groups in accessing housing and social services, both at national and local level. These barriers take the form of burdensome administrative requirements or gaps in the administrative and legal system in relation to access specific social-economic rights. The main racialised groups affected by unequal norms or practices in most of the countries are Roma and migrants.**

In **Germany**, racialised groups face racist discrimination by the public administration, as shown by the Federal Anti-Discrimination Agency (ADS) which publishes an annual report detailing the number of advisory requests received. The ADS data indicate that in 2022 about 43% of inquiries were related to racism or discrimination based on ethnic origin. The cases affect public services and authorities, including job centres and foreign nationals' departments, as well as the education sector and the police. Muslim women are often discriminated against because of the ban on wearing headscarves when teaching in schools.

Discrimination is also perpetrated by labour inspectors, as businesses from the Arab, Kurdish and Turkish communities are regularly targeted by large-scale police operations. Structural racism against Slavic people is evident in the institutional practices towards EU citizens from Romania and Bulgaria, whose access to social benefits is undermined by applications being rejected without objective reasons or for the lack of unnecessary documents.<sup>215</sup> Interviews reveal that asylum seekers have restricted access to the healthcare system and they only receive medical care in case of acute pain or extreme situations, with unqualified employees from social welfare offices deciding on the necessity of treatment. The Asylum Seekers Benefits Act seems to exclude several hundred thousand people from the regular healthcare system, while Ukrainian refugees rightfully have access to the full range of healthcare benefits.<sup>216</sup>

In **Czechia**, discriminatory practices have been carried out by some municipalities when allocating municipal apartments. There is evidence of Romani people being allocated apartments in worse locations than non-Romani applicants, leading to urban segregation of this minority group.<sup>217</sup> Other systematic practices of racial discrimination are frequently found in the healthcare system, as Roma are often rejected by doctors or have limited access to public hospitals or medical services as a result of living in a socially excluded locality.<sup>218</sup> Moreover, as already highlighted in this report, there are many cases of rejection of Roma children by state schools.<sup>219</sup>

In **Greece**, racialised groups experience discrimination when dealing with the public administration. Ellan-Passe states that Greek Roma face many more difficulties than the general population, especially in the process of obtaining documents from public authorities. Similar issues also affect third-country nationals, asylum seekers and recognised refugees in the country.

### **Greece: Roma excluded from public services**

In its 2021 Equal Treatment Report, the Ombudsman stated that “many of the positive measures and pillars for combating poverty and facilitating the access of Roma to income resources or goods and services (granting a national pension, guaranteed minimum income, unemployment benefit, childbirth benefit, social domestic tariff, etc.) are designed in a way that does not take into account the specificities of the Roma. Given that serious problems are often detected during their inclusion in these procedures, due to the inability to submit the required supporting documents (e.g. non-registration or deficiencies in the registration in the municipal registers, not having an identity card, problems in the issuing of VAT (AFM) or Social Security Registration Number (AMKA) ), it is deemed necessary that, in the preparation of the National Strategy for the Social Inclusion of the Roma, the specific issues

<sup>215</sup> For more on patterns of institutional discrimination in public administration:

<https://www.stiftung-mercator.de/de/publikationen/diskriminierungsrisiken-und-handlungspotenziale-im-umgang-mit-kultureller-soziooekonomischer-und-religioeser-diversitaet/>

<sup>216</sup> <https://www.bundesgesundheitsministerium.de/faq-medizinische-hilfe-ukraine>

<sup>217</sup> <https://denikreferendum.cz/clanek/33376-ostravsky-byznys-se-socialnim-bydlenim-romove-smi-jen-do-vyloucenych-lokalit>

<sup>218</sup> [https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/aktuality/Strategie-rovnosti--zacleneni-a-participace-Romu-2021---2030---textova-cast\\_OK\\_2.pdf](https://www.vlada.cz/assets/ppov/zalezitosti-romske-komunity/aktuality/Strategie-rovnosti--zacleneni-a-participace-Romu-2021---2030---textova-cast_OK_2.pdf)

<sup>219</sup> <https://eso.ochrance.cz/Nalezene/Edit/2812>



of exclusion of the Roma beneficiaries from the aforementioned procedures should be taken into account.”<sup>220</sup>

### Greece: procedural gaps in granting social security number to TCNs

The National Authority for Social Insurance (EFKA)) refused to grant an AMKA to third-country nationals residing in Greece with permanent residence permits and adult family members of a Greek citizen, because they did not provide proof of work in the country. The Ombudsman recalled that the condition of proof of work was included in a 2019 circular from the EFKA, but not in the relevant law for the issuing of AMKA.<sup>221</sup> The Ombudsman addressed the Ministry of Labour and emphasised that there was an issue in the proper application of the law pertaining to the granting of the social security registration number to third country nationals who have a legal residence permit. It therefore requested the resolution of the matter and for the gaps that exist in the process of granting AMKA to be eliminated.<sup>222</sup>

### Greece: exclusion of refugees from social benefits

An NGO contacted the Ombudsman complaining that the Confederation of Multi-Child Parents (ASPE) refused to grant beneficiaries of international protection multi-child status, due to the fact that they could not provide a certificate of marital status from their country of origin.<sup>223</sup> The Ombudsman contacted the competent services and highlighted that multi-child status also applies to recognised refugees, stateless persons and beneficiaries of humanitarian protection, who reside permanently in Greece. It also underlined the obligation of the state services (namely the Asylum Service) to issue attestations and certificates required for the exercise of their rights, given the objective limitations in addressing the competent services in their countries of origin. Failure to comply with the above, according to the Ombudsman, and the exclusion of recognised refugees from social benefits constitutes discrimination against the specific group.

In **Latvia**, foreigners perceive discrimination at the Office of Citizenship and Migration Affairs, as well as in contact with municipal social services. A study carried out in 2017 shows that 12% of respondents declared they experienced discrimination in contact with state institutions.<sup>224</sup> Discrimination manifests itself in a refusal to speak English or another foreign language and even in the form of xenophobic comments, but very few cases are reported to the Ombudsman.

In the **Netherlands**, racialised groups experience racial discrimination when dealing with public administration in various ways. A commonly heard experience is that marginalised groups face biased treatment including differential questioning, suspicion and/or scrutiny based on their racial or ethnic background when interacting with public authorities. The

<sup>220</sup> Greek Ombudsman, Special Report 2021, Equal Treatment, 2022, last accessed on 01.08.2023, p. 81.

<sup>221</sup> Greek Ombudsman, Equal Treatment-2020 Special Report, last accessed on 29.08.2023, p. 30.

<sup>222</sup> Greek Ombudsman, Case n. 284016.

<sup>223</sup> Greek Ombudsman, Equal Treatment-2021 Special Report, June 2022, last accessed on 29.08.2023, p. 28-29.

<sup>224</sup> [https://www.km.gov.lv/sites/km/files/typ\\_petijuma\\_zinojums\\_2017-biss1.pdf](https://www.km.gov.lv/sites/km/files/typ_petijuma_zinojums_2017-biss1.pdf)

NCDR acknowledges that Dutch laws and regulations in recent years have been “based on institutionalised mistrust from the political and governmental entities towards citizens”.

In **Romania**, the Anti-discrimination Law prohibits discrimination in services provided by public administration entities. However, structural discrimination in relation to housing is experienced by Roma in several forms and contexts: poor infrastructure and failure to invest in facilities for Roma communities; conditions for social housing which perpetuate discriminatory practices instead of tackling discrimination; and forced evictions targeting Roma communities. The 2002 National Action Plan on Social Inclusion, as well as the 2022 National Strategy on Social Inclusion and Poverty Reduction, mention housing as one of their priorities and include Roma as a particularly vulnerable group, without providing any mechanisms for effective implementation.<sup>225</sup> The 2022 strategy for the inclusion of Romanian citizens belonging to the Roma minority for 2022-2027 also aims to address housing and infrastructure issues, but no specific initiatives have been registered so far.<sup>226</sup>

As all residents in **Sweden** have access to all services and welfare systems, racial discrimination in the form of restricted or denied access should not exist. Nevertheless, there are norms, practices and attitudes that can be discriminatory, which lead to unequal treatment when dealing with public administration entities, especially in schools, libraries, hospital or daycare. Our interviews indicate that Black people and/or people with Muslim background are treated by social services in condescending and patronising ways and that many experience tensions, mistrust and minority stress. The Swedish Gender Equality Agency also notes how experiences of racial discrimination when dealing with public administration entities may be worse for foreign-born women.

In **Spain**, public administration stands out as the most active agent in perpetrating racism, according to data from SOS Racismo across the whole of Spain. Racialised groups experience difficulties with obtaining citizenship and registering in the *padrón*.<sup>227</sup> While all Councils are obliged to register the inhabitants of their territory, it is not unusual to introduce barriers to deter migrants from staying in town.

*“In Galicia, if you do not have a rental contract, it is very difficult to register, but at the same time, to rent, they ask for a payroll and some money in advance, and for newcomers this is almost impossible. So we turn to NGOs and shelters so they can help us. In the registration process they have so many people that they have a 2-month waiting list to see if they can be registered, but of course, if you don't have at least 3 months of registration, you don't have*

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<sup>225</sup> Government Decision for the approval of the National Plan against Poverty and for Promoting Social Inclusion, 31 July 2002; Romania (2022), *Strategia națională privind incluziunea socială și reducerea sărăciei pentru perioada 2022-2027* (National strategy on social inclusion and poverty reduction for the period 2022—2027).

<sup>226</sup> Romania (2022), *Strategia Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027* (Government of Romania's strategy of inclusion of Romanian citizens belonging to Roma minority for the period 2022-2027), approved by Government Decision 560 of 28 April 2022, published in the Official Journal No. 450bis of 5 May 2022.

<sup>227</sup> The *padrón* (municipal population register) is the administrative record containing the residents of a given municipality and it constitutes proof that they reside in the municipality and have their usual home there. The municipal population register can be used to provide figures on the number of people registered in the population census in each municipality in Spain, broken down according to sex, age, nationality and place of birth. Being registered in the *padrón* is necessary to obtain a public health card, access to other public services and to prove length of residence, which is necessary for those irregular migrants who apply for a residence permit through the legal procedure of *arraigo social*. This is an authorisation for temporary residency in Spain due to extraordinary circumstances, which is exclusively for third-country nationals who have lived in Spain for at least three years without being registered as resident under certain requirements.

*access to health care or access to a social worker and this is the first thing people need to get.”<sup>228</sup>*

Another expert points out that in Andalusia, registering in rural areas is the most difficult, especially in those that have informal settlements (e.g. in the provinces of Huelva, Almería and Jaén), where many migrant agricultural workers live during the season due to the impossibility of renting a house.

*“There is a lack of rights in the administrative application of the padrón. [There is a] pseudo-norm that is putting barriers to access this right. They are not norms, many times they are orders that do not even have the character of a regulatory norm.”<sup>229</sup>*

These “pseudo-norms” are also applied in other sectors of public administration, such as in access to kindergartens. To apply for a place in a public crèche, a certificate from the tax office that certifies income level is required, but irregular migrant people cannot obtain one and they are forced to find alternative ways to certify their low incomes through social services. Moreover, the Spanish IT system does not accept passport numbers (only ID cards), which also excludes many people.

Finally, it is also important to add the institutional racism that affects unaccompanied minors. In cases where they do not have documentation and cannot prove their age, they are subject to a radiological exam that estimates their age according to the size of the bones in their wrists, with a margin of error of two years. In this sense, experts point out that it is not unusual to treat minors as adults using the results of this examination, even if they assert that they are not. As a consequence, they do not receive protection from the public administration and can even be sent to detention centres without having the support of legal advocates.

### **The Netherlands: the childcare scandal and the misuse of algorithms**

In the Netherlands, the algorithmic system to assess whether claims for childcare benefits are correct or fraudulent was developed and implemented on the basis of racial profiling. As reported by Amnesty International, tens of thousands of parents and caregivers from low-income families, mostly with an ethnic background, were wrongly accused of fraud by the Dutch tax authorities.<sup>230</sup> The Dutch childcare benefits scandal revealed that [more than 70%](#) of the victims affected by the wrongful application of algorithms had a migrant background. Caribbean-Dutch and Surinamese-Dutch individuals are relatively the most severely affected. Data show that compared to white Dutch individuals, Caribbean-Dutch individuals are 32 times more likely to be victims.<sup>231</sup>

Following the childcare support scandal and the high number of discrimination complaints received, the Dutch NIHR, in its capacity as national equality body, investigated the difference in the effect of the processes and practices of the Tax Authority for two groups: parents of Dutch origin and parents of foreign origin. In doing so, it analysed the anonymised data of all parents who applied for childcare support in the years 2014 and 2018. In light of the findings, the Dutch NIHR concluded that there is a general presumption

<sup>228</sup> Interview carried out by our Spanish expert with relevant stakeholders.

<sup>229</sup> Interview carried out by our Spanish expert with relevant stakeholders.

<sup>230</sup> <https://www.amnesty.org/en/documents/eur35/4686/2021/en/>

<sup>231</sup> <https://controlealdelete.nl/articles/70-procent-gedupeerden-heeft-een-migratieachtergrond#gsc.tab=0>

of discrimination by the Tax Authority. Whether this presumption can be rebutted is subject to investigation in individual cases.

Following this scandal, the House of Representatives refused to further investigate the issue and acknowledge the existence of structural and institutional racism.

### **Key recommendations for the national policy level to tackle structural and institutional racism**

- ✓ **Targeted training for civil servants:** targeted training programmes for public servants and workers in the public administration should be introduced on structural/institutional racism (what it is, how to prevent it and how to combat it), anti-racism, equality and inclusion.
- ✓ **Targeted education:** information on bias and discrimination should be included in the academic and professional education of legal professionals, social workers, teachers and all stakeholders who implicitly become actors in perpetuating implicit discriminatory attitudes, practices and conduct.

## **6.7 The contribution of state and public institutions to the spread of discrimination and structural racism**

**Our research indicates that various forms of structural and institutional racism exist at national level that are perpetrated by the state and public institutions. The main laws, norms and procedures in the eight countries are ignoring the needs of marginalised and/or racial and ethnic minorities and contribute to advancing structural and institutional racism. Housing and school segregation, racial profiling, administrative barriers to accessing basic services, lack of positive measures and awareness about racism among public officials seem to be common factors leading to structural discrimination in the different countries.**

In **Germany**, the State and its public institutions play a significant role in perpetuating discrimination and structural racism through various direct and indirect actions, such as housing and school segregation, and the lack of positive measures to advance equality. The experts interviewed underscore the fact that the distribution of resources and opportunities in the educational system can produce significant disadvantages for those affected by racism, particularly in areas with a high concentration of migrants and socially disadvantaged families. Despite the presence of well-equipped schools in affluent neighbourhoods, schools in socially challenged areas, often with a high number of migrant children, tend to be under-resourced.<sup>232</sup> The connection between housing situation and educational outcomes indicates that state interventions could more effectively address the

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<sup>232</sup> Parade, R. & Heinzl, F. (2020), *Sozialräumliche Segregation und Bildungsungleichheiten in der Grundschule – eine Bestandsaufnahme. Zeitschrift für Grundschulforschung*, 13(2), 193–207; Steinbach, A., Saphira, S. & Mecheril, P. (2020). 'The racial school: Die nationale Schule und ihre Rassekonstruktionen'. In Karakayalı, J. (ed.), *Unterscheiden und Trennen: Die Herstellung von natio-ethno-kultureller Differenz und Segregation in der Schule* (pp. 24–45). Beltz Juventa.

linkage between residence and school quality. There has been an increase in private schools in Berlin, which are less likely to enrol children with migration backgrounds, illustrating a form of educational segregation.<sup>233</sup> Furthermore, internal practices within public institutions, such as work guidelines that may lead to structural discrimination based on stereotypes about social benefit fraud, exemplify how public debates and institutional actions can reinforce negative perceptions of certain groups, especially Roma from Ukraine or asylum seekers, leading to less support and services for these communities.

Housing segregation in refugee accommodation negatively affects Roma families who systematically face worse conditions compared to other war refugees. This form of segregation started after the arrival of Ukrainian refugees in 2022.<sup>234</sup> Roma were accommodated separately and often placed in separate centres from other Ukrainian refugees. A similar form of segregation occurs in specific neighbourhoods of major cities, where Roma are forced to live separately from the rest of population. These groups are still seen as problematic by society and politicians, which justify their isolation and the inadequate provision of basic services.

In the field of education, hundreds of thousands of children from families with an ethnic background only receive a recommendation for a Hauptschule or Realschule, because teachers share the prejudicial idea that parents will not be able to support them if they go to an educationally selective Gymnasium.<sup>235</sup>

### Germany: ban on women wearing headscarves when teaching in schools

For a very long time, since 2004, women who wear headscarves have not been employed in schools, based on the argument that they would indoctrinate children. In North Rhine-Westphalia, in 2015 a law banning teachers from wearing religious clothes was declared unconstitutional by the Federal Constitutional Court. In this judgement, the Federal Constitutional Court clarified “that blanket bans that prohibit teachers from wearing religious symbols at school are not compatible with the Basic Law” (judgement of 27 January 2015, case numbers 1 BvR 471/10 and 1 BvR 1181/10).<sup>236</sup> However, in Berlin, Bremen and Hesse, the respective neutrality laws are still in place. In Bavaria, Baden-Württemberg, Hesse and Saarland, the privileged status of Western Christian values still applies today.<sup>237</sup>

In **Czechia**, the state and municipalities contribute to structural discrimination by being responsible for segregating Roma people in housing and allocating apartments to Romani

<sup>233</sup> Yurdakul, G. & Altay, T. (2022), ‘Overcoming stigma: the boundary work of privileged mothers of Turkish background in Berlin’s private schools’, *Ethnic and Racial Studies*, 14(46).

<sup>234</sup> <https://www.roma-center.de/stoppt-die-segregation-der-fluchtenden-aus-der-ukraine-gleiche-rechte-und-hilfe-fur-alle/>

<sup>235</sup> [https://de.wikipedia.org/wiki/Hauptschule#cite\\_note-17](https://de.wikipedia.org/wiki/Hauptschule#cite_note-17): “For educational researchers who, in the context of the PISA study, are investigating the living environment of young people and their socialisation at school, the fundamental problem has not been solved, however, that the Hauptschule - even in an integrated course of education - threatens to become a decidedly underclass-specific school within the current structured school system, in which the educational disadvantages caused by social background are institutionally reinforced”.

<sup>236</sup> <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2015/bvg15-014.html>

<sup>237</sup> <https://www.antidiskriminierungsstelle.de/DE/ueber-diskriminierung/lebensbereiche/arbeitsleben/kopftuch-am-arbeitsplatz/kopftuch-am-arbeitsplatz-node.html>, FAQs zum Thema Kopftuch am Arbeitsplatz, Sonderfall Bildungsbereich.

people only in specific localities, or by not taking sufficient measures to address the issue of segregated schools and neighbourhoods.

In **Greece**, the state and public institutions contribute to the spread of existing levels of discrimination and structural racism by not adopting positive actions and inclusive policies for racialised groups, and by not providing appropriate trainings to civil servants. In relation to Roma, policies are adopted without their involvement in the decision-making process and thus fail to take into account their particular needs. Generation 2.0 stressed that there is a lack of diversity in state and public institutions, for example there are no Black police officers, prosecutors, judges, members of parliament or ministers. It should be noted that, until recently, individuals acquiring Greek nationality were also restricted from working in the public sector. Legal texts contained provisions introducing time-related conditions that had to elapse in order to apply for such a position (e.g. one year from the acquisition of Greek citizenship). Article 47 of Law 4604/2019 finally abolished these provisions and naturalised citizens can now gain access to the public sector as soon as they obtain Greek citizenship.

In **Latvia**, the state contributes to structural racism by not adopting any positive actions and not understanding the different circumstances of locals and newcomers when it comes to accessing basic services (differences in social capital). It does not support local service providers: schools are willing to work with all children, but they don't have the resources to provide individualised assistance and to engage with parents who oppose diversity in their schools. University students also face discrimination from their professors and university staff, and training on intercultural communication and reporting mechanisms has not been introduced.<sup>238</sup> Moreover, state institutions and individual politicians in their public communication sometimes use racialised or even derogatory language against racialised groups.<sup>239</sup>

In the **Netherlands**, there are several laws that are deemed by experts and stakeholders to contribute directly to structural racism. State and public institutions also contribute to the spread of existing levels of discrimination and structural racism by allowing racial profiling in risk profiles and selection decisions.

### The Netherlands: laws contributing to structural racism

- The Civic Integration Act 2021 (*Wet inburgering 2021*) only requires certain nationalities to participate in integration courses. The integration exam is not mandatory for citizens of EU Member States, Liechtenstein, Norway, Iceland and Switzerland.<sup>240</sup>
- The Kingdom Act on Dutch Nationality (*Rijkswet op het Nederlanderschap*) determines who acquires Dutch nationality and under what conditions nationality can be obtained and lost. If a Dutch citizen who also holds another nationality commits a crime and is

<sup>238</sup> <https://www.lsm.lv/raksts/zinas/latvija/30.03.2023-rasisms-latvija-statistika-par-naida-uzbrukumiem-neparada-patieso-ainu-valsti.a502850/#11>

<sup>239</sup> <https://www.delfi.lv/news/national/politics/vertes-kirsteina-lietoto-vardu-zids-pederasts-un-negeris-atbilstibuetikai.d?id=55061580>

<sup>240</sup> <https://www.rijksoverheid.nl/onderwerpen/immigratie-naar-nederland/vraag-en-antwoord/moet-ik-als-nieuwkomer-inburgeren>

convicted to a minimum of eight years of imprisonment, their Dutch nationality can also be revoked.

- The Partial Ban on Face-Covering Clothing Act (*Wet gedeeltelijk verbod gezichtsbedekkende kleding*) is commonly known as the “burqa ban”. The law is formulated neutrally to ban face-covering clothing in government buildings, education institutions, healthcare institutions and public transport. Face-covering clothing includes, among others, Islamic face veils such as the (Islam-inspired) burqa and niqab. While the proposal is not limited to these garments, it has a disproportionate impact on Muslims. According to the Council of State, the necessity of such a ban has not been demonstrated and it is not compatible with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights (ECHR).<sup>241</sup>
- New Police Dress Code: in 2023, the Minister of Justice and Security announced that the wearing of headscarves and yarmulkes is now prohibited by law in the police.<sup>242</sup> Although the rule applies to all expressions of religious beliefs, the new dress code mainly aims to ban Muslim women in the police from wearing headscarves.

In **Romania**, public authorities are directly contributing to structural racism by failing to address housing segregation. They do not take any measures to improve housing conditions and infrastructure in areas which are mostly occupied by Roma or adopt any fair and equal criteria for social housing that do not perpetuate discrimination.

### **Romania: discriminatory criteria to access social housing for Roma people**

The NCCD found that the criteria (level of income, number of children and level of education) adopted by mayors and country councils to grant access to social housing *de facto* constituted indirect discrimination against Roma.<sup>243</sup> The NCCD fined the municipality of Reghin RON 2 000 (approximately EUR 400) for this discriminatory practice.<sup>244</sup> Reghin municipality challenged the NCCD decision before Târgu Mureş Court of Appeal and claimed that a combination of the three criteria represented an affirmative measure.<sup>245</sup> The Court of Appeal rejected the appeal against the NCCD and concluded that the “criterion level of education limits access to social housing for persons with a lower level of education.” The court stated that: “based on the statistical data of the Romanian census regarding the level of education of the different ethnic communities, granting an increasing number of points proportionally with the higher level of education leads to negative

<sup>241</sup> <https://www.raadvanstate.nl/adviezen/@63763/w04-15-0170/>

<sup>242</sup> <https://www.trouw.nl/religie-filosofie/hoofddoek-en-keppel-bij-politie-nu-ook-bij-wet-verboden-diepriest-dat-we-zijn-afgeleden~b523c01c/>

<sup>243</sup> The mechanism granted one point for those who graduated primary school, two points for professional school, three points for those with high school studies and five points to those with higher education. The NCCD noted that a local administration did not meet its own duties under the burden of proof by failing to provide a justification for the differential criteria under which housing points were awarded in proportion to the level of education. In the Reghin municipality, the NCCD found that the number of points awarded for the level of education was not proportionate with the goal pursued and that it caused the exclusion of persons with a low level of education, which led to indirect discrimination against Roma.

<sup>244</sup> NCCD, Decision 511 of 20 July 2016.

<sup>245</sup> Târgu Mureş Court of Appeal, Decision 30/2017 of 17 March 2017, communicated in January 2018. Reghin municipality stated that the criterion ‘level of education’ pursued the purpose of ‘stimulating social inclusion and professional inclusion.’ Also, it was argued that deciding on the priority criteria for social housing falls in ‘the margin of appreciation and the discretionary powers’ of the local authorities. Târgu Mureş Court of Appeal took into consideration statistical data provided by the NCCD showing that more than 50 % of the Roma population did not graduate, compared to Romanians or Hungarians (15 %), but also statistical data on the living conditions of Roma – more than 50 % live in spaces of less than 4 sqm per person, as compared to 10 % of other ethnic groups living in similar conditions.

consequences in relation to the Roma community, amounting to indirect discrimination". The court concluded that prioritising higher levels of education is useful for other types of public housing, while such a criterion is not objectively justified for social housing. It concluded that: "eligibility criteria established by local authorities in relation to the level of education of the residents disadvantage poor and vulnerable persons who usually do not have higher education and often lack the registration documents required".

In **Sweden**, state and public institutions contribute to discrimination and structural racism in different ways. For example, housing policies require a certain (higher) income in order to be eligible to access housing in certain areas and newly built houses. The justice system is excluded from the scope of anti-discrimination legislation which tends to perpetuate racial profiling by not raising awareness and making anti-racist training mandatory in state institutions. There is a wide lack of representation of racialised groups in the state and public administration and a lack of public initiatives on anti-racism towards the majority society, as minorities and immigrants are always considered to be in need of education and help. However, civil society organisations see educational initiatives aimed at individuals in power, such as employers, unions, public institutions and healthcare workers, as necessary to fight structural racism.

In **Spain**, a vicious circle of norms, laws and practices by the public administration and institutions directly and indirectly lead to structural racism. As Aguilar and Buraschi emphasise, the principal ways of reproducing institutional racism are: political discourses which legitimise the exclusion of migrants and racialised people; laws, norms, measures, regulations and bureaucratic proceedings which produce inequality and limit the social, political, cultural and economic rights of migrants and racialised people; public policies with discriminatory effects (including migration policies and social policies); actions with discriminatory effects exerted by people who represent and work in institutions (attitudes and behaviour of civil servants); and programmes of social integration which more or less explicitly reproduce patronising, assimilationist and ethnocentric models of integration.<sup>246</sup>

Among these factors, the emergence of the far-right in Spain has exacerbated and somehow legitimised xenophobic, racist and discriminatory discourse in wider society. Far-right parties spread hate speech in their discourse, electoral campaigns and communication strategies with the support of the media and social media and with almost no judicial consequences. As analysed in a recent study, a key ideological characteristic of far-right parties across Europe is "nativism" which places Spanish nationals and the Spanish national identity in a hegemonic position. This approach contributes to the criminalisation of migration by reinforcing the social boundaries of ethnic groups in fixed categories.<sup>247</sup>

## 6.8 Racial discrimination when dealing with the police

**Our research shows that racial profiling and excessive use of force by law-enforcement authorities are very typical manifestations of structural and institutional racism in the countries examined. Racial profiling takes place when a law enforcement officer uses an individual's race or ethnicity to decide whether or not to stop them. Excessive use of**

<sup>246</sup> Aguilar, M. J. and Buraschi, D. (2021), *Racismo institucional: ¿De qué estamos hablando?* Available at: <https://theconversation.com/racismo-institucional-de-que-estamos-hablando-157152>

<sup>247</sup> Bourekba, M., Garcés-Mascreñas, B., Güell, B. and Marín, M. (2023), 'Migration narratives in media and social media. The case of Spain', *BRIDGES Working Papers* 9. Available at: <https://doi.org/10.5281/zenodo.7656960>



**force usually entails various types of violence that are often not necessary, lawful or proportionate. The racialised groups disproportionately targeted by this conduct are Roma, Black people, Muslims and migrants. Multiple barriers are also found in court proceedings and police investigation procedures that perpetuate secondary victimisation experiences and fail to recognise the racist motive of certain criminal acts.**

In **Germany**, racialised groups have many negative experiences of racial discrimination when dealing with the police.

### **Germany: structural barriers when dealing with police forces**

According to a study by the German Institute for Human Rights, racialised groups face several barriers, including:

- specific hurdles in police investigation procedures (e.g. secondary victimisation experiences; language barriers; failure to guarantee the protection of personal data of witnesses);
- existing routines and knowledge regularly lead to the reproduction of racism and antisemitism in criminal proceedings;
- specific barriers in court proceedings (e.g. disrespectful treatment; racist, antisemitic or right-wing aspects of the offence are not recognised by the public Prosecutor's Office or addressed in the proceedings; disproportionately long duration of criminal proceedings);
- racist knowledge and resentments are described as so-called experiential knowledge; internalised racist approach is reflected in the use of language, such as "coloured", "dark-skinned", "southerners", "foreign" or "foreign appearance", "foreigner characteristics".<sup>248</sup>

The NaDiRa study and the interviews carried out by our expert underline that the following stereotypes are ingrained in the work of German police: "the migrant population is different from the non-migrant, German population" (dichotomisation); "national, ethnic and/or religious culture determines behaviour" (essentialisation and homogenisation); "images deeply inscribed in the racist discourse, such as the distinction between 'Western' and 'non-Western' and certain stereotypes, are widely used".<sup>249</sup>

In **Czechia**, structural racial discrimination by the police has not been properly mapped. The Ombudsman investigated a police intervention that resulted in the death of a Romani man, Stanislav Tomáš, against whom the police had intervened. Media reports raised suspicions that the severity of the intervention was related to the man's ethnicity.<sup>250</sup> Although the investigation by the Deputy Public Defender of Rights concluded that the intervention was

<sup>248</sup> Rassismus in der Strafverfolgung. Von der Notwendigkeit struktureller Veränderungen, [https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis\\_Rassismus\\_in\\_der\\_Strafverfolgung.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis_Rassismus_in_der_Strafverfolgung.pdf)

<sup>249</sup> NaDiRa Working Papers Berlin (2022), *Institutioneller Rassismus in der Polizei. Rassistisches Wissen und seine Nutzung*, [https://www.dezim-institut.de/fileadmin/user\\_upload/Demo\\_FIS/publikation\\_pdf/FA-5383.pdf](https://www.dezim-institut.de/fileadmin/user_upload/Demo_FIS/publikation_pdf/FA-5383.pdf)

<sup>250</sup> <https://eso.ochrance.cz/Nalezene/Edit/9880>.

disproportionate, it did not identify institutional/structural racism. The General Inspectorate of Security Forces found no misconduct by the police and the case is currently before the European Court of Human Rights.

In **Greece**, racialised groups experience racial discrimination when dealing with police forces. Roma, specifically, face issues related to police arbitrariness and excessive police violence.

### **Greece: use of excessive force leading to the death of Roma individuals**

In 2021, shortly after midnight, seven police officers were pursuing a private vehicle in which two young Roma men were driving. The police officers started shooting at the car, resulting in the death of the front passenger.<sup>251</sup> The number of fatal injuries suffered by the victim and the total number of shell casings found at the location of the incident, as well as the violation of an explicit order from police headquarters to end the pursuit, which had previously been communicated to the police officers by the radio-telecommunications centre, caused social outcry about the police handling of the incident and resulted in the criminal prosecution of the police officers involved.

In 2022, there was another altercation between the police and a Roma teenager, which resulted in his death and reignited the debate around police violence in Greece. In early December 2022, a Roma teenager allegedly left a petrol station without paying the bill and was tracked down by the police.<sup>252</sup> One of the officers opened fire against him, injuring him in the head. The boy died a week later and, at the end of the year, the case was still pending in the investigation phase before the Court of Thessaloniki. The Roma community condemned the incident and addressed an open letter to the Prime Minister calling for an end to discrimination and the marginalisation of the Roma community by effectively implementing measures for their social integration.<sup>253</sup> The open letter was issued by the Roma organisation Ellan-Passe and co-signed by more than 30 Roma organisations.

The Greek Ombudsman also holds the mandate of National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) and it is responsible for investigating complaints about the unlawful behaviour of police officers or officers of the coastguard or the fire department, which appears to have been perpetrated with a racist motivation, or any other type of discriminatory treatment on grounds of race, colour, ethnic origin, heritage, religion, disability, sexual orientation, gender identity or characteristics. The Ombudsman prepares a file which is forwarded to the relevant authorities responsible for carrying out disciplinary actions. In October 2022, the Ombudsman published its 2021 Special Report.<sup>254</sup> During 2021, 308 cases were submitted to the Ombudsman concerning

<sup>251</sup> Greek Ombudsman, Special Report 2021, National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA), 2022, last accessed on 01.08.2023, p. 77.

<sup>252</sup> Guardian, Greece: thousands march after death of Roma boy shot in police chase, 13-12-2022, last accessed on 01.08.2023; BBC, Anger as Roma teen shot by Greek police dies, 13-12-2022, last accessed on 01.08.2023; Ekathimerini, Roma leaders urge calm after teen shot by police dies, 13-12-2022, last accessed on 01.08.2023.

<sup>253</sup> Greece, Ellan-Passe, Press Release, Open Letter to the Greek Prime-Minister (*Ανοικτή Επιστολή προς τον Πρωθυπουργό της Ελλάδας*), 16-12-2022, last accessed on 01.08.2023.

<sup>254</sup> Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) (2022), *Special Report 2021*, last accessed on 01.08.2023.

the special competence of EMIDIPA, showing an increase of 17%, compared to 2020.<sup>255</sup> Forty of these cases concerned a racist motive or discrimination (14%), specifically. The Ombudsman does not mention the actions taken in the above cases where there was a racist motive, but it notes that out of 138 cases which were processed by EMIDIPA during 2021, penalties were proposed for only 22 cases.<sup>256</sup> Of this total, the proposed penalty in eight cases concerned the imposition of a fine, while in three the relevant proposal suggested a reprimand.

In **Latvia**, reports on hate speech and hate crime are often dismissed and investigations of these criminal offences do not receive due attention.<sup>257</sup> In 2019, the Council of Europe's European Commission against Racism and Intolerance made a recommendation to Latvia calling for the establishment of a unit within the State Police to provide links with vulnerable groups in society, to increase trust in the police and to address under-reporting of racist, homophobic and transphobic hate crimes. As part of the structural reform, in 2023 the State Police planned to introduce Prevention Inspectors who would cooperate with different groups in society, including vulnerable groups. Adequate education and professional development are essential to enable the State Police to carry out its investigative function effectively and ensure the safety of vulnerable groups. The following training programmes are conducted by the State Police College and adult non-formal education programmes for State Police officers: 'Identification and Investigation of Hate Crimes', 'Understanding Muslim Culture, Religion and Legal System in the Context of Human Rights Protection', 'Respect for Human Rights in State Police Work', and 'Police Work in a Multinational (Multicultural) Society'.

In the **Netherlands**, racialised groups experience racial discrimination on a large scale (at various levels) when dealing with the police. According to the NGO Controle Alt Delete, there are three main drivers of racial profiling: risk profiles that incorporate race, conscious bias and unconscious bias.<sup>258</sup>

- The first driver is the use of risk profiles which include race or ethnicity as a factor. Risk profiles are used to evaluate, score, calculate or predict the probability of norm violation by people or groups. A risk profile is a set of one or more criteria (indicators) used to estimate the risk of a norm violation and select a specific decision. A characteristic feature of risk profiles is that they are used proactively by governments or implementing organisations without concrete and individualised suspicion of norm violations. If these descriptions include certain ethnicities, as was

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<sup>255</sup> Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) (2022), *Special Report 2021*, last accessed on 01.08.2023, pp. 19-20.

<sup>256</sup> Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) (2022), *Special Report 2021*, last accessed on 01.08.2023, p. 30.

<sup>257</sup> Dupate, K., Buka, A., Jakunova, I., Jurgelāne, I., Kučs, A., Lasmanis, A., Lāma, Ž., Liepa-Monksa, B., Putniņa, A., Rinkevics, A., Treija, D. and Zemīte, I.L. (2023) *Hate crimes and hate speech in international standards and Latvian legal regulation and its application in practice*. <https://www.sif.gov.lv/lv/media/4290/download?attachment>

<sup>258</sup> Every recent study on racial profiling has provided indications that racial profiling occurs often. For example, see Cankaya, S. (2012), *De Controle van Marsmannetjes en ander Schorriemorrie*, Amnesty Nederland (2014), *Proactief politieoptreden vormt risico voor mensenrechten* (2014), van der Leun, J. P. (2014) *Etnisch profileren in Den Haag*, Controle Alt Delete (2014), *Ervaren discriminatie in Nederland*, Controle Alt Delete (2015), *Effecten van ervaren selectiviteit bij politiecontroles*, Landman, W. and Kleijer-Kool, L. (2016), *Boeven vangen*, van der Woude, M.A.H., Brouwer, J. and Dekkers, T.J.M. (2016), *Beslissen in grensgebieden*, FRA (2017), *EU-MIDIS II rapportage*, Controle Alt Delete (2019), *Politieaanpak van etnisch profileren in Amsterdam*, Sociaal en Cultureel Planbureau (2020) *Ervaren discriminatie in Nederland* and Controle Alt Delete (2020) *Monitor Etnisch Profileren* (Monitor of Racial Profiling).

proven to be the case at the Dutch Tax Office, the Police and the Border Police, racial profiling is likely to ensue.

- The second driver is conscious bias, when law enforcement makes racist statements or uses racial slurs to civilians.
- The third driver is unconscious bias: personal attitudes that officials are not aware of, but which nonetheless result in unequal treatment.

There is an ongoing debate in the Netherlands on the exact frequency of racial profiling, but there are no quantitative datasets on its prevalence, as there is neither systematic registration of police stops nor yearly surveys of experiences of profiling among civilians. The Monitor Racial Profiling, carried out by Controle Alt Delete in cooperation with the Vrije Universiteit's (VU) Talent Lab, contains a survey of nearly 2 000 respondents in Amsterdam. It highlighted that men in Amsterdam with a non-western migration background are twice as likely to be submitted to police stops as white Dutch men.

Another issue concerns deaths in police custody.<sup>259</sup> Of the 97 cases that Controle Alt Delete documented between 1 January 2016 and 31 December 2022, 36% of the victims had a migration background, 10% were Dutch with no migration background and in 54% of cases the background was unknown. There are 4.2 million Dutch people with a migration background and 13.2 million Dutch people without a migration background. Among the Dutch people with a migration background, 1.2 people per million inhabitants per year died while under the responsibility of law enforcement. Among Dutch people without a migration background, the number of people who died in these circumstances was 0.1 per million inhabitants per year. Dutch people with a migration background were thus 11 times more likely to die while under the responsibility of law enforcement than might be expected on the basis of their share of the population. By comparison, Black Americans are 2.5 times more likely to die than white Americans while under the responsibility of law enforcement than would be expected based on their share of the population.<sup>260</sup>

Preventive stop-and-search also combines a high risk of racial profiling with a low probability of finding weapons. Research by Amnesty International shows that the risk of stop-and-search is high: if a designated security risk area has a high percentage of residents with an immigrant background, this risk increases further.<sup>261</sup> Furthermore, additional legal frameworks to facilitate stop-and-search is unnecessary, as police already have the legal capacity to check for weapons. Articles 50 and 51 of the Weapons and Ammunition Act (*Wet Wapens en Munitie*) grants police the ability to search people, luggage and vehicles if they believe there is "reasonable cause" to do so. Reasons may include weapon-related incidents having taken place at a given location or concrete intelligence that a person is carrying a weapon. Thus, if there is concrete information on weapons circulating, the law already provides sufficient scope.

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<sup>259</sup> <https://controlealtdetele.nl/dossier-politiedoden?lang=en>

<sup>260</sup> <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>

<sup>261</sup> [https://www.amnesty.nl/content/uploads/2016/11/rapport\\_etnisch\\_profileren\\_ainl\\_28\\_okt\\_2013.pdf?x71839](https://www.amnesty.nl/content/uploads/2016/11/rapport_etnisch_profileren_ainl_28_okt_2013.pdf?x71839)

## Good practice

### The Netherlands: successful action by civil society for transparent accountability on the use of force

Controle Alt Delete, together with Amnesty Nederland and many Dutch citizens, obtained formal recognition from law enforcement that racial profiling occurs more than incidentally. Advocacy actions also resulted in the police and the Ministry of Justice keeping track of the number of civilians who die during police actions each year. Currently, an investigation is ongoing into the number of fatalities that occurred because of stops by the police. Controle Alt Delete also convinced police to monitor the number of officers who are prosecuted for violent crime offences. Other accomplishments include the initiatives to have nearly every Dutch political party (including governing parties) to commit to stop the use of race as an indicator in fraud prevention and to improve the legal position of people who file complaints about racial profiling. The National Ombudsman has now shifted the burden of proof to law enforcement: they will have to prove there was no racial profiling, rather than the other way around. These measures all contribute to transparent accountability on the use of force.

In **Romania**, the Roma community experiences structural and institutional racism from law enforcement. The European Commission against Racism and Intolerance (ECRI) 2021 'Conclusions' on Romania, published in March 2022, mention underreporting of hate crimes as a concern in general and specifically police violence targeting Roma communities.<sup>262</sup> Similarly, the US State Department released its 2021 Human Rights Report on Romania which mentions several incidents of police violence.<sup>263</sup> Besides the reports in the media of police violence, police raids and the excessive use of police force during the COVID-19 quarantine period, recent jurisprudence from the Strasbourg Court highlights systematic evidence of racial violence experienced by the Roma community when interacting with police forces.

In the case of *Lingurar and Others v. Romania*, the Court found for the first time that discriminatory ethnic profiling of Roma communities by law enforcement agencies in Romania violates Article 3 in its substantive aspect alone and in conjunction with Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>264</sup> The case concerns the disproportionate use of force against the applicants during a police raid in a Roma community in 2011, along with racial bias displayed by the prosecutorial and judicial authorities and their failure to conduct effective investigations and proceedings in relation to these events.<sup>265</sup>

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<sup>262</sup> ECRI (2022), Conclusions on the implementation of the recommendations in respect of Romania subject to interim follow-up, 3.03.2022, CRI(2022)04.

<sup>263</sup> US State Department (2022), 2021 Country Reports on Human Rights Practices, 12 April 2022.

<sup>264</sup> ECtHR, *Lingurar and others*, No.5886/15, 16 October 2018.

<sup>265</sup> Committee of Ministers of the Council of Europe (2016) Final Resolution [CM/ResDH\(2016\)150](#).

### Romania: Roma communities are confronted with institutional racism and excessive use of force by law-enforcement authorities

The European Court of Human Rights, in its judgment in the case of *Lingurar and others v Romania*, “considers that the manner in which the authorities justified and executed the police raid shows that the police had exercised their powers in a discriminatory manner, expecting the applicants to be criminals because of their ethnic origin. The applicants’ own behaviour was extrapolated from a stereotypical perception that the authorities had of the Roma community as a whole. The Court considers that the applicants were targeted because they were Roma and because the authorities perceived the Roma community as anti-social and criminal. This conclusion, also supported by the general reports of racial stereotyping of Roma presented by the third party, goes beyond a simple expression of concern about ethnic discrimination in Romania. It shows concretely that the decisions to organise the police raid and to use force against the applicants were made on considerations based on the applicants’ ethnic origin. The authorities automatically connected ethnicity to criminal behaviour, thus their ethnic profiling of the applicants was discriminatory”.<sup>266</sup>

“In the Court’s view, in situations where there is evidence of patterns of violence and intolerance against an ethnic minority, the positive obligations incumbent on member States require a higher standard of response to alleged bias-motivated incidents. The Court is mindful of the evidence produced by the parties and the available material which show that, in the respondent State, the Roma communities are often confronted with institutionalised racism and are prone to excessive use of force by the law-enforcement authorities. In this context, the mere fact that in the present case stereotypes about Roma behaviour feature in the authorities’ assessment of the situation, may give rise to suspicions of discrimination based on ethnic grounds. Such suspicions, coupled with the modalities of the intervention of 15 December 2011, should have prompted the authorities to take all possible steps to investigate whether or not discrimination may have played a role in the events. However, the applicants’ allegations of discrimination against and criminalisation of the Roma community have been dismissed by the domestic authorities and courts without any in-depth analysis of all the relevant circumstances of the case.”<sup>267</sup>

In **Sweden**, data collected from CSO representatives, the Discrimination Ombudsman and other research reports highlight an increasing level of racial discrimination towards racialised groups carried out by police forces. The Discrimination Ombudsman currently does not exercise any supervision over police activities related to ethnic profiling and this gap undermines the protection of racialised groups from discrimination.<sup>268</sup> Legal experts and CSO representatives also warn about the effects of the so-called system of “visitation zones” (stop-and-search zones) that will be enforced in Sweden after April 2024. This system entails the possibility of setting up special zones where certain means of coercion, such as body searches and house searches in vehicles, may be used without the existence of any suspicion of crime. This proposal is part of the Government’s strategy to fight organised gang crime.

<sup>266</sup> ECtHR, *Lingurar and others*, No.5886/15, 16 October 2018, Para 76.

<sup>267</sup> ECtHR, *Lingurar and others*, No.5886/15, 16 October 2018, Para 80.

<sup>268</sup> <https://www.do.se/om-do/pressrum/aktuellt/2023/2023-09-06-risk-for-diskriminering-nar-polisen-begar-ut-listor>

Racial profiling is widespread in the police force and customs/border controls, where ethnic minority people are subjected to arbitrary stop-and-search inspections on a regular basis. There are also several cases where individuals have experienced not being taken seriously by the police when reporting a crime. This situation leads to mistrust towards law enforcement officials.<sup>269</sup> In a survey conducted by the European Union Agency for Fundamental Rights (FRA), 51% of the surveyed Swedish respondents of African heritage who had been stopped during the past five years indicated that they had been stopped by the police because of their ethnic or immigrant background.<sup>270</sup> Moreover, Swedish research on discriminatory police practices illustrates a vicious circle of how perceived ethnic and racial discrimination by the police in itself produces a wide spectrum of criminal activities, ranging from disorderly conduct to large-scale riots or even acts of terrorism.<sup>271</sup> The crimes are committed as a result of increased police presence in areas where ethnic and racial profiling usually take place (i.e. in areas with larger relative densities of people from ethnic, racial and religious minorities). For example, perceived ethnic and racial discrimination by police officers has been cited as one of the reasons for the riots in the Stockholm suburb of Husby in May 2013.

Racial profiling also affects Muslim communities. The Swedish intelligence services still only focus on Islamic terrorism and not on neo-Nazi forms of terrorism.<sup>272</sup> According to a report from Civil Rights Defenders, "Being singled out by the police due to race/ethnicity is a common experience for certain groups. When the study's subjects recount experiences where race/ethnicity is a factor in controls, everyday situations are primarily described: driving, border crossings or interactions in public spaces, to be stopped frequently by the police produces a feeling of being treated as a potential perpetrator for no reason".<sup>273</sup>

Racial profiling of Roma still remains a serious concern in Sweden today. In 2013, it was revealed that police in Skåne established a large database of people, the majority of whom had Roma heritage, to address criminality in the region. In 2015, the human rights organisation Civil Rights Defenders, on behalf of members of the Roma community, filed and won a suit against the Swedish Government over this database. In 2017, the Svea Court of Appeal found that the Government engaged in ethnic registration and discrimination of members of the Roma community, and it was ordered to pay compensation.<sup>274</sup>

In **Spain**, two main practices of structural racism by the police have been highlighted by experts: an excess of police patrols in neighbourhoods that are considered unsafe and ill treatment of racialised groups and practices of institutional racism at the borders. In relation to the patrols, experts highlight the poor treatment that the Roma community receives from the police, especially in Andalusia where Roma people are more highly concentrated, and that received by the Sikh community. Sikh men often wear a blunt dagger as part of their traditional clothing which is sometimes disrespectfully confiscated by law

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<sup>269</sup> <https://crd.org/sv/2017/12/12/etnisk-profilering-vardaglig-erfarenhet-for-minoritetsgrupper/>

<sup>270</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-eu-midis-ii-main-results\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-midis-ii-main-results_en.pdf)

<sup>271</sup> <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/cfi-res-47-21/submissions/2022-09-14/Civil-Rights-Defenders-Submission-NGO-PAD-hrc51-A-HRC-51-53.pdf>

<sup>272</sup> [https://crd.org/wp-content/uploads/2018/07/CRD\\_Verksamhetsbera%CC%88ttelse\\_2017\\_ENG.pdf](https://crd.org/wp-content/uploads/2018/07/CRD_Verksamhetsbera%CC%88ttelse_2017_ENG.pdf)

<sup>273</sup> [https://www.criminology.su.se/polopoly\\_fs/1.361560.1513162298!/menu/standard/file/CRD-5600-Rapport\\_Slumpvis-utvald\\_final.pdf](https://www.criminology.su.se/polopoly_fs/1.361560.1513162298!/menu/standard/file/CRD-5600-Rapport_Slumpvis-utvald_final.pdf); <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/cfi-res-47-21/submissions/2022-09-14/Civil-Rights-Defenders-Submission-NGO-PAD-hrc51-A-HRC-51-53.pdf>

<sup>274</sup> <https://minorityrights.org/minorities/roma-24/>

enforcement agents. In this regard, the local police in Barcelona have received training on religious pluralism which has contributed to reducing these episodes.

Regarding racist practices at the borders, two tragic events which took place on Spain's Southern border appear to be the tip of the iceberg of the institutional violence exercised by police forces. First, in 2014, at least 14 migrant people drowned at sea when trying to enter Ceuta via the beach of El Tarajal, while the police tried to prevent their entry by firing rubber bullets and using smoke grenades.<sup>275</sup> Then, on 24 June 2022 at least 40 migrants died at the border near Melilla when trying to jump the fence. Both cases have been reported by civil society organisations and taken to court, but without any consequences.

### **Key recommendations for the national policy level to tackle structural and institutional racism**

- ✓ **Tackling racial profiling:** governments should adopt clear guidelines for law enforcement to stop the use of risk profiling on the basis of race and ethnicity, and address racial bias and stereotypes among members of the security forces. In addition, national police authorities should issue documents, to be handed over to individuals during stop-and-search interventions, which spell out the specific reason leading to the person being stopped. These documents should be collected and recorded in a unified public database that will help assess structural racism due to racial profiling of citizens.

## **6.9 Patterns of discrimination and structural racism in the practices of private actors**

**Beyond the laws, rules and practices embedded in the economic, legal and political systems of the countries analysed, structural racism also manifests itself in the daily practices and behaviour of organisations, employers, homeowners, politicians and ordinary citizens against racialised groups. The main forms of structural racism identified by the comparative analysis are online hate speech, prejudices, hostility or negative feelings, and denial of access to basic services. These attitudes are also becoming more subtle and indirect, and highly difficult to assess and analyse. Roma, migrants and Black people are the most affected groups by these private manifestations of racism.**

In **Germany**, there are many patterns of structurally racist behaviours by private actors, especially in the housing market, where Roma and Sinti are discriminated against and often not invited to interviews for apartment rentals. There are also known cases of people of Romanian origin who are not given the opportunity to rent apartments because of their origin. In addition, Roma who lack access to proper housing are not able to apply for other forms of state and social support or face barriers to entering the legal labour market.

Among citizens and private organisations, patterns of racism are evident in the behaviour of German parents who send their children to schools with lower percentages of migrant children, justifying it by the better level of education. In general, there is a wide perception among citizens that refugees are dangerous and sexist, which leads to forms of resentment against refugee camps and sometimes to arson attacks on migrants' homes.

<sup>275</sup> For more information about this case, see: <https://www.cear.es/caso-tarajal/>



In **Czechia**, Romani people often face hate speech online from private citizens and they are also rejected by employers when applying for jobs and by estate agencies or landlords when looking for rental apartments.

In **Greece**, there are patterns of discrimination and structural racism in the behaviour of private organisations, employers and ordinary citizens towards racialised groups. Roma are generally treated with suspicion and racism and face severe discrimination. The majority of Roma are excluded from many job positions and they have limited opportunities to interact with the rest of the population as they continue to live in segregated areas and below the poverty line. Migrants and refugees are also the target of stereotypes and racist or politically incorrect rhetoric in Greece (e.g. insults based on background or colour, degrading stereotypes perpetuated about groups based on their background, rude or ironic comments during day-to-day transactions or services involving third-country nationals, *a priori* underestimation of their abilities in the labour market, and exclusion and marginalisation during social events).

In **Latvia**, individual practices are rarely analysed and assessed. The small amount of evidence collected indicates that sometimes apartment advertisements explicitly mention certain races or nationalities as undesirable. The fact that only one third of Latvia's citizens have a high level of tolerance towards racialised groups may serve as an indicator that individual practices might be generally intolerant and normalised in the society.<sup>276</sup> The private sector is also rarely analysed, except in the context of awarding recognition for good practices and inclusiveness. Some companies pay a lot of attention to the creation of an inclusive workspace, but this is an exception rather than the norm. Most people who belong to different racial groups work for companies where inclusiveness and diversity management are a priority (Accenture, Wolt, Cognizant, etc.). However, there is some backlash towards businesses which promote openness and inclusiveness as policy principles. For example, there is a large IT company that has decided to abstain from public commentary about the need to attract foreign workforce, because they received so much criticism for "*importing*" immigrants that "*no one wants to see in this country*".

In the **Netherlands**, there are several patterns of discrimination and structural racism that exist in the practices of private organisations, employers and ordinary citizens against racialised groups already mentioned in this report. Another manifestation of racism is hate speech by politicians, with terms like "kopvodden tax" (head rag tax) and "homeopathic dilution".<sup>277</sup> These negative terms are often related to anti-Muslim rhetoric, antisemitic remarks and derogatory statements targeting immigrants and refugees.

In **Romania**, surveys of attitudes and perceptions of the population in relation to various vulnerable groups, carried out almost yearly by the National Council for Combating Discrimination (NCCD), show that respondents have lower tolerance towards Roma. For example, the 2015 NCCD study revealed that more than 40% of Romanians do not trust Roma or would not be willing to have a Roma as a work colleague, neighbour or part of the

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<sup>276</sup> Žiga, B., Pīpiķe, R., Zankovska-Odiņa, S. (2022). *Nīderlandes, Kanādas, Zviedrijas valstu izvērtējums: diskriminācijas novēršanas prakses*, Sabiedrības Integrācijas Fonds. [https://www.sif.gov.lv/lv/diskriminacija-uz-rases-vai-etniskas-piederibas-pamata?utm\\_source=https%3A%2F%2Fwww.google.com%2F](https://www.sif.gov.lv/lv/diskriminacija-uz-rases-vai-etniskas-piederibas-pamata?utm_source=https%3A%2F%2Fwww.google.com%2F).

<sup>277</sup> <https://www.trouw.nl/nieuws/wilders-wil-kopvoddentaks~bd027ad3/>; <https://www.historischnieuwsblad.nl/baudet-flirt-met-de-ideeen-van-nazis/>

family.<sup>278</sup> Such attitudes are exacerbated in situations of crisis, as was the case during the COVID-19-related quarantine when similar surveys revealed that seven out of 10 Romanians do not trust Roma.<sup>279</sup> Hate speech is rarely sanctioned as discriminatory speech by the NCCD and remains unsanctioned in its more serious criminal forms.<sup>280</sup>

In **Sweden**, expressions of negative feelings or hostility are quite rare, opinion and attitude surveys generally demonstrate that people share a positive approach towards immigrants and minorities. On the other hand, “modern” or colour-blind forms of racism are prominent. For instance, if a specific question is asked to ethnic Swedes about the possibility of having an intimate relationship with someone of a non-White origin, living together or having them as a neighbour, the answers would be more negative. A report by FRA clearly indicates that ethnic and racial minorities in Sweden do experience different forms of racism and discrimination in their daily lives from ordinary citizens or employers.<sup>281</sup> As described earlier, employment is the area where non-White minorities experience structural racism the most. Many CSO representatives commented on witnessing racist and discriminatory actions and expressions in their workplace and emphasised the importance of standing beside and with the individuals who are exposed to racism and discrimination. The culture of silence is repeatedly mentioned as a hinderance in tackling structural discrimination in the country.

In **Spain**, focus groups organised at national level identify denial of access to gyms, bars, clubs or discos among the most common discriminatory practices by private actors in the country. For Muslim women, wearing the hijab is often an obstacle to accessing swimming pools. In addition, there are several studies with an analysis of discrimination due to ethnic or racial grounds, based on perceptions and/or complaints gathered by various organisations. A report by CEDRE, for instance, shows that in terms of perceptions, more than half of the sample (formed of migrant and Spanish people) believe that Spanish society is racist, especially in relation to Roma and people from Sub-Saharan Africa.<sup>282</sup> The report indicates that there is a pattern of normalisation of discriminatory attitudes for several reasons: lack of awareness of rights, coming from countries with higher levels of racism, a low educational background, and the fact that these attitudes have become more subtle and indirect.

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<sup>278</sup> CNCD (2015), *Percepții și atitudini ale populației României față de Strategia națională de prevenire și combatere a discriminării în vederea implementării Proiectului predefinit “Îmbunătățirea măsurilor antidiscriminare la nivel național prin participarea largă a profesioniștilor și a societății civile”*.

<sup>279</sup> Agenția Împreună (2020) *Percepția asupra romilor în timpul pandemiei de COVID-19 Sondaj de opinie Iunie 2020*.

<sup>280</sup> For example, the Elie Wiesel National Institute for Studying the Holocaust in Romania sent 10 cases in the last five years, mostly to prosecutors, in cases regarding the denial of the Holocaust in public places, promoting the memory of war criminals or fascist and legionary symbols and organisations. The complaints were registered as criminal complaints filed by the Institute, with the possibility of challenging the decisions issued by the prosecutors. Except in two cases, all of them went through all the appeal stages allowed by the legislation. There are two complaints that have reached the court, ready for trial. In one of the cases the sanction applied was community service, in the other, regarding a person who wrote several articles and a book denying the Holocaust, the court applied only a warning.

<sup>281</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-eu-midis-ii-main-results\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-midis-ii-main-results_en.pdf)

<sup>282</sup> Consejo para la Eliminación de la Discriminación Racial o Étnica (2020), *Percepción de la discriminación por origen racial o étnico por parte de sus potenciales víctimas en 2020*. Available at:

[https://igualdadynodiscriminacion.igualdad.gob.es/destacados/pdf/08-PERCEPCION\\_DISCRIMINACION\\_RACIAL\\_NAV.pdf](https://igualdadynodiscriminacion.igualdad.gob.es/destacados/pdf/08-PERCEPCION_DISCRIMINACION_RACIAL_NAV.pdf)

## **Key recommendations for employers (private and public sector) to tackle structural and institutional racism:**

### **Promote diversity in the workplace:**

- ✓ Inclusion, development of diversity policies explicitly aimed at attracting, retaining and promoting talented employees from diverse origins.
- ✓ Ensuring recruitment and selection procedures do not include potential bias and do attract more diversity. This may include using diverse recruitment channels, employing diverse selection committees, and ensuring an objective assessment of candidates.
- ✓ Establishment of or cooperation with already existing mentorship programmes.
- ✓ Diversity goals should be set and progress to track and identify structural and institutional discrimination regularly monitored.

## **Key recommendations for the national policy level:**

- ✓ **Surveys on attitudes and perceptions:** national governments should conduct periodic surveys/barometers of attitudes and perceptions regarding equality and non-discrimination, including structural racism, for key professional categories (judges, prosecutors, police officers, teachers, social workers and civil servants) to understand the sensitive points in the society and intervene through awareness-raising.

### **6.10 Public recognition of structural racism**

**Only in Sweden has racism been widely, publicly and officially recognised as a structural problem by the media, politicians or society in general. Most countries fail to perceive racism as a problem deeply embedded in the foundations of their society, instead it is often considered as an abstract or isolated issue that just affects a few members of the community.**

In **Germany**, despite many demonstrations and actions of solidarity from people on the street, the impact of structural racism is not yet fully recognised by politicians and society. In particular antigypsyism, anti-Muslim racism and anti-Black racism are widely normalised in society and the media.<sup>283</sup>

In **Czechia, Greece and Romania**, structural and institutional racism is not considered as a serious problem at all by the media, politicians or society in general.

In **Latvia**, only a few actors recognise structural racism as a problem in Latvian society, while the majority still deny the existence of this issue. Recently, an MP justified the use of the “n-word” and a derogatory term for Jewish people during a parliamentary plenary

<sup>283</sup> <https://taz.de/WDR-Talkshow-Die-Letzte-Instanz/!5744938/>

session by saying that both words have been historically used in Latvian society and language.<sup>284</sup>

In the **Netherlands**, the coalition agreement of Rutte IV has taken a clear stance against discrimination and racism by stating that: “Too often, Dutch citizens are given fewer opportunities or are excluded based on their origin, gender, colour, race, age, religion, sexual orientation, or disability. That is unacceptable... There is no place for institutional racism in our society. We are committed to combating ethnic profiling. Government and implementing organisations must set a good example in this regard.”<sup>285</sup> It is the first time ever that combating racial profiling has been explicitly mentioned in the national coalition agreement. This statement is an important step forward and a starting point for tackling discrimination and racism. However, no concrete measures have been implemented to advance equality. The recognition of structural and institutional racism is still in its infancy, but a national commemoration year of the country’s past involvement in slavery will take place from 1 July 2023 to 1 July 2024. During the Slavery Memorial Year, the Kingdom of the Netherlands will reflect on the painful aspects of Dutch history and how they still play a negative role in the lives of many people today.

In **Sweden**, awareness of and the use of the concept of structural discrimination and racism by the media, politicians and society in general is very high. Even if the Discrimination Act focuses on discrimination towards individuals, the Action Programmes clearly recognise the patterns of structural racism that exist in Swedish society. However, experts and CSOs outline that structural racism is still present in society and it is reflected in the everyday lives of ordinary citizens. Racism and discrimination are considered to be “far away” from individuals in majority society, who often have no contact with other racialised groups . Ordinary citizens and society think “I” would not discriminate, and “I” would not perpetuate racism, which leads to the diminishing and minimising of actual experiences of racism shared by racialised groups .

In **Spain**, there has been no public announcement recognising institutional or structural racism yet. The few exceptions are linked to declarations on specific days like the International Day for the Elimination of Racial Discrimination (21 March) and, even in these cases, there is only a brief mention of structural discrimination.<sup>286</sup> At local level, the City Council of Barcelona has made some efforts to remove symbols of slavery and repair the damage to affected communities. A recent example was the removal of the statue of Antonio López (an entrepreneur and sponsor linked to the trafficking of slaves) from a public square, which was then named Idrissa Diallo (in memory of the young migrant from Guinea who died from cardiac failure while he was in a detention centre in 2012).<sup>287</sup>

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<sup>284</sup> <https://www.delfi.lv/news/national/politics/vertes-kirsteina-lietoto-vardu-zids-pederasts-un-negeris-atbilstibu-etikai.d?id=55061580> and no consequences were faced by him: <https://www.delfi.lv/news/national/politics/vardu-negeris-un-zids-lietojums-saeima-nav-neetisks-lemj-deputati.d?id=55116378>

<sup>285</sup> <https://www.kabinetsformatie2021.nl/documenten/publicaties/2021/12/15/coalitieakkoord-omzien-naar-elkaar-vooruitkijken-naar-de-toekomst>

<sup>286</sup> <https://www.lamoncloa.gob.es/consejodeministros/Paginas/enlaces/160321-enlace-declaracion.aspx>

<sup>287</sup> This case found extensive resonance in the media and political spheres. There was even a question put forward in the European Parliament asking the EC to call on the Spanish Government to close down detention centres as a focus of violations of fundamental rights.

## Key recommendations for the national policy level to tackle structural and institutional racism

- ✓ **Recognition and restorative justice:** The government should recognise the negative impact of structural and institutional racism on society. Apologies and recognition from the government can open the door for exploring restorative justice approaches for historical injustices and systemic harms caused by racism till today. This involves acknowledging past wrongs and working towards reconciliation and healing.
- ✓ **Awareness activities and spaces for dialogue:** the government should promote awareness-raising activities – public campaigns, interactive discussions and workshops with young people – to give voice to the communities affected by structural/institutional racism. More platforms to exchange knowledge about and experience of different and intersectional discrimination among racialised groups are necessary.
- ✓ **Open debate:** national governments should promote an open and evidence-based debate with civil society about institutional and structural anti-racism and foster communication strategies with new narratives to enhance understanding among citizens less familiar with the topic, while being mindful to avoid potential adverse effects.

### 6.11 Experiences of racial discrimination exacerbated by other forms of oppression

**Visible markers of minority status, such as skin-colour, religious symbols and clothing, language skills and names intersect with each other and contribute to multiplying experiences of discrimination. Experiences of racial discrimination are severely exacerbated by other forms of oppression, such as sexism and classism, in the majority of the countries examined. The most affected racialised groups are Roma, Black and Muslim women.**

**Individuals possess multiple social identities that lead to unique experiences and systems of oppression. The theory of intersectionality, developed by Kimberlé Crenshaw, highlights the interconnected nature of various social categories (e.g. race, gender, class and sexuality) and how they intersect to shape an individual's experiences of privilege, disadvantage and discrimination.<sup>288</sup> Intersectionality theories emphasise the need to consider the intersections of various social identities when analysing power dynamics, social inequalities and systemic discrimination. They aim to bring attention to the overlooked or marginalised experiences of individuals with multiple and diverse identities.**

In **Germany**, a major problem is the intersection of gender, age and origin, which exacerbates racism against Roma and Muslim women. In addition, Eastern European women are often sexualised, as identified by numerous reports on trafficking and prostitution involving Ukrainian women.

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<sup>288</sup> <https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>

In **Czechia**, structural discrimination against Romani people is exacerbated by their social status. Romani individuals live mostly in conditions of poverty and social exclusion without access to quality education and employment.<sup>289</sup>

In **Greece**, racial discrimination intersects with sexism and other forms of oppression. Roma women experience multiple discrimination, both as women and as belonging to the lowest and most marginalised group in the country. Moreover, when racism involves another ground of discrimination, the experience of discrimination is more intense and frequent. For example, a Muslim woman wearing a headscarf is more likely to be targeted by discriminatory practices than a Muslim man.

In **Latvia**, intersectionality in discrimination experiences reinforces existing dynamics between various forms of oppression. For example, a young single mother from the Middle East may experience discrimination in the labour market due to her origin and due to her being a mother with children who may frequently fall ill unexpectedly.

In the **Netherlands**, a clear example of intersectionality is represented by the experiences of Black Muslim women in the workforce. Black Muslim women may face discrimination based on their race, religion and gender, leading to unique challenges and barriers in their professional lives. They may encounter racial and religious bias and stereotypes that affect their opportunities for career advancement, while also facing gender-based discrimination and biases that impact their access to equal pay and leadership positions. The intersection of race, religion and gender highlights how multiple dimensions of identity intersect to shape an individual's experiences and the specific forms of discrimination racialised groups may face.

In **Romania**, there are no studies on the impact of the intersectionality of sexism or classism and no public policies to address the specific needs of Roma women or poor Roma who are confronted with worse experiences of discrimination. NGO advocates identify as a major concern the failure of the Romanian authorities to enforce provisions against sexual violence due to racism and sexism, in the particular case of Roma girls who are victims of sexual crimes.<sup>290</sup>

In **Sweden**, several CSO representatives have clearly stated that class exacerbates racial discrimination. Respondents to our focus groups and interviews at national level emphasise that for a woman belonging to a lower class, with a foreign background or following other religions beside Christianity, it will be much harder to achieve any normal goals in society compared to ordinary ethnic Swedes or white European women. In the fourth quarter of 2021, the relative unemployment rate was 3.4% among native Swedes aged 20–64 years. For native Swedish women, it was 3.0% and for native Swedish men it was 3.7%. The unemployment rate was found to be significantly higher among foreign-born individuals, at 16.2% (18.4% among immigrant women and 14.2% among immigrant men). The employment rate among women born outside Europe is especially high in Sweden and there are many government initiatives encouraging women to participate in the labour

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<sup>289</sup> <https://romea.cz/cz/zaostreno/bakalarska-prace-studenta-vs-roberta-olaha-prokazala-diskriminaci-romu-na-trhu-z-bydlenim.vzdelani-romove-maji-vetsi-sanci>.

<sup>290</sup> <https://www.libertatea.ro/opinii/cum-au-ajuns-rasismul-si-sexismul-scuze-pentru-ca-statul-roman-sa-nu-mai-aplice-legea-in-cazuri-de-violenta-sexuala-asupra-fetelor-4497616?fbclid=IwAR1PIkNruWMURJjNKAJngMblImwT2FyxTtSpe2flZLesalXIX2MewRFza6g>.

market.<sup>291</sup> During the project 'React EU Relocate', unemployed people from Malmö (southern Sweden) moved to northern Sweden to take up jobs where there is a high demand for employees. None of the women in the project obtained a job and all of them had a background other than white Swedish, despite being relocated 1 400 kilometres away.<sup>292</sup>

In **Spain**, racial discrimination is often intertwined with religious and gender discrimination (especially in the case of Muslim women). In this regard, a report by CEDRE (2020) adds some data to account for multiple and intersectional discrimination. First, it shows that 37% of women have perceived discrimination based on their sex versus 6% of men. The population group that reports more sex discrimination is non-Mediterranean Africans (52%) and Afro-Caribbeans and Afro-Latin Americans (41%). In addition, 43% of women have perceived discrimination based on their racial origin, their culture or their religion besides their sex, whereas the percentage of men who have felt discriminated against on these grounds is only 7%. If we look more closely at the interaction of different grounds of discrimination, it is observed that 31% have felt discrimination due to their skin colour and their physical features, as well as due to their cultural traditions and practices; 28% have felt discrimination due to religious beliefs and clothing, as well as to cultural traditions and practices; and 24% due to religious beliefs and clothing, as well as to their skin colour and physical features. In this regard, the most common form of multiple discrimination is based on skin colour and cultural practices and traditions.

## 6.12 Racist and xenophobic incidents during the pandemic

**The pandemic in 2020 highlighted at least two important issues in our European society: the existence of less visible forms of racism against Asian people and increasing health-related inequality for racialised groups . In many countries, COVID-19 marked a turning point characterised by the proliferation of new racist incidents against the Asian minority group, which was considered responsible for spreading the virus in Europe. The debate concerning anti-Asian racism started to be more prominent in the media and in public discourse, but it did not lead to any long-term or structural measures and policies to address it. In addition, in some countries, especially in Sweden, health disparities between racialised groups and the majority of society became more evident during the pandemic and indicated the structurally unfavourable conditions that some racialised groups silently face. In particular, the occupational segregation of specific groups who work in the care sector intersects with poorer health outcomes.**

In **Germany**, anti-Asian racism rose rapidly during the pandemic. Reports show that “in the course of the COVID-19 pandemic, there were many reports of hostility towards and attacks on Asian people, especially at the beginning. These were linked, among other things, to social media narratives about the origin of the pandemic in China and supposed Asian eating, living and hygiene habits, which were stereotypically blamed for the outbreak”.<sup>293</sup> In

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<sup>291</sup> <https://jamstalldhetsmyndigheten.se/aktuellt/nyheter/utrikes-fodda-kvinnor-behover-mer-anpassat-stod-for-att-fa-arbete/>

<sup>292</sup> <https://www.dn.se/sverige/lockade-arbetslosa-malmokvinnor-till-skelleftea-ingen-fick-jobb/>; <https://www.dn.se/sverige/det-blir-alltid-samma-svar-tjansten-har-gatt-till-nagon-annan/>

<sup>293</sup> [https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis\\_Rassismus\\_in\\_der\\_Strafverfolgung.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis_Rassismus_in_der_Strafverfolgung.pdf), P. 21.

the quantitative survey conducted by DeZIM, 'Social cohesion in times of crisis: The Corona pandemic and anti-Asian racism in Germany', almost half of the 700 people who took part said they had experienced racism in the context of the COVID-19 pandemic. As in other forms of racism, "gendered images play an important role in anti-Asian racism. Asian men are perceived less as threatening and more as feminised, while Asian women are eroticised and infantilised – both are also sexualised".<sup>294</sup>

Antigypsyism also increased during the pandemic. For instance, in Göttingen, a block of flats mainly inhabited by Roma, migrants, refugees and German people from lower social classes was cordoned off because of COVID-19. The residents were portrayed as careless and irresponsible people representing one of the lowest points in a long chain of discrimination against these groups.<sup>295</sup>

In **Czechia**, no increase in incidents of racism and xenophobia was registered during the pandemic.

In **Greece**, the COVID-19 pandemic did affect racist and xenophobic behaviour. According to the RVRN, during 2020 there was an under-reporting of racist violence cases in the country.<sup>296</sup> The restrictions on the operation of the RVRN members' services, as well as the movement restrictions (lockdown) due to the pandemic, limited access by beneficiaries to those services and thus impacted the identification of victims and the Network's recordkeeping. According to the RVRN's 2020 Report, pandemic and public health protection measures provided an opportunity for the expression of stereotypical xenophobic behaviours leading to racist violence: asylum-seekers and refugees were not allowed to wait in the same queue with locals at a supermarket on an Aegean Island with a Reception and Identification Centre.<sup>297</sup> In this case, colour and ethnic origin were the characteristics of segregation and prioritisation of customers for their access to the store.

In **Latvia**, several incidents of racism took place against Asians, mainly in the public discourse. An overall term, 'slanted-eyed' (*šķībacainie*) was used to denote Asian people, without a specific reference to their country of origin or ethnicity. This trend was also recognised by a representative of the State Police in an interview saying that "we must recognise that three years ago we didn't have such an awareness as we do today. During the COVID-19 pandemic, online hate speech spread significantly – towards various social groups, nations and racial groups. The war [in Ukraine] exacerbated this issue". Moreover, on a systemic level, oftentimes the experiences of non-European migrants who essentially couldn't return home (for fear of losing residence permits) were not taken into account when designing emergency measures.

In the **Netherlands**, due to the COVID-19 pandemic, social organisations received an increased number of reports from individuals of East Asian heritage who experienced discrimination based on their ethnicity and origin. The societal consequences of the pandemic and the growing reports of discrimination led to an exploratory study conducted

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<sup>294</sup> [https://www.institut-fuer-](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis_Rassismus_in_der_Strafverfolgung.pdf)

[menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis\\_Rassismus\\_in\\_der\\_Strafverfolgung.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Praxis_Rassismus_in_der_Strafverfolgung.pdf), P. 21.

<sup>295</sup> <https://www.roma-center.de/hetze-wegen-corona-in-gottingen-breitet-sich-aus/>; <https://www.mdr.de/nachrichten/sachsen-anhalt/magdeburg/magdeburg/unmut-corona-quarantaene-bedingungen-neue-neustadt100.html>

<sup>296</sup> Racist Violence Recording Network (2021), *2020 Annual Report*, last accessed on 01.08.2023.

<sup>297</sup> Racist Violence Recording Network (2021), *2020 Annual Report*, last accessed on 01.08.2023, p. 25.



by KIS on the experiences of discrimination during the COVID-19 pandemic among individuals of East Asian background in the Netherlands.<sup>298</sup>

In **Romania**, racist incidents increased during the pandemic taking different forms: blaming Roma for spreading the virus, increased marginalisation, targeted police violence towards Roma communities and hate speech targeting Roma.<sup>299</sup>

In **Sweden**, the COVID-19 pandemic brought the problem of anti-Asian racism to the Swedish public sphere, albeit temporarily. Swedish media, including radio, television and newspapers reported multiple cases of Asians being targets of racist attacks, which led to a wider discussion about anti-Asian racism in Sweden.<sup>300</sup> Despite the lack of official statistics on hate crimes against Asians, the latest Swedish report on hate crimes covering the first year of the pandemic symptomatically mentions that several hate crimes against Asians were reported for the first time to the Swedish police.<sup>301</sup> Additionally, Asians are also mentioned as victims of robberies aggravated by racial slurs against them.<sup>302</sup> Doctors against Racism and experts from the local Anti-Discrimination Office confirmed that they received increasing numbers of reports of anti-Asian racism.

During the COVID-19 pandemic, there was a significant increase in inequality in relation to health outcomes, with higher mortality for people with a Somali, Turkish or Finnish background.<sup>303</sup> Interviews by experts confirmed the wide differences in the numbers of deaths due to COVID-19 between ethnic Swedes and minorities, and also people with Iraqi and Syrian heritage. These groups were highly concentrated in the service sector and the healthcare sector, making them more exposed and susceptible to contracting the virus. African community members also expressed that Afrophobia became even more noticeable during the pandemic. Black people were not properly informed by public services about emergency measures and were often accused of not “being properly ill” when they sought help from the public healthcare system. They were also severely affected by the pandemic as, in many families, three different generations still live together: young people coming home from school were more likely to transmit the virus to their elderly family members, while the adult generation worked in the care sector. This condition reflects the fact that the working class in Sweden has changed to being mostly composed of Black and Brown people who often lack representation in and protection from the labour movements.

In **Spain**, at the start of the pandemic, the Chinese community and other Asian groups experienced racist attacks, both in the public space and on social media. As a recent study on this topic reveals, from the point of view of the Chinese migrant community, COVID-19 marked a turning point, with the emergence of new racist expressions that pointed to this population as being responsible for the appearance of the virus.<sup>304</sup> This research also sheds

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<sup>298</sup> <https://www.kis.nl/sites/default/files/2022-06/de-stilte-voorbij-discriminatie-oost-aziatische-nederlanders.pdf>

<sup>299</sup> Agenția Împreună (2020), *Percepția asupra romilor în timpul pandemiei de COVID-19 Sondaj de opinie lunie 2020*.

<sup>300</sup> <https://www.youtube.com/watch?v=oDeeLCBxIRs>; <https://vi.se/artikel/srA7O1Az-a0j2LRwp-65c6a>;  
<https://www.svt.se/nyheter/inrikes/sofia-spelade-in-rasismen-hon-fick-motta-pa-chattforum-polisanmaldes>;  
<https://www.umo.se/egna-berattelser/-/-/den-hemska-rasismen/>

<sup>301</sup> [https://bra.se/download/18.79079f9d17cc01fce501ad6/1638968596572/2021\\_17\\_Polisanmalda\\_hatbrott\\_2020.pdf](https://bra.se/download/18.79079f9d17cc01fce501ad6/1638968596572/2021_17_Polisanmalda_hatbrott_2020.pdf)

<sup>302</sup> [https://bra.se/download/18.161d181f17db3c8d91d205/1639477357414/2021\\_19\\_Ungdomsran.pdf](https://bra.se/download/18.161d181f17db3c8d91d205/1639477357414/2021_19_Ungdomsran.pdf)

<sup>303</sup> <https://www.folkhalsomyndigheten.se/contentassets/2dddee08a4ec4c25a0a59aac7aca14f0/utrikesfodda-och-covid-19.pdf>; <https://www.delmi.se/publikationer/policy-brief-2021-2-miljonprogram-migranter-och-utsatthet-far-covid-19/>

<sup>304</sup> <https://www.uab.cat/web/sala-de-premsa/detall-noticia/el-racisme-condiciona-la-vida-de-la-comunitat-migrant-xinesa-segons-un-estudi-de-l-incom-uab-1345829508832.html?detid=1345881789603>

light on the difficulties of studying racism with the Chinese community, as they tend to minimise microaggressions and do not like to assume the role of victims and find it hard (especially older generations) to talk about racism.

On the other hand, migration proceedings and communication with public agencies for migration matters became more complex. For instance, all the people who were in the midst of administrative processes to obtain or renew residence permits were highly affected by the suspension of these proceedings. Everything moved online, so the digital gap was reinforced for those with little access to the internet. The fact that the appointments were moved online and there were no more long queues in the street contributed to making “the problem” less visible.

### **6.13 Effects of structural racism: health inequities, housing segregation, low employment rates and lack of trust towards institutions**

**Structural discrimination reinforces social inequality in most of the countries, as individuals are not given the same opportunities to access education, employment or housing. Lower educational and employment outcomes and housing segregation are the most evident effects of structural racism on racialised groups in the countries examined. Moreover, health inequalities and mental health issues are increasingly affecting racialised groups, who are at higher risk of being exposed to illnesses, stress, anxiety and isolation than the rest of population. Lack of trust towards public institutions and legal bodies is another outcome of the systemic and burdensome obstacles minorities are facing in our society every day. These results denote the importance of investing more in integration and equality in order to foster social cohesion among different groups. The perception of living in a society that grants equal opportunities to everyone is crucial to reduce the feeling of isolation and discrimination.**

In **Germany**, structural racism produces a negative impact on the full enjoyment of human rights, equal opportunities and equal participation in society for racialised groups. Inequalities in the health sector, early childhood education and the school system, housing and wage differences are some of the most detrimental effects of racism in the country.

#### **Germany: disempowerment of minority groups**

Structural discrimination results in disempowering members of racialised groups. Victims do not feel they have the right to defend themselves against discrimination at all. Minorities, including in cases of racial profiling and other forms of racism, do not take any legal actions to tackle discrimination, because they have no trust in the institutions and they lack the capacity or resources to claim their rights.

In **Czechia**, structural racism has unfavourable consequences for many Romani families who are segregated in inadequate and sub-standard housing units and urban areas. Housing segregation subsequently undermines Roma access to healthcare, employment and education.

In **Greece**, discrimination and racist attitudes towards Greek Roma have a serious impact on almost all aspects of their lives, from access to essential goods and services to the enjoyment of their fundamental human rights. Migrants (documented and non-documented) are also severely impacted by structural racism in different ways: the lack of AMKA (social security card) restricts their access to free healthcare and tertiary education, as well as the labour market; labour exploitation and a refusal to accept diversity in the Greek labour market leads to refusal to pay migrants decent wages; differential treatment and limited access to social rights (such as benefits, pensions, etc); discrimination in finding decent housing; and lack of participation by migrants in public institutions and the public sphere.<sup>305</sup>

In **Latvia**, the lack of disaggregated data collected on this topic makes it difficult to identify systemic outcomes. Focus groups and other studies demonstrate that the main impact of structural racism is registered on the overall quality of life and the decision of racialised groups to remain in the country.

In the **Netherlands**, structural discrimination leads to increasing health disparities, unhealthy stress and detrimental effects on people's physical and mental wellbeing. Dutch citizens with an ethnic background face health disadvantages due to experiencing discrimination in healthcare, which puts them at risk of not receiving the appropriate care. Discrimination and exclusion occur at various levels within the healthcare system, all of which are interconnected. Discrimination based on ethnic background occurs in the doctor's office, medical education, scientific research, quality standards and guidelines for healthcare, and organisational policies. Existing research highlights that there is a clear correlation between the level of discrimination experienced and various physical and mental health conditions.<sup>306</sup> Experience of discrimination increases the risk of cardiovascular diseases, high blood pressure, obesity and a weakened immune system. It has negative consequences for mental health, such as higher risk of depression, anxiety, chronic stress and poor sleep.<sup>307</sup> Studies warn that discrimination is associated with a decrease in overall wellbeing, life satisfaction and self-esteem<sup>308</sup> and can contribute to higher rates of alcohol abuse and addiction in certain groups.<sup>309</sup> Furthermore, daily discrimination can cause epigenetic changes that can result in accelerated aging processes and premature age-related diseases.<sup>310</sup>

### **The Netherlands: scientific studies on the impact of structural racism on mental health**

Once individuals become aware of discrimination as a part of life, they often develop heightened vigilance.<sup>311</sup> The mere possibility of being treated differently creates additional stress that can lead to sleep disorders, high blood pressure and depression. This means that not only discrimination itself, but also the fear or expectation of being treated unfairly can have negative health effects. The fear of confirming stereotypes can create a significant

<sup>305</sup> Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) (2022), *Special Report 2021*, last accessed on 17.07.2023

<sup>306</sup> <https://dare.uva.nl/search?identifier=f209d712-f5d2-4d4c-8a6b-4b50d43e891c>

<sup>307</sup> <https://pubmed.ncbi.nlm.nih.gov/28692653/>

<sup>308</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4580597/>

<sup>309</sup> <https://pubmed.ncbi.nlm.nih.gov/27315370/>

<sup>310</sup> <https://pubmed.ncbi.nlm.nih.gov/20070189/>

<sup>311</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4061746>

amount of stress as well. Moreover, the fear of experiencing discrimination can deter individuals from seeking healthcare services.

Discrimination also has significant implications for the development and health of children and young people.<sup>312</sup> It is associated with poorer pregnancy and birth outcomes, such as preterm birth and low birth weight.<sup>313</sup> Often, such outcomes are a result of increased stress experienced by the mother. Children and young people who face discrimination are more likely to exhibit mental health issues and engage in unhealthy lifestyles. The experiences of their parents with discrimination also play a role in this, as it impacts the family dynamics.<sup>314</sup>

To tackle this issue, specific programmes addressing the mental health consequences of structural racism and ethnic/racial discrimination should be implemented. These programmes should aim to mitigate the emotional impact of such experiences, including depression and anxiety, and provide necessary support to affected individuals.

In **Romania**, health inequalities, housing segregation, educational and income disparities are the main effects of structural racism on racialised groups, especially Roma.

In **Sweden**, the concrete effects of racist practices are reflected in the lower employment rate among racialised groups, which is intrinsically connected to housing segregation and health inequities. In this regard, a report from 2019 outlines that Stockholm, Malmö and Gothenburg have the most segregated housing conditions in Europe.<sup>315</sup> Health inequities affecting minorities escalated during the COVID-19 pandemic, which called for targeted campaigns to reach minority communities.

In **Spain**, the survey conducted by CEDRE in 2020 reveals some effects of racism and discrimination. It is worth noting that the most common answer is “this does not affect me” (27%). Yet experts point out that this has to do with the normalisation and interiorisation of discrimination (which is in itself a strategy to overcome pain) and with reluctance to be treated as a victim. The second most common answer is “sadness, depression and other psychological consequences” (24%) and “a lack of trust” (13%). In another question in the survey, almost 39% of respondents admit having suffered psychological effects (stress, anxiety or depression) during the last year, especially women. Other effects relate to isolation (14%), a feeling of wanting to leave Spain (9%) or reluctance to go to public services like a health centre or a school (8%). Another effect of discrimination is the self-perception of being less or not at all integrated, while there is a larger proportion of people who feel integrated among those who have never experienced discrimination. Data also show that 74% of Roma people and 60% of migrant people believe that they do not have the same options as the rest of the population.

Discrimination in the labour market is another crucial effect of structural racism on racialised groups as the lack of employment has direct consequences on their material conditions and life expectations. Moreover, it imposes more pressure on those who would like to complain, but fear the potential consequences of being fired or marginalised in the workplace. Data

<sup>312</sup> <https://pubmed.ncbi.nlm.nih.gov/23312306>

<sup>313</sup> <https://pubmed.ncbi.nlm.nih.gov/28456418/>

<sup>314</sup> <https://pubmed.ncbi.nlm.nih.gov/24146093/>

<sup>315</sup> <https://nordicwelfare.org/wp-content/uploads/2019/03/The-segregated-city-A-nordic-overview-1.pdf>

from the CEDRE report highlight that 12% of people who experienced discrimination in the labour market felt little or not at all integrated in society, while this percentage decreases to 5% among those who did not suffer labour market discrimination.

### Spain: lack of trust in the system

In order to reverse the effects of racist practices, individuals can decide to file a complaint. However, several reports highlight the underuse of complaints (*infradenuncia*) as a symptom of a society that is still quite blind to ethnic and racial discrimination. The report by CEDRE shows that only 18% of people who have experienced discrimination in the last year have submitted an official complaint. When going into the causes of *infradenuncia*, the main factor for not filing a complaint is a lack of trust in how useful it may have (22%), followed by a minimisation or justification of the situation. Moreover, experts consulted at national level highlight other factors that are preventing people from turning to official complaints and institutions:

- Lack of information concerning where to file a complaint other than a police station, implications of the whole legal process, alternative ways to restore the damage caused by discrimination;
- Lack of time and resources to face long, excessively bureaucratic and slow judicial processes which end up affecting the mental health of victims;
- Potential counterclaims from the perpetrators of discrimination (as a strategy of defence) which pose the risk that victims end up being prosecuted as guilty;
- Perception that it will be useless, which has to do with the lack of jurisprudence on this matter;
- Lack of or low levels of compensation;
- Process of revictimisation, which is related to a lack of awareness among judges on this topic and the prevalence of prejudices;
- A general fear of the police and the potential consequences of dealing with them.

## **7. Concluding remarks: time for a systemic change**

Equality and non-discrimination are fundamental values of EU society and democracy. Despite this, many racialised groups and migrants are still treated differently and discriminated against.

This comparative report shows that structural and institutional racism is not just related to discrimination against individuals, but is deeply ingrained in the multiple layers of privileges, advantages and powers on which our societies are built. Structural racism takes place from the accumulation of discrimination towards racialised groups, which produces a racial hierarchy and becomes institutionalised. In addition, social behaviours perpetuate interpersonal and internalised patterns of racism at the individual level, which ultimately uphold the institutional and structural level of racism.

Structural and institutional racism unfolds through *historical* (colonialism and slavery, history of eugenics, genocides, etc.), *institutional* (laws, policy, practices and attitudes) and *societal* factors (norms, values and discourse). Existing societal power structures are based on systematic discrimination against certain groups and individuals in multiple key areas of life, including the justice system, healthcare, education, employment and housing.

Structural barriers in these sectors reproduce a vicious circle which undermines the full achievement of substantive equality. Our data outline that systematic discrimination in the labour market leads to unemployment outcomes and the subsequent marginalisation and segregation of racialised groups in housing, health and education. Ending this complex chain of structural obstacles is an essential step towards the creation of an equal society.

The practice of racialising racialised groups on the basis of characteristics such as skin colour, religious dress or origin is widespread in all Member States, with notable cases of discrimination against Muslims, Roma and Black people. In some EU countries, such as Germany, the Netherlands and Spain, this process of racial categorisation is rooted in their colonial and historical legacy, and persists to this day by perpetuating a national identity that implicitly favours “whiteness” and labels others as “outsiders”. In other countries, patterns of structural and institutional racism have recently become more evident due to increasingly diverse and multicultural societies. In most cases, the absence of long-term political strategies for fostering the inclusion of diverse cultures, religions, languages and ethnic communities has hindered their social integration and exacerbated structural and institutional barriers to equal access to social, economic and political rights and opportunities.

European policymakers and citizens should acknowledge the legacies of racism embedded in our societies which disproportionately affect racialised communities. To end structural and institutional racism, it will be crucial to change current laws and policies, but also to actively engage the larger part of society who are unaware of the effects of racism and discrimination on racial and ethnic minorities.



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**The implementation of the project Tackling structural and institutional racism in 8 EU Member States: state of affair and recommendations for national and European level was made possible by the Robert Bosch Stiftung**